Legislative Council

Wednesday, 18 August 1982

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

POLICE: FIREARMS

Legislation: Petition

On motions by the Hon. Lyla Elliott, the following petition bearing the signatures of 294 persons was received, read, and ordered to lie on the Table of the House—

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia:

BELIEVING

(1) That there are inadequacies in the present legislation governing the sale and ownership of firearms.

(2) That any change to this legislation to enable easier access to firearms will result in—

(a) an increase in violent crime; and

(b) greater destruction of our native fauna from irresponsible elements in the community.

(3) That the proliferation of other lethal weapons such as crossbows is becoming increasingly dangerous to the community.

CALL ON THE GOVERNMENT TO

(1) Review and strengthen present legislation in line with the Dixon recommendations.

(2) Resist any call by the gun lobby to weaken firearm controls.

(3) Take urgent action to restrict the sale and ownership of crossbows and ban homemade ones.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 345.)

QUESTIONS

Questions were taken at this stage.

LOTTERIES (CONTROL) AMENDMENT BILL (No. 2)

Introduction and First Reading

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

ROAD TRAFFIC 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) [4.53 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to remove from the Road Traffic Act the specified fees in relation to vehicle licence transfers and motor drivers' licences. It is Treasury policy to have specified fees removed from Statutes and contained in regulations to allow for budgetary projections to take effect. The legislation is to take effect upon proclamation to allow amending regulations to be prepared and permit fees presently specified in the Road Traffic Act to be charged until that proclamation date.

Section 19 of the Road Traffic Act will be amended to allow for the vehicle transfer fee to be prescribed in the road traffic (licensing) regulations. Part II of the second schedule, where this fee is presently located, will be repealed. The fee for a motor driver's licence is to be contained in the road traffic (driver's licence) regulations and, for this purpose, an amendment is required to sections 47 and 52 of the Act, and part IV of the second schedule of the Act, where the specified fee for a motor driver's licence will be repealed.

The immediate effect of this legislation will be an increase in vehicle licence transfer fees to $5 and motor drivers' licence fees to $11. The Government has already given notice of this increase. This Bill will facilitate the implementation of Budget decisions whenever the fee for a vehicle licence transfer or a motor driver's licence is altered in the future.

I commend the Bill to the House.

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

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY AMENDMENT 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) [4.56 p.m.]: I move—

That the Bill be now read a second time.

On 17 June this year the Government announced its decision relating to the provision of education facilities in the eastern goldfields region and outlined the establishment of the Kalgoorlie College and changes to the WA School of Mines.

The School of Mines will remain a part of WAIT, but its status will be enhanced through the creation of a board of management which will give it the status of a branch of WAIT. The board will have an appropriately broad-based membership and a significant degree of independence in the management of the school. In addition, its responsibilities will include resource allocation and staffing of the school and advising the WAIT council on all mining-related courses provided by WAIT regardless of where they are taught.

This Bill is aimed at amending the existing WAIT legislation in order to provide a framework within which the School of Mines board, and the board of any other branch which may also be created within WAIT, may perform its functions adequately.

Briefly, the Bill extends the provisions of the WAIT Act to WAIT branches and specifies continuation of the School of Mines as a branch of WAIT; obligation for WAIT council to gazette the establishment of such branches; the functions of the board of such branches, with an emphasis on increased status for branches; and the membership of the board, which is to comprise 14 people, eight of whom being appointed by the Minister, drawn from a wide variety of areas, including the branch.

The above provisions are reinforced by provisions which specify that the board of any branch shall have one of its members on the WAIT council and that reports on its operations, submitted by WAIT to the Minister, shall incorporate reports made by branch boards to the institute.

In addition, the Bill includes a further amendment to the principal Act. The amendment, which relates to the appointment or election of members to the WAIT council, is not directly relevant to the provisions relating to branches of the institute, but it is desirable to include it, particularly as the new division 2A of the Act will include a corresponding provision with respect to a board.

I commend the Bill to the House.

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

LOCAL GOVERNMENT AMENDMENT BILL (No. 3)

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) [5.00 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes two amendments which generally reflect the Government's policy of maintaining an ongoing review of the need for municipal councils to obtain approvals under the Local Government Act and updating provisions as required.

The first amendment is to authorise a council to lease land by private treaty to sporting organisations and State Government agencies without the need to seek approval.

Members will recall that the principal Act was amended last year to permit councils financially to assist sporting organisations with the provision of sporting and recreation facilities. This Bill now proposes a further amendment to allow councils to lease land by private treaty to sporting organisations without approval.

It is considered that councils' power to lease land should be similarly extended to transactions with State Government agencies and the Bill also proposes such an amendment.

The second amendment relates to loans raised by councils for works to be carried out by State Government agencies. Many approvals have been obtained for loans raised by councils for agencies, such as the State Energy Commission, for extension or upgrading of electricity undertakings, and the Public Works Department, for sewerage works within the municipal districts of the councils concerned.

It is proposed to authorise a council to raise such loans without the need to seek approval where the relevant State Government agency has

undertaken to recoup the council for the cost of servicing the loan.

In addition, the Bill updates two areas which have been subject to review. Under the Act, at present, a council may sell various assets for which it has no further use and where the asset to be sold is entered in the council's inventory at a value of less than $500, the council may sell it by private treaty.

Due to changes in money values, the $500 limit has become unrealistic and it is considered that the amount should be prescribed by regulation, as proposed in the Bill, to allow more flexibility in maintaining an appropriate figure.

Members will recall that the electoral provisions of the Act were repealed and re-enacted last year and applied for the first time at the annual elections held on 1 May 1982. Although the legislation operated effectively when put to the test and generally was well accepted, as a result of that practical experience, several amendments of a tidying-up nature have become necessary and are included in the Bill.

The Bill proposes also to correct a minor anomaly in the provisions of the Act relating to parking control.

I commend the Bill to the House.

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

MOTOR VEHICLE DEALERS AMENDMENT BILL (No. 2)

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) [5.03 p.m.]: I move—

That the Bill be now read a second time.

On the merger of the Road Traffic Authority with the Police Department by Act No. 106 of 1981, the reference to "any authorised officer of the Road Traffic Authority" was deleted from the Motor Vehicle Dealers Act. In addition, reference to "authorised officer" was deleted from section 27 of the Act.

Within the framework of the Road Traffic Authority there existed a used car dealers' section, staffed by members of the Public Service who policed the Motor Vehicle Dealers Act and motor vehicle dealers (sales) regulations, under the authority of being "an authorised officer of the Road Traffic Authority".

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.

By virtue of the amendments referred to earlier, this power was taken from these people although it had never been the intention to divert that power. This Bill therefore restores the power previously conferred on those persons who are engaged to control used car saleyards.

A minor amendment to correct a grammatical error in section 25 also has been included.

I commend the Bill to the House.

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

WESTERN AUSTRALIAN MARINE BILL

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), and returned to the Assembly with an amendment.

BUILDING SOCIETIES AMENDMENT BILL

Second Reading

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [5.06 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to allow permanent building societies to have access to an offshore line of credit to replenish their liquidity funds during periods of heavy withdrawals by investors in abnormal economic conditions.

At present the Building Societies Act precludes building societies borrowing moneys other than in Australian currency, and it is not the intention of this amendment to enable building societies to borrow funds from overseas sources to make conventional housing loans.

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

However, with the recent changes in the financial markets, the increased scale of interest rate volatility likely to continue into the foreseeable future, the increased competition from the favoured cash management trusts and the Australian savings bond, and de-regulation of bank interest rates, it is logical for building

societies to seek a wider range from which to make standby arrangements.

It is possible that domestic standby facilities could not provide the scale of last resort support necessary for a large society when withdrawal demands are extremely high. Therefore, this amendment, with the Treasurer's approval, will allow arrangements to be completed to arrange a line of credit offshore.

In giving his approval, the Treasurer is empowered to set terms and conditions for a limited amount of funds for a set term as to time and he may revoke his approval at any time.

It is intended that the approval will be given only when a satisfactory currency hedge facility has been arranged to avoid any loss resulting from the foreign exchange exposure should the stand-by facility be activated.

The Treasurer would need to be satisfied that the society seeking approval would have the financial stability, and the ability to meet the terms of borrowing, and that the nominal term of repayment of both principal and interest did not exceed two years. He would also need to ascertain that the total proposed borrowing was no greater than 15 per cent of a society's withdrawable funds.

The building societies advisory committee recommends the amendment.

I commend the Bill to the House.

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

ACT AMENDMENT (AGRICULTURAL PRODUCTS) AND REPEAL BILL

Second Reading

Debate resumed from 10 August.

THE HON. J. M. BROWN (South-East) [5.09 p.m.]: This amending legislation has a twofold purpose, the first of which is to seek to amend the Agricultural Products Act. In the interpretation section of the Act, "agricultural products" are defined as follows—

> "agricultural products" or "products" means and includes agricultural, farm, orchard, garden and dairy products and in particular, and without limiting the foregoing, fruit trees and fruit vines;

The word "citrus" is defined as follows—

> "citrus" includes oranges, mandarins, lemons and grapefruit;

Finally, "stone-fruit" is defined in the following terms—

> "stone-fruit" means apricots, peaches, plums and nectarines.

It is that section the legislation seeks to amend.

The Bill also provides for descriptions and dimensions of fruit and vegetable containers to be prescribed under the Act. Further, it will be necessary for such containers to be identified with the name of the grower and the area in which the product was grown.

A coding system is to be introduced, and the proposed amendments to the Act will give the Minister power to do certain things. I refer members to a description of the coding system which is contained in clause 4(b) and (c) of the Bill. I believe this is a progressive measure which will streamline the operations of the industry.

Clause 8 of the Bill contains new section 3F which defines the powers of the Minister in the following terms—

> 3F. (1) For the purposes of this Act the Minister may formulate codes providing for the grading, marking and packing of agricultural products.

It is worthy of note that an amendment has been placed on the notice paper to insert after the word "grading" the word "sizing"; I fully understand the reason for the proposed amendment. Proposed new section 3F continues—

> (2) The Minister may in a code formulated under subsection (1) of this section specify the package, or kind of package to be used in relation to an agricultural product.
>
> (3) A code formulated under this section may be amended or repealed by the Minister and may be made so as to—

Various conditions then are laid down. Another amendment has been placed on the notice paper by the Hon. V. J. Ferry to amend proposed new section 3F(3)(e) by adding after the word "materials" the words "and such modifications". My interpretation of that amendment is that it is to facilitate the future use of modern technology in the packaging and container field. At this stage, in a spirit of co-operation, I suggest that that amendment is quite favourable.

It is important to note that proposed new section 3F(4) reads as follows—

> (4) A code formulated under this section and any amendment or repeal thereof shall be published in the *Government Gazette*.

That is one of the main provisions of the Bill that we are discussing.

There is also a need to update penalties in line with the present monetary situation. No-one

would have any objection to the upgrading of the penalties. We have fallen into the habit that when we have legislation before us, we update the penalties under it. No doubt that will continue to happen.

By a provision inserted into the Agricultural Products Act in 1974, section 2A(1) provides—

> 2A. (1) The Governor may, under and in accordance with the provisions of the Public Service Act, 1904, appoint such number of inspectors and other officers as he considers necessary for carrying into effect the provisions of this Act.

That is a perfectly normal provision. However, the Bill before us seeks to amend section 4 by inserting the following subclause—

> (4g) An inspector may, with the approval of the Permanent Head or a person authorized by the Permanent Head in that behalf, revoke any detention notice given under this section and upon the revocation being so authorized the inspector shall remove the detention notice from the agricultural products or package of agricultural products as the case requires.

That indicates clearly that an inspector may, with the approval of the permanent head, do what is set out. This gives a tremendous amount of power to an inspector. I do not deny that an inspector has a responsibility to carry out his job; but it appears that there would be no control over the actions of an overzealous inspector.

I prepared my comments on this Bill before I received the "Notices and Orders of the Day" for today. I note that a further amendment proposed by the Hon. V. J. Ferry deals with the sort of thing about which I am talking. That amendment relates to clause 9 of the Bill by substituting the following subsection—

> (4) Where pursuant to subsection (2) of this section an inspector takes possession of and detains any package or lot he shall—
>
> (a) serve on the owner a notice in the prescribed form (in this section called a "detention notice") informing the owner that the agricultural products in the package or lot do not conform to the provisions of this Act and that the agricultural products are detained subject to this section;

The Hon. V. J. Ferry proposes to insert further words after the word "notice"; and I will read the clause as proposed to be amended so that members of the House can understand the way it would read. It would provide—

> (4) Where pursuant to subsection (2) of this section an inspector takes possession of and detains any package or lot he shall—
>
> (a) serve on the owner a notice in the prescribed form (in this section called a "detention notice") which notice shall contain in succinct terms the reason for the detaining of any package or lot . . .

I can see a similarity between the question I was going to raise about the unilateral powers available to the inspectors and the apprehension that is probably felt by the Hon. V. J. Ferry about those powers. Therefore, I issue a word of caution in this regard. The power that the Government is giving to an inspector could be very great—

The Hon. G. E. Masters: It says, "The inspector may, with the approval of the permanent head"; so I would read that as the fact that he requires the approval.

The Hon. J. M. BROWN: That is right. If the inspector did not want to withdraw his notice, he would not have to talk to anybody, let alone the permanent head. The provision reads—

> An inspector may, with the approval of the Permanent Head or a person authorized by the permanent Head in that behalf, revoke any detention notice . . .

It does not provide that he shall do that. That is a very important point to consider when reading the Bill.

We have had exactly this problem on previous occasions. Legislation has been brought forward, and we have not realised the power we have been giving to certain sections of the community. As I say, by this Bill we are giving specific powers to an inspector. He can act in an uninhibited manner in his role as an inspector and not be subject to the scrutiny that we should exercise as members of the Parliament. I do not believe that the clause provides a sufficient safeguard for the growers or the consumers, because the inspectors will have unilateral powers laid down by the legislation.

This matter has been drawn to my attention by the amendment on the notice paper which suggests that an inspector shall provide a notice which shall contain in succinct terms the reason for the detention of any package or lot. That expresses exactly the feeling I have about what could happen with an overzealous inspector.

We support the legislation and the streamlining that is taking place; but it should be considered in the light of my observations. The way I see it, the power that the inspectors will have will be too wide. I look forward to the Minister's remarks before I pursue the matter further in the

Committee stage. No doubt the Minister will want to discuss this with the relevant officers; and no doubt other members who feel the way I do will want to discuss it further with their colleagues. I see certain dangers in the powers of the inspectors, and I cannot say that I appreciate exactly what the Bill is designed to do.

The final purpose of the Bill is to repeal the Fruit Cases Act. That Act should bring happy memories for many members. Its long title reads as follows—

> AN ACT to regulate the Size and Description of Cases used in the Sale and Export of Fruit, and for purposes incidental thereto.

When the Act is repealed, the Agricultural Products Act will cover the material formerly contained in the Fruit Cases Act.

I hasten to add that the Agricultural Products Act does not apply to the descriptions and definitions of containers for export products. They come under a different Act altogether.

Another matter I would like to raise in relation to the Agricultural Products Act is the number of committees covered by the Act. We have the apple sales committee, which is known as the apple sales advisory committee, with eight members; the citrus sales committee, also known as the citrus sales advisory committee, with six members; and the stone fruit sales committee, known as the stone fruit advisory sales committee. I notice also that the second reading speech refers to the fruit and vegetable industry advisory committee, which is made up of representatives of all sections of the fruit and vegetable industries, which have played an important part in the drawing up of the amending Bill. It seems there could be an overlapping of the various committees.

I have not seen any reference to the fruit and vegetable industry advisory committee in the Bill. The only ones I saw were the three committees I mentioned earlier. Can the Minister tell me the composition of the fruit and vegetable industry advisory committee? It may have been introduced in previous amending legislation. I remember that the Carnarvon growers were seeking representation on a committee, but I am not too sure whether they sought that representation on the committee to which I refer. Perhaps the Minister will cover those points when he replies to the second reading debate.

I indicate the support of the Opposition for the amending legislation.

THE HON. V. J. FERRY (South-West) [5.26 p.m.]: I intend to support the Bill, although it will be apparent to all members that I propose to move three amendments during the course of the Committee stage. I am grateful to the Hon. J. M. Brown for supporting the proposals on the notice paper. That shows he has taken a very keen interest in the industry. He tends to give a lot of thought to the Bills he handles, and it is no accident that he has taken the trouble on this occasion to look at the provisions of the Bill before the House.

We are now coupling the vegetable industry with the fruit industry; both are extremely sensitive industries. I guess it is in the nature of most agricultural industries that the people engaged in the various activities associated with them are sensitive to anything affecting their industry. It is well known to members that the fruit industry is a fragile industry. In bygone days, the fruit industry was reasonably robust; but in more recent years it has had some very real setbacks.

The main problem, as is common with a number of rural industries, is that of marketing—getting rid of the product once it is produced. Because of that, the Commonwealth and the States have been engaged in trying to reduce some of the orchards in the State so that those remaining and some of the new ones will be viable. That sort of scheme has its critics and weaknesses. Be that as it may, it is the system at present.

Before dealing with the main provisions of the Bill, I want to refer to the clause which repeals the Fruit Cases Act. That Act may seem to be a trivial piece of legislation, but I assure the House that that was not the case in 1919. It would be of considerable interest to our friend, the Hon. Norman Baxter, that it was his father who, as a Minister without portfolio, introduced the Fruit Cases Bill in this House on 30 September 1919.

At the time, considerable animated debate took place and an indication of the importance of the measure we are dismissing with perhaps just one or two lines now is that not less than 13 members contributed to the second reading of the 1919 Bill and, not satisfied with that, it was resolved that the Bill be referred to a Select Committee for further examination. Following the Select Committee's examination of the Bill the legislation was finally agreed to.

The importance of the Act has been referred to by the Hon. J. M. Brown. Among other things it ensured that the purchasers of fruit packed in cases got a fair deal. The timber used for the cases was in the habit of shrinking if it had been cut and manufactured in a green state; by the

time the timber dried out it had shrunk considerably and consumers were disadvantaged because considerable discrepancies occurred in the size of fruit cases. In addition there was the ever-present problem of protecting the industry from diseases in the trees and the fruit itself. Therefore used fruit cases were not allowed to be sold for fear of transmitting an infection in the case to other fruit-growing areas.

I can relate very quickly a personal experience I had as a teenager. My father used to grow all sorts of things on his rural property in the lower Great Southern; he grew fruit of all descriptions, grain and chaff, and raised dairy cows, beef cattle, and sheep. He even bagged salt he collected from the salt lakes nearby and sold it for stock purposes. He had a sound knowledge of agricultural practices as did all the people in the area; this was necessary because they depended on the money they earned from the sale of their produce.

I was returning from the Perth metropolitan area one school holiday break with the forlorn hope that I could take a heap of school books home with me to study during the holidays; a foolish thought. I arrived at the Perth railway station having shared a taxi with four other students and bundled my box of books onto the platform. I was promptly told by the very alert and vigilant railway employees that the used fruit box containing my books was prohibited from being carried south. There I was with a bundle of school books to get on the old puffing billy steam engine which was about to leave the station that very minute. Fortunately those very helpful railway employees found another container for me into which I bundled my books, leaving the old fruit box at the station. I related this experience to my father on reaching home only to have him say to me, "You silly young blighter; don't you know that you will never be any good in the agricultural game unless you know something about the Fruit Cases Act?"

The Hon. H. W. Gayfer: That was a typical remark to make to a banker.

The Hon. V. J. FERRY: I soon learnt.

I make the plea to the Minister that he ask the Minister responsible for the Bill in the other place to have the Act reprinted in its entirety. People in the industry find it necessary to be able to read it and understand it, but the number of amendments made over the years has made it very difficult to follow them through from one end to the other. It is important that the Act be reprinted in its entirety because of its new importance to both the vegetable and fruit-growing industries.

It is my understanding that the cost of the inspectors employed to supervise the industry has been borne in part by the fruit-growing industry trust fund. I would like the Minister to indicate later how many fruit and vegetable inspectors are employed by the department. I understand it has been possible to interchange the various inspectors to carry out the different duties. I would like the Minister to indicate also what contribution to the costs involved is met by the trust fund.

I understand that in recent times one or two of these inspectors have been used to educate the fruit and vegetable retailers in the presentation of their products to ensure that customers are attracted and sales made. Now that a new code is to be introduced to ensure that packages indicate certain qualities of fruit, will these inspectorial services continue to be provided to help in the promotion of these goods? Again, I would be grateful if the Minister would indicate whether this change of philosophy means the inspectorial services will not be required and the reliance will be on the coding emanating from these amendments.

The Hon. J. M. Brown referred also to the clause in the Bill covering the size of the product; the code provides for the grading, marking and packaging of agricultural products. I believe specific reference should be made to the size of the product. Grading is one thing but it does not necessarily refer to the size of the product, and this being so I have placed an amendment on the notice paper to correct this oversight. I commend it as a real proposition and I am glad the Hon. J. M. Brown supports it. If it covers an omission, it is a very important omission; if the legislation is to work in a practical sense it needs to have this area spelt out in more detail.

Similarly it is proposed that the Minister may approve of materials to be used for containers if he considers them consistent with the objectives of the new code. There is nothing wrong with the Minister approving the use of certain materials except that some may need to be modified, creating a necessity to use a combination of materials. In asking that the Minister be allowed to approve a combination of materials I am thinking of the welfare of the people engaged in the industry, the primary producers themselves. It is in their interests to have this leeway provided so they can get their produce to whatever market they patronise.

Again in the interests of the producers, bearing in mind that all industries are subject to all sorts of costs these days and any industry that can reduce its costs has a better chance to make a reasonable profit, I suggest to the Minister it

would be prudent if we gave serious consideration to the codes covering packages and containers, as a change is to be made to the different packaging systems and codes. I believe many of the existing packages and bins, call them what we may, can be used for a long time yet before they need to be replaced by this proposed system of coding. I certainly hope this is the case and that latitude will be given to growers in the industry so they may continue to use those existing containers if they are in a reasonable condition and come close to complying with the proposed code. I trust my plea will be considered so that the industry will incur less cost during the changeover period. I have in mind particularly the returnable bins, which can last quite a long time.

One provision in the Bill states that a person shall not sell any products by way of retail sale unless the products are crated and marked in accordance with the relevant code. I commend the principle behind that move but I add a word of caution that some retailers may be reluctant to sell certain lines of fruit or vegetables should they be extremely perishable. They could deteriorate rapidly, perhaps because of climatic conditions, to a state where they fell below the standards indicated. There needs to be an educational period for the producers and the retailers to ensure that what is to be done with all the best will in the world does not in fact work in reverse. If the code is too strictly enforced it could work to the detriment of the fruit and vegetable industries.

On page 6 of the Bill provision is made for an inspector to serve on the owner of produce a detention notice in the prescribed form indicating that the goods are not up to the standard provided for in the Bill. There is nothing wrong with that, but I believe the Bill does not go far enough. If I were a fruit grower and had a case of fruit rejected and a detention notice placed on it I would want to know, and quickly, why that notice had been served. I may have a whole truckload of goods that could be affected and I would not wish to incur any further expense should I be told they were not up to standard unless I was supplied with reasons for the detention notice being served. I ask the Minister to give strong consideration to my request that a detention notice should contain in succinct terms the reason for the detention of any package or lot of a person's produce.

This is a desirable thing. It is a practical request because anyone can put a ticket on a carton and say it does not meet the required standard and it could be left for a couple of days with others and the fruit could rot. That is not good enough because a whole range of goods could be in a similar situation.

If a grower, or a wholesaler knows the reason for the detention, he has some chance of taking corrective action. I suggest that this matter needs to be looked at, and I would appreciate members supporting me on this.

I thank members for allowing me to put forward my views on this issue. The fruit and vegetable industry in this State is a fragile one which needs all the care we can give it to make it work in an efficient and practical way without too much interference from bureaucracy.

THE HON. W. M. PIESSE (Lower Central) [5.46 p.m.]: I support the Bill, and as I was born and bred on an orchard I feel I must have a few bars on this matter. I wish to raise three points. The first is the matter of coding. I am somewhat disturbed about the coding we seem to be moving towards at the present time. We seem to be moving towards the day when the consumer will have little opportunity of knowing what she—it is usually she—is purchasing.

I am referring to the coding we see on goods, the coding which has lines which are meant to indicate certain things. We are told that if we look up the code we will find out where the produce was canned and grown, or who made it. Personally, I would much rather read that in the straightforward writing that we had in the olden days. I have to admit that I am old-fashioned, and in those days we knew exactly what we were purchasing. I wonder if this coding will provide as much information as the old-fashioned writing did.

In the past the information provided the variety of fruit, the amount of apples, pears, or whatever in the case, and the size of the fruit. It advised also whether it was a 3-3 pack or a 3-4 pack. That was very helpful not only to the consumer, but also to the merchant who is between the grower and the consumer. I wonder if this new coding will be as readily recognisable as that in the past. I would like to be assured.

Mr Ferry raised the matter of advice as to why a consignment of fruit is detained. Section 4A of the Act states—

> The inspector shall serve on the owner a notice in the prescribed form in this section with a detention notice.

I wonder whether it will be obligatory that a reason be given with the detention notice. I would be surprised if a further amendment is necessary. Perhaps when replying the Minister will be able to describe to us specifically what is the prescribed form of detention.

It is a long time since I have seen such a form. The last one I saw was in Victoria during the

dreaded codlin moth plague. I must confess the moth was not in the same street of roguery as the dreaded fruit fly. Perhaps further amendments to the legislation are necessary if the prescribed form already shows the date that the fruit was inspected, the name of the inspector, and the reason that the fruit was rejected or detained.

The final matter relates to penalties. As I said, I have grown up in the fruit industry and I know that one of the main things is the protection of our quality in these lines.

The upgrading of the penalties for endeavouring to sell locally or to export low grade fruit is a good move because those actions are detrimental to the industry. I support the rise in penalties and, indeed, in some instances I wonder if they are high enough.

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

CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) AMENDMENT BILL

Second Reading

Debate resumed from 10 August.

THE HON. R. T. LEESON (South-East) [5.51 p.m.]: The Opposition supports this small but very important Bill. The Act has been in operation for 20 years and, as the Minister stated in his second reading speech, has enabled compensation to be paid to the banana industry several times in that period.

From the reports we have received from the northern part of this State we know of the horrific consequences of cyclones and the havoc and distress they cause; so naturally we know the work of this Act.

It is interesting to note the ballot that was taken to decide whether or not to retain this legislation. Fifty-one growers voted for the legislation and 20 against it. The Minister in his second reading speech said that of 143 growers, 71 voted. Apparently 72 did not vote at all.

While we know there is no possibility of having 100 per cent ballots in any industry, as an outsider I am a little disappointed at the number of people who attended this meeting to vote for the scheme. I wonder whether this means there is something wrong with the scheme as it exists, because when a Bill such as this is introduced into the House we do not receive much information from the Government or the Minister introducing it. The Minister usually outlines some of the basics and in this case, with an industry which is 600 miles from Perth, we can do nothing other than go along with the Minister.

The Hon. D. J. Wordsworth: It is not a very good argument for one-man-one-vote.

The Hon. R. T. LEESON: I wonder whether some of these growers might prefer to take out private insurance for their crops or whether they might wish to look at some other way of seeking compensation if anything should happen to their crops.

Under this scheme the contributors provide two-thirds and the Government one-third of the funds. I would have thought this is the type of scheme for which a producer would opt. I have simply raised those points which were doubts in my mind. Maybe a speaker or two who follow me may make a politically motivated speech and may want to help the Minister by asking some questions.

THE HON. P. H. LOCKYER (Lower North) [5.56 p.m.]: I have not prepared a politically motivated speech but I may be able to answer some of the queries of the Hon. Ron Leeson. I will do my best.

The point the honourable member made about only 71 growers voting in respect of this legislation is valid.

All is not right, as far as the growers are concerned, with the Carnarvon Banana Industry (Compensation Trust Fund) Act. I was somewhat surprised that the proposition was carried at the meeting, even though I supported it.

Whilst the fee of 20c per 16-kilo carton of bananas might not seem a substantial amount, when growers send 200 or 300 cartons of bananas a week, it is not a small amount. Some people think they could put this money aside and carry their own insurance. I would like to make it clear that it is not possible to take out private insurance for crop damage because of the high risk involved.

This brings me to another point: The trust fund at the present time has in it $690 000. This may seem a considerable sum; however, one fairly insignificant cyclone can very swiftly take up that amount.

This is the point the growers had to take into consideration when they voted for the retention of the scheme. Extra State funds are often needed when there is a disaster. In 1980 when the Gascoyne flooded a considerable amount of damage was done and Federal funds were required to offset the cost of repairs.

I implore the Minister concerned not to wait another seven years to find out what the growers want in this particular area. We should continue

to work with the organisations so that we have a fund which is satisfactory to everyone. While the fund may look good on the surface, some planters in the industry in Carnarvon do not think it is satisfactory. I put it to the House and the Minister concerned that was the reason that they did not attend the meeting which was held to conduct the ballot. Whilst I support the scheme, we must keep up to date with the compensation role in respect of the industry.

Sitting suspended from 6.00 to 7.30 p.m.

THE HON. N. F. MOORE (Lower North) [7.30 p.m.]: I would like to indicate very briefly my support for this legislation and for the decision made by the growers in Carnarvon to continue to contribute to this compensation fund. That was a good decision, and we must bear in mind that the growers themselves decided whether they wanted to remain part of the compensation fund.

I share the Hon. Phil Lockyer's concern about some of the problems that exist in relation to this fund, although, for the time being I believe that the decision made was a good one.

Any members who have been here for some time are familiar with the subject of banana growing in Carnarvon. My former colleague, the Hon. George Berry, spoke at great length about damming the Gascoyne River, as did many of his predecessors. I looked at some of the older *Hansards* and I found that in 1965 the Hon. Neil McNeill spoke on a motion moved by the Labor Party that the Gascoyne River should be dammed immediately. In that circumstance we must be careful about the spelling of that word "dammed"!

The water scheme provided in Carnarvon by the current Government has placed the industry in a fairly sound position as far as its water supply is concerned. Probably sufficient water is available at the present time if the seasons produce the usual amount of rain. However, the water supply would not be sufficient in the case of a severe drought.

The situation now is that we have come to the end of the possible expansion of the Gascoyne River area for the growing of vegetables and bananas at Carnarvon. The Public Works Department has conducted research into the possibility of increasing the water supply and the issue of the dam is still under consideration. The problem is the high capital cost of providing the water if we spend the money required to build the dam at the present time.

The Government has not made a decision to expand the scheme, because of the amount of capital involved. We all recall C. Y. O'Connor's great vision when he said, "Damn the cost", or words to that effect. He was referring to the construction of the pipeline to supply water for Kalgoorlie. The goldfields scheme was an expensive project but the resulting economic benefits far outweigh the initial cost.

The situation in Carnarvon is similar to that in Kalgoorlie when the Perth-Kalgoorlie pipeline was first considered. The potential development in Carnarvon is great indeed, and it will be only a lack of vision or a lack of the determination to take the risk and spend the money that will hold back the area. I hope the Government will have similar foresight to that employed by people like C. Y. O'Connor and will give serious consideration to the expansion of the Carnarvon water supply scheme.

THE HON. D. J. WORDSWORTH (South) [7.34 p.m.]: I would like the Minister to ascertain the manner in which compensation is paid when the Federal Government's provision for disaster relief is triggered. The Federal Government provides certain money: I think if $2 million worth of damage has occurred through disaster in the State during a 12-month period. I am sure other members would be keen to know whether these banana compensation funds are assisted by funds from the Commonwealth and, if the Federal disaster relief fund is triggered, whether less money is required from the growers' fund to make up the total compensation. If this does not happen, it is hardly fair to the growers in the area. They are not being encouraged to provide insurance against their own disasters.

I admire the way in which the growers in Carnarvon have joined together to provide their own insurance, and I believe this should happen in many other fields, rather than calling upon the Government to provide assistance whenever there is a slight abnormality in weather or other conditions.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [7.36 p.m.]: I thank members for their support of the Bill. On this occasion the Minister has made a decision, his recommendation has been put before the Cabinet, and an amendment to the Act has been introduced in this House. It is quite clear of course that a major disaster which could affect or even destroy the banana industry could occur in Carnarvon at any time. The possibility of such a disaster was the reason for the establishment of this fund.

The fund has given the industry in Carnarvon a degree of stability and it may be that, as there has

not been a major disaster for a few years, some growers would be prepared to take the risk rather than to make some form of contribution. If the State Government is making a major financial input to the fund, there is probably no better option to take as far as insurance is concerned. As I have said, perhaps some growers would take the risk, but growers who were interested in this matter would have attended the meeting to which the Hon. Phil Lockyer and the Hon. Norman Moore referred. The people who attended the meeting were, in the main, the growers who had large financial investments in their plantations. The Minister can make his decision only on the result of the public meeting, and it is fair enough for the Minister to assume that the growers who did not attend the meeting were not as involved financially as those who did. So although only a small number of people attended the meeting and cast a vote, I believe the Minister made the right decision.

The Hon. P. H. Lockyer: We never queried the Minister's decision.

The Hon. G. E. MASTERS: No, but I was explaining the position in which he was placed.

The Hon. P. H. Lockyer: I understand.

The Hon. G. E. MASTERS: The Minister made the right decision, a decision which is in the interests of the banana industry in Carnarvon.

Mr Wordsworth raised an interesting point when he said that the State Government made a fairly large financial input into the industry by way of contribution to the fund. In my second reading speech I said that the growers' contribution to the fund in 1981 was $109 242, while the Treasury's contribution was $54 621. So the State Government is certainly involved.

I am not sure to what extent Commonwealth funding is involved, but I suggest, rather than delay the Bill at this stage, we proceed to the Committee stage. I will ascertain the information for the member and I will inform the House on this point during the third reading stage.

With those comments, I thank members for their support.

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.

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 10 August.

THE HON. J. M. BROWN (South-East) [7.41 p.m.]: This is the second Bill introduced this session to amend the Western Australian Meat Industry Authority Act. The first amending Bill was introduced to this Parliament in the earlier part of this session, on 11 May 1982. That Bill provided for the regularisation of the branding of carcases for the local market, and subsequent amendments provide for the way in which that function is to be carried out.

The Hon. David Wordsworth contributed to the debate on the earlier measure, and his comments were significant. He referred to the way in which the inspectors determined whether an animal was lamb or hogget by the condition of its teeth. This placed a responsibility on the authority.

Of equal importance were the honourable member's comments on the meat industry and in particular he referred to the difference between grain-fed cattle and milk-fed cattle, a subject which has been debated in another place.

The Bill before us today is to amend the section of the Act relating to the appointment of inspectors. It is interesting to note the Minister's comments where he said, during his second reading speech—

> Currently the Lamb Marketing Board employs some inspectors of its own and utilises local government health surveyors to carry out lamb grading and brand supervision at smaller country abattoirs. Neither the Lamb Marketing Board's own inspectors nor the local government health surveyors are employed under the Public Service Act 1978.

The Act refers to an officer employed in a department as set out in the Public Service Act of 1978. This Bill will remove the words "who are officers" from section 64G(1) which states—

> The Minister may appoint persons who are officers to be inspectors for the purpose of this Act.

The amendment is worthy of support. At present the officers are carrying out a function which they are not authorised to do.

It is also worthy of note that, on 11 May in another place, a warning was presented to the Government to the effect that difficulties might be encountered and it was necessary that we should be aware of the activities of the WA Lamb

Marketing Board. That warning has been borne out, as can be seen by the introduction of this Bill.

The comments made by the Hon. David Wordsworth as to the actions necessary to ensure the industry prospers are worthy of consideration also.

I refer members again, in the first instance, to lamb and hogget and, in the second instance, to grain-fed cattle as opposed to milk-fed cattle. I am aware the proposed amendment is a minor one which will rectify a matter which was overlooked in the past. We trust that in future only minor amendments will be necessary to ensure the efficient operation of the WA Lamb Marketing Board, which provides an important service to the agricultural industry in general, and to the people of our State in particular.

We support the legislation.

THE HON. D. J. WORDSWORTH (South) [7.46 p.m.]: I thank the Hon. Jim Brown for mentioning a previous speech I made on this subject when I referred to the inaccuracies in the grading system which was envisaged. The position certainly does not seem to have improved since then.

I ask the Minister to tell the House the position in relation to the single inspection of livestock at the point of killing. It would appear that, when this legislation was framed originally, the Minister thought a single inspection situation would exist and the inspectors would all be Government servants. Of course, that has not occurred and we still have shire officers carrying out inspections in many of our abattoirs. This is a very controversial subject in the rural community.

I doubt very much whether the savings which are anticipated will eventuate if we do in fact achieve a single inspection system. However, other States are moving towards that and the producer organisations which are concerned about the subject see it as a major part of their platform and one which will have to be dealt with extensively in the near future when an election is due.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [7.48 p.m.]: I thank members for their support of the Bill. The amendment before the House is very simple and seeks to rectify something which has become accepted practice, but which has not been covered by the Act.

The Hon. David Wordsworth asked a question which clearly does not relate to the Bill. However, bearing in mind his great interest and the interest of members generally in these matters, and also the involvement of rural communities, I shall obtain an answer and provide it at the third reading stage. Therefore, I ask that the debate proceed at this stage.

The Hon. D. J. Wordsworth: An answer at that stage would be satisfactory.

The Hon. G. E. MASTERS: I believe I should obtain the advice of the Minister in this regard, because I do not know how far this matter has proceeded, even though it is not relevant to 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.

CONSUMER AFFAIRS AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 17 August.

THE HON. J. M. BROWN (South-East) [7.51 p.m.]: It is significant to note that the necessity for the amendment this Bill seeks to make was brought about by a case in the Eastern States between the Parramatta City Council and Shaddock with respect to negligent advice concerning road widening proposals, given to a prospective purchaser of land by an officer of the council. The case resulted in an unfavourable judgment against the council.

Section 25 of the Consumer Affairs Act covers quite extensively the protection provided to a commissioner or officer of the bureau. It reads as follows—

> A member of the Committee, the Commissioner and any officer of the Bureau is not personally liable, and the Crown in right of the State is not liable, for any act done or default made or statement issued by the Commissioner or an officer of the Bureau in good faith in the course of the operations of the Bureau.

As a result of the decision in the case to which I have just referred, it was decided the provisions of section 25 should be strengthened further. Therefore, the Government decided to repeal section 25 of the Act and insert a new section which will read as follows—

> 25. A member of the Committee, the Commissioner and any officer of the Bureau is not personally liable, and the Crown in right of the State is not liable, for any—

(a) act done;
(b) statement issued;
(c) advice, assistance or information given;
(d) default or omission made,

by the Committee, the Commissioner, or an officer of the Bureau in good faith in the course of the operations of the Committtee or of the Bureau.

It is important to note that paragraphs (a) and (b) appear in the existing section which the Bill seeks to repeal and that paragraphs (c) and (d) are to be inserted in the new section.

Members of the public place a great deal of faith in officers holding positions of this nature and, with the best of intentions, these officers usually endeavour to offer good advice. This is the case in Government departments and other areas; therefore, it may be necessary for the Government to strengthen further other Acts of Parliament as well as the Consumer Affairs Act.

I am sure the Minister would be well aware of the good intentions with which local government officers give advice to ratepayers or intending ratepayers. It seems to me this matter opens up a Pandora's box of problems.

Not long ago the Attorney General advised members of their responsibilities when giving advice to electors, and it is clear we in this place must be careful when, in good faith and with the best of intentions, we offer assistance to constitutents.

In this case a judgment was brought down in New South Wales and, as a result, the legislation in this State is being strenghtened in order that a similar situation does not occur here. Over the years I have had extensive dealings with public servants and I have found them to be extremely co-operative. This applies also to people in all walks of life. If one approaches someone for advice on a particular matter, one usually finds that person anxious to help. Therefore, whether an officer works for private industry or for the Government, it is important that he receives the protection we are seeking to insert in the Consumer Affairs Act.

We do not quarrel with the Bill, and we support the amendments contained in it. The Minister's advisers have probably suggested that paragraphs (c) and (d) be inserted in the legislation in order that a loophole does not exist. The only problem I see in the future is that other Acts of Parliament may need to be amended in this way also.

We support the Bill.

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [7.58 p.m.]: I thank the honourable member for his support of the Bill. I take congnizance of the comments he has made, particularly in regard to local government in Western Australia which does a marvellous job on a voluntary basis. This is a matter which the Government may need to look at in order that protection may be offered in other areas, bearing in mind the High Court determination in the Shaddock case.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Robert Hetherington) in the Chair; the Hon. R. G. Pike (Chief Secretary) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 25 repealed and substituted—

The Hon. PETER DOWDING: In respect of the indemnity and privilege given to the Crown to be immune from suit of any description, can the Minister tell us whether this has occurred in any other piece of legislation and what is the justification for the Crown, as opposed to other officers, being excluded?

The Hon. R. G. PIKE: I am not personally aware whether this indemnity is provided in other Acts of Parliament. The good faith of public servants in this State is manifest to all, including the Hon. Peter Dowding, and I think it is a reasonable action to take to provide these services continually for which the taxpayers eventually have to pay.

The Hon. PETER DOWDING: I appreciate that the Minister did not understand my question. I was not asking why one should keep public servants immune from suit. It may follow that they should be immune if they are acting in good faith, but I asked him why it applies in this legislation to the Crown and why in other pieces of legislation the Crown is subject to suit. Why should there be any difference?

The Hon. R. G. PIKE: I thought I answered the question. In so far as Western Australia is concerned, this is the first piece of legislation of this nature, and to the best of my knowledge the case is the first in which it applies.

The Hon. PETER DOWDING: I appreciate the Minister answered that question, but why is it that the Crown in relation to this matter has that protection and does not in relation to others?

The Hon. R. G. PIKE: Under this Act of Parliament the Crown provides a free public

service. In the judgment of the Government it is not unreasonable—this point was made by the Hon. Jim Brown—in regard to consumer affairs that this privilege, protection, indemnity or immunity, as the member made reference to it, should be so spelt out.

The Hon. A. A. LEWIS: The Minister is confusing me. I understand from his answers to the Hon. Peter Dowding that we are to protect public servants who give free advice. We who are paid to give advice are not protected. This provision is to get at one section of the community, the business section, which may have given advice on the sale of goods. I am worried about this provision. I wonder whether this may be another instance of the Hon. Peter Dowding hitting on something he can intelligently talk about and question. It is very rare—especially in light of his performance last night—that I see the Hon. Peter Dowding hitting on such a thing. I am worried now, so the Minister has real problems.

I want to know why the Crown is exempted and whether we are to extend this provision to other departments, such as the Department of Labour and Industry, which give free advice. It worries me because I think we will get more bureaucracy than we have bargained for.

The Hon. R. G. PIKE: In answer to the Hon. Sandy Lewis, it is quite clear this amendment provides privilege and exemption from the law to an officer of the Bureau of Consumer Affairs in cases of his having given advice. It is likewise clear that when the Act was enacted section 25, as was pointed out by the Hon. Jim Brown, sought to give that protection. Crown Law and the Minister in charge of the bureau have determined subsequently that the provision is not extensive enough, particularly in light of the case determined by the High Court of Australia. If members are not familiar with that case, I can inform them it dealt with the giving of advice over the telephone by a local authority officer. He gave incorrect advice about a town planning designation of an area of his shire. This involved the ratepayer in considerable expense, and the High Court held that the advice had been given incorrectly.

The Hon. Peter Dowding: Who was the action against?

The Hon. R. G. PIKE: It related to an Eastern States local authotity, the name of which I am not aware.

The Hon. Peter Dowding: Was it against the officer?

The Hon. R. G. PIKE: As I understand, the action was against the officer. I understand the point made by the Hon. Sandy Lewis. He repeated the point made by the Hon. Peter Dowding and asked why the Crown is exempted in regard to the Bureau of Consumer Affairs or an officer of that bureau. The answer is that the Government has decided to extend the exemption which exists in section 25 of the Act. Far be it from me to indicate what the Government intends to do about the portfolio of the Hon. Gordon Masters, or any other portfolio. The matter is not before me and is not one on which the Government has made a determination. It seems to me in view of the High Court decision that pressure will be put on the Minister for Local Government to amend the Local Government Act to provide protection to local government officers. I am getting to the point of repeating the fact and the explanation that the protection will be provided by an action of the Government to protect the Bureau of Consumer Affairs. If honourable members do not think the protection should be so provided no further explanation will fill the bill; members simply should vote against the clause.

The Hon. A. A. Lewis: We might have to do that.

The Hon. D. J. WORDSWORTH: It would appear the Bureau of Consumer Affairs has seen a difficulty that could face anyone, and particularly local authorities. It has decided to cover itself and leave the rest to look after themselves. Why is the bureau suddenly so concerned about the whole thing—it is just one body that gives advice? As members of Parliament we are left at risk in the advice we give, as are Government bodies. These provisions almost admit a weakness in this direction. The Chamber should obtain advice on this whole matter.

The Hon. I. G. MEDCALF: It is appropriate I remind members that in answer to a request by some members I made a statement a few weeks ago to the effect that members of Parliament who give advice may find that certain risks are attendant upon that giving of advice as a result of the decision in the case to which reference was made. The case related to an officer of a local authority in New South Wales who simply gave some advice in relation to a town planning matter. He gave the advice over the telephone, but it was the wrong advice and the authority was held liable.

The Hon. Peter Dowding: It was as to whether there was any plan covering an area.

The Hon. I. G. MEDCALF: That is right; it was a town planning zoning matter. A developer

wanted to construct a building on a site and inquired about its zoning. He was told no zoning restrictions applied, which was incorrect and resulted in misleading the developer. Giving information is dangerous, and therefore it is most necessary for public servants to give accurate advice. A problem arises in relation to some Government servants more than in relation to others. For example, officers of the Titles Office should not give advice and officers of the Local Government Department should be extremely careful about advice given. Indeed, they should not give verbal advice over the telephone because they do not know to whom they are talking and may find, if the advice is inaccurate, they are committing the department in some way.

Lawyers constantly ask questions of various local authorities and Government departments. They want to know whether certain zoning restrictions apply and whether rates have been paid and so on. The proper practice, which I understand is now followed by State Government departments, is not to answer these inquiries unless they are in the form of a formal request for information, and the answers to such requests to check carefully to ensure against the liability to which reference has been made.

That situation cannot apply in the case of the Bureau of Consumer Affairs, which deals with a large number of people who must be answered as a result of pressing problems as consumers. Its officers always have had some degree of immunity under the Act, but the decision in the recent case caused the Government to feel that they should be given a greater immunity. It felt that the immunity they presently enjoy may not be sufficient. The bureau is the only section of the Government of which I am aware that has this immunity, and I am not aware that the Government intends to extend that immunity.

I suggest to members that when giving advice they either disclaim responsibility completely or insure against the liability. Of course, it is quite a different story in the case of public servants required by an Act of Parliament to advise consumers. None of the other public servants in Government departments is required by an Act of Parliament to give advice. It would be quite possible for the Department of Local Government and other Government departments to decline to give information; but they do provide information, and mostly as a courtesy. The Bureau of Consumer Affairs is in a peculiar and dangerous situation, and that is why the Government has put forward this legislation.

The Hon. A. A. LEWIS: The Attorney General is leading me further and further from supporting this clause. If we are to accept his words, and I do, that all this came about as a result of a High Court decision in the Eastern States, are we next to have this State's Department of Agriculture requesting similar amendments because a South Australian department lost recently a case for $380 000 because of the advice it gave on Kangaroo Island? Where does a private trader stand with the Bureau of Consumer Affairs having no liability? Since I understand a bit about machines, I put the example of a private trader saying that in normal conditions a certain machine will do such and such and that he advises the purchaser to set the furrow depth at three inches.

The Hon. Peter Dowding: What's that?

The Hon. A. A. LEWIS: It is like avoirdupois; it is how much weight one puts on it. A private trader could give this advice, and the purchasing farmer after having had something go wrong with the machine could become irate—many of them become irate if something goes wrong—and sue the trader or go to the Bureau of Consumer Affairs. The bureau, with its great knowledge of agriculture then might say that the dealer was wrong and stand back from all liability. Six or eight months later the crop—

The Hon. P. H. Wells: It would be nine months.

The Hon. A. A. LEWIS: It does not always take nine months for a crop to come up. That is something else someone can learn.

The crop comes up and it is a far better crop than has ever been grown before. The Bureau of Consumer Affairs has ruled against the dealer because the farmer, in his ignorance, the dealer's ignorance and the Bureau of Consumer Affairs' ignorance has made a decision. Can the dealer go back to the Bureau of Consumer Affairs? No way, because the bureau becomes an instant expert in everything and everyone with whom it deals.

Now, the Attorney General will tell me that under the Consumer Affairs Act there is a price limit on machines and goods bought. I understand that but we are setting a rod for our own backs.

Until the Hon. Peter Dowding and the Hon. Jim Brown raised this matter I had no intention of entering the debate. However, every answer we get causes me to worry about where we are going. The Minister should find out exactly where we are going because I do not think his or the Attorney General's answers would satisfy me; whether they satisfy the members of the Opposition is their business. Certainly, none of

the answers we have received to date has satisfied me.

The Hon. D. J. WORDSWORTH: The Attorney General raised the matter of what could emerge from members of Parliament giving professional advice from their electorate offices. Of course, the Attorney General is careful enough not to have an electorate office. His seat is a safe one. In his own profession as a lawyer perhaps he is confident about what he says because it is well considered and he is able to charge a minimum of $250 for the advice that he gives.

The Hon. Peter Dowding: That is cheap.

The Hon. D. J. WORDSWORTH: Is it? I know the Hon. Peter Dowding is in a different area of law altogether.

I was concerned when the Attorney General gave advice to the Chamber because it was absolutely of no use to members, but it gave any person who wanted to take action against a member a good basis on which to make a charge. The Attorney General has warned members of this. Under this amendment we will have only one department that is able to give advice without fear. I do not know why the Bureau of Consumer Affairs is any different from other Government departments. The Hon. Sandy Lewis raised the point that the Department of Agriculture gives a lot of advice.

I certainly hope I am not the first member of Parliament who is sued for giving advice. I am concerned—having an electorate office of my own—because my secretary and I have to give off-the-cuff advice to my constituents on many occasions.

The Hon. A. A. Lewis: You could go to the tribunal.

The Hon. D. J. WORDSWORTH: With reference to the matter of insurance the Attorney General says that we should insure against giving incorrect advice. It appears to me this is similar to workers' compensation—members of Parliament are not covered in any way.

The Hon. P. H. Wells: We are covered for $1 000 this year.

The Hon. D. J. WORDSWORTH: I am glad we have some cover but I have my doubts about that. It appears we have to carry our own insurance against bad advice too.

Before we progress with this legislation we should have some assurances that this sort of thing could not occur in relation to other Government departments and public servants. Why does the staff of the Bureau of Consumer Affairs need this protection and other public servants do not?

The DEPUTY CHAIRMAN (the Hon. Robert Hetherington): Order! Members appear to be drifting away from the Bill and I would be glad if they would speak to it.

The Hon. I. G. MEDCALF: As my name has been bandied about in relation to advice for which I am supposed to make excessive charges, I can assure the member that I have not charged $250 for any advice for some time.

The reason I made the statement on this subject was that I was requested to do so by some members of Parliament. I did not volunteer advice. I was, in fact, asked to make a statement by two or three members of this Chamber. Two that come to mind are the Hon. Peter Wells and the Hon. Tom Knight. One or two members from the other place asked me also to make a statement.

The Hon. D. J. Wordsworth: Do you think they may have jumped from the fying pan into the fire for having asked that?

The Hon. I. G. MEDCALF: I made the statement because I thought members should be aware of this matter. I do not make the law; it was a decision of the High Court. I thought it was appropriate that members should be aware of the situation.

The Hon. D. J. Wordsworth: I am now concerned that you are looking after consumer affairs.

The Hon. I. G. MEDCALF: I advised members because I believed they should know what their constituents may already know. I said I believe members could exonerate themselves by disclaiming responsibility for any advice they gave. By doing this they would not be liable. I added at the end of my statement that I disclaim responsibility for the advice that I then gave!

The Hon. PETER DOWDING: I ask the Chief Secretary what is the position in relation to negligent advice. We agree that an officer should not be sued but what is the position if he is negligent and there is no case against the Crown? Is that a desirable case?

The Hon. R. G. PIKE: As I understand the Bill, the answer is that in the case of a businessman who receives a substantial loss as a consequence of advice received from the Bureau of Consumer Affairs he would not be able to recover the loss by taking action for damages against the department or the public servant involved. Perhaps he would be better advised to have sought the advice of a lawyer rather than the

advice of an officer from the Bureau of Consumer Affairs.

The Hon. Peter Dowding: Is that the negligent advice?

The Hon. R. G. PIKE: There is no doubt that on this issue the nub of the question will not be resolved by a series of examples. Each question will need to be dealt with by the bureau irrespective of what section of the community asks the Bureau of Consumer Affairs for assistance. If the section is amended, as proposed, the bureau and officer will be exonerated as far as damages and costs are concerned.

Mr Lewis raised a question which was a similar to the question asked by Mr Dowding. We are talking about a hypothetical issue. Each member could, for the rest of the night continue to give what seem to be fair and practical examples of someone acting in good faith and seeking advice from the Bureau of Consumer Affairs and as a consequence of subsequent problems not being able to recover costs incurred as a result of the advice. I hope I can erase this problem from the minds of members. We are dealing with a specific bureau which has been established by the Government for the purpose of giving an above-ordinary service to the citizens of the State.

The Hon. D. J. Wordsworth: Would you expand on that?

The Hon. R. G. PIKE: If I may return to the point, everybody in this State is a consumer. The Government provides a service at no charge and in good faith to consumers and the Parliament of this State previously, in its wisdom, enacted section 25, to which reference has been made, which provided protection to the bureau. The intent of the Parliament at that time was to give protection to the bureau and its officers. The debate which took place when section 25 was passed—

The Hon. Peter Dowding: It is not just the protection of the bureau and officers but the protection, as I understand it, of the whole Crown.

The Hon. R. G. PIKE: That is right. I refer members to section 25 of the original Act, and that point is not new. When the honourable member refers to the Crown he is referring to the original Act which was passed in 1971.

While he is competent and able to debate that point the essence of the proposition has not altered and we are merely trying to underline the function of section 25. As a consequence of the High Court decision, protection is not available when advice is given. The Government sees this as being unfair. The points made with clarity by the Hon. Sandy Lewis are totally relevant. One point he made was in relation to which other Government departments will be protected. My answer is that I, as the Minister, do not know. The Government has, in its wisdom, made a decision to give protection to the Bureau of Consumer Affairs.

Another question he raised was in relation to types of consumers. In every case the answer would have to be that the bureau and the officer are protected and the person who receives the advice is not. I do not think the continual repetition of those points will alter the minds of members. If members do not like that provision, I do not think a great debate will alter their opinions because the points have been repeatedly enunciated by Mr Lewis.

The Hon. A. A. LEWIS: The point that the Chief Secretary did not appear to grasp is that the consumer has no problems at all. The consumer is the bloke who makes the complaints and he has no problem at all. The department, the Crown, and the officers of the department have no problems at all. Therefore, who does that leave?

The Hon. N. E. Baxter: No-one.

The Hon. A. A. LEWIS: It leaves the businessman who people think should be providing business opportunities and employing heaps of people in this community. The businessman is left out on a limb because he is the only person who is not protected. As sure as I stand here Ministers representing other Government departments will bring in similar legislation in a couple of years saying "Slips-no-go". I believe the Department of Agriculture and its officers should be protected against any advice they may give.

Therefore, the persons who happen to create most of the work in the community are disadvantaged and they are the people I thought we were supposed to be supporting.

The Minister horrifies me by saying, "The consumer is fixed up, the Government is fixed up, so let's forget about the rest." In fact, many of us support small business. I am sure members of the Country Party, the National Party and even the Labor Party support small business. However, small businessmen are the people we are leaving out in the cold. If the Minister can explain how we are not leaving them out in the cold, I will be only too willing to listen.

The Hon. P. G. PENDAL: I can understand the reluctance of some members who have spoken in the debate. However, it occurs to me there are many occasions when legislating that one is

placed on the horns of a dilemma, and a choice must be made between the lesser of two evils. I suggest that is the proposition currently facing the Committee.

I suggest also that if this clause is not passed, it could effectively spell the end of consumer protection in Western Australia. If we reached the stage where officers of the Consumer Affairs Bureau simply refused to give advice, the very reason for their existence would disappear. Under the Act, they are charged with the responsibility of carrying out certain functions, and part of those functions is to give people advice on certain matters.

I can understand the concern members have expressed, but I do not believe we should let the legislation pivot on this point. I accept some of the arguments of the Hon. A. A. Lewis and the Hon. Peter Dowding, and this is why I repeat that this is one of those pieces of legislation which places us on the horns of a dilemma. We must make up our minds as to which is the lesser of the two evils.

It would appear to me to be an abominable situation if, by refusing to provide this protection, in the light of the High Court decision, we caused the Commissioner for Consumer Affairs tomorrow to instruct his staff not to provide advice to certain types of queries by consumers. In effect, we could be putting the commissioner in the position of breaking the law, because the parent Act charges him with certain responsibilities, part of which is to provide advice to people when they have been aggrieved by some commercial transaction.

Members should make up their minds as to whether they intend to go along with the persuasive arguments put before them and create the situation to which I have just referred, in which the consumer affairs laws of this State are gutted in the space of 30 seconds in this Committee, or whether they will accept the sensible point of view, and agree to the legislation.

The Hon. PETER DOWDING: I do not want to labour the point; I simply want clarification. The Chief Secretary has given us his interpretation of section 25 of the Act. What is the nature of the change proposed by clause 2 of the Bill?

The Hon. R. G. PIKE: The purpose of clause 2 of the Bill is to add to section 25 of the principal Act the words, "advice, assistance or information" and "omission".

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

The Hon. R. G. PIKE: To be perfectly frank, I am of the view we are now indulging in an unnecessary exercise of semantics, rather than getting down to the guts of the issue. I consider the explanations have been properly and adequately given. Also, I understand the Opposition has determined to support the Bill. That is not to take away from the Hon. Peter Dowding the right to express his opinions; however, I think it indicates to the Committee a degree of mischievous intent and, perhaps, an airing of his great knowledge in regard to the law and Bills, rather than an interest in the clause under discussion.

I thank the Hon. Phillip Pendal for his comments; of course, he was quite correct in saying that should we not support the amending legislation we would create a situation in accordance with the determination of the High Court in which the officers of the department, and the Crown would not have the protection we thought was provided when the original Bill was enacted. The original Bill provided that protection, but the protection was found to be incomplete, and the Bill seeks to rectify that situation.

I must say I was puzzled in regard to the submission to the Committee of the Hon. Sandy Lewis. He said I did not appear to grasp the issue; I am sorry to contradict him by saying I believe his remarks in themselves were contradictory. He said, firstly, that the consumer had no problem; secondly, that officers of the Crown had no problem; and thirdly that the businessman was out on a limb and not protected. The Hon. Sandy Lewis said that, somehow or other, because there was an absence of identification within the Bill as to the definition of a "businessman" the businessman stood aloof and alone. Of course, that is not correct because the businessman is at once a consumer and can be either a vendor or a purchaser.

The Hon. A. A. Lewis: You do not understand the Act.

The Hon. R. G. PIKE: That is for the Committee to decide.

The Hon. A. A. Lewis: No, it is for anybody who reads it.

The Hon. R. G. PIKE: I make the point that businessmen do not suddenly acquire a specific identity under this legislation. A contract involves a purchaser and a vendor, and perhaps an aggrieved party; in fact, there can be other additional aggrieved parties, but that is the basic situation. The services provided under the Act are the same services extended to business people.

The Committee needs to resolve whether we should give additional protection to the department and its officers, and to the Crown, because consumer affairs in this State is structured to provide service to the people of Western Australia. The High Court determination has made that service less likely in the event of their not receiving the protection we originally sought to provide.

The Hon. P. H. WELLS: Clause 2 of the Bill seeks to add additional words to section 25 of the principal Act and, in fact, merely extends the protection which already exists in the parent Act. This protection is deemed necessary by virtue of section 17 of the parent Act, which provides that the function of the bureau is to advise and assist consumers who seek from the bureau information or guidance on matters affecting their interest as consumers. Since the Act requires this advice to be provided, it seems reasonable that we should provide officers of the bureau with protection.

However, in order to cater for the situation in which, perhaps, some zealous member of the department gives advice outside the normal parameters laid down by the bureau, perhaps we could consider printing on the letterhead of the bureau, and other material circulated by that department the qualification that any advice given cannot be considered to be legal advice.

The Hon. A. A. Lewis: E&OE.

The Hon. P. H. WELLS: The bureau cannot be considered to be a lawyer; its officers give advice to the best of their abilities and consumers must be made aware that the advice they are given cannot be taken as legal advice.

I support the sentiments expressed by the Minister, and the provisions contained in the Bill. It would appear that in the past, the Act provided 75 per cent of the protection necessary for these officers, and that the additional protection is warranted.

The Hon. P. G. PENDAL: Frankly, I think the debate has reached a ludicrous stage. I normally have a fair bit in common with and listen with close interest to the Hon. Peter Wells. However, quite frankly his suggestion that we include some sort of disclaimer on any piece of advice given by the Consumer Affairs Bureau would be the very sort of thing designed to undermine public confidence in that body. The very thing people get fed up with is not being able to obtain clear-cut answers from Government departments. I cannot think of anything more calculated to frustrate the ordinary person in the electorate, and to reduce his confidence in the Consumer Affairs Bureau than Mr Well's suggestion. Consumers go along to Government departments hoping that at the very least, someone will be able to give them a black-and-white answer. The sort of suggestions we have heard over the last half-an-hour will do nothing more than undermine public confidence in the Consumer Affairs Bureau.

The Hon. J. M. BROWN: I am inclined to agree with the Hon. Phillip Pendal about how the debate has progressed. It is clear the Bill is designed for the benefit of the consumer. Members may recall that the original legislation was enacted as a result of an election promise by the Labor Party and it was honoured by this Chamber, despite the fact there was a minority of Labor members here. The Bill was introduced solely for the benefit of the consumer by providing him with a proper avenue through which to make claims when he felt he had been cheated or hoodwinked, or inveigled into a contract which was causing him distress or worry. In that light, it would be absolutely ludicrous to include a disclaimer on the correspondence or material issued by that department.

We must return to the original intention of this legislation; namely, to protect the consumers of this State by providing them with an avenue through which their claims can be heard and adjudicated upon. This legislation has been of benefit both to consumers, and people supplying goods and services. Indeed, I have never heard of one complaint of the operations of the bureau; in fact, it has been just the opposite: The people who have made a claim to the bureau on the basis that they have been aggrieved in some matter generally have had their claims satisfied, and the companies or people supplying the goods and services have been happy to provide some type of concession. Many actions have never reached the stage of a formal complaint to the bureau, simply because all that was necessary was to threaten to take the matter to the bureau. Any business is provided with avenues for professional indemnity, and these provisions often have been supported by members of this House, particularly by members opposite.

That indemnity is provided for the purpose of protecting them if the information, service, or repairs that they provide are not up to standard. That is the idea of professional indemnity in the fields of commerce and industry.

I take the point made by the Hon. Peter Dowding in his question as to why it applies to the Crown. I do not understand the reason. As I mentioned in the second reading debate, the extensions in the Bill have been brought about by parties who might be over-concerned or over-reacting to what has taken place.

I thought section 25 of the Act covered any problems that might occur. Has the Government, in its wisdom, seen fit to add proposed new paragraphs (c) and (d) while not changing the format of section 25? As I mentioned before, except for the insertion of proposed new paragraphs (c) and (d), I cannot see any other change.

I would not like the Chamber to be confused about what the Consumer Affairs Act stands for. In the main, it stands for the people I represent; it stands for the people that members in this Chamber represent. While we may be pedantic on the question of which part applies to the Crown, we should not overlook the impact of the Bill on the people of Western Australia.

The Hon. A. A. LEWIS: I rise for the last time to say that the Chief Secretary obviously has never had any practical experience with this Bill. I have. I am airing a practical point of view.

The Hon. Peter Dowding: Are not real estate agents covered?

The Hon. A. A. LEWIS: Real estate agents have their indemnity and, as Mr Brown said, other people have their indemnity. We are talking about consumer affairs; and we should give more thought to the consumers because they are the ones who will have to pay. Why are lawyers' fees so high? Because they have to pay so much for indemnity, so much for rent, and all of those things.

All the Government is doing by bringing this sort of Bill before the Chamber is increasing the charge to the consumers. In a practical sense, if the Chief Secretary read the whole of the Act instead of taking parts out of it, he would find that the small businessman is being belted by this more than anybody else.

The Hon. Jim Brown mentioned the professional indemnity against failure to serve; but again that goes back to the consumers. That is all I want to say. In practical terms, the consumer will be belted under the ear because the people providing the service have to indemnify themselves.

I still say that whoever represents the Minister for Agriculture in this place will bring in a Bill to look after the Department of Agriculture within the next 18 months.

The Hon. R. G. PIKE: I cannot imagine a member in this Chamber who would be more aware of my attitude to consumer affairs than the Hon. A. A. Lewis. Having said that, I would like to say that I am not without experience in regard to the Act.

What we are really debating here tonight is not so much the amendment to the Consumer Affairs Act, but the totality of the Act as it exists, and its application. While this amendment provides protection for the Government, the Crown, and the bureau, it is true that the great weight of the service already being given is covered in the Act.

I said earlier that the debate had been retreaded; and that is what has happened. Much has been said about the clause, and that is all that needs to be said, so I leave it at that.

The Hon. PETER DOWDING: I feel a little like the Minister for Labour and Industry felt last night. I do not think the Chief Secretary likes me.

The Hon. G. E. Masters: None of us does.

The Hon. PETER DOWDING: Well, as I said to the Minister for Labour and Industry, I did not come here to be loved.

The Hon. G. E. Masters: You are safe there.

The Hon. PETER DOWDING: I appreciate that the Chief Secretary does not like people querying his opinions. He is in a privileged position at the moment. However, I merely ask him: Is not the fundamental provision of proposed new paragraph (c) of section 25 that where somebody in the Bureau of Consumer Affairs has a duty of care to a consumer, and he breaches that duty of care, the consumer has no recourse against the Crown?

I hope the Chief Secretary will take the time to take full opinion from the Attorney on that point. Is not that really the gravamen of Shaddock's case, that there is a duty of care between a public officer and the public?

If the Government needs to amend the consumer affairs legislation, it is because it wishes to say that when someone gives advice, assistance, or information, and apparently not an opinion—I wonder whether an opinion which has been canvassed is covered by this legislation—and who breaches a duty of care when he does that, not as a lawyer but as a normal civil servant, a bloke with a bit of information, it may be then that the consumer is the one who loses.

The Hon. R. G. PIKE: I do not intend to retread the explanations that have already been given, because the pedantic so-called attention to detail that the Hon. Peter Dowding is endeavouring to evidence would be admirable in a chicken sexer—

The Hon. Peter Dowding: What has that got to do with it?

The Hon. R. G. PIKE: The clause before the Chamber has been debated more than adequately.

I do not intend to retread the explanations that have already been given.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

INDUSTRY (ADVANCES) AMENDMENT BILL

Second Reading

Debate resumed from 17 August.

THE HON. PETER DOWDING (North) [8.53 p.m.]: For the second time in two days I rise to say to honourable members opposite, and particularly to the front bench, "We told you so."

The Hon. P. G. Pendal: Will you oppose this one and then not vote against it, too?

The Hon. PETER DOWDING: If I listened to everything Mr Pendal said, I would have been asleep an hour ago.

The Hon. P. G. Pendal: Absolute hypocrisy and time wasting!

The PRESIDENT: Order!

The Hon. PETER DOWDING: One of the joys of listening to the Hon. Phil Pendal is the intense interest he takes in pieces of legislation.

The Hon. P. G. Pendal: I am in the House more often than you, my friend.

The PRESIDENT: Order!

The Hon. PETER DOWDING: His presence in the House more often than any other's is of no great interest to the community!

The PRESIDENT: Order! I ask honourable members interjecting to cease; and I ask the honourable member on his feet to ignore the interjections, anyway, and address his comments to the Bill and to the Chair.

The Hon. PETER DOWDING: In 1980, the Government was warned that this legislation would need to be amended. It is an interesting example of the way in which Ministers in the Liberal Party choose now, and have chosen in the past, to denigrate the Opposition when it has made a serious attempt to make a practical contribution to the legislation passing through the House. We have seen the contempt with which the Ministers in this House have refused to answer questions and have refused to make themselves available for the sort of scrutiny that one would expect in a democratic institution. Repeatedly, the suggestions put up by the Opposition have been denigrated as being unnecessary, tiresome, or irrelevant.

Some of the honourable members on the other side are more tiresome than others in making suggestions. That applies particularly to the Hon. Mr Pendal, who was being exceedingly tiresome when I first rose to my feet.

In 1980, the member for Ascot in the Legislative Assembly, in the debate on an amendment to the Industry (Advances) Act, pointed out that the legislation for assistance to small business had been part of the policy of the Australian Labor Party, and it had been adopted by the Liberal Government. He said that the legislation as it was then did not go far enough. What happened then was that in a Committee speech, at page 4028 of the 1980 *Hansard*, the Honorary Minister Assisting the Minister for Industrial Development and Commerce said—

> . . . the member for Ascot asked what would happen if two or three local industries are involved in the same business and the Government assisted one company.

He continued to say—

> What would we say to the other companies which were not assisted?

It is difficult to understand what the Honorary Minister meant at that stage. Was he intending to denigrate the suggestion of the member for Ascot, who had endeavoured to point out that if the Government restricted the power under the Act to advance money for the assistance of a business which was not in competition with any other business, it would be restricting the right so greatly that it became unworkable? The Government was warned of that in 1980, and it did nothing about it.

When we look at the Bill before the House, we find it is exactly that point which the Government says justifies the introduction of this amendment. In his second reading speech, the Minister said—

> Difficulties have arisen . . . in respect of the competitive provisions of the guarantee scheme and the capital establishment assistance scheme.

We do not oppose this legislation. In fact, we approve of it. We have made the point that it is necessary; and we made the point two years ago that it is desirable.

It ill-behoves the Government in this democracy not to acknowledge the role the Opposition has played in formulating the advice to the Government on how best to protect small business. In those circumstances, we do support the Bill.

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. I. G. Medcalf (Leader of the House) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 7A amended—

The Hon. PETER DOWDING: I note that the Leader of the House does not disagree with the comments I have made, but I make the point that I am surprised he was unable to assist the Chamber by correcting that very garbled explanation by the Minister in the other place when giving the reason for introducing the Bill now and not two years ago. The Minister said—

The CHAIRMAN: Order! We are dealing with clause 3 and not the second reading speech. The member should direct his remarks to the clause.

The Hon. PETER DOWDING: The clause will delete the words "competition in the same field of activity in the State with" and substitute the words "conflict with the interests in the same field of activity in the State of". Really, I do not understand what is meant by "conflict with the interests in the same field of activity". That is as vague as anyone could wish. The Government can make a determination and except by some form of prerogative writ perhaps, since the Governor-in-Council is not immune from such action, the question of whether proper attention has been given to the matter could be investigated. The Minister in the other place said that the reasons for objecting to the Opposition's amendment—

The CHAIRMAN: Order! Under our Standing Orders it is not proper to refer to debates in the other place.

The Hon. PETER DOWDING: In 1980 the Minister in the other place in fact went to the extent of calling for a division on this very issue. However, to say as has been said that the reason the amendment was not acceptable in 1980 was that the matter was to be administered largely by the Department of Industrial Development and Commerce and not by the Treasury is utterly beyond me and other members of the Opposition. We have no idea what is meant by that and perhaps the Leader of the House can explain, if he has any understanding of what the Minister meant.

The Hon. I. G. MEDCALF: I did not comment on the honourable member's earlier remarks because I did not think there was anything on which to comment. All he did was to repeat what was said in the other place, and having read those debates I felt there was nothing worth commenting on.

The reason for the amendment is that there is an attempt now to broaden the words from what appears to be a narrow phrase, "competition in the same field of activity", to "conflict with the interests in the same field of activity in the State". One reason for this is that a clash occurred between that present phrase and one which appears later in section 7A(1)(c) which refers to a region designated in the scheme. It is desirable that it be brought into the same area.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

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

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.05 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 24 August.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.06 p.m.]: I move—

That the House do now adjourn.

University of Western Australia: Mr Patrick O'Brien

THE HON. ROBERT HETHERINGTON (East Metropolitan) [9.07 p.m.]: On 13 May in reply to remarks made by the Chief Secretary I made reference among other things to a senior lecturer in the politics department of the University of WA, Mr Patrick O'Brien. I have since received a letter from Mr O'Brien saying among other things, "I do take very strong exception to the fact that you alleged that I had said to you that the Vice Chancellor was a part of a Communist plot against me." Later he made reference to the present Vice Chancellor (Professor Robert Street).

What I actually said in reference to Mr O'Brien was, "He has told me at various times that even people such as the Vice Chancellor of the University are somehow involved in the Communist plot." I was making reference to a previous Vice Chancellor, but as it is obvious that my words could be misconstrued and seen to make reference to the present Vice Chancellor, I withdraw unreservedly the statement as it stands. I make it clear that at no stage and at no time has Mr O'Brien said to me that the present Vice Chancellor (Professor Robert Street) has been part of any plot, Communist or otherwise, and I regret any unwarranted embarrassment I may have caused Mr O'Brien.

Local Authorities: Parking Fines

On another matter, since the session commenced I have not been in the House when the adjournment has been moved so this is the first time I have had a chance to raise this subject. On 23 July I was present in court when Mrs Ellen French, the mother of a daughter suffering from spina bifida, was fined for a parking offence in Subiaco. She had overstayed her parking because she had taken her nine-year-old daughter to the Princess Margaret Hospital and had been held up because the doctor had been late. A Subiaco parking inspector in his zeal gave her a parking ticket and when she later wrote to the council it refused to do anything about it. Furthermore, in court the counsel for the Subiaco City Council asked for over $80 in costs, but fortunately the magistrate in his wisdom fined her only $7 which is the diminished fine and reduced the costs to around $40.

This is something that I understand is happening often. The father of a nurse rang me after my presence in the court had been noted and I had been interviewed by the Press. He said the same thing had happened to his daughter who is a nurse at PMH; he indicated nurses there were receiving parking tickets while they were carrying out their duties in the hospital.

Some time ago I had occasion to refer to the zeal shown by the Subiaco parking inspectors at examination time in the University when students have parked their cars along Hackett Drive at five minutes before nine o'clock of a morning. The inspectors have placed tickets on their cars and gone away rejoicing. This is still happening, because tutorials start at 9.00 a.m. and any student wanting to be on time has to park perhaps two minutes before the hour, which means that the revenue of the Subiaco City Council is increased again.

It is a pity statutory authorities like the Subiaco City Council, the University of WA and the PMH board cannot get together and bring some common sense to bear on matters such as this. It is quite outrageous when nurses in the course of their duties receive parking fines because they have nowhere else to park. It is outrageous when mothers of sick children receive parking fines and those fines are not dismissed. Instead of fighting these little wars, when each statutory authority stands on its dignity and takes its own internecine stand, they should grow up, get together and do something about this matter so it does not happen again. I do not think it would be beyond the bounds of possibility that either the parking regulations outside the university could be amended to make it possible for students to park along Hackett Drive at 8.45 a.m. when there is not much traffic about or for the university to start its tutorials 10 minutes later each morning. At least dialogue could take place between the parties so that something could be done.

I voice this protest in the name of common sense, sanity and decency. It seems to me that to write out parking tickets for students, who are thought to be fair game by petty bureacrats, and to give parking fines to nurses and mothers of sick children and not be prepared to revoke them is shameful and something that should not happen. It is a disgrace to the Subiaco City Council and anyone else involved. It is time our Government agencies and statutory authorities got together and talked about the problem, or perhaps this Parliament should do something about it.

Question put and passed.

House adjourned at 9.13 p.m.

QUESTIONS ON NOTICE

LAND

McCusker Report

390. The Hon. D. K. DANS, to the Minister representing the Premier:

(1) In what ways has the Government acted on the findings and recommendations of the 1981 McCusker report into rates, taxes and charges related to land values?

(2) In particular, what has been the Government's response to the committee's findings and recommendations relating to urban farmlands?

The Hon. I. G. MEDCALF replied:

(1) The committee, headed by Mr J. A. McCusker, was appointed by the Government to examine the current system of assessing rates, taxes and charges on land valuations.

Its task was extremely complex because problems associated with land-based taxes and charges had defied acceptable solution despite investigations in many countries.

The committee had carried out considerable research, had evaluated many submissions, and had made numerous recommendations.

Its two key recommendations were—

> Wherever possible, services provided by a rating authority should be charged at cost to the recipients of the benefits rather than on a land-based assessment.
>
> Where a rating procedure was necessary it should be based only on capital value for improved properties and site value for unimproved properties.

The other recommendations relating to specific matters such as land tax, water, sewerage, drainage and local government were based at least in part on those two principles.

The Government has given the report close consideration and will continue to refer to it when considering the issues raised.

However, the Government is most concerned not to introduce changes which would cause a sudden shift of the burden of rates and charges from one section of the community to another which might be less able to bear it.

A number of issues arising from the report in relation to local government rating are under consideration, but no recommendation has yet been implemented.

(2) The whole question of urban farm land rating is presently the subject of investigation by the Department of Local Government. This involves examination of a number of issues which have been raised by local government, as well as the proposals contained in the McCusker report. Urban farm land arrangements in other States are also being studied.

By the end of the year it is intended to prepare a comprehensive paper which will canvass alternative ways in which urban farm land rating might be handled. This paper would be circulated to interested parties.

TRANSPORT: BUSES

MTT: Brian Murrell Turpin

391. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

Regarding an article in *The Western Mail* of 14 August 1982, page 26, wherein a senior Metropolitan Transport Trust official, Brian Murrell Turpin, had apparently been controlling a private company whilst an employee of the Metropolitan Transport Trust, will the Minister advise—

(1) When was Mr Turpin appointed to the MTT?

(2) Who—

(a) sponsored him for the position; and

(b) recommended his appointment?

(3) Did he go overseas or to the Eastern States in the course of his duties?

(4) If "Yes" to (3)—

(a) what were the localities;

(b) what were the associated dates; and

(c) what were the associated firms involved?

The Hon. G. E. MASTERS replied:

(1) Mr Turpin commenced duties with the trust in 1958 when the private bus company for which he worked was incorporated into the trust's operation.

(2) (a) and (b) Not applicable, as it was policy at that time that no employee of private bus companies would be retrenched when incorporation into the trust was effected.

(3) Yes.

(4) (a) to (c)

Year	Location	Firms	Purpose
1963	Eastern States (3 capital cities)	Bus manufacturers and transit authorites	Bus acquisition discussions
1974	Germany and England	Bus manufacturers	New buses.

Year	Location	Firms	Purpose
1979	Germany	Mercedes-Benz	Regarding purchase of Mercedes-Benz Linc buses.
1979-80	Adelaide	STA	Discussions with the State Transport Authority, SA.

LABOUR COSTS

Increases

392. The Hon. D. K. DANS, to the Minister for Labour and Industry:

(1) Will the Minister list those industry sectors in Western Australia for which labour costs, brought about by wage rises and the 38-hour week, have been the main component of cost pressures for 1981-82?

(2) Will he table the papers from which the information is extracted?

The Hon. G. E. MASTERS replied:

(1) and (2) Almost all industry and commerce is affected by increases in salaries and conditions. However, an example of an industry seriously affected by rising real wages and shorter working hours is the building construction industry. At a time of declining demand, labour costs have been rising faster than material prices with the result that labour costs have became a greater proportion of total costs faced by this industry. The Master Builders' Association released recently a study on the impact of the 38-hour week in the building and construction industry in Australia. The report stated that if firms worked more overtime to make up the lost hours of labour as a result of the 38-hour week, the extra labour cost alone would be $549 million.

As a measure of the extent of labour cost increases over the last 12 months, Australian Bureau of Statistics figures show that, between the June quarter 1981 and the June quarter 1982, average weekly earnings in Australia increased by 17 per cent from $280 to $328.70. When this is compared with the increase in prices between this period, for example CPI movement, of 10.7 per cent, this indicates an increase in real labour cost of approximately 6.3 per cent. I would suggest Mr Dans take the trouble to spend some time in his electorate asking industry and commerce firsthand what effects increased salaries and reduced hours have on that person's particular business and then state in clear, concise terms his own stand on the matter in relation to increases in wages and reduced hours.

I table two documents which back up those statements.

The documents were tabled (see paper No. 346).

LAND: AGRICULTURAL

Release: Land Release Study Group

393. The Hon. H. W. GAYFER, to the Minister representing the Minister for Lands:

I refer to the newspaper article in the *Western Farmer* of 22 July 1982, under the heading "land releases condemned"—

(1) Are the claims made by the land release study group justified in condemning the release of 15 farm blocks at Mt. Beaumont?

(2) If so, what action is being taken?

The Hon. G. E. MASTERS replied:

(1) and (2) The criticisms of the land release study group are rejected in view of the extensive investigation of the Mt Beaumont blocks before release.

TECHNOLOGY REVIEW GROUP

Reports

394. The Hon. D. K. DANS, to the Minister representing the Minister for Industrial, Commercial and Regional Development:

(1) What reports have been prepared or are in the process of being prepared by sub-committees established by the technology review group?

(2) Which of them have been considered by Cabinet, and in what ways have they been acted on?

(3) Have any of the reports addressed or are any addressing, the question of the likely medium or long-term effects on employment structure of the adoption of major forms of technology, and if so, could the Minister provide details?

(4) Is it the Government's intention to make any subcommittee reports public, and if not, why not?

The Hon. I. G. MEDCALF replied:

(1) Reports submitted to the Minister by the technology review group include reports on—

(a) adventure workshops in innovation and entrepreneurship recommending continuance of programme;

(b) technology parks;

(c) education issues relating to technology; and

(d) electronics task force.

(2) All reports have been acted upon with the electronics task force being the only report considered by Cabinet to this time.

(3) Yes.

(4) No. Each report will be considered on its merits.

HEALTH

South West Clinical Laboratories

395. The Hon. W. M. PIESSE, to the Minister representing the Minister for Health:

(1) Is it a fact that South West Clinical Laboratories endeavoured to commence practice in the townsite of Donnybrook?

(2) Were they prevented from doing so because of Public Health Department policy?

(3) If so, what were the reasons for this prevention?

The Hon. R. G. PIKE replied:

(1) It is understood that the laboratories have commenced practice in Donnybrook.

(2) No.

(3) Not applicable.

EDUCATION

Non-Government Schools: New Registrations

396. The Hon. D. K. DANS, to the Minister representing the Minister for Education:

How many new non-Government schools have been registered in Western Australia during 1982, and will the Minister give their names and indicate their affiliations?

The Hon. R. G. PIKE replied:

Eleven non-Government schools have been registered to 18 August 1982. They are—

Assumption Catholic Primary School — Mandurah — Catholic Education
Guildford Education Centre—Catholic Education
Faith Christian Academy—Perth—Non-denominational
Nyindamurra Family School—Witchcliffe—Non-denominational
Emmanuel Christian School—Girrawheen—Non-denominational
Midland Christian School—Midland—Non-denominational
Geraldton Christian School—Geraldton—Non-denominational
Arinya School—Graylands—Non-denominational
Hedland Christian Academy—South Hedland—Non-denominational
Yiyili Aboriginal Community School—Via Fitzroy Crossing—Non-denominational
Northside Christian School (secondary level)—Morley—Non-denominational.

ROAD

Great Northern Highway

397. The Hon. MARGARET McALEER, to the Minister representing the Minister for Transport:

(1) Could the Minister tell me whether it is proposed to change the route of the Great Northern Highway so that instead of passing through Walebing and Miling it will pass through Calingiri and Wongan Hills?

(2) If this is so, would the Minister tell me when it is proposed to make the change?

The Hon. G. E. MASTERS replied:

(1) and (2) Some preliminary investigations have been carried out of a possible alternative route which takes in Calingiri and Wongan Hills as opposed to the existing route through Walebing and Miling. This is very much a long-term planning matter and there are no plans to change the existing route of the highway in the foreseeable future.

RAILWAYS: WESTRAIL

Interest Payments

398. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

With reference to question 266 of Thursday, 6 May 1982, the answer (1) (g) states—

> Assets purchased for the standard gauge railway, as with any other Westrail asset, were allocated an asset life relative to their revenue earning potential, which may or may not be for the same period as the period of the repayment of the funds invested in them. In fact there would be little or no relationship between the liability to repay borrowed funds and the treatment given in Westrail's accounts to write out the value of the assets, whether the assets be written out because of wear and tear, obsolescence or some other reason. The liability to pay interest on unrepaid borrowing bears no relationship to the value of the assets which may still be recorded in the accounts. For these reasons, while Westrail can reasonably identify the depreciation for components of assets, no such identification can be made of the interest component which relates to the capital invested.—

In view of this statement in the answer, will the Minister advise—

(1) What steps are proposed to correct this method?

(2) On the interest of $1.84 million charged to MTT by Westrail for the years 1978-1981 inclusive—

(a) what was it in relation to; and

(b) how was it identified?

(3) On leasing arrangements, what steps will be taken to identify depreciation and interest for asset replacement?

The Hon. G. E. MASTERS replied:

(1) As the procedures followed are in accordance with recognised accounting practice no change to the present method is proposed.

(2) (a) Railway assets are applicable to the suburban rail operation;

(b) the average annual interest rate set by the State Treasury and on a basis agreed upon between Westrail and MTT.

(3) Under leasing arrangements depreciation and interest, as such, do not apply to the lessee. Westrail, as the lessee, pays rent for assets which are the subject of lease agreements.

STATE FINANCE

Treasury Cash Balances

399. The Hon. FRED McKENZIE, to the Minister representing the Premier:

Regarding the Premier's statement in *The West Australian*, Monday, 16 August 1982, page 11, "I presume that Mr. Taylor is confused by the $30 million the Treasury earned on the investment of cash balances in the year to June 30. This was almost twice the amount earned in the previous year."—will the Minister advise—

(1) What was the—

(a) maximum interest rate received; and

(b) average interest rate received?

(2) What total sum of money invested for 12 months would yield $30 million?

(3) What proportion of the State Budget would this represent?

(4) What proportion of the $30 million came from—

(a) overseas money markets;

(b) Eastern States money markets; and

(c) local money markets?

The Hon. I. G. MEDCALF replied:

(1) (a) 30 per cent, for an overnight investment made on 30 June 1981;

(b) 16.0611 per cent.

(2) This depends on the interest rate prevailing when the investment is made. Treasury investments are made for a range of maturities and interest rates, which fluctuate according to conditions in the money market.

(3) Not applicable.

(4) (a) to (c) All investments were made in the local money market.

INDUSTRIAL AWARD

WA Turf Club

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

Referring to question 254 of 5 May 1982, would the Minister advise—

(1) (a) Were clerks (on-course totalisator) entitled to be paid the appropriate Public Holiday penalty payment if they worked for the WA Turf Club on Monday, 26 April 1982, which was proclaimed as a public holiday in lieu of Anzac Day; and

(b) if not, why not?

(2) In the case of those workers who are covered by the Theatrical Employees' (Recreation Grounds of WA) Award, could the Minister advise what applies in respect of the same situation?

The Hon. G. E. MASTERS replied:

(1) (a) Persons covered by the clerks (on-course totalisator award) 1977 are entitled as prescribed by their award to a 60 per cent loading applicable as compensation for the fact that workers are required to work at night, on weekends and on public holidays and that workers are not otherwise entitled under the award to annual leave or sick leave;

(b) answered by (1)(a).

(2) The theatrical employees (recreation grounds of W.A.) award only applies to casual workers who are paid at the rate of time-and-a-half for working on public holidays.

401 and 402. *These questions were postponed.*

STATE FINANCE

Leasing Agreements

403. The Hon. FRED McKENZIE, to the Minister representing the Premier:

In view of the State and the Commonwealth having agreed not to enter into leveraged leasing agreements, will the Minister advise—

(1) What steps are proposed to buy out the agreements?

(2) If there are no such proposals, does the Commonwealth agree to their continuance?

The Hon. I. G. MEDCALF replied:

(1) and (2) The Commonwealth's decision to prohibit leveraged leasing by tax exempt public authorities applied from 1.00 p.m. on 24 June, 1982 and did not affect any such arrangements entered into before that time.

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Budgets

404. The Hon. FRED McKENZIE, to the Minister representing the Treasurer:

Will the Minister advise—

(1) Is it the practice of the Treasury to examine the budgets of statutory bodies and State instrumentalities before they are finally submitted?

(2) In the past financial year, in how many cases—

(a) were budgets increased; and

(b) were budgets decreased?

(3) What were the total increases and decreases in relation to the submitted figures?

(4) What were the departments concerned?

The Hon. I. G. MEDCALF replied:

(1) The budget proposals of statutory authorities and instrumentalities financed from Consolidated Revenue, and therefore subject to Parliamentary appropriation, are examined by Treasury before consideration by Cabinet. However, this does not apply to statutory authorities such as the Metropolitan Water Authority and the State Energy Commission which are financed from their own revenue resources and are therefore not subject to Parliamentary appropriation.

(2) to (4) Many adjustments are made to individual budgets during the budgetary process but as a general rule they are reduced below the initial request. Statistics are not maintained of the many adjustments made to budgets after their initial lodgement with Treasury and it is therefore not possible to supply the information requested.

RAILWAYS

Koolyanobbing-Kwinana

405. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

Referring to question 266, and the sale by Westrail of 507 000 surplus sleepers from the Koolyanobbing-Kwinana railway, will the Minister advise—

(1) (a) Were tenders for the purchase called;

(b) if so, would he supply details; and

(c) if tenders were not called, why not?

(2) (a) Did the contract price include freight costs, or was it an on site price; and

(b) from which sections of the track did the sleepers which were sold to the two firms come?

(3) What was the intended use of the sleepers by the purchasers?

The Hon. G. E. MASTERS replied:

(1) (a) Yes;

(b) requests for offers were sent to potential tenderers known to Westrail and public notices were placed in local and eastern states newspapers;

(c) not applicable.

(2) (a) On site price. Tenderers were also requested to submit details of their proposed method of transporting sleepers from the site;

(b) Avon-Merredin and Avon-Forrestfield.

(3) This information was not required by Westrail under the conditions of tender.