

# Legislative Council

Wednesday, 22 September 1982

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

## QUESTIONS

Questions were taken at this stage.

## FISHERIES AMENDMENT BILL

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [4.59 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to simplify licensing procedures and reduce the number of licences required under the Fisheries Act, to improve certain enforcement procedures, and to update the Act in administrative areas.

At present, under both State and Commonwealth Fisheries Acts, all persons are required to hold a licence to catch fish or to assist in the catching of fish for sale. This results in the issuing of a multiplicity of licences which is both inconvenient to fishermen and unnecessarily expensive administratively. It is calculated that officer time to the value of \$12 000 per annum will be saved if a simplified licensing system is introduced.

An additional regulation-making power has been incorporated in the Bill so that responsibilities can be placed on the person in charge of a boat or a fishing team where individual crew members are not required to hold a licence when assisting in the catching of fish. It is intended that only the person in charge of a fishing boat or a fishing team will be required to hold a personal licence; but such person will be required to maintain a fishing boat crew or team manifest which will list the names of the persons employed by him in fishing.

A consequence of any removal of the necessity for a person to hold a fisherman's licence is a reduction in the power of the Minister to prohibit convicted offenders from being on fishing boats. To avoid this, a clause has been inserted in the Bill to provide the Minister with power to take action against persons not required to have a licence who are habitual offenders as well as persons who

are required to have a licence and are habitual offenders.

The Bill provides that the sections of the Act relating to entry into a proclaimed fishing zone be made applicable to a licensed professional fisherman. During the last salmon season, threats to disrupt salmon fishing operations were made by some fishermen as a result of variations in quantities of fish caught on beaches west of Albany as against those east of Albany. This amendment will ensure that the Minister has power to control disputes that may occur on beaches between fisherman and fisherman.

Provision has been included whereby it becomes an offence for a person without lawful excuse to hinder, interfere with, or harass a lawful fishing operation. Fishermen in estuarine and beach fishing situations in recent times have suffered unnecessary interference with their fishing operations from members of the boating public.

In the investigation of fisheries offences, it has sometimes been found that offences have occurred many months before the date of first investigation and, although prosecution action could have been initiated, it was not possible to proceed because of the statutory limitation of six months in the Justices Act. The Bill provides for a period of two years from the time when a matter of complaint arises to the expiry of the period during which a complaint under the Fisheries Act must be made.

The Bill contains a clause whereby equipment and fish detained by a fisheries inspector shall not be taken by the owner or some other person at a subsequent time. Items seized by fisheries inspectors are often very large and thus are stowed out of doors. Where the articles have been removed by the owner, it has been found that it has not been possible to take prosecution action as the property in the seized article remains with the owner until a conviction is obtained and the article confiscated by the court.

Some difficulty has been experienced in prosecuting Indonesian fishing vessels as, although they are obviously foreign boats, they carry very little in the way of identification papers. A provision has been included in the Bill which places the onus of proof on the defence such that a person charged with using a foreign boat in the commission of an offence, who wishes to advance the defence that the boat involved in the offence was not a foreign boat, will be required to produce evidence to that effect.

Provision has been included in the Bill for an increase in the number of fishermen representatives on the rock lobster industry advisory committee from three to four.

The Hon. G. C. MacKinnon: Why?

The Hon. G. E. MASTERS: I will tell the Hon. Graham MacKinnon later. I am just explaining the Bill.

The PRESIDENT: Order!

An Opposition member: He does not know why.

The Hon. Peter Dowding: That would not be unusual.

The PRESIDENT: Order!

The Hon. G. E. MASTERS: Representations have been received from the fishing industry for this increase, and it is considered that an additional fisherman on the committee would allow more even representation throughout the rock lobster fishery.

Also, a variation in the period of appointment of members of the industry advisory committees established under the Act from five years to a period of up to three years has been made so as to provide greater flexibility in appointing members of committees, thus allowing changes to be made yet at the same time maintaining a continuity of serving members.

Provision is made for the Director of Fisheries to delegate his powers and functions as required to meet the discharge of his responsibilities under the Act. This will replace the present provision that a suitable person shall be appointed to be the deputy of the director. With consideration being given to restructuring the senior management of the Department of Fisheries and Wildlife, it will be more appropriate for the director to be able to delegate his powers and functions either generally or otherwise to more than one person.

Consequential amendments to definitions in section 3 of the principal Act are included in the Bill.

I commend the Bill to the House.

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

#### STAMP AMENDMENT BILL (No. 4)

##### *Receipt and First Reading*

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

##### *Second Reading*

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.06 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Stamp Act to—

enable different threshold rates of interest to be declared on specific classes or types of credit transactions;

ensure that where several instruments of security secure the same moneys, one must be stamped with mortgage duty for the others to enjoy the exemption for collateral securities;

provide for assessment of duty on all amounts paid as consideration for an option or extension of an option; and

rectify several minor matters relating to drafting or other relatively minor deficiencies in the principal Act.

The first item concerns duty on credit transactions when the interest rate charged exceeds the declared rate which, prior to the Treasurer's announcement of the Government's intention to again move the rate as from 26 July 1982, was 17.75 per cent.

Because of rising interest rates generally, it was evident that a further movement should be made to the declared rate for the purpose of the Stamp Act to ensure that the taxing net was not spread wider than was intended. At the same time, the interest rate charged on Bankcard advances and credit had not moved since the inception of Bankcard facilities in 1974. The interest charged at that time was equivalent to 18 per cent per annum, and it remains at that level today.

The declaration of an interest rate in excess of 18 per cent to all credit transactions would have meant a loss of stamp duty revenue amounting to some \$2 million in a full year—a loss which the Government could not afford to bear. Consequently, the solution to the problem of maintaining stamp duty payments where they were thought to be appropriate was to introduce different declared rates for specific classes or types of transactions.

Pending the introduction of the necessary legislation to enable this to be done, the Commissioner of State Taxation was authorised to administer the Act in the manner intended as from 26 July, and a declaration was made and published in the *Government Gazette* to declare a rate of interest of 18.75 per cent on all appropriate credit transactions under part IVB of the Stamp Act, with the exception of Bankcard advances and credit, for which the declared rate remains unchanged at 17.75 per cent.

The proposal contained in this Bill will provide greater flexibility in maintaining, at a reasonably constant level, the areas intended to be taxed. In this regard, it is added that Treasury and State taxation officers are continually monitoring the

interest rate situation as a result of frequent movements in interest rates in recent times.

The second matter proposed by the Bill relates to the general review of the legislation completed in 1979. At that time, it was intended that where several instruments secured the same moneys, only one of them was required to be stamped with *ad valorem* mortgage duty whereupon the others, being collateral to the primary security, would not be charged with any duty. It has been shown recently that this is not the case and that as long as the security instrument follows any type of duly stamped instrument, whether it be a lease, a hire purchase agreement, or the like, the second instrument can escape duty. In order to ensure that the original intention is maintained, it is proposed to make two minor amendments to section 87 of the Act.

The third item proposes to add provisions into the law to allow duty to be charged on all amounts paid for an option to buy property or a renewal of that option. As the law now stands, duty can be assessed only on the initial amount paid for the right of the option even though any extension of the option for a further consideration would be liable to duty. Such instruments are rarely produced for reassessment at the time of the extension. To remedy this anomaly, provision is to be made for the Commissioner of State Taxation to assess the duty on the total of the consideration paid for the option and any renewals. However, provision will be made also to allow for a refund of the duty that may have been paid for an option renewal which does not eventuate.

The remainder of the matters covered by this Bill propose to correct some minor anomalies or deficiencies in the legislation. One of these is in relation to returns or statements required under a number of provisions in the Act, and the payment of the duty under those return systems. The requirements relating to these returns are to be brought into line with other provisions relating to documents which may be lodged late for assessment or on which the duty is not paid within the specified time. The proposal will allow the commissioner to impose, by way of penalty, a fine of 10 per cent when the return is not lodged or the duty is not paid within the time allowed. The commissioner will be empowered to remit the fine in whole or in part, depending upon the circumstances in each case.

Another matter concerns section 28 of the Act, whereby any person recording or registering an instrument is required to ensure that the document has been duly stamped. It is proposed to introduce an offence provision into this section

similar to that already provided in other provisions of the Act.

A consequential amendment is required as a result of valuation fees now being determined under the Land Valuers Licensing Act, whereas previously they were set by the Real Estate Institute of Western Australia.

Finally, there are some drafting errors in item 19 of the second schedule of the Act which occurred during the last major review of the Act and which should now be rectified.

I therefore commend the Bill to the House.

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

### **CANCER COUNCIL OF WESTERN AUSTRALIA ACT REPEAL BILL**

#### *Receipt and First Reading*

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

#### *Second Reading*

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [5.12 p.m.]: 1 move—

That the Bill be now read a second time.

This Bill proposes to repeal the Cancer Council of Western Australia Act 1958-1980 and makes consequential provisions for the transfer of the council's assets and liabilities to an incorporated body to be formed to carry on the functions of the council. The council has recommended this, as it saw considerable advantages to the attaining of its goals by becoming an incorporated body.

The Government believes it has achieved its purpose in initiating an active cancer awareness in the public through establishing the Cancer Council in 1958. State funding in the past has enabled many anti-cancer programmes on research, education, and patient care to be developed by the council. There no longer remains a need for the Government to oversee the activities of the council, nor can valid reasons be seen for the council to remain as a statutory authority of the Government, as it is not now an instrument of Government policy.

The council's function must be regarded as very similar to many other organisations which are not statutory authorities, but which are equally concerned with particular aspects of the health of the general public.

The approvals required from the Minister for its financial transactions and investments impose on the council a responsibility and an account-

ability which are not necessary. This is especially so as it is not thought necessary to continue any direct funding from the State in the future.

In achieving its aims, the council should not have to obtain formal permission of the State in its financial transactions. The council has had sound financial advice and has been able to establish a solid asset base from which considerable income will be provided in the future. This source of assured income has enabled the council to plan ahead for its many activities, which include research, education, and special equipment for diagnosis and treatment of cancer and especially for patient care.

The council now has firmly established a recently-introduced patient care scheme. This delivers specialised medical and nursing care to people dying of cancer in their own homes and eases the considerable burden on the patients' families. The council is now confident of being able to continue to pay, from its own income, the salaries of doctors and a medical director to continue this specialised care scheme, which is run in conjunction with the State's hospitals and the Silver Chain Nursing Association.

The council proposes to apply for incorporation under the Associations Incorporation Act and has prepared a draft of the constitution and rules of the proposed incorporated body. The council proposes that the name of the incorporated body be the cancer foundation of Western Australia (incorporated). The Bill provides that the Act will not be repealed until after a certificate of incorporation is granted to the new body.

The Bill includes provisions in a schedule to enable the assets, rights, liabilities and responsibilities of the council to be transferred to the proposed foundation, without interruption or without further conveyance. Provision is made for the preservation of the employment and rights of the existing staff of the council when transferred to the foundation to ensure no loss of accrued leave or long service leave entitlement occurs. A further provision ensures that the council complies with its present requirements until the change in formation actually occurs.

I commend the Bill to the House.

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

## VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS AMENDMENT BILL

### *Receipt and First Reading*

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

### *Second Reading*

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

That the Bill be now read a second time.

This Bill seeks to amend the Veterinary Preparations and Animal Feeding Stuffs Act to make provision which will—

- allow deregistration of products shown to have undesirable side effects;
- permit registers of products to be kept in an approved manner;
- revoke the prohibition of comparative advertising and require manufacturers to substantiate apparently exaggerated or misleading claims in advertising;
- remove the need to prescribe certain products with regard to labelling and invoice requirements; and
- replace the existing registration fee with an application fee.

Currently there is power to deregister a product on the grounds of false representation, lack of efficiency, or failure to comply with the Act.

It is not possible to deregister a product even when undesirable and unexpected side effects show up after deregistration. The Bill contains a provision that will permit the registrar to review the registration of a product at any time and to deregister it if he would not have registered it had the unacceptable side effects been known at the time of the original application for registration.

The register in which each product is placed currently is kept on files, and from time to time lists are published in the *Government Gazette*. As it is much more efficient to store and retrieve this information from computer records an amendment will permit the Director of Agriculture to approve this method of keeping the registers. Except for confidential information, such as the detailed composition of products, the information on these registers will continue to be available to the public.

Section 51 of the Act requires the Governor to prescribe those products to which certain packaging, labelling and standards apply. Prescribing

lists of individual products by name has proved to be a very cumbersome procedure.

Provision is made to permit regulations limiting the packaging, labelling or standards requirements of this part of the Act and to contain classes or product, thus eliminating the need to list each product individually. This is administratively much more straightforward, as effective, and less costly.

Currently it is an offence under the Act to advertise veterinary preparations or animal feeding stuffs "in a manner which expresses, suggests or implies any comparison with any other product to the detriment of either". Western Australia is the only State which places such a restriction on advertising.

Such a prohibition might lessen the more aggressive type of advertising which compares one product with another. However, it can be against the interests of the public in that it limits the information which manufacturers can make available; for example, that one product controls more pests than another product, or is more persistent. National uniformity is also very desirable in this area as many advertisements appear in nationally circulating papers.

The Bill repeals subsection 54(1)(a) dealing with comparative advertising and in section 54(1)(b) it places some extra responsibility on advertisers of products by requiring them to substantiate claims made in advertisements.

Section 56 of the current Act requires the Governor to prescribe those products in respect of which certain invoice information and warranties must be provided by the seller. In practice, all registered products are subject to invoice and warranty and therefore it is not necessary to require the prescribing of each individual product.

The Bill repeals section 56 and makes consequential changes to sections 57, 58, and 59.

In present proceedings under the Act, a certificate of registration must be produced for each product to establish whether a product is registered and who is the primary dealer. An amendment will do away with this and permit the registrar to extract the relevant information from the computer record and issue a certificate stating the required information. This will then be acceptable in any proceedings.

Currently, persons applying for registration of a product must pay a fee of \$25 before registration will be made. If an application is refused no fee is payable. Since the amount of work involved in investigating and processing an application is similar whether or not the product is finally registered, it is reasonable to charge a non-refundable

application fee rather than a registration fee. The Bill replaces the registration fee with an application fee.

I commend the Bill to the House.

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

## LAND AMENDMENT BILL

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [5.24 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to empower the Governor to grant easements over lands of the Crown, which covers a broad category of land, including vacant Crown land, reserved land—whether vested or unvested—and land leased from the Crown for pastoral and special purposes. The Bill also authorises parties acquiring the fee simple of Crown land on terms, or holding a Crown grant in trust, to grant easements over their land, with the consent of the Minister for Lands.

Current methods of protection of facilities such as drains, sewers, and pipelines, where they traverse lands of the Crown, consist either of notation of their existence on Department of Lands and Surveys public plans, or creation of separate reserves or leases. Both methods have disadvantages. Plan marking does not afford legal tenure and provides inadequate protection, and separate reservation or leasing may necessitate excision or resumption from existing reserves or leases, with consequent discontinuities and severances in surface tenure and use.

This legislation will permit creation of a legal right which will cause minimal disruption, and by relatively straightforward and inexpensive procedures. It is anticipated that the new power will be of immediate benefit to the State Energy Commission for the Dampier-Perth natural gas pipeline.

The Bill provides for the following—

The grant by the Governor of easements over lands of the Crown subject to notice having been given of intention to grant an easement, and the written consent of persons having a recorded interest in the land. Where consent is not forthcoming, other normal avenues such as resumption or further nego-

tiation with the parties concerned will need to be pursued.

The recording in the appropriate register, whether at the Land Titles Office or the Department of Lands and Surveys, of notice of intention to grant an easement. Such notice will have effect for 12 months and may be withdrawn if it is ultimately determined that an easement should not be granted. Notice is intended to inform parties seeking to acquire an interest in land concerned that a grant of easement is impending. If they proceed with registration of their interest, their consent to the grant of easement is implicit. The consents of parties holding a recorded interest prior to notice being given would have been sought in the meantime.

Registration at the Land Titles Office or Department of Lands and Surveys, as appropriate, of easements by the parties granted the easements.

Cancellation by the Minister of an easement for breach of a condition of grant, or at the request of either of the person granted the easement, the Under Secretary for Lands, or a person holding an interest in the affected land.

In the last two cases the Minister is required to give prior notice of intention to cancel the easement to parties benefited by the easement, and to be satisfied after all reasonable inquiry that the easement no longer serves any purpose.

Land Act easements will differ from normal private easements, being in gross and for the most part providing a public utility with a right to instal and maintain a service traversing Crown land. It would be readily ascertainable when such right is no longer required—for example, when the service is removed—and it is not considered that the minimum period of 20 years' disuse specified by the Transfer of Land Act for removal of private easements should apply.

The Bill makes provision also for the continued existence of easements; despite changes in the essential nature of affected land—for example, a reserve subject to an easement becoming Crown land then being sold in fee simple—the easement will subsist.

Provision is made also for movement of registration of easements between the Department of Lands and Surveys and the Land Titles Office as the land tenure moves from the operation of one Statute to the other. Without such provision a new easement would need to be granted or negotiated each time tenure changed.

Provision is made for the empowering of persons holding Crown grants in trust, or acquiring the fee simple of Crown land on terms, to grant easements, whether in gross or otherwise, over their land, subject to the Minister's consent. This right does not exist at present. It is appropriate that parties holding the virtual fee simple of land, rather than the Crown, should be free to negotiate and grant easements over their property.

A requirement is included for the production of duplicate instruments of title to the Department of Lands and Surveys or the Land Titles Office, as appropriate, for registration of easements, with a maximum penalty of \$100 for non-compliance. Similar requirements exist with respect to registration of transfers and mortgages under both the Land Act and the Transfer of Land Act.

The Bill provides for the application of Transfer of Land Act easement provisions to Crown leases. It provides also for the tabling of reports before Parliament explaining the reasons for granting easements over Class "A" reserves.

The Bill contains an amendment to section 149 of the Land Act to provide for the carrying forward of easements to the operations of the Transfer of Land Act where freehold is granted over affected land.

It is expected that major benefits would accrue from the ability to grant rights in land causing minimal interference with other tenures and land use.

I commend the Bill to the House.

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

## LAND AMENDMENT BILL (No. 2)

### *Receipt and First Reading*

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

### *Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [5.30 p.m.]: I move—

That the Bill be now read a second time.

The amendments to the Land Act contained in this Bill fall into two broad categories: The first consists of amendments which will permit an interim reorganisation of the Department of Lands and Surveys to provide a more effectively structured land administration organisation; and the second relates to various amendments which will streamline some administrative procedures

and permit more flexibility in meeting public requirements.

Last year the Public Service Board initiated a review of the departmental organisation. This review was aimed at determining the feasibility of separating land administration and survey/mapping functions and creating them as separate units. The review was prompted by the following factors—

Rapid technological advances affecting survey/mapping functions and activities which called for a reassessment of the role of the division;

an apparent growth in the duplication of survey/mapping activities in other departments or authorities; and

overlapping responsibilities and organisational difficulties within the department which, when coupled with outdated and rather cumbersome legislation, hindered land administration in reacting positively and flexibly to public requirements.

An ongoing consultant investigation into the Surveyor General's division has indicated a potential for financial savings by the introduction of new technology subject to a re-definition of the role and responsibilities of the division with a view to separation from land administration.

Current progress in the development of a computer based land information system has reinforced the need for a critical review of the role of land administration and survey/mapping. It is becoming obvious that a land management system for Government-owned land and property will be an early priority.

At the same time it is recognised that the determination of the statutory and financial implications of a permanent separation of functions cannot be finalised overnight. A final decision will be dependent on the conclusion of consultant reviews, a comprehensive review of the Land Act and associated legislation, the determination of an overall legal charter for the Surveyor General, and an assessment of associated cost factors.

However, the need to implement an improved land administration organisation is urgent in order to meet the growing demands for effective management of the Crown estate. To this end it has been determined that it would be practical to implement a restructured land administration organisation whilst awaiting a final decision as to the feasibility of creating a separate survey/mapping organisation.

Relatively minor amendments to the Land Act will enable the structure of the department to be

changed and the Surveyor General's statutory involvement in land administration to be removed whilst maintaining his role in relation to survey and mapping. The resulting interim organisation will enable land administration personnel to be transferred from the Surveyor General's division and land administration procedures to be fully reviewed.

The survey and mapping functions will be retained as a division of the department for the time being but it could operate with a degree of autonomy in respect of those functions.

The division will continue to be serviced by departmental support sections such as accounting, registry, and staff office. In this way, the interim reorganisation can be implemented without incurring extra costs and with potential for the ultimate separation of survey/mapping functions in the future, should the feasibility and economics of separation be proved.

Indication has been given already that it is intended to undertake a comprehensive review of the Land Act in the near future.

The opportunity has been taken in this Bill to introduce a few amendments to immediately improve administrative flexibility and streamline procedures. In addition, the Bill contains two important amendments relating to sections 116 and 117 of the Act, dealing with special leases over Crown land.

The maximum lease term for special leases outside townships is restricted to 21 years, and it is proposed to increase this maximum term to 50 years, at ministerial discretion, to accommodate special projects requiring high development expenditure and greater security of tenure.

The amendments provide also for automatic conversion procedures where it is determined that a special lease may be converted to freehold subject to satisfactory performance of development conditions and payment of purchase price. This will enable existing cumbersome and time consuming procedures, which caused complaints, to be modified.

In the interests of consistency and speedier response to public requirements, formal approvals to the grant of special leases and to the determination of upset prices and sale conditions at public auctions will be delegated to the Minister in lieu of the Governor.

Finally, an amendment has been introduced to part V—section 47—dealing with conditional-purchase leases over new farmland. The initial development conditions have been amended to reflect the changes that have occurred in farming systems technology and the emergence of mini-

mum and zero cultivation systems. The amendment places the emphasis on the establishment of crops and/or pastures rather than progressive clearing and cultivation as a prelude to the sowing of crops or pastures.

It is stressed that the amendments outlined must be viewed in the context of the need to review comprehensively the Land Act in the near future.

However, the amendments put forward at this time, together with other amendments to be dealt with in other Bills this session, represent an attempt to immediately improve and streamline land administration procedures and as such I commend the Bill to the House.

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

[Resolved: That motions be continued.]

## **OFFENDERS PROBATION AND PAROLE AMENDMENT BILL**

### *Introduction and First Reading*

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

## **COAL MINE WORKERS (PENSIONS) AMENDMENT BILL**

### *Second Reading*

Debate resumed from 14 September.

**THE HON. R. T. LEESON** (South-East) [5.37 p.m.]: This Bill allows workers in the coalmining industry to elect to take their pension two years earlier.

The Act provides that at the age of 60 a worker may retire, but under the new legislation he will be able to retire voluntarily two years earlier, at the age of 58. The Bill provides also that administrative staff members who wish to continue working past the age of 60 years can elect to continue until the age of 62 years.

This Bill was brought about at the instigation of the Collie Coal Miners' Union with the assistance of the member for Collie. For the member for Collie's sake and to a lesser degree mine, I support the Bill.

**THE HON. A. A. LEWIS** (Lower Central) [5.38 p.m.]: I agree with the remarks of Mr Leeson and indicate that I have had a little to do with this matter over a number of years. I am sorry it has taken so long for this legislation to be brought forward, because some people have been waiting to avail themselves of the opportunity to

retire. The Government did seem to leave the matter on the notice paper for a long time.

I congratulate all concerned with this legislation: the employers, the unions, and others who worked to have the Bill brought before the House. I hope the Government shows the same sort of compassion to Collie when another request, for money for the centenary of Collie, is made. If places such as Albany and Bunbury can obtain money for their celebrations and Collie cannot, all I can say is those places do not produce coal.

I hope this legislation will be proclaimed as soon as possible so that those who wish to avail themselves of the provisions of the Bill can do so.

**THE HON. W. M. PIESSE** (Lower Central) [5.39 p.m.]: Since we are all making note of the areas we represent, I indicate I represent Collie also and of course support this legislation. Even if I were not a representative of Collie I would support it because even though we have the mechanical means to make work less arduous, the years of age from the late fifties to the sixties are prone to heart failures and other ills. I think this legislation is a step in the right direction. It provides that people can choose to retire at an earlier age and hopefully this will make their years of retirement longer and more enjoyable.

Many people have been waiting for this legislation to be passed and I note that there is some retrospectivity in the Bill as it relates to those people who have retired since April this year. Those people may accept this legislation as having been passed at that time. I have great support for the Bill.

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [5.41 p.m.]: I thank honourable members for their support of the Bill.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

### *Third Reading*

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

## **MOTOR VEHICLE DEALERS AMENDMENT BILL (No. 2)**

### *Second Reading*

Debate resumed from 18 August.

**THE HON. J. M. BROWN** (South-East) [5.45 p.m.]: At first sight the Bill appears to cor-

rect an error of omission which occurred when the Road Traffic Authority merged with the Police Department. It appears that authorised officers will have the power to do all the regular duties of police officers. An amendment in the Bill refers to an "authorised officer", which term was not included in the Act when the merger took place. I ask the Minister: What exactly are the powers of such an officer? In his second reading speech the Minister said—

These officers entered used car yards, examined vehicles in those yards, put stickers or work orders on those vehicles unfit for sale and later, if appropriate, removed the stickers, checked registers, and generally controlled the used car sale yards.

I wonder if the powers of the officers have been extended further than for the purpose outlined in the second reading speech. Do these officers have the right to investigate the unauthorised sale of used motor vehicles? This practice has been rather prevalent. I am interested to know what are the officers' full powers. I remember their being engaged by the RTA when it began its operations. Will they assume the powers held by police officers? Does a police officer have the power to check and regulate the unauthorised sale of used vehicles?

I understand the reason for the measure; it simply corrects an oversight. We support the orderly operation of the industry. I ask the Minister to consider what I am suggesting may be the ultimate powers of authorised officers and whether they would be acting in a manner similar to a police officer.

The other point I want to raise is that it would be appropriate to have the Motor Vehicle Dealers Act reprinted in its entirety. With the amendments contained in this Bill, the Act will become rather unwieldy to operate. The importance of the used vehicle industry in Western Australia is such that it would be advisable to have the clarity which is essential in this business. The Opposition supports the Bill.

**THE HON. A. A. LEWIS (Lower Central)** [5.49 p.m.]: In this Bill we again have a situation of consumerism going mad. That situation arose with the Motor Vehicle Dealers Act. I do not know whether members are aware of it, but matters have reached the stage where in order to get a licence one has to race around with a camera and take a photo of one's premises. This has to be lodged with a four-page screed which sets out what one is doing and how one is doing it. Some tin god sits in his office and decides whether one

can operate. The eventual cost to the consumer must increase because a dealer has to follow all these peculiar whims of the Minister or of the bureaucrats.

**The Hon. Garry Kelly:** What about people who buy cars?

**The Hon. A. A. LEWIS:** If the Hon. Garry Kelly wishes to increase the price of all used vehicles by 10 per cent or 12½ per cent and he wants the public to rely on a consumer organisation to do people's work for them when they go to buy a car, or whenever they want to make a purchase, that is his right. He must realise there is a great cost in these amendments.

**The Hon. R. T. Leeson:** There are a lot of shonky dealers.

**The Hon. A. A. LEWIS:** That may be. There are a lot of shonky motorists who fill their car differentials with sawdust before they trade them in to the dealers.

**The Hon. Garry Kelly:** They learned that from the dealers.

**The Hon. A. A. LEWIS:** Did they? I think Mr Kelly should go back to school, because more dealers than customers are ripped off in this world.

Several members interjected.

**The Hon. Garry Kelly:** Come on now!

**The Hon. A. A. LEWIS:** It is interesting to hear "senility corner" going mad about this matter. The situation is as I have described it, and if those members who do not believe the dealers are being ripped off want me to name them for the record I will do so. I refer especially to the gentleman behind me because I am sure a new header will cost him more when he next takes his old one to trade in.

**The Hon. W. M. Piesse:** Blackmail?

**The Hon. A. A. LEWIS:** Not at all. It is protecting a minority group. The Hon. Win Piesse would not understand that.

**The Hon. H. W. Gayfer:** How can you dictate the terms my header will cost next time?

**The Hon. A. A. LEWIS:** I cannot dictate them. It will cost more because the Hon. Mick Gayfer will vote for this Bill. He will be one of the people thrusting up the price of cars.

**The Hon. Garry Kelly:** By how much will it increase the price?

**The Hon. A. A. LEWIS:** I believe the total cost to the consumer is in the vicinity of 12½ per cent to 15 per cent. The Motor Vehicle Dealers Act costs the average person that much when he buys

a motor car. I am not supporting the Bill in any shape or form.

The Hon. Garry Kelly: On what do you base that figure?

The Hon. A. A. LEWIS: On the extra costs, the licencing provisions, and—if the Hon. Garry Kelly knew anything about the Bill—what the dealer has to go through in order to get a motor vehicle dealer's licence.

The Hon. R. T. Leeson: He has to remain honest.

The Hon. A. A. LEWIS: No, that is not so. The Act has not cured any of the Hon. Ron Leeson's shonky dealers.

The Hon. R. T. Leeson: Are they still doing it?

The Hon. A. A. LEWIS: Yes; left, right, and centre, and as the Hon. Jim Brown said—and if the Hon. Garry Kelly had listened he might have learned just a little although he probably did not understand it—

The Hon. Garry Kelly: That is not nice.

The Hon. A. A. LEWIS: No, but it is true.

The Hon. Garry Kelly: It is not true either.

The Hon. A. A. LEWIS: It is obvious from his interjections that the Hon. Garry Kelly does not understand. If I relate my remarks to the Bill we will get on fine.

The provisions of this Bill mean that any person—he does not have to be qualified in any way—or as the Bill says, any authorised officer—

The Hon. R. T. Leeson: Anyone can sell a car, too.

The Hon. A. A. LEWIS: Not under the Motor Vehicle Dealers Act. No dealer can sell without heeding the restrictions that are placed on him. The Hon. Jim Brown made that point and I thank the Hon. Ron Leeson for bringing it again to the attention of the House. What is the situation with backyard dealers? Is there any control over them? The answer is "No." But under this Bill the Minister or any authorised person can say to the Hon. Fred McKenzie, "You know a lot about railway engines—go and inspect the used car lots and tell us which cars are safe" and then he is an authorised person and can go and do that. He can put a sticker on a car and then say, "I do not like the colour of the paint or the way you have screwed up a part and I will not take off the sticker until you do it my way." He need not have any knowledge of whether it is safe. We are going from one stupid situation to another. The Bill says that police officers may do this. They are pretty good; I have nothing against them. But I do have some

queries about whether they all have a great mechanical knowledge.

The Hon. Garry Kelly: Who should do it? Anyone at all?

The Hon. A. A. LEWIS: I believe the whole Act should be repealed because the public will allow dealers to find their own level. We will get rid of bad dealers because the public will hear about them in the sob columns of the papers. It does not take long for someone to write to a paper and say a dealer is shonky and that he sold that person a shonky car. The purchaser will protect himself. It seems to me that "Big Brother" is protecting everyone.

The Hon. R. T. Leeson: We are getting back to bananas and sawdust in the differential.

The Hon. A. A. LEWIS: I would rather leave the Hon. Phil Lockyer to deal with that. The situation arose where officers of the RTA went around in bush areas putting stickers on cars and it took up to three weeks to get the officer back to remove the sticker. The officers went around in a flying squad and I would like the Minister to answer this question if he can—I have not yet had a sensible answer from anybody: Does the same officer have to remove the sticker he places on a car, or can another officer do it? It has been the practice in the past for local officers to say, "The flying squad put on the sticker and you will have to get them to take it off." So the delays go on. The dealer cannot sell the car because it has a sticker on it and yet the Hon. Garry Kelly asks me where the costs are coming from.

In one of the very good inspection areas in this State—at Subiaco—the same car was taken in by a father and son. The son had a sticker put on the car when he went to register it for himself and there was a list of 16 items on the sticker. The matter was brought to me—I do not know why because he did not live in my electorate, but he thought I could fix it. I said I could do nothing about it. I said he should ask to have it examined again.

The Hon. G. C. MacKinnon: It may have made the matter worse by taking it to you.

The Hon. A. A. LEWIS: That may be right. The car was taken back and two matters relating to safety were found, one being a light and the other a loose hinge on a door.

The Hon. H. W. Gayfer interjected.

The Hon. A. A. LEWIS: I realise that Mr Gayfer becomes a little touchy when we talk about lights, and tail lights in particular.

The number of matters that needed attention on that car were reduced from 16 to two when a

different person took it over the ramp. Perhaps one could say that the owner of the car was unlucky that it was not a dealer's car. The young man's father took the car back, and the whole matter was sorted out. The Minister is asking us to legislate to let any authorised person make these decisions.

*Sitting suspended from 6.00 to 7.30 p.m.*

The Hon. A. A. LEWIS: Prior to the tea suspension I referred to the cost to the consumer of this type of legislation. The legislation refers to the fact that the board may make use of any person employed by the Public Service of the State. It does not say that person has to be qualified mechanically to inspect motor vehicles. It says that the board may make use of any person employed by the Public Service. According to my interpretation that could mean my good friend, the Conservator of Forests, could become an inspector of motor vehicles and put red tags on them if he wished to do so.

These are the sorts of things which need explanation. The Government's record in this area is not very good, nor is that of the Opposition, because it supports legislation of this nature without any qualification; although tonight the Hon. Jim Brown did refer to moonlighters and weekenders, which had little to do with the Bill under discussion. However, I shall be interested to hear the Minister's answer in that regard.

Only this evening an example was quoted to me of a person who wished to sell a motor vehicle worth approximately \$9 000 or \$10 000. He said, "The vehicle does not have a warranty and I am selling it privately, so I shall drop the price to \$8 000." He did not sell the vehicle, so he dropped the price to approximately \$6 000. A dealer bought it and he sold it for nearly \$10 000, because as required, he affixed a warranty to it.

Earlier I referred to a cost of 12.5 per cent to 15 per cent to the consumer, but the situation I have just quoted indicates a 40 per cent cost. I do not think any member of the House can justify that.

The Hon. D. J. Wordsworth: It is not costing the consumer that. It is a cost to the person who buys the car.

The Hon. A. A. LEWIS: It is a cost to the consumer.

The Hon. Garry Kelly: What about the cost to a buyer of a faulty vehicle?

The Hon. A. A. LEWIS: That is the sort of idiotic remark I expect from the honourable gentleman who has been interjecting since I started my speech and who has not made one sensible re-

mark. He does not realise the people he represents are being slaughtered by consumerism. If he does not think an amount of 12.5 per cent to 15 per cent is slaughtering the consumer, I do. Despite the comments made in this Chamber by very ill-informed members, most dealers are honest people trying to make a buck. Nobody looks at the final cost to the consumer of this type of legislation and the Government should review totally all Acts dealing with consumer protection.

The Hon. Garry Kelly: And repeal them!

The Hon. A. A. LEWIS: I will not even deign to comment. The Government should review all Acts dealing with consumer affairs, because these matters can be dealt with far more simply by regulation. Indeed, probably the best way to deal with them is by self-regulation within the industry rather than this heavy-handed approach by the Government.

I hope when the Chief Secretary replies that he says, "No; 'any authorised officer' will not just be anybody from the Public Service, but he will be a qualified person." I hope also the Chief Secretary will ensure that the members of the Police Force who inspect motor vehicles are qualified and that, when the dealer feels the stickers should be removed, somebody will be available to remove them immediately so that the dealer does not have to wait a week, 10 days, or a fortnight before that is done. This is particularly relevant when one bears in mind the high interest rates charged today.

I shall be happy when the suggestions I have made are put into effect, but I will be happier still when the Government examines the whole area of consumer protection in this State, draws up guidelines for self-regulation, and allows business to conduct its own affairs instead of having "Big Brother" breathing down its neck. This occurs in legislation relating to companies, the inspection of motor vehicles, and the licensing of compressors, and it even extends to limiting the number of people who can use a toilet. The Government seems to think it knows better than everybody else about running businesses and the number of people who may go to the loo.

It seems to me we have reached the crazy situation of wanting to control everybody. I know some parties believe this is right, but, as a member of the Liberal Party, I believe that it is wrong and that we would save the consumer money were we to remove the majority of these sorts of regulations.

THE HON. P. H. WELLS (North Metropolitan) [7.37 p.m.]: I support the legislation, but I shall raise a few queries, especially in regard to

the authorisation of officers responsible for the inspection of vehicles and the removal of stickers.

I refer members to the 1980-81 report of the Bureau of Consumer Affairs and indicate my pleasure at seeing the reference to the three per cent reduction in complaints relating to the purchase of used motor vehicles, which is attributable to the fact that dealers are aware of their responsibilities under the Act.

The Hon. Sandy Lewis was probably correct when he said there is no requirement that the person authorised to inspect motor vehicles should be a competent mechanic, although it would be unwise for a department to use anyone else for that job. I do not think it is likely that, as the Hon. Sandy Lewis said, a person from the Forests Department would be used to inspect motor vehicles unless he was a competent mechanic.

A better system for the examination of vehicles would be to use private, existing mechanics as authorised inspectors. As a Government, we have a responsibility to ensure secondhand vehicles are roadworthy, otherwise they present a threat to the lives of people. To some degree, the appointment of authorised officers is aimed at ensuring the greater safety of the public.

However, rather than employing public servants to inspect vehicles, it is possible private enterprise mechanics throughout the country could perform this task and provide a certificate of roadworthiness. On page 32 of the 1980-81 annual report of the Bureau of Consumer Affairs of Western Australia the following statement appears—

The Bureau advises consumers wishing to purchase a secondhand vehicle to have the vehicle inspected by the RAC or an independent qualified mechanic.

Bearing in mind the present legislation allows an inspector to examine vehicles held by used car dealers, it is perhaps pertinent to suggest that we look a little more closely at this provision, having regard for the fact that the bureau has seen fit to include such a comment in its annual report.

Many existing small garages could be authorised to issue certificates of roadworthiness and the legislation would be improved were we to include in it such a provision. Although I support the Bill, I ask the Chief Secretary to refer that matter back to the department for examination, particularly in view of the reference made to it in the report of the Bureau of Consumer Affairs.

**THE HON. W. M. PIESSE** (Lower Central) [7.42 p.m.]: I agree to a certain extent with some of the remarks made by the Hon. A. A. Lewis.

The Hon. Peter Dowding: You sound pretty reluctant!

The Hon. W. M. PIESSE: I agree that we are not solving the problems in the two areas this legislation seeks to attack, but rather we are simply returning the position to what it was before. The two areas to which the Bill relates are the safety of secondhand vehicles and the so-called "shonky" deals which may occur. Neither of these matters has been covered fully by the legislation.

However, we must not lose sight of how much worse the situation might be if we did not at least try to do something about it and I believe we are trying to redress the position in these two areas.

The only way in which we can do anything really effective in this regard is to revert to the position which pertained when more stringent regulations existed in regard to time-payment agreements. However, as long as interest rates continue to rise as steeply as they have, particularly over the last 12 months, and as long as people invest money and expect a higher and higher return on their investment, we will never arrive at a solution, because the used car industry has grown out of this situation. The purchaser puts down a small deposit and can never hope to finish paying for the article he has purchased. Even in the case of a shonky deal, the purchaser is still looking for somebody to get him out of it. He is looking for some way in which he may be excused from paying the charges for a vehicle for which he has paid too high a price. Unless we find a way to attack the situation in that area—the area of the long-term payment or hire-purchase deal—we cannot hope to rectify the problem.

I must admit that when this system was introduced it was of tremendous assistance in many ways to many people. Indeed, I know of many people who used it to their advantage, but entered into it only when they had the full knowledge that they would be able to meet the debt along with the interest it incurred. Nowadays it is a different ball game altogether. It does not seem to matter how unable a person is to meet a commitment, or how young he is—so long as he is of an age to drive a vehicle—he can put down a deposit for a vehicle and not have to consider how much in total that vehicle will cost him or whether he will be able to meet the commitment. Albeit, the people in between will rake in the money. Until we get rid of this situation we will never get rid of shonky used car deals, or get rid of suspect vehicles on the used car market. In the light of those points I support the Bill; it is better to try to do something than to do nothing.

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [7.47 p.m.]: I thank members for their comments. Firstly I will answer a question asked by the Hon. Jim Brown when he referred to the powers of the officer to be appointed, as against the powers of a police officer. My reading of section 27(1)(a) and (2) coupled with the definition of the term "dealer", who is a person who carries on the business of buying or selling vehicles, is that the authority would apply to a police officer and to an authorised officer.

The Hon. A. A. Lewis: What about the moonlighter?

The Hon. R. G. PIKE: I consulted the Attorney General, and he agrees it would apply to both officers; they would have the same powers in regard to policing moonlighters.

The Hon. A. A. Lewis: I am talking about a person unlicensed as a dealer who sells used cars.

The Hon. R. G. PIKE: That is the very point. My interpretation of section 27 coupled with the definition of the term "dealer", and confirmed by the Attorney's opinion, is that the section applies to authorised officers as it does to police officers. Both have the power to deal with moonlighters.

The Hon. A. A. Lewis: Do they have the power to go into an unlicensed yard?

The Hon. R. G. PIKE: I understand they do. The Hon. Sandy Lewis dealt basically with the cost of the bureaucracy, and rested his case on the principle of *caveat emptor*, which means, "Let the buyer beware." Of course, that principle is not open for debate in the context of the Bill; it is a question of the philosophy one has towards this type of legislation. The member expounded clearly his thoughts on what he believed to be the philosophy behind the legislation.

The Hon. A. A. Lewis: Socialistic.

The PRESIDENT: Order! There is far too much audible conversation. I suggest the Minister direct his comments to the Chair. I am trying to follow them.

The Hon. R. G. PIKE: I took note of the member's view that a total review is necessary of all Acts dealing with consumer affairs matters, and I undertake to pass on his comments to the Minister responsible for those Acts. The Motor Vehicle Dealers Act is one to which the member's comments are pertinent. Prior to dealing with this Bill I discussed the matter with the Minister responsible, and as a result of that direct inquiry he informed me—this answers also a point raised by the Hon. Peter Wells—that as far as possible he will appoint qualified persons as authorised officers. The Hon. Sandy Lewis and the Hon.

Peter Wells referred to section 13(4) of the Act, which states—

With the approval of the Minister and of the Public Service Board, the Board may make use of the services of any person employed in the Public Service of the State.

That authority had existed, but had been countermanded with an amendment dealing with an authorised officer. This Bill seeks to reinstate the earlier provision.

The Hon. J. M. Brown: Would there be any age limit on authorised officers?

The Hon. R. G. PIKE: There would not be any such limit that I know of. The Hon. Sandy Lewis asked whether someone other than a member of the flying squad could remove a sticker placed on a car. I inform him, and the House as a whole, that as this matter does not come within my ministerial responsibility I cannot give a direct answer. It may sound a bit Irish to say this point is not directly relevant, but I undertake to direct the Hon. Sandy Lewis's point to the Minister for Police and Prisons so that he may receive an answer.

The point made by the Hon. Peter Wells was very good. He referred to the use of private enterprise mechanics—

The Hon. Peter Dowding: Oh, come on! What a load of baloney.

The Hon. R. G. PIKE: —to carry out the inspections.

The Hon. Peter Dowding: Good God; it isn't the creeping hand of socialism again, is it?

The Hon. R. G. PIKE: Organisations such as the RAC could well be given the responsibility of this work. Other areas of Government responsibility in which certification is required are handed to private enterprise to carry out. I undertake to refer this query also to the Minister.

I thank the Hon. Win Piesse for her general comments and support of the Bill. She indicated clearly that the Bill simply seeks to reinstate that which was previously in the Bill. She gave the House what I thought to be an in depth statement in regard to the purchasing system referred to as "the never never", and the dealings that take place as a consequence of hire-purchase arrangements.

I thank members for their comments and commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. R. G. Pike (Chief Secretary) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. J. M. BROWN: During the second reading debate I asked the Minister to comment on whether he thought the Act ought to be rewritten in view of the amendments that have taken place over the years. I explained my reasons for making that request. Perhaps the Minister will comment now on the remarks I made. He should be well aware of what I said.

The Hon. R. G. PIKE: I apologise to the member; I omitted to answer his question. When I studied the Act for the purpose of considering the Bill I was unimpressed by the number of pieces of paper which seemed to be falling out everywhere. The amendments are thick and heavy, and I undertake to refer the member's question to the Minister. I agree with the member's comments.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 27 amended—

The Hon. P. H. WELLS: The clause provides for authorised officers to inspect vehicles and, if necessary, affix roadworthy certificates to those vehicles. A continuing problem in the view of the Bureau of Consumer Affairs is that these vehicles could be subject to hire-purchase agreements. It has seemed to me always that the licences of such vehicles could identify those vehicles as being under hire-purchase.

The CHAIRMAN: Order! Clause 3 deals with authorised officers.

The Hon. P. H. WELLS: I am questioning the power of an authorised officer. As I understand the position, he can examine a vehicle as to its roadworthiness. I point out that he does not cover a particular area, but should do. He would not know whether a vehicle is under hire-purchase. An easy way to overcome that problem would be for the licence to indicate whether the vehicle is under hire-purchase. In terms of the responsibilities of authorised officers, I am saying people could be caught up. This problem was highlighted by the Bureau of Consumer Affairs.

The Hon. R. G. PIKE: Section 27 gives an authorised officer a number of authorities, but does not give him the authority to determine the ownership of a vehicle. It is true to say that one of the grave problems that occur from time to time in regard to vehicles under hire-purchase is that some vendors of such vehicles do not have a clear and proper title to them. The member's sugges-

tion is well made, but the matter does not come within the provisions of this section of the Act or any other. It is something to which the Minister could well have reference in the future, and as with other matters I undertake to refer it to him.

Clause put and passed.

Clause 4 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

**BUILDING SOCIETIES AMENDMENT BILL***Second Reading*

Debate resumed from 18 August.

THE HON. FRED MCKENZIE (East Metropolitan) [7.59 p.m.]: The Opposition will not oppose the Bill, but will raise a few questions that the Minister might care to answer in his reply to the second reading.

Our inquiries prior to the introduction of the Bill indicated that permanent building societies as a whole had not sought these changes to the Act. We are not opposed to building societies having additional standby facilities, but we question why the Government did not seek the advice of the Permanent Building Societies Association in respect of the necessity to proceed with this legislation.

I know the Minister said in his second reading speech that the building societies advisory committee recommended the change, but he did not mention whether the Permanent Building Societies Association had sought the change. One wonders whether this legislation has not come about as a result of a request from one building society, and that the Bill is not designed for the specific use of that one society. One would expect the Government to consult the Permanent Building Societies Association on legislation such as this to ascertain whether or not it is desirable.

The answer to a question I asked in this House last year about overseas borrowings made it clear that building societies were required by Statute to have a 10 per cent liquidity ratio, but in practice most had between 15 and 18 per cent and in addition to that they made their own arrangements in respect of standby facilities. At that stage it did not appear that the abnormal economic conditions as stated by the Minister necessitated access to offshore lines of credit to replenish liquidity funds during periods of heavy withdrawals by investors. The Minister's answer was reassuring to that extent.

At that time we had abnormal economic conditions, but suddenly we are faced with a Bill which indicates that additional standby facilities are needed. We are not arguing about that; maybe it is desirable, but it is disturbing to see that in 12 months things have changed so rapidly, particularly in view of the fact that our inquiries reveal that Western Australian permanent building societies have not requested any changes to the Act. If a certain building society requires this additional facility, I think the Minister should make clear just where the request came from.

The Minister said—

... approval will only be given when a satisfactory currency hedge facility has been arranged to avoid any loss resulting from the foreign exchange exposure should the standby facility be activated.

There is no indication that any such provision is contained within the Bill. It is not spelt out, although it might be the intention. One paragraph in the Minister's second reading speech is hardly sufficient to convince me of what he intends to do, so perhaps he might be able to explain that matter.

I make it clear that, notwithstanding the points I have raised, the Opposition is not opposed to this Bill. We feel that the Minister in his second reading speech ought to have made more clear to the House the reason for the necessity to have this additional standby facility by way of providing an offshore line of credit in times of heavy withdrawals by investors, because 12 months ago this was not necessary and building societies were required by Statute to have only 10 per cent in liquidity provisions and most societies had 15 to 18 per cent and were making other provisions for standby facilities.

I support the Bill. There are a few unexplained items that perhaps the Minister could deal with.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [8.05 p.m.]: This Bill is designed to expand the borrowing capacity of building societies by enabling them to borrow funds in other than Australian currency. I have no objection to that, but I confess that I do have some difficulty in understanding some of the arguments which the Minister presented in support of the legislation. That difficulty leads me to ask two questions, the first of which arises in this way: At an early part of his speech the Minister said—

... it was not intended that this amendment will enable building societies to borrow funds from overseas sources to make conventional housing loans.

The reason for that limitation was given in these terms—

The attendant exchange factor risk continues to make funds from this source unsuitable for housing finance.

On the face of it, those submissions taken together seem reasonable enough until we find that, in dealing with conditions which the Treasurer will apply before approving offshore loans, the Minister assures us that—

... approval will only be given when a satisfactory currency hedge facility has been arranged to avoid any loss resulting from the foreign exchange exposure should the standby facility be activated.

If there can be no loss, as we are there assured, it appears to me that the third of those statements makes nonsense of the first two. If something has eluded me the Minister might like to clarify the situation. Alternatively, it seems to leave us in a situation where offshore borrowing cannot involve any currency exposure risk. If, as is asserted, the capacity to borrow offshore is a good idea, why limit the use of those notes to uses other than housing finance?

I can see the Hon. Peter Wells finds that question perfectly reasonable.

The Hon. P. H. Wells: I am listening to you intently.

The Hon. J. M. BERINSON: I thought the member was doing better than listening to me intently.

The Hon. P. H. Wells: I am trying to listen to your reasoning.

The Hon. R. G. Pike: Excuse me a minute. I did not hear the whole of the sentence when you said, "Why limit it?" because there was a bit of noise in the Chamber.

The Hon. J. M. BERINSON: The point I was trying to make, Minister, is that if it is a good idea to have recourse to overseas funds, and if provision will be built into the Bill against any risk of loss arising from the exchange factor, why does the Government propose to limit the use of those funds in such a way as to preclude their use for ordinary housing loans? That is the first question.

The second question arises in respect of matters to which the Hon. Fred McKenzie has already referred in part. Proposed section 48(2)(a) permits the Treasurer to impose conditions on offshore loans at his discretion.

In his second reading speech the Minister indicated that the Treasurer would always impose three basic conditions. The first of those con-

ditions has been referred to by the Hon. Fred McKenzie, and relates to compulsory hedging precautions. The second basic condition involves a requirement that the term of repayment of both principal and interest should not exceed two years, and the third basic condition requires that total proposed borrowings overseas should represent not more than 15 per cent of the societies' withdrawable funds. Since these three matters are apparently regarded as being important enough to apply in every case, the question is: Why are they not specified in the Act? As the Minister will appreciate, they could in fact be specified without altering in any way the Treasurer's ability to impose other conditions as well.

Finally, the Minister says that the Bill has emerged on the basis of a recommendation by the building societies advisory committee.

The Hon. R. G. Pike: Yes, the Hon. Fred McKenzie dealt with it.

The Hon. J. M. BERINSON: In view of questions which have been raised in various quarters as to the nature of that recommendation, I ask the Minister if he is prepared to table the recommendation and supporting arguments by the advisory committee.

**THE HON. TOM KNIGHT** (South) [8.11 p.m.]: I want to make a few comments on this Bill. It is necessary for building societies to look into the matter of international currency. Everyone is presently aware that a lot of petro dollars are floating around the world.

The Hon. Peter Dowding: It is the international borrowings, not the currency.

The Hon. TOM KNIGHT: Yes, but it is international currency that we are borrowing, is it not?

The Hon. Peter Dowding: Perhaps.

The Hon. TOM KNIGHT: It is well known to all of us that presently there are substantial amounts of petro dollars floating around the world which are available at eight per cent, the lowest rate around at present.

The Hon. H. W. Gayfer: You want to watch them with procurement fees and the like.

**THE PRESIDENT:** Order!

The Hon. TOM KNIGHT: We should be careful of a number of things. The most important thing with borrowing this money for building society use is to be sure that the term of the loan or borrowing is in keeping with the term that the building societies allow to young home buyers. The parity rate has to be maintained and sustained by the people lending this money, otherwise we will have the situation that we see so

often these days of rising interest rates. The money that is available now is in Swiss francs, German marks, English sterling and, of course, US dollars. By the time we bring these into parity with the Australian currency and also bear in mind the fact that the Australian organisations have to repay this money in the currency set down, it sometimes becomes a rather awkward deal, and all of these factors have to be taken into consideration. The ultimate is to borrow from these people in Australian dollars and repay them in Australian dollars.

The method of repayment, for instance, has to be guaranteed so that when one is looking at the average home loan over a 25 or 30-year period, the guarantee must be there for building societies to ensure that the currency has not broken away before the term of the young homeowner's loan runs out, putting us in a position where the building societies are subject to possible bankruptcy, as happened in Queensland several years ago.

I gather that is why it is stated in the Bill that they cannot borrow any more than 15 per cent of their repayable equity. Looking at it on that basis, if we can bring in money from the world market and use it to lower interest rates in this country, there will be a lot of benefit. I have talked to people whom I consider to be prominent economists in Australia who work with the Federal Government—and I spoke on the subject in this House last session—and who say that we should put a blanket ceiling on interest rates and that we will not have cheap finance available until the Federal Government is in a position to be able to do this. If we find that a blanket ceiling results in interest rates being lowered, the argument could be put forward that local money would flow out of Australia to the overseas markets for higher rates; and that is not so.

The point is that if we have allowed money to flow into Australia and if we stop that as we have done in the past, there is every reason for us to legislate to stop money flowing out of Australia. If the people want to invest they must invest at the going interest rate on that particular day in Australia.

I have always wanted to ask the following question of the Minister regarding interest rates and building societies; it concerns a point that has been thrown at me often by my constituents, and other people. When one takes out a building society loan over a 20-year period the first 50 per cent of the period of the repayment of that loan is considered to be for the payment of overheads and interest. Many people are concerned that, after having made repayments for that 50 per cent of the period, the principal is pretty close to the

amount they borrowed. If a loan is paid out after 11 or 12 years the building societies benefit because they charge the same interest and the same overheads as if the loan had been paid out over 20 years and had already had full interest paid. Therefore, they can lend money for another 10 years. I wonder what is the building societies' answer concerning this matter. Who benefits, because the home owner certainly loses? Some people have shown me that after 12 years of repaying a loan that has been taken over 20 years the principal is still in the vicinity of the amount they borrowed.

The PRESIDENT: Order! The honourable member is not talking to the Bill. What he is saying has obviously nothing to do with the Bill.

The Hon. TOM KNIGHT: Obviously I digressed slightly; however, I am talking about interest rates. I believe that if we are looking at bringing in overseas money the matter should be reconsidered and the points I have mentioned would assist in preventing us from taking the proposed action.

This is something which has worried me and I believe we must have money available at low interest rates for people to build their own homes. My point is that if the societies gave back the money saved by quick payout of loans, interest rates must drop. I applaud the Bill.

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

## MILLSTREAM STATION ACQUISITION BILL

### *Second Reading*

Debate resumed from 16 September.

**THE HON. PETER DOWDING** (North) [8.18 p.m.]: The Opposition has no objection to this Bill apart from one aspect, and will move an amendment in that regard in the Committee stage.

The history of this matter is that since the 1970s concern has been expressed repeatedly about the way in which the needs of the water supply in the West Pilbara may be met, and Millstream has appeared to engineers to be a never-ending source of water and has been tapped on that basis.

The Labor Government, in 1970, instituted an extensive inquiry into water resources in the area and since that time regular monitorings and examinations have been made of a variety of areas in which the water supply might be supported and, indeed, of a number of dams which might provide an opportunity for supplementing the Millstream aquifer. Much of what one would

wish to say in relation to that aspect of this Bill has been said already and I think the Government's tardiness in dealing with the existing demands on Millstream has well been recognised.

During the earlier part of this year I presented petitions bearing many hundreds of signatures which recognised the importance of the Millstream area to the people of the north and demanded some response from the Government.

Without wanting to travel over ground well covered, it has been pointed out by the Opposition in both Houses that the Harding River dam is unlikely to be a long-term permanent system to back up the Millstream water resource. Nevertheless, the action by the Government to take steps to resume Millstream for purposes associated with and related to the protection of the water supply and other purposes is not in any way to be criticised by the Opposition.

In fact, the Opposition has two areas of concern in regard to the wording of the Bill. The first area of concern is that the Bill provides for resumption in respect of water supply for parks and the protection and preservation of indigenous flora and fauna, but it makes no reference to other public purposes. I take it that the Government accepts the point that the purpose of parks includes the purpose of recreation for the people of the north and, of course, for the associated tourist industry, because Millstream is a most important recreation area for the people of the north.

Because I have not dwelt on the protection of the Millstream aquifer I do not want members on the other side to treat it as though it is no longer important. I understand it is being fully explored in relation to the Harding River dam issue.

It is very sad that the Government of Western Australia is still incapable of understanding the importance of the north, and in particular the Millstream area, to the Aboriginal people. It seems forever bound to consider the interests of the Aboriginal people as being restricted to the protection of their "sacred sites" and to the protection of areas for anthropological and archaeological interests. The Government seems incapable of coming to grips with the issue.

We are dealing with an area which is of importance to a large number of people and was traditionally important before white people took an interest in that area. It has been amply recorded both in the Pilbara study commissioned through the Museum, and in the interest expressed by Aboriginal people over the last 10 years expressly to Government instrumentalities, such as the Public Works Department, that one of the reasons the Millstream area is considered

unsuitable for damming at this stage is because of opposition from the Aboriginal people to damming on the Fortescue River. I commend the Government for taking this matter into consideration.

One would think the Government could have gone forward from that position when it considered the resumption of Millstream Station. It might at least have considered, in the purposes of resumption and management proposals, that the Aboriginal people should play a large part in both aspects.

The existing boundary of Millstream Station is smaller than the boundary of the existing reserve under the Country Areas Water Supply Act; but it is much larger than the existing national park boundary, and much larger than the proposed national park boundary. As Millstream Station is of fundamental importance to the Aboriginal people of that area, why should it not be resumed, at least in part, for the consideration of their needs and interests? I am not suggesting the whole purpose of the resumption should be for them, nor am I suggesting they must have the last say in every management decision about the area. Surely this Government has at last come to grips with the fact that Aboriginal people in the north are demanding a say about land which is part of their traditional land and which forms as a whole, and not as a series of chicken pox on a map, part of their religious and spiritual interests.

The issue has been canvassed and it is important enough to demand the attention of the Government. Since the matter was raised in the other House, and since the Government has indeed been warned that the Opposition proposes to move an amendment, one hopes the Government has given consideration to the amendment and that the Minister will accept it when it is moved in Committee.

**THE HON. P. H. LOCKYER** (Lower North) [8.26 p.m.]: I also support the Bill and take into consideration the comments made by the Hon. Peter Dowding. I do not want to delay the House, but I draw the attention of the Minister to his second reading speech and quote as follows—

Within the limitations set by the climate of the Pilbara, livestock will be mustered and delivered to saleyards as soon as practicable but until this is completed the property must continue to be operated as a pastoral station.

I would like to sound a note of warning that it will be summer when the stock is to be sold and mustering is to take place. Perhaps the Hon. Peter Dowding, by interjection, will give some indi-

cation of the number of cattle involved. I believe it is about 8 000; is that right?

**The Hon. Peter Dowding:** About that.

**The Hon. P. H. LOCKYER:** The mustering of the cattle will be a job for professionals. It is not a job for amateurs or for someone desiring to make a quick dollar. I take note of the member's concern for the area as a whole; but for 8 000 cattle to be mustered and removed the roads must be in good condition for use by large cattle transporters, temporary yards will need to be built, and aircraft will have to be used, etc. Therefore, it is not a job for opportunists. I suggest to the Government that it gives consideration to appointing a professional person to take charge of this or to make suitable arrangements with the present owners. The Government should appoint professional people from local areas to carry out this operation. It will not be a simple operation and we do not want amateurs tearing up roads with road trains and using roads that are unsuitable.

I take this opportunity to ask the Minister to pursue this point. It is fair to say also that it is the passing of an era when one sees an old property being taken over. It is important that it should be brought to the attention of the House that the Kennedy family have done a good job at Millstream Station and it has been hard for them to accept progress. However, the step taken to restore the area to its original beauty is a step in the right direction. I support the Bill.

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [8.29 p.m.]: I thank honourable members for their general support of the Bill and I have noted the amendment that will come before this chamber during the Committee debate. I will not allow the Hon. Peter Dowding's comments to pass without making some comments myself.

It is not true to say the Government believes there is a never-ending supply of water available at Millstream. The experts, and those people who advise the Public Works Department, always have monitored closely the effects of drawing large quantities of water from the aquifer. As a result of their assessments, the Government has decided to build the dam on the Harding River to supplement the supply. I have no doubt that, as the area develops, more and more consideration will need to be given to alternative sources of supply.

I suppose the Opposition's attitude is understandable, because had it been in Government, it would not have seen the sort of growth which has occurred in that region.

The Hon. Peter Dowding: Rubbish! Do not be stupid! Do not come in with a whole lot of rubbish.

The Hon. G. E. MASTERS: I suppose, for that reason, the Opposition would not have needed to take the steps which now are necessary.

The Hon. Peter Dowding: You are being infantile, Minister.

The Hon. G. E. MASTERS: The Opposition would not have found it necessary to consider the sorts of things the Government is considering for the future of this area.

The Hon. Peter Dowding: Not that it is anything new for the Minister to be infantile.

The Hon. G. E. MASTERS: I can understand that the honourable member is upset; he is always talking about this Government's not having a proper interest in the north.

The Hon. Peter Dowding: And the people agreed with me at the last election.

The Hon. G. E. MASTERS: It would be very difficult to persuade the people of this State that this Government, or the previous Liberal-Country Party Government, has not taken an interest in the north, because that is not true.

The Hon. Peter Dowding: What about the by-election? There was a 14 per cent swing, Minister.

The DEPUTY PRESIDENT (the Hon. I. G. Pratt): Order!

The Hon. G. E. MASTERS: The Hon. Peter Dowding continually claims the Government has no interest in the north, but I repeat that the people of this State know the truth of the matter.

From reading the comments of the responsible Minister, my understanding is that consultation has taken place with the Aboriginal community, and careful consideration has been given to the points it has raised. Obviously, the Aboriginal community's interest in these areas is very deep, going back as it does many thousands of years.

The Minister stated in another place that consideration would be given to the use by the Aboriginal community of that land for certain purposes. This matter will be considered very carefully, and I am certain the result will be favourable to the Aboriginal community. So, from the Minister's comments and the Government's stand on this matter, it is obvious that the Aboriginal community and the people interested in the Aboriginal community need have no fear for the area.

The Hon. Phil Lockyer pointed out some 8 000 head of cattle were on the station. That is a great number, and I must admit it came as a surprise to me. It is accepted that the mustering of that

number of cattle will need to be carried out by experts and I have no doubt such people will be available from the local community to carry out this task. As the purpose of our resuming Millstream Station is for the conservation and protection of the water supplies, it is obvious great care will need to be taken in the way the cattle are mustered and transported from the station. I will certainly refer the Hon. Phil Lockyer's comments to the responsible Minister.

I thank the House for its support.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. G. E. Masters (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Resumption of the land—

The Hon. PETER DOWDING: Before I move my amendment I desire to ask a question. As the Minister in another place actually responsible for this Bill received some warning of this amendment, no doubt he has briefed the Minister for Labour and Industry on the current situation regarding consultation with the Aboriginal people relating to the use of Millstream. Will the Minister tell us what is the current situation?

The Hon. G. E. MASTERS: I had no warning of this amendment. However, it would seem to me the Minister in another place gave adequate assurance that the Aboriginal community was being consulted and considered in the negotiations taking place.

The Hon. PETER DOWDING: Since in the other place the Opposition spokesman made it clear an amendment on this issue was being contemplated and in fact was likely, and since the responsible Minister announced negotiations currently were taking place, I take it the Minister for Labour and Industry has been briefed by the responsible Minister as to the current stage the negotiations have reached. Will the Minister now tell us what is the present state of those negotiations, and what was the outcome of the meeting held on 31 August? I would expect him to know.

The Hon. G. E. MASTERS: I say again I had no knowledge of the amendment to be moved by the Hon. Peter Dowding. Generally, when members are to move amendments, it is the practice to put them on the notice paper so that other members are aware of what is coming forward; how-

ever, for some reason, the Hon. Peter Dowding did not have that opportunity.

I say again that the detail of the negotiations which have taken place with the Aboriginal community, and those involved with the Aboriginal community, is not fully known to me; I do not know whether the negotiations have been completed. However, I repeat that only a few days ago the responsible Minister in another place said that negotiations were going on and that every consideration would be given to the Aboriginal community. I am afraid that is the best I can do for the Hon. Peter Dowding.

The Hon. PETER DOWDING: Regrettably, that justifies the concern I expressed about the Government's attitude towards Aborigines. There is no doubt that when this matter was debated on 15 September, the Minister for Works was warned that an amendment in these terms was likely to be moved. Surely the Minister for Works and his department told the Minister for Labour and Industry in this Chamber that it was likely to be an issue, and surely he was briefed; however, it appears he was not.

I refer members to a comment from the Western Australian branch of the National Aboriginal Conference dated 16 September, which no doubt has been drawn to the attention of the Minister for Works. It reads as follows—

The W.A. State branch meeting in Broome today expressed disgust with the reported attitude of the State Government and the comments made by the Minister for Cultural Affairs, Mr Pike, in relation to Millstream Station.

State chairman, Mr Rob Riley said that it is absolutely essential that the 38 sites recognised by the Museum are protected.

There is definitely no room for compromise in this respect. For the Government to make passing comment as to whether they (the Government) should protect the sites is ridiculous.

The most important aspect which has been ignored by the Government is the ability for the local traditional people to be able to control, provide direction and be in the position to ensure local Aboriginal communities' interests are recognised.

The fact that there is no mention of Aboriginal interests, let alone control indicates the total lack of regard and recognition of traditional Aboriginal culture.

Mr Riley said, it again emphasises the W.A. Government's farcical approach to its

own legislation and authorities, the Aboriginal Heritage Act and the Trustees of the W.A. Museum respectively, and the Government's inability to listen and act upon the concerns of Aboriginal people throughout the State.

The W.A. Government must guarantee Aboriginal control and continual input at all stages of the development. This guarantee should be included as a section in Clause 4 of the proposed legislation.

The CHAIRMAN: Order! The Hon. Peter Dowding is referring to something which at present is not contained in the clause. I suggest he consider moving his amendment now, so that the debate is regularised.

The Hon. PETER DOWDING: With respect, Mr Chairman, I am referring to something which is not in the clause which should be in it.

The CHAIRMAN: I simply refer the Hon. Peter Dowding to the fact that the clause does not make reference to this matter.

The Hon. PETER DOWDING: That is the point I am making.

The CHAIRMAN: If you intend to continue with your remarks, I suggest you move your amendment.

The Hon. PETER DOWDING: I shall do so in due course. However, I am now referring to something which is not in the Bill, and the point I am making is that it should be in the Bill.

The CHAIRMAN: Order! The Hon. Peter Dowding followed the correct procedure during the second reading debate. However, we are now in Committee, and I ask the honourable member to confine his remarks to the clause as printed, or to move his amendment accordingly.

The Hon. PETER DOWDING: Mr Chairman, I am speaking to the clause as it is printed, and I am pointing out that there is something which should be in it which is not in it; and, subject to you, I propose to continue to make that reference. The point I have been making is that the absence from a clause of the Bill of a matter of such importance is regrettable. The Government should take the Bill away and insert the provision to which I refer.

I do not wish this to become a political point-scoring exercise, although the Minister in his response to the second reading debate did his best to make it so. I simply wish to place on record and to ensure the Government understands the deep concern which exists among some of my constituents in North Province relating to their interest in this

area and to suggest that interest is not adequately covered by the legislation.

In those circumstances, I ask the Minister again whether he is prepared to report progress and seek the approval of the Government simply to insert in the clause the appropriate word, which does no more than recognise the fact that the Aboriginal people of the area have a very deep spiritual, religious, and practical interest in the land. Since they have a sectional interest, it should be recorded in clause 4.

If the Minister is not prepared to consider that course, I make the following points: My amendment will not in any way require the Government to give an undertaking in respect of anything adverse to the water supply interests, the national park interests, or any of the other interests of the area. It will be merely a recognition that a sectional group of people of the area have a particular interest in this land which is of deep, spiritual importance. If the Minister for Labour and Industry has read the Pilbara study carried out by the Museum of WA, he will know how deeply important this area is to the people.

The Hon. N. E. Baxter: Is not what you are talking about covered under the Aboriginal Heritage Act?

The Hon. PETER DOWDING: No; the Hon. Norman Baxter has the same limited understanding as has the Minister.

The Hon. N. E. Baxter: No I have not.

The Hon. PETER DOWDING: If the Aboriginal Heritage Act is interpreted in terms of Aboriginal sites being small outcrops, paintings, engravings, or something else, it simply is not applicable to the sort of concern being expressed by the Injibarndi people.

The Hon. N. E. Baxter: To what particular sacred sites, etc., are you referring?

The Hon. PETER DOWDING: I am not referring to any particular sacred sites. The area is covered with sites of great importance, many of which have been identified.

The CHAIRMAN: Order! I have been tolerant, but I refer the honourable member to the clause before the Chair. The question is that clause 4 stand as printed. The honourable member has two courses. Either he should oppose the clause, or he should suggest an amendment which we have not had mentioned by him in detail yet. I ask him to follow that course.

The Hon. PETER DOWDING: The area is of considerable importance to the Aboriginal people as a whole. It is not just simply a series of small sacred sites.

In those circumstances, I urge the Minister, before we proceed further, to consider reporting progress and answering those points, which will do no more than recognise the interests of the people without committing the Government to any particular course of action.

The Hon. G. E. MASTERS: No, I am not prepared to report progress. We have to understand what the Bill is all about. It seems to have escaped the honourable member's attention that he is using this debate for other purposes. We are talking about resuming an area of land—taking over an area of land for the management of water supplies. That is our primary interest. It is for the protection of flora and fauna, and to protect the water supply.

I already have said that the Minister in another place and his officers have given consideration to proposals put forward by the Aboriginal community and, I am quite sure, by other groups as well. The honourable member said quite clearly that the public interest should be considered. The public interest is not just that of the Aboriginal community; it is of all the people of the area. When I say that the Minister in another place is prepared to use that land for certain purposes, I say again that the Aboriginal needs and the Aboriginal interests will be taken into account. No doubt, when the land is resumed for the purpose about which we are talking—the conservation of flora and fauna and the protection of the water supplies—due consideration will be given to how the land should be used for the public interest at the same time.

Our primary interest today is to consider the very purpose of this Bill—the protection of a very important water supply that will provide water for a large part of the Pilbara. Many people will rely on that for a long time to come.

The Minister and his officers have consulted with the people in the community, including the Aboriginal community, and they have considered their proposals. That is a better method than listening to some of the comments by officers of the Museum. I have some reservations about some of the things done by officers of the Museum.

The Minister has behaved in a proper way in going into the area and talking with the people—

The Hon. Peter Dowding: One man!

The Hon. G. E. MASTERS: The purpose of the Bill is quite clear, and the debate should follow those lines rather than be diverted along the sorts of lines that the Hon. Peter Dowding has been promoting for quite some time.

The Hon. PETER DOWDING: I can swap insults with the Minister at any time; but that is

not the purpose of this debate. I move an amendment—

Page 2, line 16—Insert after the passage “indigenous flora and fauna,” the word “Aborigines”.

In my view, the Minister has suggested quite wrongly that the Bill is concerned only with the reservation for the purpose of the water supply. Having made that comment, he then went on to read out the words “for the protection and preservation of the indigenous flora and fauna”. Quite clearly, ancillary interests are to be considered also. The preservation of flora and fauna is not necessarily consistent with the water supply.

We seek to insert this word so that it would be clear that the land would be used, not for the protection or preservation of Aborigines, but for the purposes of the Aborigines.

The Hon. N. E. Baxter: You do not say that in the amendment.

The Hon. PETER DOWDING: Of course that is covered. It says “for parks”. That is one matter for which the reservation is sought. “For the protection and preservation of the indigenous flora and fauna”—that is another issue for which reservation is sought. “For Aborigines”—that is another issue. The vesting of this land is the fourth issue.

We say that all those are relevant and competing interests for which the Bill ought to have regard. In other words, each cannot necessarily be placed higher or lower in the scale of importance. They are all matters for which the reservation ought to be achieved.

I am sorry that the Government chose not to introduce such an amendment. It could have done so without interfering with the proposal that the area should be reserved for the water supply.

The Minister should be aware of a regular interest in the whole area over the last few years. That area has related to Millstream Station and to the Aboriginal people. A number of representations have been made in relation to the acquisition of land for a small alcoholic rehabilitation centre; applications have been made for a section of this land for pastoral purposes; and requests have been made for sections of the area to be declared under the Aboriginal Heritage Act; but overall, which it appears the Minister and his Government are unable to understand, there has been an abiding interest from a spiritual, religious, and social point of view from the Aboriginal communities who traditionally occupy that area.

I know that it is now the practice of Liberal Party Ministers to criticise the Museum and its officers. That has come about since the Noonkanbah issue. However, any person who took an hour to research recorded history on the interest of the Aboriginal communities in the land comprising Millstream Station would know that it is a very strong, abiding interest; and it is not sufficient to say that it is met by an appropriation of this land for purposes only for the protection of flora and fauna, or for the purposes of parks. The Aboriginal people have a particular interest—a special interest—which goes beyond the interests of other residents of the Pilbara. I am not suggesting that the other residents do not have an important or deep interest; but the Aboriginal communities of the Roebourne, Wittenoom, and Onslow areas have a specific interest which is unique.

The tragedy is that this Government refuses to recognise either the uniqueness or the intensity of that interest. It simply considers it as something on which vague assurances should be given, such as the Minister has given in the debate.

The Hon. G. E. MASTERS: Quite clearly, when national parks, water reserves, and reserves of any kind are set aside, they are set aside for specific purposes; and the management of those reserves is worked out over a period of time. For example, it might not be considered that a national park, having been set aside, is suitable for certain development until it has been assessed and until the management has been established. Then it may be seen that some of these things may be changed.

I would not accept that the comments made by the Minister in another place are vague. If he gives an assurance that certain things will be done and consideration will be given, that is not vague. That is a very proper and responsible statement; and I am sure this Government or any other Government would live up to that statement.

The Hon. Peter Dowding: What assurances are you giving?

The Hon. G. E. MASTERS: When we set aside this area for the purposes set out in the Bill, the other community interests—and I emphasise “other community interests” and not just Aboriginal interests—will be taken into account as the management progresses. That is the proper course of action, rather than making any sort of commitment to a particular group, whoever they may be.

It would not be proper or right for us to support the suggested amendment. I am quite sure that the intent of the Bill as set out in the title is quite clear and specific. We should pursue that intent,

and work out the other management matters later.

The Hon. G. C. MacKINNON: Mr Chairman, before I say what I want to say, could I presume upon your indulgence to ask that in future debates of this nature you request Mr Dowding and the Minister with whom he happens to be having a private conversation to raise their voices earlier in the debate to include us? A number of us have a very real understanding of the problems of Millstream, and we would have liked to follow the conversation from its inception. We had some difficulty until the last 15 minutes when, we gather, the debate changed from the matter of Millstream's welfare to a debate which, more properly, should have been reserved for the Aboriginal Heritage Act administered by the Museum. By the way, I say that without meaning to be critical of you in any way. I know that, from where you sit, it is easy to believe that everybody in the Chamber can hear; but that is not so. I wonder whether we should not have meters in the back of the Chamber so that we aging gentlemen could have our hearing monitored.

The Hon. Peter Dowding: It is not often that I am accused of speaking too softly.

The Hon. G. C. MacKINNON: The Hon. Peter Dowding was speaking softly early in the debate. He was trying to be friendly.

The CHAIRMAN: Order! It is competent for any member in the Chamber to request to hear other members, if he is having difficulty. That is normally done. It is not a question of a ruling; perhaps it is a matter for me to request honourable members to make themselves heard, for the benefit of all members.

The Hon. G. C. MacKINNON: Thank you. I will remember that in future.

In order to display my total impartiality, I will make my first criticism of the Minister, on two matters. The first is that he is the Minister responsible to this Chamber with regard to this legislation; and nobody else is.

If the Government wishes to criticise the Museum or its officers in relation to its administrative duties under the Aboriginal Heritage Act, let it change the Act. The Museum administers the Act scrupulously, according to the law. I have had arguments with the Museum, but at least I have conducted them in private. The officers of the Museum handle the Aboriginal Heritage Act according to the dictates of this Parliament.

I think Mr Dowding's amendment does him no justice and does not even make sense, as he will appreciate if he reads it again. He must be fully aware that with proper control of the Millstream

area it can be enjoyed infinitely more by everyone of whatever race or creed, whether they be religious or irreligious. It is my understanding that the Aborigines, from the point of view of their heritage, have always been regarded as not being religious people, but that does not necessarily mean they do not have a deep regard for the land. I think most of us who stem from any sort of peasant stock feel that way about the land. We need to get our terms right in this environment.

The Hon. Peter Dowding: Of course it has relevance.

The Hon. G. C. MacKINNON: I know that with Mr Dowding's background he should be more aware of that than I am, but I do not think he is, strangely enough.

The mechanics of the care of the Millstream area have been well researched and catered for by the Public Works Department. Let us at least start to give some credence to the fact that the officers of the department involved in this exercise, and the Minister, are people with very real concern for the area. We all know that from personal experience.

Members should know that if we tap a water resource very efficiently for the betterment of the people who depend upon that resource, we can look after the surface of the land better than if it were left to nature.

The Hon. Peter Dowding: Looked after by whom?

The Hon. G. C. MacKINNON: Looked after by those who have the responsibility to do so. We all know that the water that runs down into any aquifer gradually sinks until it reaches bedrock or whatever, and if we draw from the surface we lower the water table; we lose our surface water lakes. But we ought to know that it is perfectly possible to draw water from great depths, and that if we draw twice the amount of water we need we will lower the water table, but we can then use half of it to irrigate the surface by whatever means we like and use the other half for those who require the water. In this case it will be for the people of places such as Cape Lambert, East Intercourse Island, Karratha, Wickham, and Point Samson. Is the Hon. Peter Dowding suggesting the people in those towns should not have potable water?

The Hon. Peter Dowding: The purpose of the resumption is in part for a water supply and in part for other reasons.

The Hon. G. C. MacKINNON: It is appreciated by those who have the responsibility to look after the area that it is only by the proper control for which they ask and proper management that

they can ensure that all those other things that are exciting the interest of the honourable member are properly looked after.

The Hon. Peter Dowding: Where is the guarantee of that, or even the mention of it?

The Hon. G. C. MacKINNON: The guarantee is found in the people involved. It would be exactly the same if there were to be a change of Government and the Hon. Peter Dowding took the place of Mr Andrew Mensaros and introduced a Bill. The guarantee is that he is a man of honour.

The Hon. Peter Dowding: You don't have to talk that sort of nonsense. If you agreed with that you would put it in the Bill.

The Hon. G. C. MacKINNON: How can we put that sort of thing in a Bill? Here is a member who wants to write the Aboriginal Heritage Act into this Bill.

The Hon. Peter Dowding: Rubbish!

The Hon. G. C. MacKINNON: What the member wants to do is rubbish. Clause 4(1) in part would read "and for parks and the protection and preservation of indigenous flora and fauna, Aborigines, and the vesting of those lands in Her Majesty".

The Hon. Peter Dowding: That is one of the purposes of the station.

The Hon. G. C. MacKINNON: For an Aboriginal's what—camp fire? It does not say anything. The member is asking us to insert the one word "Aborigines". Just a minute's consideration would make all members absolutely certain that by drawing water from a depth from an aquifer and using some of it for the purpose of the management of the controlled area and the rest for the water supply for the people of the area, the Aborigines would be infinitely better off.

The Hon. Peter Dowding: Don't you resume land for Aborigines in some Acts? Have you not yourself passed legislation to resume land for Aborigines?

The Hon. G. C. MacKINNON: I have authorised such resumption.

The Hon. Peter Dowding: That is the point I make.

The Hon. G. C. MacKINNON: But there is no need for this. We have an Aboriginal Heritage Act administered by the Museum which empowers the Museum to make determinations, something which the Museum has done to the great anguish of some Ministers. I have already chided the Minister who has responsibility for the Bill in this place about his comments on the Museum.

The Hon. Peter Dowding: About defenceless public servants.

The Hon. G. C. MacKINNON: I am now chiding the Hon. Peter Dowding. He is more deserving of being chided because he knows the Aboriginal Heritage Act looks after specific areas that Aborigines require to be looked after.

The Hon. Peter Dowding: It does not.

The Hon. G. C. MacKINNON: It does and it has in many cases, and we know that. I repeat: All the matters about which Mr Dowding is making all this fuss are well catered for.

The Hon. Peter Dowding: What is the guarantee of that?

The Hon. G. C. MacKINNON: When he starts to change the subject he should do so in a voice that can be heard by all members so that they know from the outset that he has changed tack. We are not signalled by flags on his masthead. When he speaks in a conciliatory, gentle, and lovable tone as he did, he can delude us into a state of peace and well-being, not realising he has changed tack. I reject his amendment.

The Hon. N. E. BAXTER: I am puzzled by the Hon. Peter Dowding's amendment and I have trouble trying to ascertain what he wants to do. I too had trouble hearing what he had to say. He appears to want to change the relevant part of Clause 4 (1) to read "for parks and the protection and preservation of indigenous flora and fauna and matters of Aboriginal concern", etc. However, all he has done is to move to insert the word "Aborigines". He seems to want to protect and preserve Aborigines.

The Hon. Peter Dowding: Don't be absurd. You are a grown up person.

The Hon. N. E. BAXTER: I am an adult but I cannot read into the amendment what the member really wants. He seems to want to protect and preserve Aborigines. They are not animals.

The Hon. J. M. Berinson: It will read, "and for Aborigines" just as it reads "and for the protection and preservation of indigenous flora and fauna".

The Hon. N. E. BAXTER: It will read, "for the protection and preservation of indigenous flora and fauna, and Aborigines". How are we to protect and preserve Aborigines? They are citizens of Australia and do not need to be preserved and protected.

The Hon. Peter Dowding: Have you just woken up to that?

The Hon. N. E. BAXTER: I think what the member is trying to do is to preserve and protect matters of concern to Aborigines. That is what he

seemed to intimate, although it was hard to understand what he was getting at. I think he was trying to protect and preserve things on the Millstream Station of concern to Aborigines, rather than the Aborigines themselves. Aborigines are citizens of this country and no-one need be concerned about them in that way; no-one need try to protect and preserve them.

Amendment put and a division taken with the following result—

Ayes 7	
Hon. J. M. Berinson	Hon. R. T. Leeson
Hon. Peter Dowding	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Garry Kelly	(Teller)
Noes 16	
Hon. N. E. Baxter	Hon. I. G. Medcalf
Hon. H. W. Gayfer	Hon. P. G. Pandal
Hon. Tom Knight	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. R. G. Pike
Hon. P. H. Lockyer	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. Neil McNeill	Hon. Margaret McAleer
	(Teller)
Pairs	
Ayes	Noes
Hon. Robert Hetherington	Hon. Neil Oliver
Hon. J. M. Brown	Hon. N. F. Moore
Hon. D. K. Dans	Hon. R. J. L. Williams

Amendment thus negatived.

Clause put and passed.

Clause 5: Acquisition of livestock and other property related to, and the operation of, Millstream Station—

The Hon. PETER DOWDING: I ask the Minister: What is the proposal in relation to the tavern?

The Hon. G. E. MASTERS: Clause 5 states that the Minister may acquire any livestock or other property, assets or rights related to the operation of any business or trading concern. If there is anything at all included in those terms, the Minister will acquire them.

The Hon. PETER DOWDING: I thank the Minister for his well researched response to my inquiry, but since he is in charge of the Bill, he would know there is a tavern at Millstream Station. I ask whether it is proposed that the Government carry on the trading of the tavern or shut it down.

The Hon. G. E. MASTERS: That will be a management decision made by the Public Works Department.

The Hon. J. M. Berinson: By the appropriate people at the appropriate time.

The Hon. G. E. MASTERS: The department will have to take into consideration all those matters as it must take account of the movement of people and traffic, and any other building or anything else which is an asset. It is a management consideration.

The Hon. PETER DOWDING: I ask the Minister specifically: Does the Government propose to take over the tavern or has it some other arrangement in relation to the tavern? Is it proposed that the tavern should keep on trading? No doubt the Attorney General will assist the Minister. Surely we are entitled to an answer.

The Hon. P. H. LOCKYER: The member has a good point. I am sure the Government will take the tavern into consideration. I would not like to see the tavern closed because as the place will be returned to its original state there will be no restriction on the number of tourists who may wish to visit Millstream Station. It is a long way between waterholes out there.

I would be disappointed if the tavern were closed because it is my intention to visit this charming place. I am sure the Government, in its wisdom, will take into consideration the leasing of the tavern or some such arrangement. This matter was discussed at great length before the tavern was approved—it was before I was a member of this place. The tavern serves a purpose.

The Hon. G. E. MASTERS: The main purpose of the Bill is to supply water. If the Government is to acquire assets, it will be a management decision. I do not know whether the Public Works Department has made a decision on this matter. I assure members that I will provide them with an answer at the third reading stage, if the Public Works Department has made a decision.

The Hon. PETER DOWDING: Would the Minister tell the Chamber, before this clause is passed, what are the trading concerns to be established or carried on, as mentioned in subclause (2)?

The Hon. G. E. MASTERS: This Bill is for a particular purpose: To acquire an area of land for the protection of water and for a water supply for the Pilbara. The Government is taking over all these assets and as a matter of responsibility will take over the land and the management of it. We are not discussing the management of the property at the moment, we are discussing the takeover of an area of land for the protection of water supplies. That is what this Bill is all about.

The Hon. PETER DOWDING: I am sorry the Minister misunderstood my question. I asked him to give us details of the assets that are proposed to

be acquired, apart from the land and the livestock.

The Hon. G. E. MASTERS: The livestock, plant, and assets which are established on the Millstream Station will be acquired, as well as the buildings and the like.

The Hon. PETER DOWDING: Can the Minister tell us what assets are proposed to be acquired other than the livestock, buildings, and the improvements on the property? Surely this Chamber is entitled to know the position and to know what assets are to be acquired.

The Hon. P. H. LOCKYER: I think the honourable member is nit-picking. He knows very well what assets are in the area: a tavern, a store, and some form of garage.

The Hon. J. M. Berinson: Thank you, Minister.

The Hon. Peter Dowding: It is lucky you are in this place because the Minister is at a complete loss.

The Hon. P. H. LOCKYER: Surely the member will not deny me my right to have a small say on this subject. I understand the member has been to the station?

The Hon. Peter Dowding: Regularly, particularly to the garage.

The Hon. P. H. LOCKYER: Surely he would know what is there. To the best of my knowledge there is a tavern, which doubles for a store, and garage; that is unless there has been a change in the last two and a half years.

The Hon. PETER DOWDING: I do not accept that I am nit-picking when I ask the Minister about the assets to be acquired.

The Hon. W. M. Piesse: The legislation does not say that, it says it "may".

The Hon. PETER DOWDING: Then, if it is to acquire—

The Hon. W. M. Piesse: It "may" acquire.

The Hon. PETER DOWDING: If the Hon. Win Piesse shares the Hon. Robert Pike's concern about the hand of creeping socialism she will no doubt be concerned about the people who are running a business on the property and in a building at Millstream Station, which this Government will acquire and for which she will vote. She should know, before legislation is passed, whether the Government will take over the trading, or permit the business to carry on. If she likes to pass legislation without that knowledge that is a matter for her.

I would have thought that members in this place would be entitled to that information before being called upon to pass such legislation.

The Hon. W. M. PIESSE: I am finding this matter very tedious as no doubt other members are. When I have visited Millstream Station the business Mr Dowding speaks of—the tavern, and the type of store and the garage there—were run by the people listed in the schedule. When I was there all those businesses were run by the Kennedy family. Perhaps they have changed hands since then, but I doubt that is the case. As far as I am aware they are still in the hands of the Kennedy family, and no doubt the Government discussed this matter with the Kennedy family before this Bill was written.

Clause put and passed.

Schedule put and passed.

Title put and passed.

### *Report*

Bill reported, without amendment, and the report adopted.

## JUSTICES AMENDMENT BILL

### *Second Reading*

Debate resumed from 16 September.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [9.26 p.m.]: The purpose of this Bill is to reduce the time after which certain records of Courts of Petty Sessions may be destroyed.

The Bill is in line generally with recommendations of the Law Reform Commission and in a sense is a second instalment of the legislation already passed through the Parliament for the destruction of records of the Local Courts.

However, there is one relatively small difference between the provisions of the Bill and the recommendations of the commission in that the Bill does not adopt the commission's view set out as No. 8 in its summary of recommendations on page 23 of the report. That recommendation states—

A Clerk of Courts, on his own motion or on the application of a complainant, defendant or other interested person should be able to order that the record be preserved for a further period of one year. It should be possible to review the preservation order annually.

The point of this recommendation might appear to be covered by the Attorney General's assurance in the course of his second reading speech when he said—

It is only proposed to destroy matters which have been completed and not those few

matters that are outstanding—for example, committal proceedings, incomplete because defendant has absconded—or where warrants remain unpaid.

The problem is that the Bill does not seem to reflect the Attorney General's intention in that respect. This arises through the terms of proposed new section 235 which, leaving out irrelevant words, states: "... a court record (a) which is a charge sheet may be destroyed after the expiration of 55 years or; (b) which is not a charge sheet may be destroyed after the expiration of 15 years from the time when it became such a court record."

So far as the sheet is concerned there appears to be no problem because the definition of "charge sheet" brings within it the determination of the complaint. In any event, the risk after 53 years, which is the period applicable to the charge sheet, would seem to make the question too remote to be of concern. But as I understand it, the position is different in respect of court records other than charge sheets. A court record is defined in the existing section 233 of the Act as follows—

"court record" means official record of any proceedings in any Court of Petty Sessions and includes any document filed in the Court, or in the custody of the Court, in relation to the proceedings.

The proposed new section 235 says that such court records may be destroyed 15 years from the time when they became such a court record. That reads to me as a provision which relates to the institution of proceedings rather than to the completion of proceedings, which is apparently the Attorney General's intention. In all these cases we are dealing only with the exceptional instance. Very few cases have any life left after 15 years. However, the fact that there have been such cases explains the choice by the Law Reform Commission of the period of 15 years as the minimum for which these documents should be kept. I ask the Attorney to indicate where I am wrong in my understanding of this matter or alternatively to say whether he might be prepared to look again at it.

With those reservations, the Opposition supports the Bill.

**THE HON. P. G. PENDAL** (South-East Metropolitan) [9.33 p.m.]: I support the Bill, but I want to take the opportunity to raise several questions with the Attorney General and in doing so, to sound a note of caution about the Bill and its ultimate effects on the State Archives. The Attorney's second reading speech makes it quite

clear that the destruction of the records after 15 years is largely a matter relating to the administration of justice in this State. By the same token, the Attorney rightly acknowledges that here we are dealing not only with the administration of justice, but also with the value that these records can and do have to the State Archives.

In the years leading up to the State's sesquicentenary celebrations, a large number of people throughout Western Australia were encouraged to take some interest in their family heritage, and to take steps to trace their family roots. That was commendable and it was done by a great number of people. Many of those who took advantage of that invitation had access to records which themselves were up to 150 years old. I am concerned that this Bill, like legislation enacted about a year or two ago, mitigates against the long-term preservation of a lot of valuable records, once we put a mere 15-year time limit on their retention. The situation may well arise where the State Archives, after studying records at the end of the 15-year period, may decide that those in box "A" have no archival value or any long-term historical significance and can be destroyed. History being what it is, it may be 40 years before the true historical value of the records becomes apparent. That was certainly the case with individuals and organisations who carried out research up to and including the year of the sesquicentenary.

I accept that a competing interest exists here. An enormous volume of records has been gathered over many years by courts of law, and in this case the Courts of Petty Sessions. On one hand we need to get rid of a lot of it which is not needed in the future. On the other hand there exists the competing interest of bona fide research. One has to draw the line somewhere for the sake of economy. Ideally, we should follow the practice in other countries—parts of Europe, for example—where the records are not thrown out, or if they are, they are microfilmed or fed into computers so that the information is kept. I also accept—and this is implicit in what the Attorney said, although I have made my own inquiries—that there has long been a fairly close liaison between the various State Government departments and the State Archives whereby the departments are required to submit to the archivist a list of any records proposed to be destroyed.

The Attorney General referred in his speech to the fact that the destruction of records does not affect the archival requirements of the Library Board of Western Australia Act, and consequently action still can be taken under that Act to

ensure that records of archival value from Courts of Petty Sessions are retained. I take that to be a reference to clause 3 of the Bill. That clause contains proposed section 233A. It says—

This Part shall not be construed so as to derogate in any way from the Library Board of Western Australia Act 1951.

The Government has been sensitive to the State's long-term archival needs; I am not arguing on that point. But it would seem to set a rather unhealthy precedent to put the onus on the State Archivist to make decisions merely 15 years after the date of the offence or the charge sheet. The State Archivist is not in a position to preserve all the records. If she were, we would not need this legislation, because we could have a provision in the Library Board of Western Australia Act which said that any public document must go to the State Archivist and not be destroyed.

An economic consideration is implicit in this and I acknowledge its validity; that is, that because of the volume of material, we would need enormous warehouses and an army of clerical officers to process and catalogue documents if we were to keep them forever. But many of the researches of the last five years relied on documents which are a century and a half old and many of these researches may not have been possible if this legislation had been enacted by an earlier Parliament.

The Hon. J. M. Berinson: The documents have been allowed to be destroyed for the last 53 years anyway.

The Hon. P. G. PENDAL: I appreciate that and the reference in that context to microfilming.

The Hon. J. M. Berinson: The range of petty sessions cases which could conceivably be of historical interest must be very narrow.

The Hon. P. G. PENDAL: In one respect that is the point I am making, and I disagree with the deputy leader of the Opposition. It may well be that the archivist in looking at a 15-year-old document decides on his best judgment that it has no significance at that time and that it is most unlikely it will have any historical significance later. I accept what the Hon. Joe Berinson says on that point. The likelihood therefore is that 99 per cent of the material will be rubbish and not worth preserving. But 50 or 100 years later, 10 per cent or 15 per cent of documents may become of historic interest because time has passed. We may well be able to quote a case of someone whose biography is being researched 50 years from now and where the charge sheets and other petty sessions material become relevant at that time only because his biography is being written. If that were the case, these records would be lost.

The Hon. J. M. Berinson: You will know he was up for drunk driving.

The Hon. P. G. PENDAL: In carrying out research for various people prior to the sesquicentenary celebrations I found that the criminal records relating to people 150 years ago admittedly dealt with fairly unimportant charges. Nevertheless, these documents often led one to other more important areas of research. I am trying not to make too much of the fact that we have a mountain of paper work that is all ultimately going to become historically unimportant.

Indeed, I know from experience that most of it will not be of any long-term significance. However, unfortunately it seems that the economic circumstances and other valid considerations may well mean that we are throwing out the chaff with the wheat. In future it may well be the wheat component, but that is not known to the archivists at the moment. Without taking my analogy too far, the chaff may become recognised as the wheat only with the passage of time. It may be that the subject of a biography which will be written in 50 years' time is not seen as important 15 years from now.

I acknowledge that the Bill the Attorney General has brought to the House essentially relates more directly to the administration of justice. However, it was the Attorney General himself who introduced—and in my view quite correctly introduced—the other element of the Bill; that is, the value of these records to archivists of the State. It may be that the Attorney ought to convey that sort of concern to the appropriate authorities in order that perhaps in the long term they can come up with some practical solution to the question I raise here.

With those remarks I support the Bill.

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

## ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.46 p.m.]: I move—

That the House at its rising adjourn until 2.15 p.m. on Tuesday, 28 September.

Question put and passed.

*House adjourned at 9.47 p.m.*

# QUESTIONS ON NOTICE

## EDUCATION: DEPARTMENT

### *Internal Audit*

484. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) In the context of comments under a heading of "Internal Audit" on page 10 of the 1981 annual report, what was the exact nature of the circumstances which arose in the internal audit section's operating areas which demanded a complete restructuring of the internal audit?
- (2) What form did that restructuring take?

The Hon. R. G. PIKE replied:

- (1) Auditing responsibilities of the internal audit section increased significantly between 1968 and 1980 in terms of the number of schools requiring audit and the inclusion of regional offices, resource centres, hostels and education supplies into the audit programme, and with increased involvement in the auditing of computerised staffing and salaries systems.
- (2) A new position of clerk-in-charge was created at a more senior classification level and the duty statements of other internal audit staff changed to reflect greater emphasis on systems audit procedures rather than detailed checking activities.

The Hon. D. K. Dans: That should be the next instalment of, "Yes Minister".

## EDUCATION: TEACHERS

### *Salaries: Overpayment*

485. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) What has been the extent of recorded overpayment on teachers' salaries for each year of the period 1979-80 to 1981-82 inclusive?
- (2) In respect of each figure in (1), what has been the amount recovered?

The Hon. R. G. PIKE replied:

- (1) The outstanding balance of overpaid salaries for all categories of staff of the department at the following dates were—

	\$
30 June 1980	147 154
30 June 1981	161 471
30 June 1982	215 324

- (2) Recoveries of overpaid salaries during the following financial years were—

	\$
1979-80	125 091
1980-81	113 716
1981-82	125 312

## WOMEN'S INTERESTS

### *Women's Advisory Council*

486. The Hon. LYLA ELLIOTT, to the Leader of the House representing the Premier:

- (1) Is the Premier aware—
  - (a) that WA now has only one representative on the national Women's Advisory Council instead of two; and
  - (b) that the remaining representative resides in the north-west and is therefore inaccessible to the majority of WA women?
- (2) If so, has the Premier approached the Federal Government to reinstate the second position on the council to ensure WA women are adequately represented?
- (3) If not, will the Premier give an assurance to do so?

The Hon. I. G. MEDCALF replied:

- (1) (a) Yes, although no official advice has been received from Canberra to the effect that one of the Western Australian retiring members on the council will not be replaced;
- (b) this is incorrect as the representative is in Perth every few weeks and is easily accessible by phone.
- (2) Representation has been made at the Federal level by the present and past WA members of the council to retain the two positions on the Women's Advisory Council.
- (3) Not applicable.

## RAILWAYS: STATION

### *Perth*

487. The Hon P. G. PENDAL, to the Minister for Cultural Affairs:

I refer to my question 460 answered by the Minister representing the Minister for Transport in this House on Thursday, 16 September 1982, and ask—

In view of the Minister for Transport's comments that Westrail officers would be prepared to discuss proposals involving the use of the vacant area on the first floor of the City Railway Station, will the Minister initiate discussions to see whether the crafts council of Western Australia and other culturally-oriented groups might be accommodated in the premises?

The Hon. R. G. PIKE replied:

The Arts Council of Western Australia has been asked to initiate these discussions with regard to the crafts council of Western Australia and any other culturally-oriented groups that may be interested in the use of this area.

#### STATE FINANCE: CONSOLIDATED REVENUE FUND

##### *Education Department: Schools Commission*

488. The Hon D. K. DANS, to the Leader of the House representing the Treasurer:

I refer the Treasurer to page 2 of his news release of 6 July 1982 which accompanied his Statement of Consolidated Revenue Fund transactions for 1981-82, and ask—

- (1) What were the circumstances through which the Schools Commission funding for 1981-82 was \$4.7 million above estimate?
- (2) In providing his reply to (1) above, will the Treasurer give details of those programmes for which Schools Commission revenue was above estimate?
- (3) For the programmes referred to in (2), what had been the Treasury estimate of commission funding for 1981-82?
- (4) For those same programmes, what in fact was the funding received from the commission for 1981-82?

The Hon. I. G. MEDCALF replied:

- (1) The additional funds became available as a result of two developments during the year—

- (i) An increase in the level of funding provided by the commission to take account of the final 1982 calendar year programme allocations was determined after the State Budget was framed. The final figures were \$2.3 million in total above the Budget estimate.

- (ii) Initially the Commonwealth proposed to reduce the level of funding for Schools Commission programmes by \$2.4 million in the event that matching funds were not provided by the States for the schools-to-work transition programme. Several States, including Western Australia, challenged this unilateral decision by the Commonwealth on the grounds that we should not have to provide additional matching funds for programmes the State was already financing. At the time the estimates were completed, the Commonwealth had not acceded to our view and the \$2.4 million was not included in the Estimates.

However, in the course of the year the Commonwealth accepted the States' arguments in this matter and waived the matching requirements thereby making the \$2.4 million available.

- (2) to (4) The detailed information on individual programmes will take some time to compile and will require close liaison with the Education Department. I will arrange for the member to be supplied with this information when it is available.

#### HOUSING: RENTAL

##### *Main Roads Department*

489. The Hon. ROBERT HETHERINGTON, to the Minister for Labour and Industry representing the Minister for Transport:

- (1) How many houses—rental stock—are at present held by the Main Roads Department?
- (2) What is—
  - (a) the range of rentals charged by the Main Roads Department; and
  - (b) the average rental charged?
- (3) What priority is given to low-income families in the allocation of houses through the Main Roads Department?

The Hon. G. E. MASTERS replied:

- (1) 286.
- (2) (a) \$12 to \$80 a week;  
(b) \$50 a week approximately.
- (3) Rents are fixed on an economic basis and tenants selected on their overall suitability for the particular house. No advantage or disadvantage occurs only because the prospective tenant is on a low income, though ability to pay must be a factor considered.

## EDUCATION: DEPARTMENT

### *Budget: Expenditure*

490. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) Will the Minister provide details to account for the statement on page 9, column 2 of the 1981 annual report that protest action by teachers and parents during July-August 1981 "did not prevent financial reductions in real terms"?
- (2) Under the education division, what was the CRF expenditure figure for 1981-82?

The Hon. R. G. PIKE replied:

- (1) The more important economy measures introduced in the department during 1981-82 were listed by the Premier and Treasurer in the Budget speech for that year in the following terms—

The text-book subsidy which is at present paid to parents of all secondary students regardless of their means will cease in 1982. However, an amount of \$200 000 has been allocated to extend the present scheme of assistance to needy families.

Where appropriate, the level of non-teaching support staff will be reduced to comply with standard provisions. This will be accomplished largely through wastage and transfer or through the effluxion of time.

The in-term swimming classes for primary children will continue but economies will be effected by changing the method of payment to a common flat rate and by reducing the length of the programme.

Funding of the driver-education programme in schools will be ter-

minated. Alternative programmes are being developed.

The Claremont Technical College, which currently provides mainly art courses, is to be closed and the students and permanent staff relocated at other colleges within the technical education system where similar courses are conducted. (The savings proposed by this measure were ultimately effected by other rearrangements in art courses throughout the division.)

The Budget will require the Education Department to exercise tight control over staffing levels; to pay close attention to expenditure on non-salary items such as electricity, travel, telephone, stocks and stationery; and to curtail one-day relief for primary teachers.

(2) \$480 337 865.

## HOUSING: EMERGENT

### *South-east Region*

491. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Housing:

- (1) How many families are listed as "emergent" with the south-east region office of the State Housing Commission?
- (2) What is the present waiting period for families so listed?

The Hon. R. G. PIKE replied:

- (1) Commonwealth State rental housing scheme 62  
Aboriginal housing scheme 3
- (2) Commonwealth State rental housing scheme: About six weeks depending on accommodation size and willingness of the applicant to accept whatever accommodation the commission can provide.  
Aboriginal housing scheme: Up to eight weeks.

## EDUCATION: NON-GOVERNMENT SCHOOLS

### *New Registrations*

492. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

Further to question 431 of Tuesday, 14 September 1982—

- (1) How much State Government funding has been received by the

Faith Christian Academy and the Hedland Christian Academy since their commencement in February?

- (2) Will the Minister confirm that up to the time he supplied his answer to question 431 above, neither school had yet been in receipt of any Commonwealth Schools Commission funding?
- (3) If "Yes" to (2), why should it be easier to obtain State Government funding than Commonwealth funding?

The Hon. R. G. PIKE replied:

- (1) Faith Christian Academy—\$24 332. Hedland Christian Academy *per capita* payments for 1982 have been approved but the school would not yet have received the cheque.
- (2) The State Education Department does not keep records of Commonwealth Schools Commission payments made to non-Government schools. Information obtained from the local office of the Schools Commission indicates that payment of Commonwealth *per capita* grants to the Faith Christian Academy was authorised on 6 September. Advice concerning the Hedland Christian Academy is that documentation required by the commission has not been received from the school authorities and no payment can be made until this condition is met.
- (3) Because both schools opened in 1982 and had to prove efficiency prior to any payments being made from State and Commonwealth sources, funding arrangements are different from those applying to establish schools. For new schools the State payment usually is received first.

#### HOUSING: RENTAL

##### *Applicants: Number*

493. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Housing:

How many applications for rental accommodation were made to the State Housing Commission—

- (a) between 1 January and 31 December 1981; and  
(b) between 1 January and 31 August 1982?

The Hon. R. G. PIKE replied:

	Commonwealth/State Rental Housing Scheme	Aboriginal Housing Scheme
(a)	11 715	1 014
(b)	7 934	856

#### HOUSING: RENTAL

##### *Stock*

494. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Housing:

What is the current rental stock held by the State Housing Commission?

The Hon. R. G. PIKE replied:  
28 201.

#### HOUSING: UNITS

##### *Availability*

495. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Housing:

How many units in each category were made available by the State Housing Commission—

- (a) in 1981; and  
(b) to date in 1982?

The Hon. R. G. PIKE replied:

The State Housing Commission has assisted the following number of rental applicants—

	Commonwealth/State Rental Housing Scheme			Aboriginal Housing Scheme		
	Relet Occu- pations	New Occu- pations	Total	Relet Occup.	New Occup.	Total
(a) In 1981	5 292	413	5 705	308	91	399
(b) To date in 1982	2 772	338	3 110	189	94	283

#### HOUSING

##### *Regional Offices*

496. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Housing:

Bearing in mind the increase in number of applicants for State Housing Commission accommodation, can the Minister advise what provision has been made

to increase the staff of the State Housing regional offices?

The Hon. R. G. PIKE replied:

The reception and handling of applications for housing assistance is one of a number of tasks within a regional housing office.

The State Housing Commission regularly reviews its staff requirements and has a programme of introducing modern technology not only to meet added workloads but also to relieve staff of some of these tasks.

#### HOUSING: MORTGAGE ASSESSMENT AND RELIEF COMMITTEE

##### *Assistance Provided*

497. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Housing:

- (1) Can the Minister advise how much money has the mortgage assessment and relief committee been allocated for mortgage relief?
- (2) Is the same committee also to administer the rental relief programme for money allocated by the Commonwealth?
- (3) If "No" to (2), how is the fund to be administered?

The Hon. R. G. PIKE replied:

- (1) \$2 million of concessional interest funds to be mixed with lending institutions higher interest money was allocated when the mortgage assessment and relief committee was set up in August 1981 and a further \$1 million was allotted from the 1982-83 allocation of concessional interest funds.

Further funds will be available on a matching basis from the Commonwealth when its legislation is passed with regard to the proposed mortgage and rent relief scheme.

- (2) No.
- (3) Arrangements for the administration have yet to be finalised.

#### TOURISM

##### *Wittenoom*

498. The Hon. PETER DOWDING, to the Leader of the House representing the Minister for Tourism:

- (1) Who prepared—
  - (a) the design;
  - (b) the copy; and
  - (c) the artwork;

for the prospectus entitled *Investment Opportunity. Development of the New Wittenoom Tourist Complex*?

- (2) Was any public relations consultant involved in the preparation and printing or production?

- (3) If so, who, and for what fee?

The Hon. I. G. MEDCALF replied:

- (1) (a) Parkes Clemenger Pty. Ltd.;  
(b) Department of Tourism;  
(c) Parkes Clemenger Pty. Ltd.
- (2) No.
- (3) Not applicable.

#### TOURISM

##### *Wittenoom*

499. The Hon. PETER DOWDING, to the Leader of the House representing the Minister for Tourism:

How many persons or companies indicated an interest in developing the plan as proposed in the prospectus *Investment Opportunity. Development of the New Wittenoom Tourist Complex*?

The Hon. I. G. MEDCALF replied:

Three.

#### PASTORAL LEASES

##### *Area*

500. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Lands:

How many hectares of pastoral lease are there currently in Western Australia?

The Hon. G. E. MASTERS replied:

93 185 049 hectares.

#### PASTORAL LEASES

##### *Area*

501. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Community Welfare:

How many hectares of pastoral lease are held by the Aboriginal Lands Trust on behalf of Aboriginal communities?

The Hon. R. G. PIKE replied:

1 564 251 hectares.

# NEWSPAPER LIBEL AND REGISTRATION ACT

## Registrations

502. The Hon. PETER DOWDING, to the Attorney-General:

- (1) How many newspapers are registered under the Newspaper Libel and Registration Act?
- (2) How many persons or companies have been warned in respect of a failure to register under the Newspaper Libel and Registration Act?
- (3) How many persons or companies have been warned in respect of a failure to carry the endorsement on a newspaper as required by the Newspaper Libel and Registration Act?

The Hon. I. G. MEDCALF replied:

- (1) Eight
- (2) This information is not readily available. It would be necessary to go back through all the records from 1884 to provide the information.
- (3) Apart from that recently given by the Under Secretary for Law to *The Kimberley Echo*, I am not aware of any such warnings having been given. Again, the information requested could be obtained only by a time-consuming examination of old records.

# EVIDENCE ACT

## Camera: Microfilm

503. The Hon. PETER DOWDING, to the Attorney-General:

Has the Attorney General certified a microfilm camera for the purposes of the Evidence Act, and if so, what camera, or what class of camera, and upon what date?

The Hon. I. G. MEDCALF replied:

No cameras have been certified.

# EDUCATION: CORRESPONDENCE SCHOOL OF WA

## Publication

504. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Education:

I refer to his answer to question 475 of Thursday, 16 September 1982, and ask—

- (1) What action was taken by the department upon receiving the complaint?
- (2) Was any contact initiated between the department and the WA Museum or any Aboriginal community group or individual seeking advice before the publication of the item in issue?
- (3) If not, why not?
- (4) Was any contact initiated by the department with the Museum after receiving the complaint, and if so, what contact and what information was sought or request made?
- (5) Has the department received any material from the WA Museum since the complaint, and if so, what has been received and what advice has the department received from the WA Museum?
- (6) What action, if any, has been taken to withdraw the issues of the publication published and sent to Aboriginal areas?
- (7) If none, why not?
- (8) Have any copies of the publication which were dispatched prior to the complaint not been returned to the department?
- (9) If so, what action has been taken by the department to ensure that these copies are not disseminated further?

The Hon. R. G. PIKE replied:

- (1) The Education Department received a letter of complaint on 4 August 1982 and subsequently a letter from the WA Museum advising that a portion of the material in a social studies book could give offence to some people.

- (2) and (3) The officer responsible for the drafting of these publications compiled them after reference to reputable sources and believed that this was sufficient for the purpose.
  - (4) The Education Department has had no further contact with the WA Museum because there has been no dispute about the validity of the complaint.
  - (5) Answered by (1) above.
  - (6) to (9) The further distribution of the materials has been suspended. An investigation is proceeding to ascertain whether it is feasible to attempt to recall the books concerned. It should be remembered that the materials are not durable; they are issued to many transient students and the study of the topic would have been completed in March this year.
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