Legislative Assembly

Tuesday, 9 November 1982

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

LEGISLATIVE ASSEMBLY: CHAMBER

Televising: Statement by Speaker

THE SPEAKER (Mr Thompson): Members will recall that last week I advised that television cameras would be in the Chamber today for the purpose of producing a film to be used by the Education Department. Unfortunately, when those arrangements were made, we were not aware that the House would be going into Committee to consider the Budget, which is not the material in which the television people are interested.

Mr Carr: There has been a change, Mr Speaker; you haven't been told.

The SPEAKER: The arrangement now is that the cameras will be brought into the House next Tuesday, if we are sitting.

BILLS (4): ASSENT

Message from the Governor received and read notifying assent to the following Bills—

1. Acts Amendment (Reserves) Bill.
2. Land Amendment Bill.
3. Land Amendment Bill (No. 2).
4. Borrowings for Authorities Amendment Bill.

HEALTH: TOBACCO

Smoking: Petition

DR DADOUR (Subiaco) [4.33 p.m.]: I have a petition in the following terms—

> TO—THE HONORABLE, THE SPEAKER AND MEMBERS OF THE LEGISLATIVE ASSEMBLY AND THE COUNCIL AT THE PARLIAMENT OF WESTERN AUSTRALIA IN PARLIAMENT ASSEMBLED:
>
> We, the undersigned residents in the State of Western Australia do herewith pray that Her Majesty's Government of Western Australia will support the Tobacco Products Advertisements Bill now before the Parliament.
>
> Your Petitioners as in duty bound will ever pray.

The petition bears 201 signatures, and I certify that it conforms with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 30.)

HEALTH: TOBACCO

Smoking: Petition

MR WILSON (Dianella) [4.34 p.m.]: I have a petition in terms similar to those of the petition just presented by the member for Subiaco. I certify that this petition contains 23 signatures and complies with the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 31.)

WHEAT MARKETING AMENDMENT BILL

Introduction and First Reading

Bill introduced without notice, on motion by Mr Old (Minister for Agriculture), and read a first time.

Second Reading

MR OLD (Katanning—Minister for Agriculture) [4.35 p.m.]: I move—

> That the Bill be now read a second time.

Wheat marketing legislation in Australia comprises a Commonwealth Act and complementary State Acts. This Bill incorporates changes to the complementary wheat marketing legislation which have been requested by the Australian Wheatgrowers' Federation, following an extensive examination of grain marketing arrangements by all sections of the industry at the Australian grains industry conference in October 1981.

The requested changes were considered and accepted by State Ministers for Agriculture and the Commonwealth Minister for Primary Industry at the Australian Agricultural Conference meeting in July this year. The Bill will come into force on the day that the Commonwealth Wheat Marketing Amendment Bill comes into operation.

The Bill will enable the Australian Wheat Board to operate on futures markets both in Australia and overseas, to hedge wheat prices, exchange rates, and interest rates. The board's futures operations will be restricted by guidelines determined in writing by the Commonwealth Minister for Primary Industry. The guidelines will ensure that the board's futures operations are restricted to hedging operations as defined in the

proposed amendments to the Act. Allowing the board to undertake futures operations will allow it to compete more effectively with its competitors on world markets, and provide it with greater freedom to maximise grower returns.

This Bill also allows the Australian Wheat Board to provide growers with options as to when they receive the guaranteed minimum price for the wheat which they deliver to the board, rather than their having to accept the full GMP on completion of deliveries as at present. Under the amendment, growers still will be able to receive the GMP as a lump sum following harvest, or opt to receive the GMP as two or more payments on such terms and conditions as are agreed between the board and the grower concerned. The only restrictions imposed by the Bill on these terms and conditions are that they do not create inequities between growers. This amendment should benefit growers by providing them with greater flexibility in timing their cash flow, and will enable the board to spread its borrowing requirements more evenly throughout the year, thereby reducing its peak debt load.

The Bill also empowers the Australian Wheat Board to make provisional allowances for quality and provisional charges for rail freight, handling and storage, and other costs currently deducted from the guaranteed minimum price. At present, the board can set quality allowances on the GMP only before harvest starts. It cannot vary the allowances subsequently if the price received for a particular quality wheat differs from its estimate. At present, any differences between estimated and realised quality differentials are equalised in subsequent pool payments to growers. This results in cross-subsidies between growers delivering wheat of different qualities.

Similarly, charges deducted from the GMP must be set by the board before the GMP is paid. Any subsequent alterations to these charges must be paid by growers in all States, even though the increase may occur only in one State.

This amendment, therefore, will enable any alterations to charges or differences between estimated and realised quality allowances to be deducted from, or paid to, the growers concerned, through later payments. If the board needs to recover funds from growers for quality allowances or charges, and the amount concerned exceeds the amount of equity remaining in a pool, the board can recover the funds in a court of competent jurisdiction.

This amendment will allow price signals, for quality differentials in particular, to be reflected more accurately back to growers.

The third set of amendments in the Bill allows growers who have delivered wheat to the board to purchase back that wheat at a price equivalent to the GMP which they were paid for that wheat, adjusted for various costs, rather than at the prevailing stockfeed wheat price.

The wheat must be used for stockfeed at the property at which it was harvested, or an associated farm approved by the board. The quantity a grower can buy back under this agreement will be limited to the amount he delivered, provided he purchases it before the "final purchasing day", which will be the "final delivery day" or some other day determined by the Commonwealth Minister for Primary Industry. The price at which the grower buys back the wheat will be adjusted for any difference in quality between the wheat he delivers and the wheat he buys back for stockfeed. Moreover, he will continue to receive pool payments on the quantity of wheat he delivered, but did not purchase back.

Finally, the Bill allows the Australian Wheat Board to make payments subsequent to the guaranteed minimum price without the approval of the Commonwealth Minister for Primary Industry. This will provide the board with greater flexibility in making progress payments. The need for ministerial approval of subsequent pool payments has been diminished since the board now borrows all of its requirements for financing the GMP commercially, rather than from the Reserve Bank.

In conclusion, I emphasise that the amendments incorporated in this Bill will enable the Australian Wheat Board to operate more efficiently, flexibly, and competitively, and also will provide growers with a range of payment options.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Evans.

BULK HANDLING AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced without notice, on motion by Mr Old (Minister for Agriculture), and read a first time.

Second Reading

MR OLD (Katanning—Minister for Agriculture) [4.42 p.m.]: I move—

That the Bill be now read a second time.

This Bill will come into force on the same day as the Wheat Marketing Amendment Bill comes into operation. The Bill seeks to amend the Bulk Handling Act so that the appropriate handling

charge for wheat in Western Australia will be as determined by Co-operative Bulk Handling Ltd., rather than by negotiation between CBH and the Australian Wheat Board as at present. In setting the charge each season, CBH will need to have regard to any remuneration agreement in existence between itself and the board at the time.

Under the Bulk Handling Act at present, the appropriate handling charges for wheat, and other grains compulsorily marketed, are negotiated by CBH with the appropriate marketing authority. This amendment will ensure that the appropriate charge for wheat is that determined by CBH alone. However, charges for other compulsorily marketed grains handled by CBH still will be as negotiated between it and the relevant marketing authority.

The amendment complements a similar amendment to section 55 of the Commonwealth Wheat Marketing Act incorporated in the current Commonwealth Wheat Marketing Amendment Bill. This amendment specifies that the remuneration for receiving, handling, etc., will be as determined by the relevant authorised receiver from time to time. As a consequence, this amendment to the Bulk Handling Act will avoid any conflict between the two Acts which might have occurred otherwise.

The amendment to the Commonwealth Act became necessary to ensure that authorised receivers in each State retained autonomy over the setting of their handling charges without the board's having its accounts qualified by the Commonwealth Auditor General, as has occurred over the past few years.

In the past, handling charges were equalised between all States and it was necessary for the Australian Wheat Board to negotiate with each authorised receiver to try to maintain similarity in charges. However, now that growers in each State pay the handling charge set by the authorised receiver in that State, the need for negotiation with the board has diminished. This is especially the case in Western Australia where all grain growers are shareholders of CBH and consequently have the opportunity to voice their concerns about the handling charges which are set in the State.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Evans.

PETROLEUM RETAILERS RIGHTS AND LIABILITIES BILL

Second Reading

Debate resumed from 12 October.

MR TONKIN (Morley) [4.46 p.m.]: We support the Bill, which is very similar to the Bill I introduced to the Parliament.

Mr Bryce: A replica.

Mr TONKIN: The Bill provides relief in an area where it is long overdue. I hope only that next time, if this Bill is found deficient, we will not wait to bring forward amending legislation. In other words, in this area we need to have a constant fine tuning, and whichever Government is in office next year I trust it will keep a very close watch on the way this legislation works—and, in fact, the whole petroleum retailing industry—and not hesitate to introduce a Bill as it sees fit.

In one respect the Opposition's Bill is superior to this legislation; that is, we require service station proprietors to balance their books 12-monthly rather than monthly. In fact, I have an amendment on the notice paper to give effect to that concept. Obviously it is easier to balance one's sale of one brand of petrol and sales of another brand of petrol on a 12-monthly basis rather than a monthly basis. The shorter period has proved to be difficult to manage in Victoria, and that is why the Opposition's Bill included a 12-monthly period. With that reservation, we support the Bill.

MR SHALDERS (Murray—Minister for Consumer Affairs) [4.48 p.m.]: I thank the member for Morley for his comments on and indication of support for the Bill, although I do not intend to get in a slanging match with him over who was the first to introduce legislation. Suffice to say I did foreshadow the Government's introducing this legislation very shortly after I had attended the first consumer affairs conference to which I went as the relevant Minister.

Perhaps it is a little sad the need exists for a State Government to introduce legislation of this type because, in my opinion, the right of a lessee dealer to purchase 50 per cent of his fuel from other than the landlord company, as the member would know, already has been prescribed by the Trade Practices Commission. However, practice has shown that, while this might have been the pronouncement, the lessee dealers themselves have found it extremely difficult to put their rights into practice. In my opinion it should have been the responsibility of the Federal Government to legislate on a national basis in order that we might have uniform legislation throughout Australia which clearly defined the rights of lessee dealers. I am very critical of the Federal Government's not having moved in this direction. When it became clear that the Commonwealth was not so to move, the State Government took steps.

The member for Morley indicated that the legislation is similar to that introduced by the Opposition. I would argue that, because the Opposition's legislation is structured very much on the Victorian Act, which is based on sales, whereas this legislation is based on purchases.

I take note of the point made in respect of the 12-month period. The Opposition would have noted that I have placed an amendment on the notice paper to extend the period to six months. Following the introduction of this new legislation the Government would like to see how it operates, and thus considers a six-month period preferable to a 12-month period. I agree with the member for Morley that the one-month period was insufficient and was perhaps a deficiency in the legislation. That is why the Government has moved to extend the period from one month to six months.

I thank the member for Morley for his support of the Bill.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Shalders (Minister for Consumer Affairs) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Tenant's rights—

Mr SHALDERS: I move an amendment—

Page 3, line 29—Insert after the word "until" the passage " 7 days ".

Mr Tonkin: What is the purpose of that amendment?

Mr SHALDERS: It defines the actual period.

Amendment put and passed.

Mr SHALDERS: I move an amendment—

Page 4, line 1—Delete the word "month" with a view to substituting the words "six month period".

Mr TONKIN: It is apparently preferred by the Government that the specified period be six months rather than 12 months. I do not know whether the Government is doing this because it is not prepared to accept an amendment moved by the Opposition. We have seen this kind of attitude on the part of the Government before, but I suppose the Government will claim that it is not that at all, but that six months is somehow a better period. I would be interested to hear why six months is considered to be a better period. In moving the amendment, the Minister has not attempted to indicate why six months is better than 12 months. Probably the reason the Government has done this rather than agree to the Opposition's amendment is that the Government is not man enough to admit that someone else might have an idea which is acceptable, and if that is the game the Government wants to play, so be it.

Amendment put and passed.

The CHAIRMAN: I draw the attention of the Committee to Standing Order No. 343 which says—

> Where there comes a question between the greater and the lesser sum, or the longer or shorter time, the least sum and the longest time shall be first put to the Question.

Mr Davies: Hear, hear!

The CHAIRMAN: There is appearing on the notice paper an amendment by the member for Morley and also an amendment by the Minister for Consumer Affairs. The amendment by the member for Morley involves the insertion of the word "year." The Minister for Consumer Affairs' amendment refers to the six-month period. In following Standing Orders, I am required to call on the member for Morley if he wishes to move his amendment.

Mr TONKIN: I have already indicated why I think the Minister prefers the six-month period. The Minister has the numbers and I am sure his amendment will be carried, so I do not intend to move my amendment.

Mr SHALDERS: I move an amendment—

Page 4, line 1—Substitute the words "six month period" for the words deleted.

In moving that amendment, I inform the member for Morley that the Government is of the opinion that, as this legislation breaks new ground, and in an endeavour to see how the effects of it are felt within the industry, a six-month period would be the best period with which to commence. I have liaised with many lessee dealers who agreed that a six-month period would be suitable as a trial period to determine how the legislation works. I inform the member for Morley that this is not simply a case of one-upmanship or, "You said 12 months, we will say six months." It is for very genuine reasons that the six-month period has been inserted.

Amendment put and passed.

Mr SHALDERS: I move an amendment—

Page 4, line 37—Delete the passage "section." and substitute the following passage—

" section;

(g) so far as is practicable any underground storage that he uses pursuant to that power does not contain any motor fuel that has been supplied to the site by his primary supplier;

(h) so far as is practicable any underground storage that he uses pursuant to that power does not contain a mixture of petrol and diesel fuel;

(i) that all dispensing equipment on the site is fitted with sealed volume totalizers which record the total amount of fuel dispensed by the equipment."

Amendment put and passed.

The clause was further amended, on motion by Mr Shalders, as follows—

Page 4, line 39—Delete the word "month" and substitute the words "six month period".

Page 5, lines 1 to 11—Delete subclause (5) and substitute the following—

" (5) Where a term of provision of a franchise agreement—

(a) requires a tenant to display the name or business name of the primary supplier or any colour or distinguishing symbol or motif identifying or commonly associated with or controlled by the primary supplier on all items of dispensing equipment;

(b) restricts the rights of the tenant to use or maintain or paint dispensing equipment operated in accordance with this Act; or

(c) permits the landlord or primary supplier to paint or affix signs, symbols or motifs to or write on dispensing equipment being operated by the tenant in accordance with this Act,

the term or provision is to the extent that it restricts or modifies or purports to restrict or modify the exercise of the tenant's rights under this Act void and of no effect. ".

Page 5, line 17—Insert after the word "person" the words " who fails to make an entry in a register as required by this Act or ".

Clause, as amended, put and passed.

Clause 5 put and passed.

Clause 6: Tenant's liability—

Mr SHALDERS: I move an amendment—

Page 8, line 14—Insert after the word "equipment" the words " took effect ".

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 13 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Mr Shalders (Minister for Consumer Affairs), and transmitted to the Council.

CRIMINAL INJURIES COMPENSATION BILL

Second Reading

Debate resumed from 20 October.

MR GRILL (Yilgarn-Dundas) [5.08 p.m.]: I indicate at the outset that the Opposition supports the general thrust of this legislation. In fact, in some respects, that general thrust mirrors a Bill that was introduced into this House some time ago by the member for Gosnells in relation to criminal compensation. It was nowhere near as comprehensive as this Bill, but it had many of the same features and objectives.

In indicating that we support the Bill, I would like to say that there is one area about which the Opposition has the very gravest concern. I will mention it later on as it will be the last remark I make in respect of this Bill.

Another area in which the Opposition thinks the Bill can be improved substantially relates to the timing with which the new maximum of $15 000 takes effect. We argue that it should be of retrospective effect so that amounts of compensation up to the new maximum of $15 000 can apply not just to criminal claims which come before the court in relation to criminal injuries that arise some time after the proclamation of this Bill, but also to all claims that come before the court after the passing of this Bill. That would give one element of this Bill some retrospective application. I indicate to the House that the Opposition will move an amendment along these lines.

It is true that the old legislation which applied to criminal compensation was cumbersome, too strictly formal, sometimes unjust, and circumscribed by a plethora of legal rules before an injured party could obtain adequate compensation. This Bill is not aiming to compensate fully an injured person, but to grant some level of compensation. It would be hoped that, in some way, it

would compensate a person for injuries sustained, but not up to the full level of damages.

It is appreciated that, in reviewing this legislation, the Government has endeavoured to improve the Act substantially and we believe this Bill in most respects does improve substantially the system of granting compensation in cases of criminal injury.

The major thrust of this Bill it to take assessment of compensation away from the court system and to place it in the hands of an independent assessor. It is hoped that, by our doing that, administrative informality will be attached to that assessment, and that in most cases assessment of compensation will take place without the necessity of a hearing. Many applications, if not most applications, will be dealt with in writing alone and applications can be made personally by victims of crimes. In other words, the services of lawyers and professional advocates will be dispensed with. All those points and objectives are supported wholeheartedly by the Opposition. We understand that the assessor will be empowered to hold hearings and to take evidence on oath, and will be required to take into regard the question of justice, and will be unfettered with normal legal rules of procedure and evidence.

As mentioned previously, the proceedings mostly will be conducted in private, without any hearing at all. The assessor will have the power to publish his findings but, in those cases, he will have the power to protect the names of the persons involved, and the Opposition has no argument with those types of provisions. I have mentioned earlier, and it was made clear in the Minister's second reading speech, that in most cases it will not be necessary for a hearing to take place in assessing compensation, but when it is required by a party involved, it will be incumbent upon that assessor to have an inquiry—certainly he can have an inquiry of his own volition. Awards of compensation, as a result of those inquiries, will be paid out of the Consolidated Revenue Fund and that, in itself, is a streamlining of the operations of the Bill. The debt will be a debt to the Crown recoverable by the under secretary. The Opposition believes it is an advantage to have a debt recoverable by the under secretary rather than by the injured party.

One of the main provisions of the Bill will be to increase compensation payable or maximise the amount of compensation payable and that will increase by 100 per cent to $15 000. That figure is an arbitrary figure and the figure of $20 000 put forward earlier by the Opposition in respect of criminal compensation for rape, was also an arbitrary figure.

I do not think anyone is suggesting that, in all cases, $15 000 will be sufficient compensation. However, it does represent an improvement to the Act that from now on, easier adjustment of the maximum will be possible in that increases will be effected by regulation rather than by amendments to the Act. No doubt, in due course, that will lead to some type of indexing of the awards.

Following a suggestion by the Law Society of Western Australia, the Bill also contains provision for an appeal. This appears to the Opposition to be a sensible amendment, and we support it. The appeal court will have the right to review the assessor's decision. However, my understanding of the situation is that this will not take place by way of a rehearing of the case, but by a simple review of the amount assessed; in other words, it will be a review of the decision. Perhaps at a later stage the Minister can indicate to the House whether that is the case.

The Minister also indicated, and the legislation clearly sets out, that an appeal to the District Court will be final. The Opposition has some reservations in that regard. We do not see why the appeal should be final at that stage. Most appeals from inferior courts in this State run the whole gamut. For instance, a Local Court judge can have his decision appealed against right up to the High Court of Australia and we cannot see why an appeal against the decision of an assessor—which, after all, could involve a fairly substantial sum, up to $15 000—should not be treated in the same way. In other words, appeals should be allowed beyond the District Court to the Supreme Court and possibly—in an area where the law is complicated or where a benchmark decision or important decision needs to be made—even to the High Court.

However, it is not a major area of discontent and the Opposition does not intend to seek to amend the Bill in that respect. We would like to see how the legislation works and if, in due course, it is thought necessary to allow appeals in the manner I have suggested, no doubt the Government will introduce the appropriate amending legislation.

The Bill also contains provision whereby, where an assessor considers a matter to be complex or difficult, he may refer the entire case to the District Court. That would appear to be a sensible safeguard. At this stage, we do not know the qualifications to be required of an assessor. It may be that from time to time, an assessor will be faced with a difficult case on which he considers a judgment of the District Court would be of advantage.

It is interesting to note that awards of costs shall not be made by the assessor. However, where a matter is referred to the District Court, either by way of original hearing, or by way of appeal, the District Court will have power to award costs.

This Bill will become effective as from the date of proclamation; the new maximum award of damages of $15 000 will apply to injury and loss sustained in consequence of the commission of an offence on or after the date of proclamation. Here, we take issue with the Government, and as indicated earlier. we intend to move an amendment to this clause. As the Opposition has maintained on earlier occasions, in relation to the Workers' Compensation Act, awards of compensation should be applicable to the date on which they are brought down. Under this legislation and, indeed, under the provisions of the existing Act, it is quite possible awards can relate to injuries sustained up to three years ago; that situation has applied right back to the commencement of the Act in 1970. In the past, we have argued as a matter of principle that awards of compensation should relate to this day and this date; they should be commensurate with awards handed down under the new level of compensation granted under this Act.

In the future, many cases will come before courts where awards of compensation will be allowable up to a maximum of only $7 500 whereas at the same time, and for similar injuries, under the new legislation courts will be allowed to make awards up to $15 000. That is an obvious case of injustice. How can we distinguish between two sets of people who have suffered similar sorts of injuries and have gone through similar traumatic conditions and say that one person should be subject to a maximum award of $7 500 while the other, who was not unlucky enough to suffer the injury at an earlier date, should be awarded compensation up to a maximum of $15 000? That seems to be a clear inequity.

As a matter of principle, we believe this legislation should provide for some form of retrospective application so that from now on, when the courts are assessing damages, they can take into account the maximum sum payable under this legislation and not be hamstrung by making awards under the old Act, which relates to a maximum amount of $7 500.

As mentioned earlier, the Opposition intends to move to amend this clause. The amendment is on the notice paper, and the Government has had notice of it. We hope the Government will see fit to support our amendment. Many people would be under the impression that once this legislation is proclaimed, all persons going before courts for assessment of damages would be liable to receive awards of compensation at the new higher rate. I think that proposition would have some support from members opposite. If some members opposite do support that proposition, they should take the next step and make retrospective the new higher limit so that it covers all persons coming before the courts from now on.

It is interesting to note that the new legislation provides for an enlarged definition of "injury". In fact, the definition has been liberalised to include expenses incurred by persons who have sustained injuries, on top of and as well as simple damages under the Act.

It also is gratifying to see the inclusion of a provision to allow the parents of a deceased or injured child, or the personal representative of a deceased or injured person, to claim for expenses incurred as a result of the death or injury of that child or person.

The legislation also imposes a time limit within which people must make their applications. However, in clause 9 of the Bill the Government wisely appears to be showing some flexibility by allowing the assessor, in certain special circumstances, to extend the time limit.

The Bill also provides that double awards of compensation shall not be payable. No doubt the Government has in mind the situation where an award may be made under this Act and also under the Workers' Compensation Act or against the Motor Vehicle Insurance Trust; it appears to be a common-sense provision.

The Bill in addition makes provision for the apportionment of liability which also appears to be common sense. In many cases involving criminal compensation, the injuries sustained have been provoked or in some way contributed to by the injured party; in that case, some apportionment should be made, having regard to the level of blame of the injured party. The Opposition supports that provision.

We note also that the Government wisely has decided to provide the assessor with discretion not to make an award likely to be of benefit to the person who committed the offence. The Minister mentioned that this refers to the situation where the spouse of the injured party has committed the offence, and situations of that ilk.

As mentioned at the outset of my speech, the Opposition is gravely concerned with one aspect of the Bill, and it is this: A person acquitted in a criminal court of a criminal allegation against him can be made liable, without a trial, for an award of compensation of up to $15 000.

Similarly, a person who is not present, and has not been found liable by any court for any criminal act, can be found liable for an award of $15 000.

The Opposition does not see how a person who has been acquitted of a criminal offence then can be found liable for an award of damages up to the very large sum of $15 000. However, that is what this Bill contemplates.

Let me make it clear: The Opposition is not against an assessor in these circumstances making an award in favour of an injured party. However, we are totally against the next step of making a person who has been acquitted of a criminal offence liable to repay to the Crown that award of damages, which is the next step contemplated by this legislation.

I notice the Minister is frowning; I refer him to clause 22 of the Bill.

Clause 22(2) reads as follows—

(2) Where—

(a) a person has been acquitted of an alleged offence; and

(b) the Assessor subsequently makes an award of compensation in respect of that alleged offence,

the Assessor shall, if he is satisfied, on the balance of probabilities that, notwithstanding the acquittal—

(c) that person committed the alleged offence; and

(d) he has no sufficient defence against liability as mentioned in section 20 (1) (c),

make a finding that the person committed that alleged offence and set out such finding in the order made under section 19 (1).

With your indulgence, Mr Speaker, I would now like to refer to subclause (3) which reads as follows—

(3) Where—

(a) a person has been identified by the Assessor, considering the balance of probabilities, as a person who committed an alleged offence, but he has not been put on trial therefor;

and

(b) the Assessor makes an award of compensation in respect of that alleged offence,

the Assessor shall, if he is satisfied on the balance of probabilities that that person has no sufficient defence against liability as mentioned in section 20 (1) (d), make a finding that the person committed that alleged offence and set out such finding in the order made under section 19 (1).

The situation is clear in both cases. The first is where a person has actually been acquitted, and the second is where a person has not been brought to trial at all. Such a person can be liable to pay to the Crown an award of damages of up to $15 000.

One wonders why the Government would take such a radical step to depart from our common law heritage in such—we could almost say—a dramatic manner as this. What is at stake? For instance, what amount of money is at stake?

After questioning the Attorney General, our understanding is that the sums actually collected from people in these unfortunate circumstances would be quite paltry, quite miniscule. So the justification in monetary terms for something which most people would agree to be a radical departure from our common law heritage is quite insignificant. We cannot see why the Government wants to pursue such legislation.

We ask why the Government should want to make an award in the first place, and, if it is paid out of the Consolidated Revenue Fund, we go along with it. That is quite right and proper. However, to make an award where a person has been acquitted, or where the person is not present and, in fact, has not been identified by a court as the person who committed the injuries, seems to be a quite radical departure from the common law heritage which has held us in good stead for quite a long time.

It may be argued in rebuttal that the Act provides a right for a hearing, but as the Minister has indicated in his second reading speech, and as I reiterated in my speech to the House today, that hearing is a very informal one only. It is certainly not a trial. The rules of evidence are expressly waived by this legislation and the person concerned has none of the common law safeguards. The person does not even have the right—and this is very important in these sorts of circumstances—to remain silent. He does not have the right which always has been in our criminal legislation against self-incrimination.

It is clear from the legislation before us that not only would an assessor be making an award of compensation against such an unfortunate victim, but also, in having a hearing, that person would be stripped of all his normal legal rights. If he is ordered to pay compensation, the order is made after he has been stripped of all those rights.

Although we have great sympathy with all the objectives of the Bill, and although we have great sympathy for all victims of crime, we cannot see

how the Government could impinge upon the legal rights of our citizens in assessing compensation against them without the right of trial. It is not as though such persons cannot be brought to trial. If they are acquitted in a criminal court, they can be brought before the courts for assessment of civil damages. That remedy always is open. In fact, such persons can be liable for quite substantial damages, damages well and truly in excess of $15 000. So there is a remedy for an injured person or for the Crown to bring such a person to trial and to extract damages, but only after a proper trial before a judge, and a trial with all the safeguards of the court. It should not be possible to do this before some sort of kangaroo court where the safeguards of the law are expressly stripped from the person being charged.

It is hoped that the Government, either here or in another place, will give further consideration to that aspect. In monetary terms it might mean a few thousand dollars only a year, if that. The Attorney General in another place has supplied some figures on this matter, but unfortunately I do not have them with me. However, it seems that, by implementing this legislation, the Government could hope to reap only a few thousands dollars for the Consolidated Revenue Fund and the legislation does not seem justified in those circumstances. Such draconian law should be reserved for serious situations and it seems inexplicable in the type of situations to which we are referring. Consequently, with reservations—the first one being quite grave and the second relating to the limit of $15 000—we support the Bill before the House.

MR PEARCE (Gosnells) [5.37 p.m.]: I intrude on this debate just in passing as I have a Bill on the notice paper to amend the Criminal Injuries (Compensation) Act. Of course, by the Bill we are now discussing, that Act is to be repealed and replaced.

I indicate, as did the Opposition spokesman in this area, that I am quite happy that the Bill I introduced into this House is to be superseded by the Government's legislation. I give the Attorney General some credit here because he has taken the cues I have been giving him for the last year or so in the area of his responsibility in what might be described as women's interests. He has been doing it fairly well—a little slowly, but reasonably thoroughly.

Mr Grill: Hear, hear!

Mr PEARCE: He has made an effort to make the criminal injuries compensation more liberal. I drew to his attention the situations which could apply under the old legislation and the provisions of this Bill will allow such problems to be resolved in a more satisfactory way.

My Bill was aimed at endeavouring to assist, for example, women who had been raped. These women could find themselves undergoing the ordeal of a second quite traumatic trial in order to obtain some sort of compensation for their injuries. The situation could almost have been reached where the degree of trauma for which a woman was being compensated was aggravated by the trial she had to go through in order to obtain the compensation!

It is a good thing that the Attorney General has taken up this matter; it is something the Opposition took up last May. Although this Bill comes fairly late on the scene, it is a much more thorough going one than the Bill I introduced in the autumn session of this year's Parliament.

I am quite happy with the procedures proposed in the Bill before us, and I indicate that the Opposition is prepared to have its own more limited Bill lapse. I note in passing with some regret that the Attorney General has been less generous than I was in my Bill in that I was prepared to raise the maximum amount to $20 000 and the Attorney General has seen fit to include a maximum amount of $15 000. During the Committee stage I may look to move an amendment to increase the maximum amount, although such an amendment may be ruled out of order as this Bill is one which requires a message of appropriation. It is not my intention, Mr Speaker, to cause technical problems to you.

So, in general terms, I support the legislation. It will do the job my Bill sought to do, although perhaps in a more thorough going way. Certainly the legislation is open to the criticisms raised by the member for Yilgarn-Dundas. Nevertheless, the Attorney General and the Government can expect the support of the Opposition for its general principles, and we will not then proceed with the Bill which I had introduced.

MR RUSHTON (Dale—Deputy Premier)[5.40 p.m.]: I thank the Opposition for its support of the legislation. Well in advance of this debate we understood that the Opposition would support the Bill because we were aware it supported the principles involved.

The comments of the member for Yilgarn-Dundas basically were supportive of the legislation although he raised one or two queries and he made some criticism of it. The member has a proposed amendment on the notice paper, and before we continue the debate on the Bill, Mr Speaker, I wonder whether you may consider ruling on that proposed amendment. I do have

answers to give the honourable member to the queries he raised, but as some doubt exists about the proposed amendment as it would cause an imposition on the taxpayers, I wonder whether you would care to comment on that point.

Speaker's Ruling

The SPEAKER: The question whether or not it is in order for a private member to move amendments involving increases, or possible increases, to expenditure is one which has been given a good deal of airing in this House.

Standing Orders are not very helpful. The closest approach in Standing Orders to this question is in suborder (6) of Standing Order No. 306, which reads—

> (6) It shall not be competent for a Member, other than a Minister, to move the House into a Committee of the whole House for imposing any tax, indent, or impost, nor shall it be competent for a Member, other than a Minister, to propose increases on the amounts proposed therein.

The obvious point to be made here is that this Bill is not one imposing a "tax, indent, or impost". Therefore the last part of the Standing Order has no application.

This Bill is one which appropriates revenue and, by virtue of subsection (8) of section 46 of the Constitution Acts Amendment Act 1899, needs to be accompanied by a message from the Governor recommending those appropriations. In fact this is the case. Message No. 45 from His Excellency the Governor read—

> **Message No. 45.**
>
> RICHARD TROWBRIDGE.
>
> Governor.
>
> In accordance with the provisions of Section 46 of the Constitution Acts Amendment Act 1899-1981, the Governor recommends that appropriations be made for the purposes of a Bill for "An Act to establish a limited scheme for the compensation of persons injured, and of the close relatives of persons killed, by reason of the commission of offences and alleged offences, and for connected purposes."
>
> Government House,
>
> Perth, W.A.

In studying the precedents in this place, I find there appears to have been a distinct change of attitude on the part of Chairmen and Speakers in dealing with this question. Broadly speaking, amendments increasing proposed expenditure were ruled to be out of order until the late 1940s. Then a change took place and such amendments have not been ruled out of order over the past three decades, provided the original Bill was supported by a Governor's message.

The reason for this change of attitude could well be an opinion received from the Solicitor General in 1947 and it may be helpful if I quote the most relevant paragraph as follows—

> The operative words of the usual Message from the Governor in this State are that he "recommends that appropriations be made for the purpose of a bill for 'an Act . . .' &c." When those words are used in connection with the estimates of expenditure from the General Loan Fund, there is no doubt, in my opinion, that they are sufficient to limit the Governor's recommendation to the amounts shown on the estimates. When, however, there are no estimates or other methods shown in the Bill by which the extent of the proposed burden or charge on the people can be calculated or estimated, then, in my opinion, the Message may be stated to be couched in general terms, and is wide enough to include amendments to the Bill which may increase the charge or burden on the people.

Since the time that opinion was received, this House has been noticeably more willing to consider amendments of this type and dispose of them on their merits.

My ruling is that the amendment is in order.

Debate Resumed

Leave to Continue Speech

Mr RUSHTON: I seek leave to continue my remarks at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

QUESTIONS

Questions were taken at this stage.

Sitting suspended from 6.17 to 7.30 p.m.

CRIMINAL INJURIES COMPENSATION BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR RUSHTON (Dale—Deputy Premier) [7.30 p.m.]: Mr Speaker, before the dinner suspension you gave your decision relating to a point I raised and we appreciate your comment because it clears up some ground I will not need to cover.

I advise the member for Yilgarn-Dundas that the Government has no intention of being obstructive to some of the good points he made. While we oppose his amendment, I would like to indicate that we have some good reason for our opposition. I am happy to have the other points he made passed to the Attorney General for his consideration, once I have received a *Hansard* report.

The legislation is detailed and the Government did indicate that it was coming forward. It has been carried out in full consultation with the Law Society and in broad terms has the support of both parties in this House. I will not list the reasons for the Government's resistance to clause 43 being amended because that can be developed at a later stage.

The member for Gosnells made some claims about the credit due to the Attorney General for introducing this legislation. We all know the Attorney General well and know that in carrying out his tasks and duties he always gives much thought to the matters involved. He is to be commended for his presentation and the full review of this legislation.

The member for Gosnells of course has had an opportunity to indicate his views on this matter to the public and that is his full entitlement.

This is forward-thinking legislation which addresses itself to an issue which requires attention.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Rushton (Deputy Premier) in charge of the Bill.

Clauses 1 to 21 put and passed.

Clause 22: Statement or finding as to person who committed offence—

Mr GRILL: I have outlined in some detail the grave concern of the Opposition in respect of parts of the provisions of this clause. I indicated that we are concerned that an assessment can be made against a person who has been acquitted of a criminal offence, or against a person who has been identified by the assessor but not brought to court or charged. The assessment in either case can be an amount up to $15 000.

I have indicated that we considered this to be a dramatic and radical departure from the law as we know it and it takes away from these persons very fundamental and basic rights that they have enjoyed for many years under the legal system. For those reasons we question whether such draconian laws should be introduced into an Act which is basically there to compensate persons in distress; namely, those who have been injured in a criminal situation.

If we consider the provisions of clause 22, we realise that what it is really saying is that the Government will be granting compensation to people other than those injured in criminal circumstances. I think it is clear they will be granting compensation where the accused person has in fact been acquitted and we do not really argue with that because it will be doing justice in certain cases.

However, we do question a further step which has been taken by the Government and that is in a fairly arbitrary way—without trial—allowing an assessment of compensation against the person who has been acquitted.

When I spoke earlier on the matter, I said that financial gain from this provision would be fairly miniscule and I indicated that the Attorney General in another place answered a question put to him by the Hon. Joe Berinson giving figures in relation to the collection of funds in these sorts of circumstances. The question was put on notice and answered on 27 October 1982.

In each of the years from 1977-78 up to 1981-82, certain sums were collected from parties who had been assessed to pay compensation to persons injured as a result of criminal activity. These sums are fairly small and I would like to read them into the record.

In the year 1977-78, the total sum collected by the Crown was $1 750; in 1978-79, was $4 780; in 1979-80, $18 046; 1980-81, $19 507; and in the year 1981-82 the sum of $21 470 was collected by the Crown.

If we appreciate—and I know members will—that the amount that would be collected in the circumstances envisaged by the Government under clause 22, which gives grave concern to the Opposition, would be only a fraction of those amounts, we can see clearly not much is to be gained. It is a rather dramatic departure from the common law.

With those few words and understanding the undertaking given by the Minister on this question, I leave the matter there.

Clause put and passed.

Clauses 23 to 42 put and passed.

Clause 43: Repeal and transitional provisions—

Mr GRILL: I move an amendment—

Pages 20 and 21—Delete clause 43 with a view to substituting a new clause as follows—

Repeal and application:

43. "(1) The Criminal Injuries (Compensation) Act 1970 (in subsection (2) referred to as "the repealed Act") is repealed.

(2) This Act applies to—

(a) any injury or loss suffered; or

(b) loss suffered by reason of the death of a person which has occurred,

in consequence of an offence or alleged offence committed on or before or after the day on which this Act comes into operation, where no final decision has been made to award or refuse compensation under the repealed Act."

The thrust of this amendment is to make the provision of the maximum sum of $15 000 compensation applicable to all claims for compensation decided in the future under this Bill and under the previous Act. Our reasons for moving this amendment already have been put forward and I think they are clear, but I reiterate them on the following basis: Firstly, we believe that compensation should relate to and be assessed at the rate applicable at the time of assessment, not at some previous date. Therefore, we believe strongly that future assessments, whether they be made under this legislation or the previous Act, should be made at the rate of $15 000 maximum and not at $7 500.

Secondly, we believe it is wrong to create two classes of people under this legislation, the two classes of people being those who would be assessed under the provisions of the old Act with the maximum of $7 500 and the new class of people who would be assessed under a new Act with a maximum amount of $15 000 compensation.

It is conceded that persons with similar injuries and having gone through similar sorts of dramatic experiences would come before the court or an assessor and receive vastly different sums under the two pieces of legislation. We believe future cases should be decided under the $15 000 maximum provision.

That principle has been espoused by the Opposition over a long time. It is a principle which has been endorsed by a wide range of opinion throughout society and it is a just way of looking at the situation. After all, if someone were assessed three, five, or 20 years ago in respect of injury and were paid that money he would have the benefit of the use of that money over that period of time. He would have had the benefit of receiving interest on that money and in this day and age when money is devaluing very quickly and where the inflation rate is high, we believe the value of money in relation to compensation should be preserved wherever possible.

Persons, not through their own fault, but through a variety of reasons, may not be able to bring their cases before an assessor or court for some time. In those circumstances we do not believe they should be assessed for compensation at a rate that was applicable some years ago. For those reasons we would have thought the pure straightout common-sense and fair provisions would have appealed to everyone's notion of what justice means and that they should be acceded to by the Government in this case.

The Government has indicated it will not go along with this amendment and I will be interested to hear the Minister's argument.

Mr RUSHTON: The member for Yilgarn-Dundas has given ample notice of his intention to move this amendment, and I have had the opportunity to seek advice and information from the Attorney General who originated this Bill. I indicate these are the reasons for our opposing the amendment. I trust that when the member listens to the weight of the argument he might consider it reasonable not to proceed with his amendment.

The Attorney advises as follows—

> The proposed amendment in Committee relates to the transitional provision and seeks to make the new Bill apply to any application for compensation where "no final decision" has been made. It is clearly directed at making the new maximum of $15 000 relevant to any application not finalised before operation of the new Bill.

A number of points can be made. They are—

> The amendment penalises applicants who have pursued their applications diligently and brought them to finality under the present maximum of $7 500, and favours applicants who have been dilatory or deliberately delayed bringing their applications to a conclusion.

That is the first point. The second is—

> The term "final decision" is quite inadequate in the context of the present Act. The award of compensation by a court is merely in the nature of a recommendation in view of the Treasurer's discretion. There is no "final decision" by the court. Most court awards are capable of appeal, and in the final analysis are subject to a wide discretion of the Treasurer. The amendment is therefore quite unworkable due to vagueness.

That is the Attorney General's opinion.

Mr Grill: I do not really understand that.

Mr RUSHTON: The third point is—

> While the proposed amendment is clearly directed at making the new maximum of $15 000 available to victims whose claims have not been "finalised" it does not say so directly and therefore all the procedural requirements of the new Bill are arbitrarily imposed upon applications now before the Court. There is no solution suggested for the chaos that would result from the words "This Act applies to...any injury or loss ... where no final decision has been made ...".

The next point that the Attorney makes is that—

> The existing Clause 43 to the Bill is in traditional form, being applicable to all injury or loss occurring subsequent to the proclamation of the Act. It is also consistent with the transitional provision used in 1976 to amend the present Act and increase the maximum.
>
> In its present form it is fairer and not discriminatory towards those applicants who have lawfully and properly pursued their claims to completion.
>
> If hardship is created to potential applicants (not as to quantum) in that the new Bill allows claims not previously permitted, their situation can be looked at in each case on the basis of an individual ex gratia payment.
>
> How far the Hon. Attorney wants to extend this principle must, of course, be for him to decide.

I put those points before the Committee and trust that the member for Yilgarn-Dundas will give them full consideration, and agree perhaps with our resistance to his amendment. I know his amendment has been put forward in good faith, but I think the argument that has been presented should prevail and I ask the Committee to disagree with the amendment.

Mr GRILL: I am not convinced by the argument. I wonder whether if I put a case history, the Minister will listen and give this matter further consideration in another place because I know it cannot be decided here.

Mr Rushton: I would undertake to do that if you care to give it to me in writing.

Mr GRILL: A case arose in Kalgoorlie last year when a couple went to the racing round and stayed at one of the motels in Kalgoorlie. The man presented a trophy at the last race in the round. I suppose it became obvious to some delinquent elements in the community that he had money. That night while he was asleep in a motel with the lady companion with whom he had had an association over a long period of time, they were attacked by an assailant who broke into the rooms. The assailant, using a blunt instrument, pounded the woman about the head while she was asleep in bed, causing her very serious head injuries and some brain injury. She was in a critical situation for some considerable time. She has worked in the media and probably some members opposite, and certainly some on this side, know of her. She was in a critical condition for some time and sustained injuries some of which will be permanent. The assessment of her injuries is taking some time.

I do not think she falls into the category of people mentioned by the Minister; namely, those who have not been diligent about bringing forward their claim, or those who do not care about bringing their claim. She has made a claim, but it cannot be decided until the nature, permanency, and extent of the neurological injuries have been properly assessed. I would have thought those injuries, no matter what the level of compensation, would probably attract the maximum amount in any event. Under the present legislation, she will be compensated at the lower rate despite the fact that when her case comes before court late this year or early next year she would, if assessed under the new Act, receive the maximum compensation of $15 000.

When one looks at a case history like that, it is hard to doubt the justice of the case being put forward by the Opposition. If, in fact, cases come before the courts or the assessor where neglect has occurred in bringing the claim, where a person has been dilatory, or where one of the situations outlined by the Minister has occurred, these factors can be taken into account by the assessor. Where a clear case of injustice exists, as demonstrated by this case history, the Government should give consideration to making a new maximum amount applicable to all cases which come before the assessor from now on.

The proclamation of this Act may be some months into the future and people in the community have seen the announcement and will expect to be assessed at the higher amount when they make their applications. We intend to go to a division on this point, but I hope some consideration might be given to this matter in another place.

Amendment put and a division taken with the following result—

Ayes 17

Mr Barnett	Mr T. H. Jones	
Mr Bertram	Mr McIver	
Mr Bryce	Mr Parker	
Mr Carr	Mr Pearce	
Mr Evans	Mr A. D. Taylor	
Mr Grill	Mr Tonkin	
Mr Harman	Mr Wilson	
Mr Hodge	Mr Bateman	
Mr Jamieson		*(Teller)*

Noes 23

Mr Court	Mr Old	
Mr Coyne	Mr Rushton	
Mrs Craig	Mr Shalders	
Mr Crane	Mr Sibson	
Dr Dadour	Mr Sodeman	
Mr Grayden	Mr Spriggs	
Mr Grewar	Mr Stephens	
Mr Hassell	Mr Tubby	
Mr Herzfeld	Mr Watt	
Mr Laurance	Mr Young	
Mr McPharlin	Mr Williams	
Mr Mensaros		*(Teller)*

Pairs

Ayes	Noes
Mr I. F. Taylor	Mr Clarko
Mr Gordon Hill	Mr P. V. Jones
Mr Terry Burke	Mr MacKinnon
Mr Davies	Mr Trethowan
Mr Bridge	Mr Nanovich
Mr Brian Burke	Mr O'Connor

Amendment thus negatived.

Clause put and passed.

Schedule 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 Mr Rushton (Deputy Premier), and transmitted to the Council.

LAND AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from 21 October.

MR EVANS (Warren) [8.01 p.m.]: Reference to the implementation of the Jennings report was made by the Minister. That document was a useful one in restructuring the pastoral industry in the northern parts of this State.

One purpose of the amendment is to broaden the compensation rights and procedures available to pastoralists when land has been resumed; and the reason for this, as the Minister pointed out, was to adjust the situation where previously compensation entitlements were restricted to lawful physical improvements. This amendment intends to take the basis of compensation beyond that; in effect, to give consideration to injurious affection on the viability and the income-earning capacity of a particular property. In addition, changes in value of the productive capacity of the lease will be included as an additional basis for compensation.

That is breaking rather new ground; and while the provision has our approval, I point out that the concept of compensation for injurious affection was first proposed in the Rights in Water and Irrigation Act when the measures that sought to introduce clearing bans on the catchments of four rivers in the south-west were introduced.

The Bill before us contains such provisions; but when those provisions were proposed in connection with the clearing bans, the matter was rejected by the Government. It was explained at the time, when that particular Bill was before the Assembly, that many underdeveloped properties were in such a position that the inability to clear the remaining undeveloped portion of the property would result in fairly serious implications for the earning capacity and the total net economics of the property. It meant, too, that no consideration was given to the potential loss of income. Instead, the transfer of land acquired by the Public Works Department, together with a variety of exchanges that became possible and the application of Rural Adjustment Authority funds to enable the transactions to be negotiated whether by way of exchange or by availability of other properties were the alternatives that were adopted in connection with dealing with the four catchment areas to which I have alluded.

On several occasions in the course of the debate on the original clearing bans legislation and subsequent amendments, the Minister of the day stated categorically no consideration was given to injurious affection in a claim for compensation.

A number of valuations were disputed, and some are still being disputed; I know of valuations that are still in train. However, that is a peripheral consideration to the amendment to the Land Act with which we are now dealing.

I point out the contrast between the two measures and the fact that injurious affection or compensation which is based on other than the lawful and physical components of the property, could well be considered further at some time in the future, in other circumstances.

It was to the benefit of the pastoralists of the State that they knew the basis on which they could seek a further degree of compensation than otherwise would have been available to them. Apparently it was presented that the lack of compen-

sation ability had a deleterious effect on the investment attitude of pastoralists in the north; I hope this will be rectified to some extent by the passage of this measure.

The corollary to that is the question, when it becomes germane, of how valuations will be fixed—whether the Valuer General will be involved, or precisely how this will be done. Valuations have been something of a sore point in connection with the banned clearing of the water catchment areas on the four south-west rivers.

The method of operation of the measure is the use of the existing provisions of the Public Works Act as if the land were required for a public work. As the Minister rightly pointed out, that has the advantage to the pastoralists of the 10 per cent solatium for compulsory resumption, and this is where it could be to the advantage of the individual pastoralist when it comes to negotiating a valuation.

The land resumptions for road purposes, when only the precise amount of land for the road is required, will be left under the terms of the Public Works Act. Once again, that is justifiable in that a pastoralist could gain considerable benefit from a road going through his lease.

There also is the question of the retentions. The existing provision for compensation for non-renewal of an expired lease is based only on the effect on lawful physical improvements, under the existing Land Act. That is fair and equitable if those two measures are retained; nobody would disagree with that. The point that has been occluded a little is how this will apply to other forms of tenure. I do not know whether the Minister could enlighten us further in dealing with the other forms of tenure such as conditional purchase leases, special leases, and matters of this kind.

When it comes to resumptions of that sort, I question two paragraphs of the Minister's second reading speech which appear to be a little ambiguous. They need clarification. The Minister said—

> These tenures—

There the Minister was referring to other types of lease and tenure; he continued—

> —also will be subject to resumption and compensation procedures under the Public Works Act with complementary provisions of the Land Act retained in order that compensation factors have regard to the respective tenures involved.

The essential point there is "with complementary provisions of the Land Act retained". I do not know whether that refers to the injurious affection consideration in the sense that it will apply to other than pastoral leases. That is not quite clear in the explanation given by the Minister. It is occluded further by the Minister's statement as follows—

> In actual practice over the years, resumption negotiations in respect of these tenures have embraced Public Works Act principles in the main.

I ask the Minister to give a little further information on that, if he can.

A further amendment in the Bill emanates once again from the Jennings report. It deals with deputies for members of the Pastoral Board and provisions for the updating of requirements for the maintenance of improvements on pastoral leases. The point is made that certain out-dated requirements relating to stocking viability of leases have been amended to delete breeder stock ratios. I do not know whether the full significance of this change is appreciated because previously, when a pastoral lease was taken, a requirement was placed on the pastoralist to maintain a basic number of stock which the lease was expected to carry. This had some most unfortunate consequences in times of drought and in times of financial stringency. The Government was not only endeavouring to encourage pastoralists—doing more than encouraging, I might add, about 10 years ago—to destock to give the denigrated land at least some chance of recovery, but also, in the terms of the Act, was ensuring that the pastoralist maintained his stocking rate at the appropriate level for that holding.

Mr Laurance: An obvious anomaly, was it not?

Mr EVANS: It was an unfortunate anomaly. This is a necessary and wise provision.

One important point in the Bill, as the Minister puts it, is the provision for the issuing of tourist licences. In due course, that will claim a deal of attention because the tourist potential in the northern parts of the State, especially along the coastal strip, will be the subject of continuing additional pressures. For that reason, the need will become increasingly obvious for additional tourist facilities. However, the point has been made; obviously it is under consideration. It is a matter that needs to be resolved in the not-too-distant future. It is apparent that the Government is not prepared to move to that extent at this time. Probably good reason exists for that; perhaps the Minister could give an indication in that respect.

They are the salient points relating to this amending Bill. It is a measure to which we raise no objection.

MR BRIDGE (Kimberley) [8.15 p.m.]: I support the measures contained in this Bill and the comments of the member for Warren. As I understand it, the purpose of the Bill is to broaden the compensation rights to pastoralists when they suffer destruction of their land. That is a decision to be welcomed by pastoralists generally; it is a proper one.

Over the years certain historical factors have been involved with this industry. Generally, pastoralists have worked land on a grazing-rights-only basis; they have never been sure exactly what their entitlements were, particularly when other activities have affected their properties. In broadening their entitlements, the Government is moving in the right direction.

Too often we have seen a situation, even when a deliberate and well-meaning effort has been made by people moving onto a property, where problems have occurred. We have seen the overutilisation of water holes and bore holes and disruption to stock movement and stock grazing. In many cases the pastoralists have been disinclined to put pressure on people because of the problems of entitlement I outlined earlier. The grazing rights to the land has been all they understood was theirs. This has been an historical factor which has worked very much against the pastoralists, so the measure contained in the Government's Bill is good and will be very much welcomed by pastoralists.

I was interested to hear the Minister say in his second reading speech that the Bill is a follow-up of the findings of the Jennings report and is another indication of the Government's commitment further to restructure the industry along lines that will give it greater viability.

While I recognise the advice given to the Government by its advisers is that these measures are realistic and practical, in all fairness I want to repeat the comments I made here last year about the amendment which dealt with the increase in the size of pastoral leases. I said then that that was not the answer to the disruption occurring. I hope that somewhere along the line the executive officer of the Pastoral Board will thoroughly examine this aspect of the industry. It bothers me to think that in an area where we are seriously considering the restructuring of the industry, which is suffering a downturn—as is certainly the case in the Kimberley—and a lessening efficiency of property management, on the one hand, we see evidence of all this yet, on the other hand, we are allowing for bigger properties. That sort of thinking does not ring true.

I still oppose the decision to allow the amalgamation of properties; the Government was wrong to accept that part of the Jennings report. However, legislation has been passed to that effect and those measures now are beginning to be implemented. I have never supported the concept and, in time to come, people who have subscribed to the proposition—not just the Government's advisers, but also a number of people in the industry—will realise their judgment was wrong.

The expansion of the functions of the Pastoral Board is a move in the right direction; that part of the Government's plan to restructure the industry is good, and is welcomed by the industry. So, basically, the Bill contains measures which I am sure the pastoralists would agree should have been adopted a long time ago.

We often stand up for the rights of people who go to pastoral areas, saying that they have gone to these areas with good intentions and that we appreciate their conscientiousness and the role they will play. However, generally we have neglected to look after the rights of pastoralists, although they have had grazing rights. In many instances they have been ignored; their entitlement to the land has been ignored. This happens in a number of ways. It is not just the lawful, physical entitlement to the land that must be considered, but also their entitlements when bores, troughs, and other water supplies are disrupted. Only those people who run the properties and know the actual locations of stock, where they run, how they run, areas they graze, water places, and alternative grazing areas, appreciate what is involved. These things are not known to people who do not understand what is involved, but they all mean a lot to the pastoralists. It is in these areas that problems have occurred in the past; these are the areas where disruption has occurred to the detriment of pastoralists.

The measures contained in the Bill provide a broader area of responsibility and are welcomed by pastoralists.

With those comments, I support the measure wholeheartedly.

MR LAURANCE (Gascoyne—Minister for Lands) [8.23 p.m.]: I thank Opposition members for their support of this measure, which is one of great significance to the pastoral industry. I am pleased the members who spoke found no fault with the measure and were able to find their way clear to give it their support.

The member for Warren referred to what he termed a "peripheral area", and that term aptly describes that about which he was talking; namely, catchment areas and compensation pro-

visions in legislation dealing with the resumption of catchment areas, which legislation was passed by the Parliament in previous times.

I do not agree with him that we can draw an analogy between that practice and the measures in this Bill, because those properties with which we are dealing when resuming land for catchment areas are held in freehold title, and there is value in freehold title; some recognition of injurious affection is given in the very value of freehold property.

Mr Evans: It reduces the value very considerably.

Mr LAURANCE: But we are still talking about freehold title, and that makes a difference. I can see the line the member is trying to draw.

The problem with a pastoral lease is that it does not provide freehold title. I make it clear that the Bill does not provide freehold title to pastoralists. That was made very clear in discussions between me, officers of the department—particularly those involved with the Pastoral Board—and members of the pastoral industry. A clear distinction must be made. We have improved compensation provisions, but they are not the same as freehold title. The spokesmen for the industry acknowledged that point. Nevertheless, we have made giant strides to assist pastoralists.

Mr Evans: There is still a loss in potential income in both cases.

Mr LAURANCE: Yes, as it is reflected in the value of the pastoral lease. However, in a freehold situation we have an inbuilt value of a property; so we have a clear distinction. I do understand the analogy the member is trying to make.

The purpose behind the measure, as the member for Warren quite rightly pointed out, is to provide a greater degree of security to the industry and to give people confidence to invest in the industry. A long-term run-down in assets of pastoral enterprises has occurred, and people in the industry are looking for a number of ways in which they can be guaranteed a better security so as to have the confidence to invest.

We must consider the changing economic circumstances that are affecting the pastoral properties today. I refer to the changing labour conditions generally, and in remote areas particularly; the difficulties in marketing; the returns for the product; and many other points affecting economic circumstances.

The most important thing affecting the economy of the pastoral industry is drought. That is not a new phenomenon. The Jennings report really resulted from the drought, which affected most pastoral industries of the State during a substantial proportion of the 1970s. The Jennings report was the most comprehensive study of the industry since the late 1930s or early 1940s. So it was 40 years ago that a similar report of the industry was made, and that report was brought about for the same reason—an extensive drought.

In addition, we have had an increasing number of excisions and resumptions which have affected the viability of pastoral properties. The mining industry has spread to all areas of this State, with consequent benefits to this State; however, it has had an effect on the pastoral industry.

The development of the north and the growing populations have led to requests for land to be excised from pastoral properties. Pastoralists generally understand that they no longer have the same remoteness enjoyed many years ago. This is a two-edged sword. On the one hand, the pastoralists have received improved conditions, particularly in communications, transport services, and roads—the very things that affect their day-to-day living; on the other hand, this development has upset the viability of their properties and has made management more difficult. Changing times bring benefits as well as headaches.

The member for Warren asked how the compensation provisions for pastoral leases apply to other forms of leases. We were very careful in drawing up this legislation to ensure we did not create any anomalies between pastoral leases and other forms of tenure of Crown land, and I refer particularly to conditional purchase leases.

For many years now it has been the practice of the Lands and Surveys Department, when entering into negotiations for excision or resumption of conditional purchase leases, to use the terms and conditions of the Public Works Act. So, while it has not been written into any legislation that this should be the case, it has been the intent and the basis of negotiations between the department and holders of conditional purchase leases that those leases should be treated as if the terms of the Public Works Act applied.

In formalising that arrangement in this legislation we are doing two things: Firstly, we are formalising the existing and well-understood arrangement; and, secondly, we are ensuring those arrangements are compatible with what we are doing with pastoral leases.

The member for Warren referred also to several out-dated provisions affecting the administration of pastoral land in this State. He agreed with the Government that a number of provisions no longer were relevant. We have a far more sophisticated management of pastoral lands

and we know what is required in terms of destocking in some cases and in the regeneration of pastoral land.

It is an anomaly, on the one hand, to have advice from bodies such as the Department of Agriculture telling people that they should not stock so heavily in certain areas, that they should rest other areas on their pastoral lease and on the other hand, to have Lands and Surveys Department pastoral inspectors saying the Act contains a requirement relating to certain stocking rates, and so on. This Bill will bring the provisions of the Land Act in relation to the administration of pastoral leases into line with modern practice.

The member also referred to tourist licences and highlighted the fact that in my second reading speech I indicated that in this legislation we would not be proposing licences for tourist operations on pastoral leases. It was hoped—and there had been public statements—this Bill would contain provisions to accommodate tourist licences on pastoral leases. I was concentrating on the priority to have the compensation provisions before the Parliament and the other matter was really left—I think the appropriate term today is "on the back burner"—as I thought it was going to be quite a simple matter, and when I had given most of my attention to the more difficult matter of coming to some agreement with the industry and with my colleagues to put forward compensation provisions that would have the approval of all parties including the Opposition and the Parliament, I left that one till last and then found it involved more drafting difficulty than was first thought would be the case. It has been decided to leave that until the total review of the Land Act can be undertaken; I hope that will be in 1983 and that is certainly my intention. I stress that because we cannot proceed with that aspect at the moment for the reasons I have outlined. As I mentioned in the second reading speech, existing tourist operations on pastoral properties will not be jeopardised because no more legislation will be introduced for perhaps 12 months.

It is a bona fide use of pastoral leases when the nature of the operation is unchanged. It is still a pastoral lease and the pastoralists are including tourist attractions on it. There is great demand on the part of people wishing to travel to the outback and experience the life there, and if pastoralists can increase their income, particularly in times of drought when it is most important for them to survive on the properties, I believe it is a bona fide use to which a pastoral lease can be put. That will be regulated when a review of the Land Act is undertaken.

I now turn to the comments of the member for Kimberley. In this Parliament he represents—as do I—pastoral areas of Western Australia and consequently we both have a greater appreciation of the problems confronting pastoralists than have those members who represent areas involving other agricultural pursuits. Both of us have lived in these areas for a considerable period of time and have represented pastoral areas in the Parliament, so we have an idea of how important this measure will be to the pastoral industry.

I do not pretend for a moment that this single measure will be an answer to all the pastoralists' problems. In fact, a motion on the notice paper relates to problems of the pastoral industry in the Kimberley region. Problems relate to other areas as well and the Government is tackling these multi-faceted problems. This measure represents the first step in that direction. When a series of problems confront an industry, we must begin somewhere, and this is an important step which will instill greater confidence in pastoralists to invest in their own industry in the future. Hopefully, the results will show and pastoralists will have confidence to build up their assets and properties and remain in the industry in the long term.

I thank members for their support of the measure.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Laurance (Minister for Lands) in charge of the Bill.

Clauses 1 to 9 put and passed.

Clause 10: Section 109A repealed—

Mr EVANS: Clause 10 seeks to repeal section 109A, and clause 11 to repeal section 109B. Part VI of the Land Act deals with pastoral leases and section 109A deals with the provision of notice to enable the pastoralist to adjust. Section 109B goes on to indicate other appropriate aspects of termination of a lease and its further release if thought desirable.

I could not help wondering why section 109A is to be repealed. It seems to have a place in the Act and it gives the pastoralist, if not protection, at least some established procedure whereby anything untoward such as the resumption of a lease must be followed up. Because of this, I am a little perplexed and I ask the Minister to clarify the situation.

Mr LAURANCE: I am happy to comment on that matter. Clause 10 will repeal section 109A of the Land Act. It sets out the existing arrangements under which compensation will take place, the necessary arrangements and the negotiations that would take place between the Minister for Lands and the pastoral lessee. Under the totally new approach to be adopted by this measure, the pastoralist will have all the benefits of resumption under the Public Works Act. The machinery set-up there is far better and much more in favour of the pastoralist than that outlined in section 109A. It is not necessary to have the resumption procedures contained in this section of the legislation when we have better provisions under the Public Works Act.

Mr Evans: So the appeal provisions of the Public Works Act will be available to the pastoralist?

Mr LAURANCE: Yes, in full, and notices and the other things outlined in the second reading speech including the right of referring disputed claims to a compensation court, will become available; therefore, section 109A no longer is appropriate in the Act.

Clause put and passed.

Clauses 11 to 13 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 Mr Laurance (Minister for Lands), and transmitted to the Council.

RESERVES BILL (No. 2)

Second Reading

Debate resumed from 27 October.

MR EVANS (Warren) [8.40 p.m.]: Several aspects of this Bill are open to criticism by the Opposition, and indeed we would be remiss if we did not raise them. Last week on two occasions I pointed out to the House the absence of information with which the Opposition was confronted. This takes that fault a stage further. To introduce a lands Bill containing so many deficiencies is almost an impertinence to Parliament.

Mr Tonkin: Hear, hear!

Mr EVANS: It also does not instill much confidence in the public when they discover some areas have been treated almost secretively—I was going to use the expression "in a cavalier fashion". I will refer to four matters of this kind. The first is in connection with an "A"-class reserve in the Walpole-Nornalup National Park area. The explanation given was that approximately 25 years ago the lessees of "A"-class Locations 1414, 1415, 1420 and 1421 illegally cleared and cultivated adjoining Locations 2233, 2234, 2235, and 2296. These locations at the time of clearing were Crown land and comprised 40 hectares. When the clearing was carried out, that Crown land was subsequently incorporated in an "A"-class national park and the intention was to allow natural regeneration to take place. Now we find by way of explanation—despite the fact that the locations were included in the national park and some fencing had been carried out to exclude the land from the adjoining property—after continued requests at a political level to Ministers for Lands over the years and to the National Parks Authority for leases of the land, the National Parks Authority now has resolved that the land comprising two cleared locations is not considered valuable as national park land and accordingly has recommended that it be excised from reserve No. 31363 and made available to the adjoining landholders. As the reserve is of "A"-class approval of Parliament is required to alter the boundaries and a clause seeks that approval.

Other points must be made in connection with this item. I mention firstly that a precedent is created and, if the excision is approved, it could result in further such applications transpiring. The suggestion has been made that deliberate clearing could take place in the hope that the land involved subsequently will be made available to adjoining land holders.

In *The Western Mail* of 30 October 1982 the following article appears—

Crown reaps $63,000 crop

> TWO northern wheatbelt farmers who grew wheat on Crown land will be giving the State Lands Department a $63,000 Christmas present this harvest.
>
> That's the estimated net value of a wheat crop which the department has confiscated.

The article names the two individuals who were brought to task because they had grown crops on Crown land.

The point I am making is that two individuals who grew a crop on Crown land not only have been fined, but also have had their crop confiscated. On the other hand, we have had the spectacle of settlers clearing Crown land and that Crown land has then become a national park. I do

not know how we can reconcile the somewhat anomalous situation that represents.

I point out that no reason has been given for the previous decision that relates to the illegal clearing and occupying of land as an undesirable precedent which no longer exists. If it was valid when that decision was made, why is it not valid now? That is an aspect on which I feel this House deserves some information.

I have placed a question on tomorrow's notice paper asking the Minister whether the National Parks Authority has the power to recommend that portion of a national park Class "A" reserve could be made available to landholders. I do not think it has and I have asked the Minister that if this is so, under what section of the National Parks Authority Act is this power given. I am afraid that the Minister has not received much notice of my question.

No indication is given as to whether the land will be freehold or leasehold, but I surmise that, if it is made available to adjoining landholders, it will be on a freehold basis. That is the first query I raise in connection with this particular item. It is one about which I feel the House and the public deserve an explanation. It is not very easy to define what the explanation will be, but it is one to which we will look forward.

The second item of the Reserves Bill about which there is some concern—although not necessarily in relation to the principle—is in connection with Class "A" Reserve No. 2704 situated at Kalbarri and vested in the National Parks Authority of Western Australia for the purpose of a national park. It is a large reserve as you well know, Mr Acting Speaker (Mr Tubby), of 18 000 hectares and it is known as the Kalbarri National Park. I know you, Mr Acting Speaker, are well acquainted with the situation and your knowledge of its background is certainly far more extensive than my own, and the establishment of a tourist equestrian centre no doubt would be useful for a tourist resort area.

The report from the west coast working group—which was endorsed subsequently by the Environmental Protection Authority— suggests that the proposal has received the approval of the local governing authority and the EPA. Be that as it may, the information that has been provided by the Minister—and I think it is worthy of quoting—was that further inquiries can be made, not necessarily of the intention or the spirit of the proposition, but of the methodology that has been applied. In effect, this House is being asked to adopt half a proposal, the other half of which will follow later. However, we do not have an inkling of what that half contains. The report reads—

> A report by the West Coast Working Group, subsequently endorsed by the Environmental Protection Authority, contains a number of proposals affecting the boundaries of Kalbarri National Park, which will ultimately increase the overall area of the reserve.

I would imagine that is something of which we would all approve. To continue—

> The report makes provision for an equestrian facility within existing boundaries of the park, defining the most appropriate location, and setting out management conditions intended to minimize environmental disturbance.

As it will be an equestrian centre, trail riding could become fashionable throughout the park and, quite possibly, this could be detrimental to the fauna and flora.

The reports also states—

> In order to make land available for release for this purpose, an area surveyed as Victoria Location 11493 containing 21.7313 hectares will require to be excised from Reserve 27004, however, as the reserve is Class A, the approval of Parliament is required before the boundaries can be changed. The balance of the Working Group's recommendations affecting this reserve are being processed and will be submitted for Parliament's consideration in a subsequent Reserve Bill.

Mr Acting Speaker (Mr Tubby), you will appreciate the point I am making and it is quite possible that you approve of the situation proposed. That is fair enough, but the environmental constraints and responsibilities which have been laid upon this proposal are not known to the House. There has been no indication of them and it is not fair to put the Parliament in the position of making a decision when the recommendations of the working group are not known. The overall planning of the Kalbarri National Park also has not been divulged. It would have been preferable to have the total management plan for the Kalbarri National Park presented to the Parliament; that would have been the proper way to handle this matter. If this had occurred, the equestrian centre could have been considered in its true perspective.

I reiterate the point that such a facility will place an extra strain on the management of the Kalbarri National Park. All national parks suffer stress in relation to proper manning, and staffing

is not generous in any national park situation. This could bring about a situation that is not desirable and it would be of interest to members of this House if the Minister could indicate whether additional staffing will be made available in this instance.

Those are the points that are deficient in relation to this measure and once again I reiterate: The concept of an equestrian facility is probably most desirable, but the manner in which the proposal has been introduced into this House is not desirable. We are required to vote on the operation of a management concept without knowing the environmental provisions required by the EPA and that is not good enough as far as this place is concerned. Members are unable to fulfil their proper role in making reasoned and proper judgments.

The next matter I raise is in connection with the excision from a Class "A" reserve of 178.0617 hectares for park land to be placed under the control of the City of Gosnells. This again has several aspects and, while the concept is not open to condemnation details of its background are lacking and this makes it very difficult for members to reach a decision.

Class "A" Reserve No. 11681 is situated in Gosnells. It is set apart for park land and is under the control of the City of Gosnells. The reserve adjoins the eastern boundary of the Gosnells granite quarry which is operated by the Readymix Group (WA). It is part of a long-term plan to rehabilitate the quarry and rationalise its operation. The company, in consultation with the Government, has proposed an exchange of land whereby Crown land totalling 143 hectares comprising Reserve No. 8861 and Reserve No. 7415, together with a small part of Canning Location 496 registered in the name of the MRPA, is to be exchanged for about 255 hectares of freehold land held by the Readymix Group.

The arithmetic appears satisfactory, but there are several points which I raise as a criticism of the Administration, and I am referring to the secrecy surrounding this matter which has not enabled this House to function in the manner it is required to function. The environmental review and management programme has been carried out, but the EPA's recommendations in relation to this programme had not been released as at 1 November. In other words, we have no knowledge of the degree of effort put into the report, the individuals involved, the facilities available to them, and the time they were allowed to devote to this programme. The procedure is unacceptable in that it falls short of the world conservation strategy, and that is something to which at least we should endeavour to conform.

In the System 6 Study Report No. 8 the area under consideration was recommended for inclusion in the Darling Scarp National Park and it would appear that the recommendations of the System 6 study have been pre-empted in this Bill. It could be that that is intended, but the proposal is being foisted upon this Assembly in a manner that smacks of rather indecent haste and it does not provide for those fairly important matters to which I have referred already.

The other item to which I refer concerns the proposal to construct a road through the north-east corner of the Hamersley Range National Park. I have no doubt good reason exists for building the road. The explanation accompanying this proposal is as follows—

> An 18 kilometre section of the highway will traverse the north-eastern corner of Class A Reserve 30082 which is set apart for the purpose of "National Park" and vested in the National Parks Authority. The reserve, comprising about 617,606 hectares is known as Hamersley Range National Park and is located east of Tom Price, some 250 kilometres south of Port Hedland.
>
> Construction of the Highway is due to commence this financial year with completion planned to coincide with the bicentenary year. As timing for the project is tight, the Main Roads Department has requested the excision of about 400 hectares from the reserve for the road and associated works.
>
> The National Parks Authority has approved the excision provided that a number of environmental safeguards are implemented during and after construction.

So, we are talking about 400 hectares which, in comparison with the size of the national park involved, is not a great amount. However, that is not the problem. The explanation provided by the Minister raises a number of queries. Firstly, no reason has been provided to support the statement that the timing is tight. The road is to be completed by 1988, which hardly is a reason for anyone to override environmental requirements which have been deemed necessary. According to the Minister, the National Parks Authority has approved the excision, provided a number of environmental safeguards are implemented. The authority has imposed certain restrictions, but we are not aware of their nature; in all fairness, we have a right to know.

The Minister's explanation refers to an excision being required for the road and associated works; however, no definition of the term "associated works" is provided. The term could cover a multitude of requirements; it could involve the construction of a semipermanent camp, or the like. At any time, the construction of a road creates increasing activity; to some extent, it involves despoliation as a result of increased traffic through the area. The condition of some country roads, particularly those closer to the metropolitan area, bears testimony to that statement.

In addition, the very siting of a road can be of prime importance. I refer members to the studies carried out of the situation at Ayers Rock. Where the road has been located on the upwater side, it has acted as a bank and, on one side, the vegetation has been flooded and has died while on the lower side a drought has been created and the vegetation has died for want of water. These are the sorts of problems which can occur when constructing roads. Obviously, the Ayers Rock road was constructed without the proper safeguards. However, it is not known just what the National Parks Authority regards as fitting and desirable safeguards.

This House must decide for itself whether it supports this proposition, not knowing of the safeguards to be implemented or the extent and nature of the works to be carried out. Considerable additional information is required.

The Opposition supports the remaining 12 items dealt with by the Bill, some of which are rather interesting. In one case, it is necessary to rectify a situation in which a piece of land was thought to be part of State forest, but in fact was not; the Bill seeks to put the issue beyond doubt. The maps and plans tabled by the Minister provided members with further information on these proposals, to which the Opposition has no objection.

However, the Government has an obligation and a duty to provide more information on the matters to which I referred. When we are discussing a matter as controversial as this, all facts should be known by the House before a decision is made. For that reason, it is the duty of this House to demand a full explanation and in all fairness, that explanation should be provided by the Government before it expects members to agree with those four measures.

MR LAURANCE (Gascoyne—Minister for Lands) [9.08 p.m.]: I thank the member for Warren for his indication of the Opposition's support of the 12 measures to which he referred. I wish to deal in brief with the four proposals he mentioned in detail.

The first proposal mentioned by the member for Warren concerned the situation at Irwin Inlet. This proposal is to resolve an unsatisfactory situation which was created approximately 25 years ago as a result of an illegal act, when lessees of several Hay locations cleared and cultivated some 40 hectares of Crown land in conjunction with their own properties. The land was included within the adjoining national park, but the National Parks Authority later resolved that, for management purposes, the area would better be used as farming land. In no way will this action be seen to be or be used as a precedent to enable other people who have been acting illegally to gain additional land. People who use Crown land illegally will be brought to book. The member for Warren mentioned the illegal use of land in the Pindar region.

Mr Evans: They have done it down Irwin way, too.

Mr LAURANCE: This proposal does not imply that other people who clear land illegally will end up with it. The fact that for many years it was part of a national park is a clear indication that the land did not automatically go to those people who committed the illegal act.

The Kalbarri proposal also has a long history. The matter has been considered carefully by a working group, under the auspices of the Environmental Protection Authority. The proposal has been supported strongly by the member for Greenough and the local authority, and has come forward only after a great deal of consideration. The principal form of revenue of the town of Kalbarri is from tourism, and the proposal must be viewed in conjunction with the tourist industry of the area. It has the full support of the local community and has been considered carefully.

Mr Evans: That is accepted; it will be a desirable adjunct to the tourist industry. However, what about the environmental constraints?

Mr LAURANCE: I take the member's point.

The third matter related to the exchange of land in the Gosnells area between the Readymix Group (WA) and the Crown. The proposal has been the subject of an environmental study. I reject the member's claims that the Government has been acting in secrecy.

Mr Evans: Why did you not make the information publicly available?

Mr LAURANCE: In each of these areas, the Government has been prepared to provide ad-

ditional information to any member who requires it.

Mr Evans: You are explaining your actions now.

Mr LAURANCE: I am perfectly happy to provide any additional information required by the member for Warren, or any other interested member, or direct them to the appropriate agency. The material tabled was for the information of members; it was made available in a genuine attempt to provide a brief but satisfactory resume of the proposals. I could write a book on each of the proposals, but I do not think I would assist the workings of the House by so doing. So, the Government is not acting secretly in these matters.

The notes accompanying the Gosnells proposal state—

> The Crown would in effect benefit by such an exchange receiving nearly twice the area of land which it surrenders and gaining in addition several natural features contained on the freehold land, considered of high conservation value.

Finally, the member for Warren referred to the proposal to construct part of the national highway through a small part of the very large Hamersley Range National Park. The proposal is in the interests of the State and the nation and I believe the entire national park will be enhanced as a result. The National Parks Authority agrees with the proposal, and the environmental constraints will be adhered to. I assure the member that this is the case; however, he is at liberty to check for himself with the authority. The member would know that borrow pits and the like would need to be rehabilitated; he also would know just what is required in the building of a road, particlarly one of this magnitude.

The member for Warren queried the timing of the project and asked, "Why the rush?" He knows that if it were not considered and approved now, it would not come before Parliament again for another 12 months. After all, we are at only the planning stage and a great deal of money is to be spent. We must know the precise route of the highway before any expenditure can take place. Therefore, it is vital we have parliamentary approval for the construction of the road. I reject the member's allegation that the Government is working in secrecy. I repeat that I am quite happy to make available any additional information required by the member for Warren, or any other member.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Laurance (Minister for Lands) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Reserve No. 14289 south east of Boyanup—

Mr EVANS: The Minister said that this had been an unsatisfactory situation. I think we would all agree it was unsatisfactory, and the manner of resolving it is not quite clear. The land in question appears to be a strip. Over the years the adjacent landholders have made representations in regard to this land. The farmers must have some reasonable expectation that the land would be released to them as they have been chasing it for 25 years. Perhaps the area could be subdivided into small blocks for cottage development.

Mr LAURANCE: Obviously the member has in front of him a plan of the area. The land will be made available to the adjoining landowners, but it will be under the terms of the Land Act. The farmers will have to apply for the particular land and if more than one adjoining landowner applies for it, the matter will be decided upon by the land board in the usual way. There cannot be any expectation on the part of anybody. The land board is very careful with land alienated in this way, and so the normal provisions of the Land Act will apply.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Reserve No. 27004 at Kalbarri—

Mr TUBBY: I would like to make a few comments regarding the excision of 21.731 3 hectares of the national park at Kalbarri for the creation of an equestrian centre. This centre will be a very important development for Kalbarri and one which will be welcomed by the people of that tourist town.

Apart from the activities of surfing and fishing, there has been a lack of activities for young people, and particularly land-based activities. This lack has been quite noticeable over a number of years, and particularly in the winter months.

Some four years ago Mr Tony Mouritz recognised this need, and having the finance to create such a centre, he applied for an area of land, which is not the same land which is now to be excised, but it is in very close proximity to it.

I saw the plans which Mr Mouritz had drawn up for the original site. It will be a very attractive development. All the stables are to be properly constructed in brick and tile with Mr Mouritz's

own residence in the area and, with the inclusion of an amphitheatre, this will be generally a very attractive development.

The area to be excised from the reserve will be used for the stabling and yarding of the horses. I believe Mr Mouritz has made arrangements to share farm an area of land at Ajana to produce feed for his stock and that will be very important indeed.

It is planned to set up a programme of trail rides, some involving overnight camping. It is no' planned that these long rides will take place within the national park. A very shallow crossing of the river is close to the property, and by arrangement with Murchison House Station, most of the long-distance riding will take place on that station.

Most members will realise that the northern side of the Murchison River is not developed in any way and there are some very attractive areas which are suitable for horse riding and the setting up of overnight camps. All in all, the development will be a great asset to Kalbarri, and it will not detract from the beauty of the national park.

The member for Warren indicated that the national park comprises 18 000 hectares, but it is actually 186 000 hectares. So it is a much larger area than he thought it was.

Members are aware that because of the soil type around Kalbarri, the area is a fragile one environmentally. I know that Mr Mouritz is very environment conscious and that he will take every care in this regard. He is a builder and a very creative one, particularly with stonework. Most of the beautiful stonework around Kalbarri is the result of his endeavours. His son is a builder also and he is very interested in working with his father on this project. Between them they have a considerable sum of money to invest in something that will be a very worthwhile development for the town of Kalbarri. I thank members for the opportunity to explain this project.

Mr EVANS: I want to thank the member for Greenough for his exposition. Certainly he has given everyone a great deal more assurance about this project than we had. However, one further point needs elaboration. When will the recommendations relating to the other matters involved with this area appear before this Chamber?

Mr LAURANCE: I would like to congratulate the member for Greenough on his persistence in bringing this matter to the attention of succeeding Ministers for Lands. I am sure he has every reason for confidence that this will be a good project.

The member for Warren asked about the other measures which are part of the package being worked out in respect of this piece of the national park. The plans will be before the Parliament in 12 months' time, but as this particular project referred to in the Bill has been under investigation for several years, it was felt that, after the environmental clearance had been granted, the project should be given the opportunity to proceed. That is why the excision is before Parliament as a separate issue. There is no hurry about the other proposals, but this matter needed resolution.

Clause put and passed.

Clauses 6 to 16 put and passed.

Clause 17: Reserve No. 13375 at East Perth—

Mr DAVIES: This clause is to establish an area of 2 580 square metres for a helipad adjacent to the No. 4 car park in East Perth. The reason that this site was chosen is that it is fairly close to Royal Perth Hospital and it has been used already on a number of occasions for emergency landings—also, I believe, because it attracts the Minister for Tourism.

I wonder whether this matter has been discussed with the Police Department. The Minister told us in his speech and in the note accompanying the plan that the matter has approval, subject to construction and final inspection by the Department of Aviation. However, when one looks at that site, one sees that it is adjacent to probably one of the busiest intersections in the city.

It may be a sign of maturity that Perth is to have a permanent helipad, but as it is the first one, I query the need to place it at the conjunction of Adelaide Terrace with Riverside Drive. Riverside Drive probably has one of the heaviest traffic flows in the city and the metropolitan area. Although it is likely that the occasions on which the helipad will be used will be few and far between, I can envisage that in the future it will be used more frequently. The traffic in this area will increase also, and the helipad could present a hazard.

We have not been told whether or not the Police Department was asked to comment on the suitability of this site. In my opinion a far better site would be on the other side of the Causeway around the Christian Brothers college where the flow of traffic is not as constant. Certainly the landing of helicopters creates attention, but the traffic in the area to which I am referring is not as heavy in peak hours as is the traffic in Riverside Drive.

I do not dispute the fact that a helipad is necessary and I do not dispute the fact that it needs to be near a major hospital. I hope I am making myself clear when I say I believe it should be sited on the east side of the city end of the Causeway. There would then be easy access from the helipad to Royal Perth Hospital straight up Hay Street. I believe this site would be as close to the hospital as the site suggested, but the traffic would not be as heavy.

I have seen helicopters use this area to land, and they do divert one's attention from driving. I have seen them land on rare occasions only, and I admit I have never seen an accident caused by motorists paying attention to the helicopters. Perhaps the traffic has slowed down on these occasions. The main concern I am expressing is whether or not the Police Department has given this project its blessing.

Mr LAURANCE: I was interested in the comments of the member for Victoria Park and I would like to inform him and other members that the matter was considered very seriously before it was finalised. As he pointed out, a number of other areas have been used as helicopter landing places in a temporary way. People who wish to land and take off in a helicopter around the city may seek a permit to do so. Approval is given for a particular occasion only. That has been the situation up to date; anyone wanting to land a helicopter around the city must apply to the relevant authorities.

Now an opportunity exists for commercial flights to take off at regular intervals to a number of tourist destinations around the metropolitan area and it was felt, rather than people having to apply for a permit for every take off and landing, a site should be designated as a helipad.

Mr Davies: They will still have to apply to the aviation authority for a flight permit for landing.

Mr LAURANCE: Yes. It is a bit of a chicken and egg situation. One cannot obtain approval to use a helipad from the aviation authority until one knows where it will be located. Therefore, we had to define an area and this is the one which was defined by the City of Perth. A request came from the City of Perth that this area be set aside as a helipad.

If the Parliament approves this legislation, the aviation authority will have to give approval for commercial flights to use this area. Until we know which area we are talking about, approval cannot be obtained. Traffic studies and other aspects must be examined, so I give an assurance that, unless all the agencies are satisfied that the result on this site will be good, the project will not proceed.

That may appear to be a back to front way to deal with the matter. However, if the Parliament does not approve the site, we may have to look at another one. Therefore, if this legislation is passed, but all the studies do not prove this is the area best suited for the purpose, another site will have to be considered.

I thank the member for Victoria Park for his comments. They were very pertinent and it may be that another site might be more desirable. However, we had to seek the approval of the Parliament to this site and then go through the studies to see whether the area should be used for a helipad. If not, other alternative arrangements could be made and we could see an approach being made to Parliament at a later time for what is considered to be a better site.

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 Mr Laurance (Minister for Lands), and transmitted to the Council.

METROPOLITAN WATER SUPPLY, SEWERAGE, AND DRAINAGE AMENDMENT BILL (No. 3)

Second Reading

Debate resumed from 27 October.

MR PARKER (Fremantle) [9.33 p.m.]: The legislation before us is designed to add further to the measures in relation to the Metropolitan Water Authority legislation which were passed in the first part of the session this year.

To some considerable degree, the Bills, expecially those relating to drainage matters, were drawn up from the discussions which have taken place between the Public Works Department, the Metropolitan Water Authority, the Local Government Association of WA, and the local government engineers' association over a considerable time.

I understand the Government has employed Dr Brian O'Brien as a consultant and he, together with members of the local government engineers' association and also, I understand, the Local Government Association at the representative

level, have studied the problems concerning drainage and other matters affecting local government authorities in relation to the water authority legislation and have come up with the proposals.

I understand that the proposals before the House very successfully reflect the agreement reached between those bodies and are supported by the Local Government Association and the local government engineers' association.

The main areas affected by the drainage matters are those with high water tables, not a great deal of bedrock, and rather flat areas such as Canning, Gosnells, and some areas in Kalamunda, Swan, and Stirling. I understand those were the shires represented in the discussions between the Metropolitan Water Authority and the Local Government Association. I am advised also it is intended by that working group—and it is necessary in order to make the legislation work effectively—that there be commensurate amendments to the Local Government Act and the Health Act.

Some surprise was expressed to me that some sort of Acts amendment Bill had not been introduced to make the amendments necessary to the Health Act and the Local Government Act, because it is thought that that part of the legislation which relates to drainage will not be able to operate until such time as those commensurate legislative changes are made. Bearing in mind the stage of the session and the fact that an election is to take place between now and the next time we sit, it appears unlikely those amendments will come forward, and this means that they probably will not be dealt with until half way through next year. That gives rise to concern as to whether the parts of the Bills relating to drainage will be able to be proclaimed.

I notice in the proclamation section, the Minister has included the opportunity to proclaim different sections of the legislation at different times, but naturally the local authorities are particularly keen that their matters of interest are put into operation as soon as possible. They are matters with which they have had difficulty for some considerable time.

In supporting the legislation before the House, I indicate the hope that—notwithstanding the fact that I know it is the wish of the Minister and all of us that the old metropolitan water supply, sewerage, and drainage legislation eventually will disappear with all the amendments which have been made to it and the major excisions from it—after this legislation has been passed, it might be appropriate to reprint the Act, because it is now becoming very confusing. When I was going through this Bill, bearing in mind the amendment made in May, I found it very confusing to deal with. Even though this legislation may not be around for very long, it is very confusing and a reprint may not be much more expensive or arduous than our simply having the Act printed and inserted into the old Act. The Metropolitan Water Authority legislation itself could be reprinted with the additional amendments, bearing in mind that both groups of legislation should be on computer with the new Government Printing Office setup.

I hope that, after amendment, both those Acts will be reprinted in such a way that they are readily readable.

I wish to take up one other matter in the debate. The amendment to the Metropolitan Water Supply, Sewerage, and Drainage Act seeks to insert proposed new section 90A which deals with the Minister's ability to set differential rates for rather valid reasons which might arise in regard to valuations and other problems which might confront the MWA. It also gives the Minister the ability to set maximum rates and so on.

The Minister should take up another matter which is not covered by this legislation and that is the position which arises where a property changes ownership at some stage during the financial year. In the old days before we had the "pay-as-you-use" scheme for water usage, this was fairly simple. The matter was dealt with in a similar way to local government rates. One knew the cost per day and, with 365 days in the year, it was a simple calculation to arrive at the number of days that the property was owned by the individuals involved in the transaction, and by that means, the amount to be paid on settlement was determined.

That still happens in relation to the sewerage and drainage components of the settlement, but problems occur with the water component, because we have the basic charge of $75 and that can be split up on a *pro rata* basis. However, with the 150 kilolitre maximum it is very easy for someone to use that maximum or close to it between the time the financial year begins and the date on which the house is sold, even if that occurs only about this time of year.

Mr Mensaros: It depends whether it is a wet or dry season.

Mr PARKER: The Minister is right. If a person were to purchase a house in March or April, it is quite possible the whole water allowance would have been used. The purchasers are not aware of that and they may find themselves, having settled correctly the amount to be paid for the sewerage and drainage components, and having settled on a *pro rata* basis the basic service

charge for water, suddenly confronted with the fact that they must pay excess water rates for every kilolitre of water they consume from the time they purchased the house.

That is a very unfair situation and it could be overcome rather simply when the property is transferred by determining the number of days of the year that were left compared with the number of kilolitres of water which had been used.

Mr Mensaros: It is being done. I will explain it.

Mr PARKER: If one transfers one's lease on 1 January, 75 kilolitres of water would be allowed, irrespective of the number of kilolitres consumed by the person from whom one purchased the property. If that has been done, it is a considerable step forward.

Mr Mensaros: Not every reading starts on 1 July. Readings start on different dates.

Mr PARKER: It is not important whether it is 1 January; it is important that the time of year is correct.

It is important that should take place. It has been the subject of grave concern. It is also a problem in rental situations especially in flats. Landlords may charge their tenants on the basis that the tenants pay for the excess water used. The first tenant in a year may use the entire water allowance; therefore, the second tenant must pay the full cost of excess water to the landlord. That may be a problem which the Minister is not sorting out and it is probably a more difficult one for the MWA to intervene in, because, to some extent, it is a landlord-tenant relationship and the MWA maintains a constant relationship with the landlord irrespective of the tenant. I can understand the difficulty of the MWA's intervening, but it is a problem for the tenant who comes in half way through the year and who is expected, by his landlord, to pay the full cost of excess water accrued without being able to use any of the basic amount allocated.

I commend the Government on bringing the legislation up to date. It has been long overdue. For some considerable time the Opposition has been calling for a wholesale review of the MWA. I do not believe that, by itself, the legislation will result in that review. We have been disappointed that some of the things we thought might happen as a result of the legislation earlier in the session did not appear to make an appreciable difference to the way the board operates, but the legislation will allow any Government, whether it be the current Government or a future Government, to ensure it will be able to deal with the MWA so that its management can be overhauled and made to operate in a manner which the community would find acceptable.

Having made those comments, I indicate the Opposition supports the legislation and I ask the Minister to respond to the queries I have raised.

MR MENSAROS (Floreat—Minister for Water Resources) [9.43 p.m.]: I thank the honourable member for his support of the Bill. In fact one could have expected some criticism, because we were not able to produce the full Bill—that is, the Metropolitan Water Authority legislation—which would have incorporated the legislation passed last time. That was my aim and I must confess that, until about two weeks prior to my introducing this Bill, I still hoped the outstanding provisions, which relate mainly to water and sewerage, would be able to be introduced. However, I understand they are in a very progressive stage with the Crown Law Department, but unfortunately because of the cut-off time, they were not able to be introduced in this session.

I assure the member for Fremantle that, as soon as the third instalment has been passed, it would be logical to reprint the Metropolitan Water Authority Act and that would be the only Act in relation to these matters, because the other legislation will be repealed.

It was only as a result of convenience and legal points that the dual legislation remained. Some amendments were made to what I would term the board Act, and entirely new parts were incorporated in the authority Act.

The member for Fremantle referred to drainage rates. I am glad he acknowledged co-operation with the local authorities. He put a question relating to the coming into operation of these provisions as a result of the possibility of amendments to the Local Government Act and the Health Act. Of course, these amendments have been considered carefully, but the Crown Law Department has not come to its final verdict as to what amendments, if any, will be required. As the member for Fremantle said, as a result of the provision at the beginning of the Bill which enables the proclamation of various parts of the Bill at separate times, the problem can be overcome, albeit the final verdict possibly being that certain parts of other Acts must be amended. Of course, amendment of these provisions will have to wait until Parliament sits again—that is quite obvious.

Mr Parker: I think that could cause concern to local authorities; they might have to wait until August or October next year.

Mr MENSAROS: That is understood. The member referred to flexible charges. I assure the member, and the House, that I did not propose

this change lightheartedly. The provision of course is that charges be set by regulation and the reason is simple—I thought it was understood. Mainly, it is that we have endeavoured to go over to a charge-for-service and charge-for-use system, and as the member is aware, this system has been adopted in regard to domestic water supplies, but not in regard to domestic sewerage and drainage.

Of course, the rating of non-domestic water supplies—business water—does not operate under that system, and I assure the member that a tremendous amount of study has been carried out in regard to a more value-based system for non-domestic water supplies. A working party represents the people concerned, and it mostly has advocated that we go over to the charge-for-use system. However, the majority of studies carried out do not prove the advantages of this view. At times up to 20 people have been taken from various sections of the authority to provide the various computer print-outs as the samples for consideration. Despite the many studies carried out, we are not encouraged to go over to this system straightout, or even over a long period. To go over to the new system would create more anomalies.

Everybody accepts that a charge-for-service and a charge-for-use system would be more equitable, but to go over to it instantly, or even over a number of years, would create enormous anomalies. I will give an example. A department store in the central business district carries high values, and of course pays an enormous amount in water rates and charges despite the fact that it uses little water. That situation must be compared with the level of charges imposed on the South Fremantle tannery, just to use an example in the member's electorate, which uses an enormous amount of water but is situated on land with a relatively lower value. If we compare both operations under a charge-for-service and charge-for-use system the result is that the department store would pay one-eleventh of what it pays now, and the tannery would pay 16 times the amount it pays now. If this system had been introduced from scratch—

Mr Parker: By the same token, big operations such as the Swan Brewery pay very little but use a great deal.

Mr MENSAROS: That is the problem. We did not have this new system from scratch, so to change the present system to a new system, no matter how equitable the latter may be, intolerable changes would occur immediately.

The new system may hurt the so-called small businessmen. No-one has been able to define the term "small business"—the McCusker report certainly was not able to define it. From many possibilities we selected as the bases of charging under a new system the measuring of the inflow capacity for the service charge, and then, of course, charging for the amount of water used. As I have said, the situation is very difficult. We want to ensure that if there is an equitable way to go over to this new system, we will find it, but at present we do not know exactly what that way may be; therefore we left flexible the provision for charges so that if we determine a way that is acceptable, it can be instituted by regulation, and we do not have to wait for legislation to be passed.

In fact, the method of institution would not change greatly. At present, charges are decided by Cabinet, and if we wanted to make a change by way of regulation, that change as well would be decided by Cabinet. I repeat that the position will not change greatly.

I want to reflect on the comment made by the member for Fremantle in regard—

Mr Tonkin: You are not allowed to reflect on the member for Fremantle!

Mr MENSAROS: —to the adjustment of rates. It is not so much an adjustment of rates, but an adjustment of the rate applicable to the usage above the allowance. We have had several talks with the Real Estate Institute of Western Australia, and conveyancing people. We wanted to introduce a charge system for meter readings at the time of a transfer of property.

The Government's policy is that public utility and general Government charges are effected only once a year. The negotiations occurred after the general increases in charges by Government instrumentalities had been announced. We could not raise the charge applied to meter readings. Despite this, the authority, real estate agents, and conveyancing agents, have agreed on what should happen.

The authority is quite prepared after simply receiving a telephone call to read a particular meter. It has asked that calls be made by the purchaser's agent, whether he be a lawyer, an estate agent or a settlement agent. The reading can be made the first working day after the request is made. Consequently, the agents can calculate the proportion to be charged to the vendor, and the proportion to be charged to the purchaser, in the same way as agents adjust local authority rates and land taxes or any other such charges applicable.

The authority will not go as far as the member for Fremantle suggested; he said the authority should provide a per-day calculation. I considered the matter, but that course could not be followed.

As I emphasised in my interjection, the daily calculation could be inequitable as it ignores the time of year the transaction takes place. Obviously the largest usage for the average metropolitan single dwelling house occurs during the dry summer season when lawns are watered most. The reading, however, could be calculated to reflect exactly the usage during the period either the purchaser or the vendor had the property, which may be during the dry summer period when he has watered his lawn.

Mr Parker: Did you take the point I made in regard to tenants?

Mr MENSAROS: An adjustment could be made by the agent so long as he is aware of the meter reading.

Mr Parker: Could a tenant obtain a meter reading before moving into a house in the same way as a purchaser?

Mr MENSAROS: Anybody can obtain a meter reading; it is easy to carry out. Of course, the landlord ultimately is responsible for the account.

The only other comment to which I must respond, which was a minor one and does not necessarily relate to the cognate Bills, was the comment by the member for Fremantle in regard to reviews of the activities of the authority, a comment which was a repetition of previous ones. I assure him that, within reason, a constant review takes place. I will not offer merely my statement that that is so as something the member ought to trust in—although he could—but will refer to the reviews that have taken place during the period I have been responsible for the activities of the authority.

A system review group has been established, and it deals with any methods it believes will achieve more efficiency or save money. The group not only thinks of cases to be examined itself, but also receives an input from the Minister, the board members, the chairman of the board, and anyone in the authority. As a result of the activities of that group efficiencies have been effected. It is directly responsible to the chief executive; it does not report through anyone. From memory, I believe the savings in the two or two-plus years the group has existed have been considerable—I think, about $7 million or $9 million.

Reviews other than by this group are carried out, such as by independent consultants. I believe the last time a total review was carried out was before my administration, but since then various areas have been reviewed. The last one related to the number of motor vehicles in the fleet of the authority, and was carried out by an independent consultant along with officers of the authority. I believe the number of vehicles was reduced by 76, which represented a considerable saving both in ongoing costs and capital expenditure regarding replacements.

Of course, another check is the new board. It is quite enthusiastic, businesslike, and interested in the activities of the authority, and the member remaining from the previous board provides continuity. It is working very well.

I again thank members for their support of the Bill, and commend to the House both Bills involved in this cognate debate.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

METROPOLITAN WATER AUTHORITY AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from 27 October.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

BILLS (3): RETURNED

1. Grain Marketing Amendment Bill.
2. Aerial Spraying Control Amendment Bill.
3. Chicken Meat Industry Amendment Bill.

Bills returned from the Council without amendment.

LOCAL GOVERNMENT AMENDMENT BILL (No. 4)

Second Reading

Debate resumed from 2 November.

MR TONKIN (Morley) [10.03 p.m.]: The Opposition intends to support that part of the Bill which deals with an easier way in which local government authorities can dispose of land without their having to go to the Government. We have said many times that local governments should have more autonomy and we cannot find fault with this part of the Bill.

The part of the Bill with which we do quarrel is that which will force local authorities, except in very special circumstances, to have their accounts audited by private auditors. Given the abolition of the 50 per cent subsidy to local authorities, this will cause an increased cost to them. Therefore, we are not happy with that part of the Bill.

It seems to us that the present system whereby the Auditor General audits all local government accounts has worked very well. I am not aware of any request by local authorities to change that system and therefore we can see no good reason for it.

We understand that the State's own version of the razor gang recommended that the subsidy to local authorities for auditing be discontinued, and this is a cost-saving measure. However, local government is under a great deal of pressure at present as far as costs are concerned. That part of the Bill which will force them into the hands of private auditors we believe is undesirable and we are not prepared to give our imprimatur to it.

MRS CRAIG (Wellington—Minister for Local Government) [10.05 p.m.]: I thank the Opposition for its support of some of the provisions in the Bill. The provision which allows local authorities to dispose of land by private treaty and to Government agencies without the requirement of the Governor's approval is one towards which we have been progressing steadily to relieve councils of some of those impositions, and we will continue to do so by way of review.

The objection of the Opposition has been raised to the removal of the 50 per cent subsidy to local authorities for their audit costs. This removal was necessitated by the difficulties the Government had in funding generally for the last two years.

The member for Morley has indicated that he is not aware of a wish by local government to proceed to private audit. The reception of the proposal has been mixed. Some municipalities within the metropolitan region wish very much to progress to private audit and have signified their concern that they would not be able to do it in this present financial year because the whole of these provisions were being reviewed. It is fair to say also that some country authorities indicated their concern about moving to private audit because, as was pointed out, they believe that the visit by an auditor who was from the Auditor General's Department was of benefit to them, because some shire clerks in some remote areas do not have the training that some others have. They view the visits of the auditor as a time when they can canvass problems not only of audit, but also of other matters of accounting procedures that they undertake.

It is for that reason, coupled with some others, that this Bill allows for the establishment of a local government audit board to ensure that there is a standard which is acceptable and that the authorities can guarantee will be available when they move to private audit.

It is indicated in the Bill that where it is not possible for a local authority to gain the services of a private auditor—and that circumstance I imagine would occur in some remote communities where obviously it would be beyond the funding capacity of a local authority to have a private auditor to journey a long distance to audit only one set of books—with the approval of the Minister the authority can have its books audited by the Auditor General.

That is accepted by most local authorities, and I think it is important to say that the department has had its inspectorate raised by one person in order that those local authorities which wish to have some advice as to accounting procedures and other matters that auditors previously assisted with, might have a visit from one of these inspectors to assist them in any way they wish. That is an important ancillary to the change to private audit.

At present, 11 local authorities have their books audited by private audit, and those authorities are eminently satisfied with the service they are receiving. Therefore, it seems to be sensible to progress to the private audit system throughout local government as far as possible, but with the safeguards that are built into this legislation for the purpose of ensuring that that service is efficient.

Another provision in the Bill relates to trust land and it is a matter that was referred to the department specifically by the City of Stirling which encountered difficulty under section 266 of the Act. That section is to be amended to allow the land that was in trust to be utilised by the council for the purpose that it now wishes; that is, for an aged persons' facility. That change has the ap-

proval of the ratepayers in the area and this was indicated by a meeting of all ratepayers called by the City of Stirling. Therefore, it is really to accommodate the wish of those ratepayers that this proposal has been brought forward.

I thank Opposition members for their support of some of the provisions in this legislation and I would like to assure them that many local authorities believe the private audit facility which will be available will not cost as much as the service previously provided by the Auditor General's department.

Question put and passed.

Bill read a second time.

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 266 repealed and sections 266, 266A, 266B and 266C substituted—

Mr JAMIESON: I hope that the Minister has given careful consideration to this clause because it changes the way in which local governments will be able to divest themselves of land they hold in fee simple. My experience shows that ministerial approval in relation to this matter has been a great safeguard.

I would like to refer to the magnificent setup of the Belmont City Council where the municipal offices are situated in a garden setting which has been well established for a number of years. The facilities include not only the municipal buildings but also facilities for aged persons, a playground for the children, and an aquatic centre. Years ago the council was offered, for a nominal sum, the land on which the present offices are situated. The offer was made by an elderly person who ran a dairy on the land. Most of the councillors later wanted to subdivide that land and sell the blocks for housing because they believed they could make a profit and as a result they would not have to increase the rates for that year. That was a shortsighted attitude and it would have been a travesty of justice had that land been sold. It was decided that the land be sold but one councillor came to me about it and with the aid of ratepayers in the district, a petition was presented to the then Minister for Local Government (Mr Logan). The Minister examined the proposal and refused to grant permission to sell the land to the council. That is how the City of Belmont has that magnificent site today.

I would hope that the Minister, before giving this power to local governing bodies, considers the protections that citizens require when, for some short-term reason, a local authority suddenly decides to sell a parcel of land that it has acquired in one way or another.

Geographically the City of Belmont offices are located in the centre of the local authority. This centre would not have been built had those councillors who agreed to the proposal to sell, had their way. Nevertheless, the area is used for the purpose for which it is obviously best suited. It would be a shame if the Minister was not able to make the final judgment on such proposals. I ask the Minister whether proper protection is now available to the ratepayers.

Mrs CRAIG: I thank the member for Welshpool for those comments and assure him that this matter has been given a great deal of consideration. As the Act stands at the moment it is necessary to obtain the approval of the electors of a district to vary a trust. It is intended also that it be written into the Act that the land must be utilised for the purpose for which it was being used previously and a declaration of trust must be entered into by the person who purchases the land, to ensure the land is utilised for the purpose for which it was given. For that reason it must be a ministerial approval.

What the member for Welshpool says is indeed very true and I can assure him that the safeguard he requires is written into this legislation.

Clause put and passed.

Clauses 4 and 5 put and passed.

Clause 6: Sections 635A, 635B, 635C and 635D inserted—

Mr TONKIN: I take this opportunity to speak on this clause because it is the one which deals with the system that is forcing the local governing authorities to use private auditors. As the member for Geraldton said, on many occasions, there is no choice.

Mr McPharlin: Would you mind speaking up? We cannot hear.

Mr TONKIN: It is not a question of whether the councils want to use private auditors; they have to. Clauses of the Bill deal with the situations where councils cannot obtain the services of private auditors, but I understand those provisions will apply only in very remote parts of the State.

The local authorities are being forced into a situation of having private auditors. This is taking away from them the opportunity to use the services of the Audit Department if they wish, so we object to this clause.

Mr McPHARLIN: This clause refers to the establishment of an auditing board. In his second reading speech, the Minister said that only 11 out of 139 municipalities in Western Australia are audited by private auditors now.

A number of councils in my electorate have raised this matter with me from time to time. They have reservations about the cost that may be involved in having private auditors. I hope it works out satisfactorily for them.

As I interpret the clause, the board will have control—to a degree, anyhow—of the persons who are appointed as private auditors. Clause 6 provides that the term "the regulations" means the regulations made for the purposes of division 2a of the Act. Proposed new section 635D provides that the Governor may make regulations as to the constitution, powers, and duties of the board, etc.; however, no reference is made to the number of persons constituting the board, or from where they may be drawn. Can the Minister give us a lead on that?

The regulations dealing with the terms and conditions of appointment of the persons constituting the board are mentioned in the proposed new section, but no mention is made of the constitution of the board.

I understood the Minister to say that if a private auditor is not performing in the way he should perform, the board will have the authority to cancel his appointment. Overall, the board would have control of the standard of the auditors operating under this legislation. Can the Minister give me the answer to the question I have raised?

Mrs CRAIG: In reply to the member for Morley, I indicate that the local authorities that were shires previously did not have the opportunity of progressing to private audit, except with the specific approval of the Minister. The towns and cities could have audits carried out by private auditors.

I assure members of the Committee that the people drawing up the regulations have given and will continue to give careful scrutiny to the situation pertaining to audits in all other States of Australia. Indeed, an officer was sent to each of the States to discuss this aspect so we could be certain that the provisions of this amending Bill were adequate to ensure the protection of the ratepayers' funds.

We have had consultations with the Local Government Department, the Auditor General, private accountants, and the Institute of Municipal Administration in the drawing up of this legislation. I assure the Committee that we have taken all the precautions possible to ensure that an adequate standard is maintained.

It may be of interest that when the Government made the announcement that it would proceed to the employment of private auditors, it was the private auditors themselves who came to me first and said, "If this is to be, we believe very careful rules should be drawn up to ensure an adequate service is available to local government." In itself, that is a commendation of the responsibility of the private auditors.

The member for Mt. Marshall asked what we proposed for the constitution of the board which will deliberate on registration, matters of disqualification, and the other things set out in the Bill. The board will comprise a representative of the Institute of Municipal Administration, a local government representative, one person representing both the Australian Society of Accountants and the Institute of Chartered Accountants, one departmental officer, and one officer from the Audit Department. We will have the best spread of people with experience to ensure that the board is able to operate efficiently.

Clause put and passed.

Clauses 7 to 14 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 Mrs Craig (Minister for Local Government), and transmitted to the Council.

CEMETERIES AMENDMENT BILL

Second Reading

Debate resumed from 2 November.

MR TONKIN (Morley) [10.27 p.m.]: This amendment is consequential upon the Local Government Amendment Bill (No. 4). The two Bills are so closely related that, obviously, one needs to become law if the other does. For that reason, any comments I made in relation to the first Bill apply *mutatis mutandis* to this Bill.

MRS CRAIG (Wellington—Minister for Local Government)[10.28 p.m.]: As the member for Morley has said quite rightly, this Bill is consequential upon the Bill we have just considered.

The Cemeteries Act provides that where a council of a municipality is the trustee of a cemetery, the auditor of the municipality shall carry out the audit of the cemetery board.

Whereas previously that person was from the Audit Department, this Bill provides that the audit be carried out by a private auditor.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Mrs Craig (Minister for Local Government), and transmitted to the Council.

INDUSTRIAL ARBITRATION AMENDMENT BILL (No. 2)

Reference to Select Committee

Debate resumed from 4 November.

MR PARKER (Fremantle) [10.33 p.m.]: When we adjourned this debate last week I had just moved that the Bill be referred to a Select Committee. That is the alternative proposal to the Bill going to a Committee of the House of the whole. I suggest it is far more preferable that this legislation be dealt with by a Select Committee. I have a number of reasons for saying that.

Firstly, let me remind the House that, when we were debating the Bill in the second reading stage, I referred briefly to the fact that a similar piece of legislation which had been introduced into the Commonwealth Parliament by the then Minister for Industrial Relations (Mr Viner), who has since been deposed from that position and is no longer in the Cabinet, went to the Senate where a motion was carried that it be referred to a Select Committee.

Three of the members appointed to sit on the Select Committee were from the Government parties. They were Senator Hamer from Victoria, Senator Walters from Tasmania, and Senator Reg Withers from our own State of Western Australia. They were the Liberal senators on the committee which included four other people: The Australian Democrat, Senator Siddons, Senator Button, Senator Mulvihill, and Senator Harradine, an Independent member, and chairman of the committee.

When the Bill was before the Senate, the three Liberal senators who ultimately became members of the Select Committee supported it. In fact the Senate record reveals those three Liberals voted in support of the legislation's being passed then and there. However, the Government did not have the numbers in the Senate and, as a consequence, the Bill was referred to a Select Committee.

Despite the fact that the three Liberal members of the committee started from the position of being in support of the legislation, they ended up, as I shall show shortly, in the position where they, together with the other members of the committee, were able to make a unanimous report to the effect that the legislation should not proceed and ought to be withdrawn.

Previously I read to the House some aspects of the interim report the committee made to the Senate in September of this year. That report recommended that the Bill not proceed until the committee was able to produce its final report.

In the intervening period circumstances had changed in that Mr Viner had been displaced as Minister for Industrial Relations. In fact he had been sacked because of his abysmal performance in that portfolio and he was replaced by Mr Macphee who is quite well accepted and respected by people both on the trade union and employer sides of the fence throughout the country.

Indeed, Mr Macphee was a director of the Victorian Chamber of Commerce before he went into the Federal Parliament. Since he has been in the Ministry, he has done a number of things. Firstly, he adopted a completely different approach from that adopted by his immediate predecessor, Mr Viner, and even somewhat different from Mr Viner's predecessor, Mr Peacock. Certainly Mr Macphee's approach has been different from the approach taken by Mr Street, the first Minister for Industrial Relations in the Fraser Government.

Mr Macphee has decided that industrial harmony is to be achieved throughout Australia not by adopting a confrontationist approach, as had been adopted previously, particularly by Mr Viner, but by taking a more consensual stance. All people involved in the industry—people who had a role in the management and employee bargaining process and relationship—should be able to meet with each other to try to come to some sort of consensual solution. It is a policy not dissimilar from that which we have announced on industrial relations during the course of this year and about which considerable discussion has taken place in the community in this State. It was announced, firstly, in the form of our green paper and, secondly, in our overall policy on industrial relations.

Mr Macphee has said that whatever the decision of the Senate Select Committee, it would be his position that the amendments to the Com-

monwealth Conciliation and Arbitration Act proposed by Mr Viner would not proceed. He has made that statement quite unequivocally. He has said those amendments would not be proceeded with and the Government would take the view that a wholesale review of the Conciliation and Arbitration Act, which has been in force federally since 1904, should take place.

Therefore, even had the Select Committee come down with a different proposition, it was Mr Macphee's position that the legislation introduced by his predecessor should not proceed.

In fact the Senate Select Committee, both in its interim report and, more recently, in its final report, unanimously stated that, in its view, the legislation should not proceed. The unanimity was expressed by all the senators who included the three Liberal senators, and particularly Senator Reg Withers from Western Australia, who was able to say, along with the other members of the committee in the course of the report presented to the Senate, that he thought the Bill would be an industrial relations disaster.

A large number of the clauses of the Bill which have been introduced here are taken, almost verbatim, from the Bill which was introduced into the Federal Parliament earlier this year. I would suggest that members opposite who will no doubt be in exactly the same position as that of their Federal counterparts earlier this year—all gung ho about supporting legislation of this type and wanting to take on the unions in the way it was suggested then—recognise the fact that those people have now been converted to a position where they are prepared to say they do not think this sort of legislation should go ahead. That happened to coincide with the new view put forward by the committee of which Senator Withers is a member.

Secondly, another State proposed not dissimilar legislation, and that was South Australia. The Minister for Labour and Industry (Mr Dean Brown) had introduced a Bill into the South Australian Legislative Assembly. It was passed by that Assembly but there had not been time or it had not been able to be passed by the Legislative Council in that State. As a result, that Bill was a matter for discussion at the time of the elections. We all know that, not as a result of the legislation but for more basic reasons, the defeat of the Tonkin Government took place last Saturday. As from tomorrow South Australia will have the Bannon Labor Government. This means the legislation introduced by Mr Brown will not proceed.

We have the situation now where the Federal Government is not proceeding with its legislation both because the Minister concerned does not want it, does not think it is appropriate, and believes it is the wrong way to tackle the problem, and also because the Senate Select Committee has said in its final report to the Senate that it does not believe the legislation should go through which, given the composition of the Senate, one would imagine would have been the case.

The only State in the Commonwealth proposing to pass legislation of this sort is Western Australia. I find that to be an extraordinary and alarming position when one considers that the level of expertise of the Minister here and of his ministerial advisers would have to be the weakest of any in the Commonwealth and, I imagine, also weaker than that which prevailed previously in South Australia.

We have a Minister for Labour and Industry who knows literally nothing about industrial relations but who has an ideological attitude which is strongly opposed to unions and strongly predisposed to getting stuck into unions. We have a Department of Labour and Industry which even the new Premier would have to admit, whatever its strengths may be, is not strong in giving advice on pure industrial relations and conciliation and arbitration matters. It has never been strong in these areas and I do not believe it has become very much stronger in the past year or so.

We have the situation where legislation is before us but, because of the nature and structure of this Parliament, it will not be properly considered. During the Committee stage in the so-called House of Review the legislation was pushed through in a period of one night, thereby ensuring that no effective scrutiny of the clauses could take place there.

In this place we have had a different approach to the debate during the second reading stage and it remains to be seen what happens during the Committee stage; it remains to be seen if bulldozer tactics are used to push through the legislation as was done in the Legislative Council.

Mr Sodeman: That is not a fair statement; it was not bulldozed through.

Mr PARKER: It was put through in a single night's sitting, which finished about 6.30 a.m. Does the member consider that normal for the Legislative Council?

Mr Carr: Of course they bulldozed it through.

Mr Sodeman: They could have spoken to it for as long as they wanted to.

Mr PARKER: It is absolutely extraordinary that members should be required to debate detailed pieces of legislation in the manner that oc-

curred in the Legislative Council, where debate on the Bill did not finish until around 6.30 a.m. It stands to reason no effective scrutiny of the legislation could take place. There may have been a reason for the legislation to be pushed through in that way, but the result was not to allow effective scrutiny to take place. We had the position where, towards the end of the debate in particular, no proper scrutiny was given to the legislation. We saw the farce also—and I have read the debate in the Legislative Council—of the Minister's replies, which could be described only as farcical and which showed his abysmal ignorance of these matters. It is acknowledged generally that the Minister is probably the most ignorant Minister for Labour and Industry the State has ever had. The Minister has a very thick hide and does not understand the points people make.

It was the same with the Bread Bill earlier this year; when city and country bread manufacturers went to see him he thumped the table at them and said there was no way he would withdraw his Bill. Fortunately for the bread industry and unfortunately for the Minister, when he got to the party room his colleagues had a different idea. But he thumped the table not at the unions but at the bread manufacturers and said that simply because no-one in the industry supported it he would not withdraw the Bill. He now adopts the same stance with this legislation, although on this occasion he seems to have the support of his colleagues.

Mr Pearce: The Bread Bill failed to get a rise.

Mr PARKER: When the Senate Select Committee finally came to examine the Federal legislation in detail, when it finally got to the situation where the legislation was being looked at, not from the point of view of scoring points in the House and not from the point of view of a purely political exercise, but from the point of view of six or seven people sitting around a table and trying to come to a conclusion about the legislation and trying to decide what they thought of it in a realistic way, all those members, irrespective of their political background, concluded in their final report that the legislation should not go through and should not be supported, a position which now has been adopted by the Federal Government.

It has been made clear to this Government on many occasions, in the Legislative Council, in the Press, in arenas where private discussions have taken place between employee and employer organisations, and by me in the second reading debate, that whole sections of the Bill will not work; it was made clear to the Government today in the journal of the Confederation of WA Industry that whole sections of the Bill will not work unless complementary Federal legislation is enacted. It has become quite clear now that we will not see complementary Federal legislation, because the Federal Government has come to its senses and determined not to continue with its legislation. The Senate, including Liberal senators, have decided they do not want it. Here we have this Government proposing to push through this legislation for the same weak reason originally stated in Canberra and, I imagine, previously in South Australia; yet we now have the situation where the Federal Government has backed away from the idea and in the other case the South Australian Government has been defeated, which means that its legislation will not be passed.

If we are to have sensible legislation, particularly on matters of great contention and where every single organisation in the industry, every single practitioner in the industry who knows anything at all about the way in which our industrial arbitration system works, is opposed to the legislation, a Select Committee should be appointed. Neither the Minister in the Legislative Council nor the Minister representing him here has been able to point to a single person of any note in the profession who supports the Bill. That by itself gives every cause for the legislation to be referred to a Select Committee. It might be that a Select Committee would hear similar evidence to that submitted to the Senate Select Committee—because many of the clauses of this Bill are virtually identical with the clauses of the previous Federal legislation—and which caused it to make a comment similar to the following made by the Federal Senate Select Committee—

> The majority of witnesses (including those representing many of the employer groups) expressed the opinion that the major purposes which the Conciliation and Arbitration Amendment Bill 1982 and the Commonwealth Employees (Voluntary Membership of Unions) Bill 1982 are meant to achieve would, in a variety of ways, further disturb the currently unsettled industrial relations climate and would not contribute to industrial peace.

Such a Select Committee might hear evidence like that and it might come to the determination—in a similar manner to the Senate Select Committee—that the Bill was drafted very badly, and I have mentioned that the drafting of the Commonwealth legislation is virtually identical in many cases to the drafting of this Bill.

It would be in the best interests of the probity of government in this State and in the best interests of ensuring that people, when they look at the way these matters are dealt with, have some confidence in the legislature of this State,

were this legislation to be considered by a Select Committee. It is a legitimate proposition that the Bill should be examined by a Select Committee.

We have members opposite at the moment advocating in a much different area that the Bill relating to smoking advertising introduced by the member for Subiaco should go to a Select Committee because of their concern about its drafting. If members opposite are concerned about aspects of that Bill they should have very much greater concern about the drafting of this Bill.

If one can be concerned about some of the effects that the Bill proposed by the member for Subiaco will have on some sections of industry, one must have much greater concern about this piece of legislation. Concern has been expressed about this Bill not only by the Opposition and the trade union movement, but also by the Confederation of Western Australian Industry, which represents in the Industrial Commission virtually every small employer and a number of large employers in this State. In addition, the Metal Industries Employers' Association of Western Australia, which represents all the mining companies operating in this State, opposes this legislation. Most, if not all, major employers in this State have expressed concern that the legislation will have detrimental effects on the profitability and viability of their industries. None of them has come out in support of this legislation, but we find that the Government proposes to push it through.

I suggest to the House that it would be very much in the interests of the House, the people of this State, and industrial relations in this country and, particularly, in this State, that this legislation be considered on a bipartisan basis, and hopefully the same bipartisan basis as adopted by the Senate. The Senate decided to appoint a Select Committee to determine what was wrong with the Federal industrial arbitration legislation, and to make recommendations, such as it did, that changes take place.

Despite there being Labor Party and Australian Democrat members, along with the Independent Senator Harradine, who has an association with the trade union movement, the Select Committee was able to come up with an alternative to the provision relating to preference to unionists. The alternative suggested a second way for people to get out of the preference to unionists situation. It was remarkably similar to the proposal put by the member for South Perth when some years ago, in 1977 or 1978, he was the Minister for Labour and Industry. The unanimous recommendation of the Senate Select Committee would have ensured that some of the problems seen to exist, would not.

In order that we obtain a decent report on the legislation, I moved that the Bill be referred to a Select Committee.

MR YOUNG (Scarborough—Minister for Health) [10.52 p.m.]: The member for Fremantle moved that the Bill be referred to a Select Committee, but much of what he said was based around the proposition that the Bill was designed basically to take on the union movement. Quite frankly, it is not designed to do that; it is designed to clarify the intentions of the legislation introduced into and passed by this House in 1981.

Mr Parker: I thought more of you than that; I didn't think you would say that.

Mr Bryce: Do you know that your ill-fated mates in Adelaide did this about three weeks ago, and it blew up right in their faces? I have been listening to this for too long.

Mr O'Connor: Then why don't you leave the House—for good?

Mr YOUNG: For 30 seconds I have been listening to the member for Ascot, which is longer than I have been speaking.

Mr Bryce: You have no lungs, all heart.

Mr YOUNG: The Bill is an attempt, as far as any legislation can go, to put beyond question what was intended by previous legislation. The 1981 legislation intended to protect the rights of the individual in relation to industrial matters, and to give the individual the right to stand aside from the power base of the trade union movement.

Mr Parker: There has been no decision to indicate that you failed in 1979.

Mr YOUNG: The member for Fremantle failed to recognise, as did many other members of the Opposition, that we happen to have a policy on the matter. We happen to have gone to the people a couple of times in respect of this matter; we happen to have flown the flag a couple of times. We did not lose the support of the people on those occasions, and we have as much right to pursue our policy as the Opposition has to oppose it.

In total the member for Fremantle spoke for approximately 2½ hours opposing everything in the Bill, and subsequently moved that it be referred to a Select Committee. It is beyond question what the Opposition thinks about the Bill, but on behalf of the Government I say we have a policy and the right to pursue that policy. The public support that policy and, of course, the unions can fight it. As the member for Fremantle suggested, they will fight it.

Mr Tonkin: You hope they do.

Mr YOUNG: I will get on to that point, but I will be brief. The trade union movement can cause a lot of damage—a lot of damage to itself, the State generally, and the economy of the State—by taking on every single action the Government takes in respect of industrial arbitration legislation.

The Opposition makes the automatic assumption on every occasion we bring industrial legislation before the Parliament that a fight will occur. Opposition members go out to encourage that fight; they boil up a crowd, get people to come here, and start spurious and stupid television advertising that tells straight lies about what is in this Bill. No-one on that side can deny that what is being shown on television night after night is straight lies, but the Opposition encourages that sort of attitude.

Mr Parker: I have seen two of the advertisements—

Mr YOUNG: They would have been totally unfactual.

Mr Parker: I do not know how many there are, but I have seen two, and they were strictly factual.

Mr YOUNG: We will get on to that matter in Committee, and determine how factual are the claims. It was claimed that an employer at his whim can reduce the level of wages of his staff, and can do so at any time—for any reason. Is that a factual claim in regard to this Bill?

Mr Parker: They were talking about stand-down procedures.

Mr YOUNG: That is not what they referred to; they claimed that an employer can at any time reduce the level of wages of his employees without reference to the Industrial Commission.

Mr Parker: I don't know whether that is the case.

Mr YOUNG: That is the case in regard to those television advertisements, which are typical of the advertising the Opposition encourages as a result of its attitude towards anything this Government wants to do in respect of industrial matters. The advertisements are the sorts of things we know to expect every single time we introduce legislation in respect of industrial matters. If that is the will of the Opposition, and if the Opposition sees that as the will of the trade union movement, let it be; but let the public see what that will is in regard to these matters. If it is simply the will to cause trouble, let the Opposition and the trade union movement be seen as causing trouble. All the Government is doing is introducing its policy. If it is the will of others to oppose that policy, they should be allowed to go about their business of opposing it, but the public should see what that will is. The Bill will proceed.

The legislation is not designed to protect big business, as the member for Fremantle made clear. Every time he speaks on the issue he makes the point that the Confederation of Western Australian Industry is, supposedly, totally opposed to the legislation, that the trade union movement is totally opposed to it, and that every practitioner in the field of industrial relations is totally opposed to it. The Bill is designed to protect the individual.

The argument of the member for Fremantle is that nobody supports the legislation. The plain fact of the matter is that many people support it, the people for whom the Opposition happens to have scant regard, and they are the average people of our community. They support the legislation.

Throughout the debate on this matter in both Houses, the Opposition has said that the Bill is purely a political move. By saying that, Opposition members damned themselves out of their own mouths. On the one hand, they say it is a political move and, therefore, should be of some advantage to the Government. That presupposes—

Mr Parker: What follows from it?

Mr YOUNG: —that there would be electoral support for the Government in respect of the matter, and that also presupposes that the average person in the community supports what the Government is doing—

Mr Bryce: You don't realise that when you do your polling you are now about five years behind, and your brothers in South Australia fell flat on their faces with the same strategy.

Mr YOUNG: —on the basis that it could not possibly be introduced for political purposes. I do not know how many ways the people on the other side of the House want to have it.

Mr Parker: You have misled the House as to what I said.

Several members interjected.

The ACTING SPEAKER (Mr Tubby): Order! The member for Fremantle was heard in relative silence when he was speaking for the motion and I ask that the same courtesy be extended to the Minister.

Mr Parker: I did not mislead the House when I was making my speech.

Mr YOUNG: They want to have it both ways.

Mr Tonkin: No, we do not.

Mr YOUNG: The Opposition says the Bill is being introduced for political purposes.

Mr Tonkin: That is right. That is one way and that is the only way.

Mr YOUNG: Therefore it must have public and popular support.

Mr Tonkin: You think it does! Don't twist our words! You are twisting words all the time!

The ACTING SPEAKER: Order!

Mr YOUNG: It would be simpler to say we obviously oppose the motion of the member for Fremantle.

Mr Parker: You can't even respond to it. You can't even answer my arguments. You didn't try to answer one of my arguments.

Mr Nanovich: The Minister has been speaking for 20 minutes on this.

Mr YOUNG: It will obviously be a very interesting Committee debate.

Mr Carr: You have set the tone for it.

Mr YOUNG: Members of the Opposition have absolutely no intention of listening to propositions from this side of the House.

Mr Parker: Because you are misleading the House.

Mr YOUNG: We listened in almost total silence during the 2½ hours of the second reading speech of the member for Fremantle. We listened in total silence in respect of his motion that the Bill be referred to a Select Committee. If the member reads *Hansard* he will see that during the few minutes I have been speaking in answer to him my time has been interspersed with more interjections from the other side of the House than I have made from this side of the House. That is the sort of reaction we get when debating one of our Bills. It is clear that the union movement is almost predestined to do the things that these people on the other side tell it to do in respect of this legislation. They cannot stand the truth, but they will get plenty of it in Committee. We oppose the motion.

MR PEARCE (Gosnells) [11.02 p.m.]: I found a kind of irony in the Minister's speech, because when I spoke on the second reading he spent all his time suggesting that the—

Mr Nanovich: Three-quarters of your time was spent criticising the Premier.

Mr PEARCE: These are the people who are not interjecting, are they? Are these the people who are listening in absolute silence?

Mr Bryce: Yes; everything is relative.

Mr Laurance: You wouldn't have any relatives!

Mr PEARCE: He spent most of the time shouting at me from the other side of the House.

Mr Young: I did not shout at you. I kept reminding you of how many minutes you had spoken without speaking on the Bill.

Mr PEARCE: I have not forgotten the time the Minister for Police and Prisons prefaced his speech by saying, "I listened to the member for Gosnells in absolute silence." I counted 68 interjections which he made in the course of the 20 minutes that preceded that statement.

Mr Young: Relatively speaking!

Mr PEARCE: I hope I am being heard over the interjections.

Mr O'Connor: I thought you got up to give your resignation.

Mr PEARCE: Listen to the silent Government members and the Premier!

The ACTING SPEAKER (Mr Tubby): Order!

Mr PEARCE: I obviously do not have access to the tapes in the television stations, but I am working on it.

Mr O'Connor: I will help you.

Mr Young: He is working? Is he serious?

Mr PEARCE: The Minister for Health put the proposition and attempted to distort the things that were said by the member for Fremantle. The true position is this: The attitude of the Opposition to this Bill is that it has been introduced for a political purpose; that is to say, the Government is hopeful of winning political gain from the Bill.

Mr Tonkin: That is right.

Mr PEARCE: That is our belief as to the Government's motivation. We have done two things: Firstly, we have pointed to the fact that that motivation will have disastrous effects on industry and employment in this State, not merely on unions or workers, but also on employers and industry. In order to get this political advantage for which the Government hopes, it is prepared to create a situation which will lead to considerable disruption to Western Australian industry—and that is why the Confederation of WA Industry is opposed to it; its members know that, as employers, in the end they will have to foot the bill for the disruption caused by the Government in the hope of political gain.

The second point we make is simply that the Government probably is mistaken in the belief that it will get political mileage from the legislation, and that is not to undercut our suggestion that that is the Government's motivation.

Mr Tonkin: That is right. That is too subtle for the Minister for Health. He says that is having it both ways.

Mr PEARCE: The fact that one may be motivated by something does not mean he will get what he hopes for because of that motivation.

Mr Tonkin: It is too subtle for the Minister!

Mr PEARCE: One may wish on a star, but it does not mean that one will get what one wishes for just because the wishing motivated by something.

Mr Tonkin: Not unless you are Walt Disney.

Mr PEARCE: The Government is prepared to cause disruption to this State. An increase in unemployment will follow that disruption, and the possibility of businesses collapsing, particularly small businesses, in this economic climate in which firms find themselves. In this way the economic situation is worsened. The Government will bring all this about and still not necessarily achieve the political advantage for which it hopes, for the simple reason that the poll on which the Government has based this Bill and its electoral hopes was too simple and too crude to indicate public opinion. By way of interjection the Premier indicated the poll order for which the Government was hoping. There is around, somewhere, a poll which states that 75 per cent of people in Western Australia believe that individuals ought to have the freedom to decide whether they want to join a union—and the Government says this is what this legislation seeks to give. If 75 per cent of the people of this State support that point, I suppose it is the only subject on which the Government feels that 75 per cent of the people of this State will support it. It probably could not gain even 50 per cent of the people's support on anything else, and that includes its leadership and its chances in the election. On many issues support for the Government would be as low as 40 per cent, and if the people understood this subject it would be well under 50 per cent. Now it seems a poll has been taken which indicates that 75 per cent have voted in favour of the issue under discussion.

However, the way the Bill and the disruption it causes develop will result in a lessening of support for the Government. The lesson has been learnt in other States—notably in South Australia—as to why this kind of legislation has not been successful in gaining political support for its sponsors. There is no contradiction in that, nor is there any in our saying, on the one hand, that the motivation as we see it is for political advantage and, on the other hand, the hope of political advantage probably will be frustrated and the people will be left carrying the can. Each citizen of this State is being asked to carry the costs of the disruption which will be caused by this legislation.

If the Government is sincere in its belief that this Bill does in fact enshrine provisions of individual freedom which can be explained to people and which will be supported by them, and if submissions are made to them, why then will the Government not agree to a Select Committee? What is the problem with a group of members of this House having people in the community—75 per cent of whom apparently support this legislation—coming before this Select Committee and giving reasons for and against the general principles of the Bill and satisfying themselves about the way in which the procedures of the Bill are laid out? Why will not the Government do that? The answer is simply that nobody will be coming before the Select Committee to report in favour of the Bill; everybody will be coming to be critical of it, in the same way as I understand groups have been beating a path to the Minister's door, the Premier's door, and the doors of other Ministers; and those who have been able to get through protested about the principles underlying the Bill, and about the procedures the Bill seeks to set up which generally project a gloomy scenario for the way in which the Bill is likely to be implemented.

If the Government were sincere in its belief that the Bill is supported by the community and by those who are involved in industrial relations, there would be no problem in this question of individual rights or the great good that the Bill is supposed to provide and it would not hurt to have a Select Committee to inquire into the Bill's provisions. It would not hurt the Government to allow that committee to report back to the Parliament next year as an Honorary Royal Commission. There would be nothing to stop this action if the motivation were to get the best possible Bill. The grave difficulty in that procedure if what the Government is hoping for is political gain at the next election, is that the Select Committee could not report back before the election.

Mr Watt: Could it be that you are looking for political gain in what you are saying? Of course you are.

Mr PEARCE: I cannot imagine that my 60 per cent margin will move up to 65 per cent because I supported a move to send this Bill to a Select Committee.

Mr Blaikie: Wait until Bill Mitchell gets on the warpath.

Mr PEARCE: He is not even running against me. That shows how little the member for Vasse knows about the whole business.

Mr Blaikie: It is an adjoining seat.

Mr Bryce: He is still at the bottom of the harbour, mate.

Mr PEARCE: There is no significant political gain in this for the Opposition.

Mr Watt: Or for the Government.

Mr PEARCE: Maybe there is no gain for the Government. I think the Government's hopes in that area will be frustrated. The motivation behind it is the Government's desire to have this legislation operating and causing all kinds of disruption before the election. That is why the Government will not agree to a Select Committee because then there would be no pre-election disruption from which the Government hopes to gain some backlash.

The speech of the Minister for Health would have to be one of the most pathetic replies to a motion that this House has ever heard. He spoke for several minutes and then he said he could not see why he should have to put up with interjections and could not be expected to speak when people were speaking at him.

Mr Young: "Speaking at him"; that is a nice way of putting it.

Mr PEARCE: There he goes again, interjection after interjection.

Mr Watt: Nobody interjects like you.

Mr PEARCE: I do not complain about interjections because they are a fact of life. If one comes into this place one has to accept that. No reasonable person would stand and say "I cannot cope with the verbal stones" and then slide back into his seat.

Mr Parker: Especially when someone is trying to bring the Minister back to the point.

Mr PEARCE: He is one of the great interjectors on the Government side of the House.

Mr Young: "Great" was the only correct word of that sentence!

Mr PEARCE: It seems strange for a person who is a stone thrower all of a sudden to want to be become a glass house when the situation—

Mr Watt: You should be in a glass case.

Mr Young: You have only 10 minutes to go.

Mr PEARCE: I have very little sympathy for the Minister for Health in this whole business. It seems when the Minister reads through his speech notes he notes in the column, "Argument weak, shout"; and in this instance he probably has noted, "Argument very weak, collapse". That is exactly what he did. I cannot see that the reply from the Minister is the sole contribution the Government will make with regard to whether this matter should go before a Select Committee.

The nature of the arguments marshalled on the Government side demonstrate too clearly the point the Opposition has made that this legislation is designed to achieve political advantage for the Government is correct. The failure to refer the matter to a Select Committee can be seen only as an inability on the part of the Government to be prepared to allow this legislation to be the subject of scrutiny.

It is obvious that the timetable must be met whereby the Bill must be passed and proclaimed before the election so that the industrial and economic disruption—which at this stage is the sole election strategy of the Government—can be put into effect before the election is held compulsorily at the end of March next year.

If one belongs to a Government which is struggling on its last legs, with no hope of winning an election, despite the remarkable gerrymandered measures in its favour, I suppose one would have to go for disruption. The Government is desperate and the public knows. The people are not stupid.

Mr Young: You are not about to finish?

Mr PEARCE: The people can see right through you, my friend.

Mr Young: Another eight minutes of Labor euphoria.

MR BRYCE (Ascot—Deputy Leader of the Opposition) [11.15 p.m.]: This legislation really is a ritualistic experience. Any of us on this side of the House could have predicted 18 months ago that this piece of legislation would be trotted out at this time for this purpose. The Government's move has been entirely predictable.

I did not realise just how predictable it was until I had the opportunity last week of visiting South Australia and I discovered that the same ritual was indulged in by the Tonkin Government on its deathbed in the Legislative Chambers in South Australia.

Mr Watt: Why are you trying to stop it now?

Mr BRYCE: I am simply doing the members opposite a favour—

Government members interjected.

Mr BRYCE: —by trying to point out to them that their time-worn strategy has worn thin and it is absolutely pointless for them to pursue it.

I used to be worried about this particular type of legislation because I shared the concern of many people in the community that this issue could be used to cloud people's judgment. I do not think a great deal of difference exists between South Australians and Western Australians and maybe I can point out some home truths to members opposite about the experience of the South

Australian Government, which toyed with this ploy before it went to its destiny and faced the decision of the people only a few days ago.

Mr Watt: Then why are you trying to stop it?

Mr BRYCE: It is also expensive for the State's economy. That is the point I am trying to indicate to members opposite. We have reached a stage where Western Australian employers cannot afford this mob in Government. They tell us they are ready to vote against this Government and ready to contribute campaign funds against them.

Mr Blaikie: Who would say that to you? Name one company.

Mr BRYCE: They cannot afford the fact that their businesses, one after another, are teetering on the brink of bankruptcy. They cannot afford the strife that this legislation is designed to cause for political motives. Members of the Government know their former supporters are saying exactly that. It is a different matter in times of prosperity when new firms are being formed every day of the week, large profits are being made in every quarter of industry and they can afford to turn their backs on lengthy stand-down periods. However, industry cannot afford this. Families cannot afford this. Individuals cannot afford this.

It is the sort of final death rattle from a Government that is trying to find some lever and some ploy to save its bacon. Let me remind members opposite what happened in our next-door neighbouring State a few days and weeks ago.

This sort of legislation was introduced by the Government in that State and it floundered in the upper House, the most democratically-elected upper House in the country where the conservatives do not have their usually guaranteed corrupt majority.

If the member for Mt. Marshall does not admit that the situation in this State is corrupt I would like to hear his definition of "corrupt". He is one who has sat in this Chamber and manipulated the majority to make it corrupt; he was part and parcel of the process. It is one of the achievements of his representation and when he leaves this place he will have the memory—

Mr McPharlin: You cannot demonstrate that is correct.

Mr BRYCE: When one member of the House represents 96 000 people and sits alongside another member who represents 6 000, and the member does not call that deliberately contrived corruption, something is wrong with his intellect and upbringing.

The SPEAKER: I ask the Deputy Leader of the Opposition to confine his remarks to the question before the House.

Mr BRYCE: At a time when the inflation rate is going through the roof, every day of the week we see headlines about retrenchments in traditionally highly-regarded Western Australian firms. This is because there is no work. Day after day the newspapers are full of stories of unemployment and interest rates which are crippling small businesses and families who are seeking to own their own homes. This Government is in need of a diversion and it thinks this diversion will work. I say that it will not work—it did not work in Adelaide and it will not save the Government's bacon in Western Australia. I met with some members of the Liberal Party in Adelaide on polling day, and it was brought home to me clearly that no matter how hard the Liberal Party tried to draw attention to other issues, the electorate at large was concerned with the main issues; that is, job prospects—employment and unemployment—and housing and interest rates.

The SPEAKER: Could the Deputy Leader of the Opposition tell me how his remarks relate to the question before the Chair?

Mr BRYCE: Absolutely, Mr Speaker, there is no doubt but that they relate to the question before the Chair. If members opposite cannot get the gist of what I am saying, I am sorry.

Mr Old: Mr Speaker cannot get the gist of what you are saying.

Mr BRYCE: If you, Mr Speaker, put yourself in that category I am sorry for you because the point is that this Government has brought this piece of legislation to the Parliament pretending it has some sort of genuine interest in industrial relations in this State. We on this side of the House are arguing and insisting that if the Government has the slightest bit of interest in industrial affairs in this State it would be referring the question to a Select Committee.

Mr Sibson: Why?

Mr BRYCE: Never before has such a significant body of opinion in this State been opposed to this sort of legislation. The member for Fremantle has explained precisely those bodies which, time and again, have expressed their opposition to the legislation. There is ample evidence and good reason to demonstrate why this piece of legislation, having got this far—which is a disgrace—should be referred to a Select Committee.

Mr Nanovich: No there is not.

Mr BRYCE: If the member for Whitford thinks this Bill will save his bacon he has another

think coming. I suggest he obtains the details of the opinions of people in electorates like Mawson in South Australia and similar electorates in other States to ascertain how their own families have swung against the Liberal Party because of economic problems.

Mr Nanovich: Your face would be redder.

Mr BRYCE: Those people would not tolerate the rubbish which is in this piece of legislation and which is an insult to the intelligence of the members of this Parliament.

MR WILLIAMS (Clontarf) [11.25 p.m.]: I enter this debate simply for the reason that I find it amazing and difficult to understand for one moment what the Opposition is endeavouring to say or do. For goodness sake, there is no need for any Select Committee. Anyone with half an ounce of common sense would realise this Bill is important because of the actions of the labour movement in general and, in particular, the Builders Labourers' Federation and the Transport Workers' Union over the past year or so.

Mr Bryce: It will not affect them.

Mr WILLIAMS: It will.

Mr Bryce: No, it will not. They will get around your funny little corrupt toy Parliament.

Mr WILLIAMS: Is that not interesting? The member opposite has made a pertinent statement.

Mr Bryce: Which one is pertinent—corrupt, funny, or toy?

A member: What will happen is that the BLF and the TWU will go Federal.

Mr Parker: They are already Federal.

Mr WILLIAMS: If members of the Opposition were to do their homework and were to act in a responsible manner, they would quickly understand that we are not talking about unions, but about organisations whether they are registered or unregistered.

Mr Parker: We know that.

Mr WILLIAMS: If members of the Opposition know that, why do they continue to shout their mouths off because unregistered unions will come under a Federal award? Irrespective of what members opposite say, whether the awards are Federal or not, they will come under sections of this proposed Act because they are organisations. Therefore, members opposite should do their homework. They are silly little people who do not know what they are talking about.

Several members interjected.

Mr WILLIAMS: That is one of the most important factors in this legislation.

Several members interjected.

Mr WILLIAMS: Members opposite are a flock of parrots. It is an important factor of this legislation and we will have it covered. What is the reason for introducing amendments to this Bill?

Mr Pearce: Political advantage.

Mr WILLIAMS: Here we go.

Mr Bryce: A 7.5 per cent swing would make you look sick.

Mr WILLIAMS: "Political advantage", so members opposite say. The Government is taking this action for very fundamental reasons and all members opposite can say is, "If you dare bring in this Bill", "If you dare let this go through", "This is what we will do", and, "There will be unemployment". How will there be unemployment? It will be for one reason only and that is because strike action will occur. That would be a further deliberate act to downgrade the economy of this State. Strike action is all the members of the Opposition can think of. They are standover merchants who do nothing for this State and they should be ashamed to call themselves Western Australians. They do nothing to try to create employment; all they do is kick in the backside those who want to employ people.

One fundamental of this Bill is to strengthen the right of the individual to choose whether he wishes to join a union. That is the fundamental right of every individual.

The protection of the rights of contractors and subcontractors is another reason for this legislation. A number of these people have complained to the Department of Labour and Industry about the way in which they have been stood over on a building site. It is a disgrace and an indictment on the Labor Party and the trade union movement.

One of the reasons we are bringing in these factors is to try to overcome these problems. We must give employees and employers an equal right; when secondary boycotts occur, equal industrial rights should be given to union members and non-employees. They must be given equal rights, for the sake of the whole community, because that is what it is all about.

Mr Parker: What is a non-employee?

Mr WILLIAMS: I meant a non-union employee. What is in a word?

Mr Carr: He is like the Premier. The Premier tried that last week.

Mr Pearce: Is that an original saying? Did you make that up?

Mr Carr: He learnt it from the Premier last week.

Mr O'Connor: The Premier happened to be right last week. Your side was wrong, as well you know.

Mr WILLIAMS: What will happen under this Bill? Neither the employer nor the union will be able to interfere with the right of the employee to join or not to join a union. That is a fundamental, basic right for any employee.

Mr Bryce: Do you think non-unionists should get the benefits of unionists? Would you be happy to see a dual system?

Mr WILLIAMS: Instead of the unions saying, "We won't work with a non-unionist"; instead of the unions standing over the employee and forcing him to join a union; instead of the unions saying, "Nobody goes on this site unless they join the union", the unions should be looking to going out and selling themselves. If they have a good enough product, people will join the unions. If they do not have a good enough product, why should they be able to stand over an employee? Why should he join a union?

Mr Pearce: How would you be if you were marketing a product and other people were going around and handing out the same product for free? That is the point. If you are selling vacuum cleaners door-to-door and somebody does not want to buy your vacuum cleaner but gets one free, what would you do?

Mr Bryce: He would get what he could for nothing.

Mr WILLIAMS: It is the right of the individual—

Mr Bryce: You believe in the concept of passengers?

Mr Pearce: Bludgers!

Mr WILLIAMS: That is a disgraceful remark. They are not bludgers.

Mr Bryce: "Support the bludgers" exercise.

Opposition members interjected.

The SPEAKER: Order!

Mr WILLIAMS: When members of the Builders Labourers' Federation go onto a site and say, "Unless you join our union, we will close this building site down", the fellow will say, "Hang on a minute. I am already in a union. I am in the Electrical Trades Union." "You have to join the Builders Labourers' Federation." "I am in the Electrical Trades Union." "Sorry!" The employee goes to the Electrical Trades Union and says, "What is happening here? Do I have to join?" The Electrical Trades Union will say, "For the sake of peace and harmony on that site, join it."

What is happening now is that a lot of the unions are on our side because they want these bullying tactics stopped, for the sake of the economy and for the sake of continuity of work. We have seen examples of that.

Mr Bryce: How would you go getting entry to a Liberal Party meeting if you fronted up—

Mr WILLIAMS: If people are members of a union, why should they have to join another union just because somebody who weighs about 20 stone stands over them and says, "You have to join"? Do members opposite reckon that is right?

The beautiful thing about this legislation is that we are increasing the penalties for the people who do not face up to their responsibilities. Firms and unions will be subject to fines of up to $10 000 if they do not play ball. If the unions do not pay the fines—

Mr Bryce: Some of your mates will.

Mr WILLIAMS: No, they will not.

Mr Bryce: They do. That is the trouble.

Mr WILLIAMS: If the fines are not paid, they will lose the right of access to the arbitration commission. That should bring them into line, if nothing else will.

Mr Bryce: It will not work. It cannot work—and you are a joke!

Mr WILLIAMS: That means that the members of the unions will not have the right to increases in wages and salaries, and furthermore—

Mr Parker: You are completely wrong about that.

Mr WILLIAMS: It is about time we had the advantage over some of these people.

Mr Parker: You do not lose rights. They will be able to go to the commission.

Mr Sibson: Then why are you jumping up and down?

Mr Parker: Because it is a disastrous piece of legislation. We think it is stupid.

Mr WILLIAMS: Members opposite have been saying tonight and on other occasions that the Confederation of Western Australian Industry is against this legislation, but it is not.

Mr Bryce: Come off the grass!

Mr WILLIAMS: I will read what Mr Gregor, the manager of the construction service of the confederation, said—

> In regard to the employer association's policy, first, the policy of the Confederation of WA Industry and the Master Builders' Association and in fact other organisations, is that they support the inclusion in awards of

> preference to unionists, but they, under no circumstances, support compulsory membership of unions

Mr Parker: That is why we are opposed to your Bill, because your Bill prevents putting preference clauses into awards.

Mr WILLIAMS: Hang on! The letter continues—

> The unions have consistently asked us over a number of years to introduce "no ticket-no start" agreements and we have consistently refused as employer organisations, therefore the unions have given their attention to individual contractors to seek to achieve that.

That is what they are saying.

Mr Bryce: Why do you support bludgers?

Mr WILLIAMS: They are not bludgers at all. They are people endeavouring to do an honest day's work. Members opposite are the people standing over them saying that they cannot do that.

Mr Bryce: You are encouraging them to bludge.

Mr WILLIAMS: I have never supported standover merchants.

Members opposite should go to the Department of Labour and Industry where they would find it has 70 or 80 such cases. It is interesting that those people sought out the department. If the department advertised, "If you are having problems with these unions, please report to us", it would be inundated.

Opposition members interjected.

Mr WILLIAMS: It is 80 cases in one year; but that is only the cases involving people who have sought out the department. I would like to know what the number would be if the department advertised and said, "Please let us know your problems." There would be hundreds of them.

Mr Bryce: Can you imagine what would happen at the Weld Club if somebody tried to gain entry and enjoy the facilities without paying the dues?

Mr WILLIAMS: I wish to deal now with the stand-down provisions. If people are going to adopt standover tactics and say, "We will close the site down", the employer must have some rights. In the past, he has had to go to the arbitration commission and ask for a stand-down order. Under this legislation, the employer will be able to stand down employees immediately, without going to the arbitration commission, if the industrial trouble has resulted in no production for his firm. The employer will be given a breather. This is what is required.

We are putting teeth into this legislation, and we will overcome the problems. For 80-odd years unions have been carrying on much as they wish, unfortunately at the expense of the employees. We have seen that Federal and State awards have never joined together, and never been in unison.

Mr Parker: They will not be this time.

Mr WILLIAMS: A fortunate feature of this legislation is that Western Australia is leading the way. We are giving employees the right to join unions or not to join unions. Even today, under a Federal award, a unionist must be given first priority, and that is wrong.

We want the Federal Government and the other States to join with us in making legislation on industrial arbitration uniform throughout the whole of Australia.

We will not allow Western Australia to become subservient to the Federal Government. The Federal Government must lift its game and come under our Act, because it is so far in front that it is not funny. Many years ago the Labor Party won the right to organise its members within the work force in the same manner as it was done outside the work force.

Mr Bryce: The good old unions and the good old days!

Mr Davies: I don't know what you are talking about.

Several members interjected.

The SPEAKER: Order! Firstly, there are far too many interjections and, secondly, I point out to the member for Clontarf that the question before the Chair is that the Bill be referred to a Select Committee. I would hope that at least he could indicate at some stage the reasons that it should not be referred to a Select Committee if that is his intention.

Mr Bryce: I agree.

The SPEAKER: Otherwise, I cannot see the connection.

Mr Bryce: I think this is his swan song.

Mr WILLIAMS: I thought I made that quite clear in my opening remarks. However, I will reiterate the position, because I believe there is certainly no need to refer the Bill to a Select Committee.

Mr Davies: Why?

Mr WILLIAMS: The whole problem today in the industrial sphere is the fact that the Labor Party will not accept that the individual has the

right to either (a) join a union or (b) not join a union.

Mr Bryce: Or (c) be a bludger. We don't like people bludging on others!

Mr WILLIAMS: Members opposite are threatening us with chaos tonight when they indicate that we will experience problems if the Bill is passed. This Government has the mandate of the people and is endeavouring to pass a Bill to enable the individual to exercise his rights which the Labor Party is trying to take away. We are being threatened by the Labor Party that, if we allow this Bill to be passed, we will have all sorts of strikes and demonstrations and the economy of the country will go haywire.

Mr Carr: The economy of the country is haywire.

Mr WILLIAMS: If in fact the economy of the country has gone haywire that has occurred because of the number of strikes which have taken place over a period. They have cost us millions of dollars. I have referred to this matter previously and I do not intend to go into it in detail tonight. Suffice to say no valid reason exists for the setting up of a Select Committee. It is a tactic on the part of the Opposition to try to con us. A total of 73 per cent of the people of this State say they want the rights of the individual to be protected and they have been able to put forward that view. The reason that I have been able to quote the figure of 73 per cent is that these people have been able to indicate their feelings without fear of coercion or standover tactics. It is interesting to note also that, in that 73 per cent, 80 per cent came from the younger age group. Therefore, the young people do not want to be stood over. The young people do not want compulsory unionism.

The individual must have his rights. That is a fundamental principle and must be maintained if Australia is to remain a democratic country and if this State is to prosper. Therefore, no reason exists for the establishment of a Select Committee. It is a sham.

Mr Bryce: The advocate of the bludgers.

MR DAVIES (Victoria Park) [11.45 p.m.]: We should be grateful to the member for Clontarf for the light relief he has provided on a very serious subject. If ever the Premier had an opportunity to give some substance to the image he is desperately trying to create of being a man of sweet reason, conciliation, and compassion, this is the occasion when he should take advantage of the opportunity offered by the member for Fremantle, because in effect that is what we are saying. We are simply asking the Government to draw in the reins for a short time and see where we are going, because it has been galloping along madly in its attack on industrial arbitration since the early 1960s, as members were reminded last week by the member for Fremantle.

The Government set about abolishing the then known concept of the Industrial Arbitration Court and set up a new concept which it has expanded and amended from time to time, always with the idea of limiting the power of the unions. This is understandable, bearing in mind philosophies members opposite represent, but sometimes one wonders where it will stop. Will the Government be satisfied only when the unions are completely decimated and totally unable to try to uphold some of the traditions which the Premier had the gall to talk about in his column recently in which he supported the Tolpuddle Martyrs? I did not think I would ever see a member of the Liberal Party support the actions of the Tolpuddle Martyrs, but it suited the Premier to do so on that occasion.

If, as the Premier said in his column, he has some feeling for the people who want to organise on behalf of the masses and the people who have to earn a living and are on salaries or wages—very few of us are not in that position in Western Australia or, indeed, in Australia at the present time—this is the time for him to review the arbitration system and to ascertain whether the amendments he has brought before the House are really desirable and necessary or whether they are just fulfilling a fetish, mood, or whim of some of the more reactionary members of his party.

I do not believe that the Government has been very serious about this legislation or that it will do anything other than rely on its numbers, bearing in mind that the Minister took only 18 minutes to introduce the Bill to the House. The Minister drew attention to the fact that the member for Fremantle spoke for 2½ hours on the subject, but despite the fact that many speeches were made in the second reading debate, he took some 25 minutes to reply, which was a rather cursory attempt to deal with the arguments put forward.

Mr Young: Quality not quantity.

Mr DAVIES: Then, after spending eight minutes trying to find a reason that the Government should not support the establishment of a Select Committee, the Minister sat down in something of a huff because he could not beat the interjections coming from this side of the House.

Mr Young: I could not get a word in.

Mr DAVIES: The reason for that was, like his counterpart in the upper House, the Minister did not have an answer to the arguments proposed.

Real concern exists as to where we are going with arbitration. It would surely make an interesting thesis for someone to write the history of arbitration in this State since 1962 or 1963 when the attack first started. We want to know where we are going and we want to see whether the proposals are reasonable. So far, after listening very intently to the debate, most of it seems to have centred around the fact that a significant proportion of people believe in freedom of choice. I am not certain as to the meaning of freedom of choice. It has never been defined and the percentage of people involved has been quoted variously as 75, 73, or 80 per cent. However, members opposite say that if that number of people want freedom of choice, they will get it, and apparently it is freedom of choice as to whether or not people want to join a union. That is the only freedom involved.

That is the freedom with which we are associated tonight and because that percentage of people say they want it, the Government is jumping to see they have the opportunity to put their wishes into effect. If the Government intends to govern on percentages of population that want certain things, it must go into a number of other areas. Only last week the Minister for Police and Prisons was asked a question about percentages.

In question 749 of 4 November this year the member for Swan drew attention to a survey held about the reasonableness of the police conducting inquiries into their own affairs. I think 92 per cent of the people asked said they did not believe it was a reasonable thing. The Minister for Police and Prisons said he did not care what 92 per cent of the people said; what they said did not fit into his ideas so he would ignore them. Leaving out the Minister, if 100 per cent of the people wanted the method of inquiry changed he would not do anything about it because it was not in accordance with the philosophy of his party.

However, in this situation, when the Government has something that suits its philosophy, and when less than 80 per cent of the population polled indicated their wishes, the Government jumps to obey. Why is the Government making flesh of one and fish of another? Why is the Government saying it will do immediately what a certain proportion of the population wants while in another area it says that, as the proposition does not agree with Government policy, it does not matter how many people want a change, the Government will not agree to it?

If we are to talk about freedom of choice we must not talk only about the freedom of choice to join or not join a union. What about the freedom of choice of an employer who wants to employ unionists only? Strange as it may seem some employers do feel they are better off employing unionists and unionists alone. If that is the philosophy of those employers, why do they not have the right to do what they want to do and employ unionists rather than non-unionists? Where is the freedom of choice there? That freedom has been completely overlooked because of this Government's tunnel vision; it claims that freedom of choice applies only to people who want to join or not join a union.

What about John Roberts of Multiplex Constructions Pty. Ltd.? He has indicated he is happy to go along with the building unions and wants to employ unionists only. He has acknowledged he was better off when all his employees were members of a union. Will he have the freedom to say, "I am not going to employ you because you are not a unionist and I will employ him because he is a unionist"? Under this legislation he will have no freedom of choice whatsoever.

If the Government means what is says when it indicates it is a free enterprise Government, it should provide these liberties. The Minister for Police and Prisons is looking at me rather curiously, but I am right in what I am saying.

Mr Hassell: Do you support both sides of the coin? Do you believe employers should be entitled to employ only unionists or only non-unionists?

Mr DAVIES: They should have the freedom of choice just as a man has the freedom to be a unionist or not to be a unionist.

Mr Sibson interjected.

Mr Bryce: Hello, the member for Bunbury is here.

Mr DAVIES: I am sure the member for Bunbury is a "full bottle" on everything, having just recovered from a nap somewhere. At least he is waking up some members opposite. We welcome him back to the debate and look forward to a considered contribution from him.

The member for Fremantle in moving this motion for a Select Committee gave very cogent reasons and explained why it was opportune and proper for a committee to be appointed. Among the reasons he gave was the attitude of the Confederation of WA Industry. A Government member interjected and asked, "What about the Confederation of WA Industry; did you see the article in tonight's paper?" We all saw the article on page 6 of tonight's edition of the *Daily News* and we all realise the Confederation of WA Industry usually distances itself from the Trades and Labor Council; that is understandable because of the very nature of the two organisations. But there is no reason that they should not talk together. In-

deed, when Mr Macphee, the Federal Minister for Industrial Relations, was here last week, he said just this. The Premier has been trying to say that is what he and his Government stand for, but on the first opportunity they get to demonstrate this is so, they run for cover without giving any reasonable excuse.

Coming back to the attitude of the Confederation of WA Industry, we have all read the article in question which points out exactly where the confederation stands. It still has concerns about this legislation. If that is so, why are its spokesmen not allowed to come publicly before a Select Committee and state their concerns? If, as the Government claims, the unions do not have a reasonable leg to stand on, why does the Government not allow the unions to appear before a Select Committee and make fools of themselves, if that is what the Government believes would happen? One would imagine the Government would want the unions to do exactly that. The Confederation of WA Industry is unhappy with the Bill and the trade union movement is unhappy with the Bill, although possibly for different reasons; but let us find out what those reasons are and do something about them.

It has been corridor gossip for weeks in this place that the only piece of legislation likely to delay the early closure of this session of Parliament is this industrial legislation. The Government has been shamefaced by the whole thing. Before the matter was debated in the Legislative Council we had the spectacle of the Premier going on air in the morning and saying it would probably be a week before the Bill was debated. By the middle of the day it was suggested it might be debated before a week had passed. At 4.30 p.m. it was common knowledge it would be debated that night.

The sly tactic used on that occasion, a tactic in which the Premier no doubt took pride, was that the Government would try not to have a gallery to listen to the debate; it did not want a gallery because it was too shamefaced by the legislation.

The most significant point in the article to which I have referred is a statement which was allegedly on the lead page of the Confederation of WA Industry's magazine this month, which was—

> The Government also gave the Confederation an assurance to review the legislation within 12 months.

If as the Minister for Health says this legislation is only reviewing the legislation passed in 1981, which has not worked to the Government's satisfaction, we have now an undertaking given by the Government to the Confederation of WA Industry that the Government will review the legislation in 12 months' time. How many times are we to have these matters reviewed? When are we to find some substantial basis on which to base this law?

This is the opportunity, this is the occasion, to take the matter apart line by line publicly, with the various opponents and proponents saying what they think of the legislation. This will allow the Government to come to some reasonable attitude instead of using the strange philosophy it has used since the early 1960s to try to wipe out altogether the unions in this State.

There is a place for unions. Some of the actions of unions upset us at times, but this does not mean to say that unions at all times need to have legislation such as this hanging over them. Their authority has been whittled down bit by bit. The unions cannot even write their own constitutions without their being vetted by a Government-appointed lawyer, with the unions paying for this to happen. The Government forgets the constraints under which unions presently operate because of the actions of one or two people.

As I said, it has been corridor gossip for some time that this legislation would hold up the proceedings of the Parliament and that the Government felt it had a good case to proceed with the legislation because of the number of people who allegedly support the freedom of choice concept following the conduct of a Gallup poll.

The question that remains to be answered is: What will happen to the freedom of choice of employers who want to employ only trade unionists? Will they find themselves in court because they have broken some industrial law, either intentionally or unintentionally? Do they not have the same rights, such as freedom of choice, as others?

Why will the Government review this legislation in 12 months? Does the Government want to have this legislation brought in for only 12 months so that it can determine what it will cause, and in the hope that during that time some confrontations will take place?

The trade union movement has more sense than the Government gives it credit for; it realises how it will be treated under a Government of this sort. It wants a Government with some sympathy, empathy and understanding of its aims and objectives. It will get such a Government, a Labor Government, which will be here sooner than this Government thinks, especially if it passes this legislation.

MR McPHARLIN (Mt. Marshall) [12.01 a.m.]: The motion is designed to defer the legislation. During my brief comments I will refer to some of the comments of the Deputy Leader of the Opposition. He referred to what he called "corrupt" legislation.

Mr Bryce: You were part of it.

Mr McPHARLIN: I remember that not so many years ago members of the Labor Party presided over northern seats, but during that time I did not hear about corrupt legislation. The only time reference has been made—

The SPEAKER: Order!

Mr Bryce: I agree, Mr Speaker.

Mr Pearce: Is this relevant?

The SPEAKER: Order! The question before the Chair is that the Bill be directed to a Select Committee. It is true that the member for Ascot strayed a little from the question, as did the member for Clontarf, but I say to the member for Mt. Marshall that the straying is over and I believe we should confine our remarks to the question before the Chair, otherwise we will be here until the sun gets up.

Mr McPHARLIN: I did not propose to go on for a great length of time.

Oppositions members: Hear, hear!

Mr Pearce: A statesman like you?

Mr McPHARLIN: However, I wanted to refer to the accusation that corrupt legislation has been passed in this place. Any industrial disputation occurring in this State affects the people of our community. Certainly it affects industry in my electorate. Many comments have been made to me by my constituents to indicate how pleased they are the Government has taken this stand to strengthen industrial legislation in this State. They are pleased that the Government will not allow unions to dictate to this Government. Time and time again reference is made to unions dictating policy to Government at Federal and State levels, but my constituents are pleased that this Government has the courage to take the stand it has.

Mr Bryce: Sometimes union officials are more democratically elected than you are.

Mr McPHARLIN: As a result of the many comments I have heard from my constituents, I will not support the motion. It was to be expected that the member for Ascot and other members of the Opposition would raise industrial arbitration matters relating to South Australia, and make reference to the unfortunate—

Mr Bryce: Demise!

Mr McPHARLIN: —and disastrous result of the election held in that State last Saturday.

Mr Hodge: Do you believe in the domino theory?

Mr McPHARLIN: The member for Ascot referred to the industrial arbitration system in that State, and the solutions to its problems that the Labor Party of that State will bring about.

Mr Bryce: The people of South Australia had the best solution—a Labor Government.

Mr McPHARLIN: It will be a disaster for South Australia.

Mr Blaikie: Hear, hear!

Mr Wilson: Do you say those people should be denied their democratic right?

Mr Blaikie: Yes!

Mr Bryce: The thing that sticks in your craw is that everybody in South Australia, regardless of where he lives, has a vote of equal value.

Mr Carr: Also they are helped to get onto the electoral roll. There are 120 000 more of them on the roll than in Western Australia.

Mr McPHARLIN: Of course the member for Ascot supports the principle of one-vote-one value.

Mr Bryce: That's democracy.

Mr McPHARLIN: That is not democracy. I feel sorry for the people of South Australia for what they must bear during the next few years.

Mr Blaikie: Hear, hear!

Mr Bateman: I hope I am here long enough to pelt that right back at you.

Mr McPHARLIN: We had the Whitlam Government, and we know what a disaster that was for Australia.

Mr Bryce: Like Fraser! Do you support Fraser?

Mr McPHARLIN: The measure before us is aimed at delaying the legislation, but the majority of the people of Western Australia—

Mr Bryce: Will vote Labor.

Mr McPHARLIN: —are in favour of the legislation, and wish it not to be deferred, but passed now. I will leave my remarks—

Mr Bateman: Thank heavens!

Mr McPHARLIN: —on the point that I oppose the motion.

MR STEPHENS (Stirling)[12.08 a.m.]: I will not delay the House for long. I appreciate the comment made by the Speaker about members keeping their remarks relevant to the motion. However, I felt that when the member for

Clontarf spoke he strayed from the point because he had missed an opportunity to speak to the motion for the second reading of this Bill, and not wanting to waste the comments he prepared, or had prepared for him, he decided to speak to the legislation.

There is no question but that industrial relations is the single most important problem experienced today in Australia. There is no doubt that the public of Western Australia are rather disgusted with the performance of the Parliament. I have listened now to an hour or two of this debate, and it seems that both sides have been trying to obtain political advantage.

Mr Hodge: That's what this Bill is all about.

Mr Blaikie: Will you support the ALP?

Mr STEPHENS: I ask the member to wait until he is told. If he did not interject, he would be better off. Most of the debate has been directed to obtaining political advantage. For the benefit of the people we represent we should not try to score political points. The industrial situation and economic circumstances facing the people of this State, and the economic circumstances facing people out of work, are serious matters. We should be attempting to adopt measures to alleviate those problems.

When the Minister for Health replied to the motion before the Chair he said the legislation represented Government policy and was what the people of this State wanted. There is no question but that the people want industrial harmony, and that they support the objectives of this legislation. I go along with those objectives; I am certain all of us would support them. However, on the question of whether the legislation will achieve the objectives the Government claims it has, is another matter altogether.

Nothing is new about an inquiry into industrial relations—it has been National Party policy for years. Even the previous Premier suggested the idea of an inquiry into industrial relations.

Mr Bryce: Incidentally, he was in Adelaide on Friday trying to lend a hand to save the dying Government.

Mr STEPHENS: This Government was quite prepared to support an inquiry into industrial relations. This is a controversial Bill. I will quote from "Facts", a publication put out by the National Civic Council.

Mr Bryce: It is a pity you depreciated the value of your argument by disclosing your source.

Mr STEPHENS: Is the member opposed to the National Civic Council?

Mr Bryce: No, I do not even know who they are.

Mr STEPHENS: The publication contains an article on the Industrial Arbitration Act amendments. It reads as follows—

> In the face of strong opposition from unions, employers, academics and sections of the legal fraternity the State Government would appear to be determined to ram through its amendments to the Industrial Arbitration Act in a manner oblivious to the weaknesses pointed to by many parties.

That article refers to organisations or parties across the whole political spectrum. They are all concerned about this legislation. Further on the article says—

> One of Australia's leading industrial lawyers, Mr Ian Douglas QC, has said that the drafting of the Bill is so poor that lawyers will have a field day.

Mr Bryce: That is why it won't work. Somebody tell the member for Clontarf!

Mr I. F. Taylor: That didn't work either.

Mr Parker: It was amended again.

Mr Blaikie: That was very sensible.

Mr STEPHENS: Whereas the people want industrial harmony, they object to this legislation. Considerable doubt exists as to whether it will work and, if it works, whether it will do so as well as the Government suggests it will. It is for that reason that we in the National Party believe the Government would be well advised to support the move for a Select Committee. That is also consistent with National Party policy. We particularly advocate that matters be referred to Select Committees in order to obtain further information and to receive public input; after all, a Select Committee is only seeking opinions, it is not committing the Government to a certain line of action. It gives the public and back-bench members the opportunity to be involved in legislation.

Mr O'Connor: To hell with the freedom for the individual!

Mr STEPHENS: The Government fears that a Select Committee would give back-bench members an opportunity to know what the Bill is all about. It has been suggested that the referral of this Bill to a Select Committee would defer the legislation. National Party members are quite prepared to sit on in this House until a Select Committee has made out its report and then take whatever action is necessary depending on that Select Committee's report. It is more important that matters as important as this be considered properly than for them to be pushed through so

members can get away before Christmas. We should be prepared to sit on and do our jobs properly.

We support the motion for a Select Committee.

The point was made by a Labor speaker that the Government brought forward this legislation to save its bacon. I do not really think that is necessary; I thought the Government created four extra politicians to carry out that task.

Mr Pearce: It might not be enough.

Question put and a division taken with the following result—

Ayes 20

Mr Barnett	Mr Hodge
Mr Bertram	Mr Jamieson
Mr Bridge	Mr T. H. Jones
Mr Bryce	Mr Parker
Mr Carr	Mr Pearce
Mr Cowan	Mr Stephens
Mr Davies	Mr A. D. Taylor
Mr Evans	Mr Tonkin
Mr Grill	Mr Wilson
Mr Harman	Mr Bateman

(Teller)

Noes 24

Mr Blaikie	Mr Old
Mr Court	Mr Rushton
Mr Coyne	Mr Shalders
Mrs Craig	Mr Sibson
Mr Grayden	Mr Sodeman
Mr Grewar	Mr Spriggs
Mr Hassell	Mr Trethowan
Mr Herzfeld	Mr Tubby
Mr Laurance	Mr Watt
Mr McPharlin	Mr Williams
Mr Mensaros	Mr Young
Mr O'Connor	Mr Nanovich

(Teller)

Pairs

Ayes	Noes
Mr I. F. Taylor	Mr Clarko
Mr Terry Burke	Mr P. V. Jones
Mr Brian Burke	Mr MacKinnon
Mr Gordon Hill	Mr Crane
Mr McIver	Dr Dadour

Question thus negatived.

Motion defeated.

In Committee

The Chairman of Committees (Mr Blaikie) in the Chair; Mr Young (Minister for Health) in charge of the Bill.

Clause 1 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Mr Parker.

House adjourned at 12.21 a.m. (Wednesday)

QUESTIONS ON NOTICE

FUEL AND ENERGY: DIESEL

Rebate Scheme

1937. Mr EVANS, to the Minister for Primary Industry:

(1) What are the precise conditions which apply to eligibility for diesel fuel rebate for off-road vehicles?

(2) What is the precise procedure for making application for rebate?

Mr OLD replied:

(1) and (2) The answer is hereby tabled.

The reply was tabled (see paper No. 562).

RESERVES BILL (No. 2)

Environmental Protection Authority Report

1939. Mr EVANS, to the Minister for Lands:

(1) On which changes to the reserves contained in the 1982 Reserves Bill (No. 2) was a report from the Environmental Protection Authority sought?

(2) Will he table a copy of each of the reports he received from the Environmental Protection Authority?

Mr LAURANCE replied:

(1) and (2) Not all reserves legislation issues require Environmental Protection Authority input and those that are referred to EPA have varying levels of significance.

I have no objection to tabling the report prepared by the EPA, associated with Reserve No. 11681, but I believe that other matters referred to the Department of Conservation and Environment are internal documents and are not appropriate for tabling.

The report was tabled (see paper No. 561).

FIRES: FIRE BRIGADES

Kalgoorlie

1954. Mr I. F. TAYLOR, to the Minister Assisting the Minister for Emergency Services:

(1) Is he aware that there have been a number of major fires in the Kalgoorlie/Boulder fire district over recent weeks, four of which involved the loss of life?

(2) If "Yes", is he also aware that the resources of the permanent brigade in Kalgoorlie have been, and are being, stretched to their limits in coping with these major fires?

(3) What plans are currently in hand to upgrade the manpower and resources of the Kalgoorlie fire station in order to meet the demands on the services?

Mr HASSELL replied:

(1) I am informed that during the three months August to October 1982, 54 fire calls were received in the Kalgoorlie/Boulder fire district. Of these, only 12 are regarded as significant and four of the 12 involved the loss of a life.

(2) No. I am advised 12 significant fire calls over three months do not constitute undue pressure on available resources.

(3) None.

GOVERNMENT CONTRACT

State Energy Commission

1956. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

(1) Has the State Energy Commission tendered for 35 trucks of 8-9 tonnes capacity under tender No. 1207/82?

(2) Do the tenders require a percentage of—

(a) Western Australian components;

(b) Australian, but not necessarily Western Australian components?

(3) Is he aware of concern that the tenders have not been broadly written to enable Australian manufacturers to compete but have been written to satisfy the requirements of the Japanese "Hino" model truck?

(4) If "No" to (3), will he make inquiries?

Mr P. V. JONES replied:

(1) to (4) I refer the Leader of the Opposition to the answer given to question 1950, asked by the member for Yilgarn-Dundas on Thursday, 4 November, and which answer provides the basic information he is seeking.

FLAGS

Western Australian

1957. Mr DAVIES, to the Premier:

With reference to miniature flags being available to schools and qualifying organisations, what guidelines have been set down in regard to—

(a) application for supply;

(b) presentation of flags?

Mr O'CONNOR replied:

(a) and (b) The matched pair of miniature Australian and Western Australian flags are to be made available to schools for display in each classroom, and to Government offices for display on public counters.

TOWN PLANNING: MRPA

Servetus Street: Properties

1958. Mr DAVIES, to the Minister for Urban Development and Town Planning:

(1) How many Servetus Street properties have been purchased by the Metropolitan Region Planning Authority?

(2) What is the cost of such purchase?

(3) How many properties are currently under active consideration for purchase?

Mrs CRAIG replied:

(1) Eleven properties have been purchased in Servetus Street and adjacent streets.

(2) $930 500.

(3) The authority has received approaches for consideration from a further 19 owners requesting it to purchase.

PARLIAMENT

Four-year Term

1959. Mr JAMIESON, to the Premier:

(1) Has the Government come to a decision on its attitude to a four-year Parliament?

(2) If not, as it appears that at least three States would be on four-year period Parliaments and the Commonwealth Parliament joint committee has not yet reported on this matter, but is said to be in favour of a four-year term, has the Government given consideration to have this matter referred to a referendum at the coming State election?

(3) If neither above apply, what future action is contemplated on the duration of Parliament in this State?

Mr O'CONNOR replied:

(1) to (3) The extension of the term of Parliament is being considered currently by a Government back-bench committee headed by the Hon. John Williams M.L.C.

Until the committee has reported, it would be premature for the Government to express an opinion.

However, I would not wish to change the life of Parliament without a clear expression of public feeling, and the most obvious way to obtain that is through a referendum.

HEALTH: TOBACCO

Juveniles

1960. Mr BATEMAN, to the Minister representing the Chief Secretary:

(1) Further to my question 1848 of 28 October 1982 regarding purchase of cigarettes by juveniles, have any prosecutions or warnings been given to juveniles under the age of 18 years who smoke in public?

(2) Has any delicatessen or shop proprietor who sells or supplies cigarettes or tobacco to juveniles been prosecuted or warned?

(3) If "No" to (1) and (2), why has not section 10 of the Sale of Tobacco Act been invoked?

Mr HASSELL replied:

(1) There is no known Statute to prevent a juvenile from smoking tobacco.

(2) and (3) Records indicate that two warnings have been given by police to delicatessen proprietors since 1977.

Because of the multiplicity of outlets and the use of vending machines, it is difficult to enforce section 10 of the Sale of Tobacco Act. However, the section still provides a necessary deterrent.

STATE FORESTS: FORESTS DEPARTMENT

Public Relations Consultants

1961. Mr BARNETT, to the Minister for Forests:

(1) Does the Forests Department still use the services of public relations consultants?

(2) If so, who are the consultants?

(3) How much were they paid by or on behalf of the Forests Department in the financial year 1981-82?

(4) How many persons in the Forests Department are engaged in publicity and public relations—

(a) full-time; and

(b) part-time?

Mr LAURANCE replied:

(1) Yes.

(2) Eric White Associates (WA) Pty. Ltd.

(3) $14 340.

(4) (a) 1;

(b) 432.

STATE FORESTS

Clear Felling

1962. Mr BARNETT, to the Minister for Forests:

(1) In the financial year 1981-82 what was the area and species of forest clearfelled—

(a) within the woodchip licence area;

(b) outside the woodchip licence area?

(2) What was the area of karri forest within the woodchip licence area regenerated by—

(a) handplanting;

(b) seed trees;

(c) other methods?

(3) What area of—

(a) previously logged forest; and

(b) previously unlogged forest was logged in—

(i) karri forest type;

(ii) jarrah forest type?

Mr LAURANCE replied:

It is assumed that the three parts of this question refer to the financial year 1981-82, and the reply is—

(1) The area of forest where clearfelling was used as a silvicultural tool was—

(a) karri-marri—2 181 hectares
karri-marri-jarrah — 415 hectares
jarrah—213 hectares

(b) pines—266 hectares

(2) (a) 1 520 hectares;

(b) 1 819 hectares;

(c) 266 hectares.

(3) (a) (i) 565 hectares

(ii) 22 824 hectares;

(b) (i) 1 935 hectares

(ii) 1 852 hectares.

STATE FORESTS: FORESTS DEPARTMENT

Staff

1963. Mr BARNETT, to the Minister for Forests:

(1) How many professional officers does the Forests Department employ on research—
  (a) full-time;
  (b) part-time?

(2) How many professional officers are employed by the Forests Department—
  (a) full-time; and
  (b) part-time, on
    (i) die-back research;
    (ii) jarrah silviculture;
    (iii) karri silviculture;
    (iv) marri silviculture;
    (v) pine silviculture;
    (vi) fauna research;
    (vii) research into fire?

Mr LAURANCE replied:

(1) (a) The Forests Department employees 22 professional officers full-time in its research division;
  (b) there are 83 professional officers employed part of their time on research work.

(2) (a) The Forests Department employs 117 professional officers full-time;
  (b) the following professional officers are employed part of their time on—

(i) dieback research	76
(ii) jarrah silviculture	78
(iii) karri silviculture	49
(iv) marri silviculture	48
(v) pine silviculture	77
(vi) fauna research	63
(vii) research into fire	77.

STATE FORESTS

Shannon River Basin

1964. Mr BARNETT, to the Minister for Forests:

(1) Further to question 817 of 12 May 1981, what is the area of—
  (a) pure karri forest;
  (b) mixed karri forest; and
  (c) other forest,

in river and stream reserves in the Shannon River basin outside other reserves and management priority areas?

(2) (a) How many hectares of the Shannon River basin are within the proposed D'Entrecasteaux National Park;
  (b) of the area given in answer to question (2)(a), how many hectares are—
    (i) within the Lower Shannon management priority area;
    (ii) within any other reserve; (please specify names);
    (iii) outside any reserve or management priority area?
  (c) of the area given in answer to question (2)(b)(iii), how many hectares are—
    (i) pure karri forest;
    (ii) mixed karri forest;
    (iii) other forest;
    (iv) other vegetation?

(3) (a) Are the boundaries of (2)(c)(i) proposed management priority areas and (2)(c)(ii) proposed road, river and stream reserves within the woodchip licence area now available to the public on large-scale maps;
  (b) if so, how can members of the public obtain these maps?

Mr LAURANCE replied:

(1) (a) 463 hectares;
  (b) 1 133 hectares;
  (c) 714 hectares.

(2) (a) 6 490 hectares;
  (b) (i) nil;
    (ii) nil;
    (iii) 6 490 hectares;
  (c) (i) 985 hectares;
    (ii) 386 hectares;
    (iii) 1 619 hectares
    (iv) 3 463 hectares.

(3) (a) This question requires clarification before an appropriate answer can be given;
  (b) answered by (3) (a).

1965. *This question was postponed.*

GOVERNMENT CONTRACT

Carpet

1966. Mr PARKER, to the Minister for Works:

(1) Will he state for the 12 month period to 30 June 1982; and for the four month period to 31 October 1982, by contract

or tender number the quantities of carpet purchased by or for the Public Works Department?

(2) With respect to each quantity as enumerated above, will he also provide—

(a) the cost of the carpet;

(b) its nature (i.e. whether acrylic, woollen etc);

(c) the country of origin and, in the case where that country is Australia, the State of origin?

Mr MENSAROS replied:

(1) For the 12 month period to 30 June 82, 42 122 square metres of carpet was purchased. For the four month period to 31 October 82, 16 630 square metres was purchased.

(2) (a) Cost of carpet—

1/7/81 to 30/6/82:	Since 1/7/82:
$693 894	$175 165;

(b) Nature of carpet—

acrylic pile—	16 630 square metres
	34 927 square metres
woollen pile fibre—	5 926 square metres
80% wool, 20% nylon pile fibre—	954 square metres
polypropylene pile fibre—	250 square metres
hair mixture pile—	65 square metres;

(c) With the exception of carpeting to the value of $33 565, purchased from Victoria and New South Wales, the balance of the carpet totalling $835 494 was manufactured in Western Australia.

WATER RESOURCES

Agaton

1967. Mr PARKER, to the Minister for Works and Water Resources.

Will he estimate the number of jobs that would be created with the development of the Agaton water supply project under Commonwealth assistance?

Mr MENSAROS replied:

The number of jobs to be created for the construction of the Agaton water supply project by day labour could range from 80 to 145 depending on whether the scheme is financed over 9 or 5 years respectively.

In addition to this work force it is also believed that many jobs would be created in the pipe manufacturing and associated industries.

At this stage there has been no agreement with the Commonwealth for the funding of the scheme.

QUESTIONS WITHOUT NOTICE

GOVERNMENT SERVICES

Transfer to Private Enterprise

757. Mr BRIAN BURKE, to the Premier:

I refer the Premier to his speech to the WA branch of the Productivity Promotion Council of Australia on 24 February last, when he indicated that, where Government services can be more efficiently provided by private enterprise, they would be transferred to private enterprise. I ask—

(1) To which Government services was he referring?

(2) What action has been taken since the Premier made that speech to transfer Government services to private enterprise?

Mr O'CONNOR replied:

(1) and (2) Offhand I cannot give the Leader of the Opposition details of the departments involved. In many areas where Government costs are too high and private enterprise could provide a better service at a cheaper rate, public funds are better invested there. The implications are wide ranging and many areas are involved. Offhand I could not give details of all the areas to which the Leader of the Opposition referred. If he places the question on notice, I will endeavour to provide an answer.

"HANSARD"

Quotation

758. Mr HERZFELD, to the Premier:

I have given some notice of my question which is as follows—

On Wednesday of last week in the House the Leader of the Opposition falsely accused the Premier of saying that "difficulties in the economy, not only in Western Australia but also throughout the world, ought not to be our priorities." It was established at the time, and subsequently reinforced, that the accusation was false and the

Hansard records show this. However, on the following day, Thursday of last week, in his "Political Notes" in *The West Australian*, the Leader of the Opposition repeated the charge. Is the Premier aware of this and does he intend to do anything about it?

Mr O'CONNOR replied:

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

Yes. I intend to ask the Leader of the Opposition to correct that statement in his column this week. I am prepared to concede—

Mr Pearce: Why don't you correct it in your column?

Mr O'CONNOR: I did not make a false statement.

Mr Pearce: It was based on a *Hansard* report.

Mr Young: They get louder and louder as you get closer to the bone.

The SPEAKER: Order!

Mr O'CONNOR: To continue—

I am prepared to concede that last week's column would have been written and submitted to the paper before the error of his ways was pointed out to him.

Mr Pearce: Before the error in *Hansard* was pointed out to him.

Mr O'CONNOR: Was not the member for Gosnells here when this was corrected?

Mr Pearce: I was here all the time.

Mr O'CONNOR: The attitude of members opposite indicates they are not even prepared to correct falsehoods told in this House. However, we have *Hansard* which is supposed to be a correct record and the general public take note of it. It is a great pity that if people make false statements, they are not prepared to rectify them.

Mr Pearce: We all heard what you said last week.

The SPEAKER: Order!

Mr O'CONNOR: May I ask the member for Gosnells whether he has the information in relation to the claim he made, about the statement he alleged I made on television, when he said he would resign if, in fact, I did not make it?

Mr Pearce: Is that a question? I will answer it now.

Mr O'CONNOR: I would be very happy to receive the answer, because I do not think the member is prepared to give it to me.

Mr Pearce: He is.

Mr O'CONNOR: To continue—

I am even prepared to be charitable enough to forgive him for not making any effort to recall the offending section after his error was discovered, although there was time. But now I challenge the Leader of the Opposition to correct that serious error in his column this week. *The West Australian*, which makes the space available to political leaders, has a policy of not allowing us to comment on one another's "Political Notes" except in the "Political Notes," and that is fair enough. But *The West Australian*, as a result of its generosity in making the space available, has been put into the position where it has published a serious and false charge against me. We know how serious the charge is, because the Leader of the Opposition thought it important enough to base almost his entire speech on it, and we vividly remember the frustration, almost fury, exhibited on the other side of the House when the error was pointed out. Therefore, since I have been so seriously maligned, and since *The West Australian* has been unwittingly placed in the position of publishing that false charge, I invite the Leader of the Opposition to find, somewhere, the decency to correct himself in his column this week. In order to be of assistance, I offer him the following form of words—

Mr Pearce: No wonder everyone is starting to call you "Goofy"!

Mr O'CONNOR: Members are laughing which indicates that they are not prepared to rectify something which has been shown to be false. To continue—

"In this column last week, I accused the Premier of neglecting essential economic and financial matters and quoted him as saying 'the

difficulties in the economy, not only in Western Australia, but also throughout the world, ought not to be our priorities.' That is not true. What the Premier said was, 'the difficulties in the economy, not only in Western Australia, but also throughout the world, need to be our priorities.' "

Mr Brian Burke: Could I just interpose here for one second and ask a serious question? Do you remember what you said, because in your corrected proof you crossed out a whole lot of other words too.

Mr Pearce: Which you said.

Mr O'CONNOR: I knew very well what I had not said and I knew the word "not" should not be there. Members laugh, but if they examine what I said they will see it does not make sense in that context.

Mr Brian Burke: Yes, but you crossed out the word "priorities" as well.

Mr O'CONNOR: Would the Leader of the Opposition remember everything he said in his 2¼ hour speech? No, he would not. However, I knew I had not used the word "not", because I had speech notes which indicated differently.

Mr Brian Burke: Other people heard differently.

Mr O'CONNOR: Well, they did not hear correctly, because it was not said. To continue with the suggested wording of the Leader of the Opposition's correction—

"I apologise for creating a wrong impression about the Premier's point of view."

Mr Davies: I will not do it again!

FUEL AND ENERGY: GAS

North-West Shelf: South Koreans

759. Mr GRILL, to the Premier:

I asked a very similar question of the Minister for Resources Development last week, but he did not seem to want to answer it. It is a very serious question and I should like to put it to the Premier as follows—

(1) Is the Premier aware that the South Korean interests are on the verge of signing an agreement for the supply of huge quantities of LNG from Indonesia?

(2) Is he aware that those quantities could be as high as $600 million worth per annum?

(3) In view of the fact that the Government has awarded an interest in the Dampier-Perth gas pipeline to Korean interests in what many people consider to be extraordinary preferential circumstances, could he advise whether the South Koreans have been approached to take LNG from Western Australia?

(4) Would the Premier agree that the citizens of Western Australia could expect some *quid pro quo* in the nature of LNG gas sales in view of the preferential treatment given to the Koreans and bearing in mind all the problems we are having in getting the Japanese to sign a contract?

Mr O'CONNOR replied:

(1) to (4) My understanding is that approaches have been made to the Koreans through Woodside Offshore Petroleum Pty. Ltd. As members would be aware, the Minister for Mines and I intend to go to Korea on about 19 or 20 November, to have further discussions with the people there.

I believe we ought to get some *quid pro quo* and we have been looking at ways of doing this. One area in which that is occurring is in relation to the aluminium smelter in Bunbury. The Koreans have signed a letter for a $400 million power station in that area. We are looking also for their participation in the smelter itself. However, to answer the member's question, I believe some approaches have been made through Woodside.

SMALL BUSINESSES

Loans

760. Mr COURT, to the Minister for Industrial, Commercial and Regional Development:

Is the Minister aware of the initiatives taken by the private banking sector in relation to providing long-term loan finance and equity capital for small business?

Mr MacKINNON replied:

I thank the member for some notice of the question. Yes, I saw the articles to which he referred. The first stated that Westpac Banking Corporation would

create a new source of banking finance for small and medium-sized businesses. Today it was indicated that Citicorp Capital Investors Ltd. would be involved in a similar exercise.

It is pleasing for me to see these moves in the light of the Small Business Advisory Council's report on finance for small business which related to problems experienced in the small business sector. That report was submitted to the Campbell committee and recommendation 38.140 of that committee reads as follows—

> Encouragement could be given to the establishment of private Small Business Investment Companies (whose primary role would be to invest in the equity of small businesses, including new ventures and innovations) by making subscriptions to their shares eligible for personal tax relief.

I am pleased that the last part of that recommendation was not necessary in Australia, and that the proposed private small business investment companies will be encouraged to invest in the equity of small businesses.

We are endeavouring to obtain the details of the financial assistance proposed to be offered by both corporations and we hope to have that available as quickly as possible in order that this assistance may be publicised, perhaps with the assistance of the Small Business Advisory Council.

It is interesting also to note that we should probably now see a reassessment of the ALP's policy on this matter whereby it has been proposing for a long time that Government investment corporations should do the job; however, we believe private enterprise is much better qualified in this area today.

HEALTH

Saint Committee

761. Mr HODGE, to the Minister for Health:

(1) Has the Saint committee investigating the use of ECT and other matters reported to the Minister yet?

(2) If the answer to (1) is, "Yes", may I have a copy of the committee's report and, if not, why not?

(3) In view of the fact that the Minister claimed during the debate on the Mental Health Bill in August 1981 that the Bill could not possibly be delayed until the Saint committee completed its report, can he explain now why more than 15 months after the Bill passed through the Assembly it still has not been proclaimed?

Mr YOUNG replied:

(1) No, the Saint committee has not reported to me and, therefore, I am not even in a position to know the likely outcome of that committee's work, let alone make any information available to the member for Melville. I regret that, because I would have thought that committee might have been able to be in a position to report to me by now. I know the members of the committee are busy people and, if I may say so, it was a well selected committee, but it has not yet reported. I have been in touch with Professor Saint on a number of occasions and I am afraid the committee is not making the progress I hoped it would make.

(2) and (3) The legislation has not yet been proclaimed basically for industrial and drafting reasons. A long-standing series of discussions occurred in respect of disciplinary measures to be written into the regulations and in-depth talks were held between the Psychiatric Nurses Association, the Department of Labour and Industry, and Mental Health Services. Finally, instructions were able to be given to the Crown Law Department in respect of disciplinary provisions to be written into the regulations and that department then found itself in the middle of a drafting problem as far as this session of Parliament was concerned, and those regulations have not yet been drafted.

I regret the fact that those matters have caused me not to be able to have the Act proclaimed, because I wanted the legislation to come into existence as soon as possible, but it simply has not been possible.

LIQUOR: TAVERN

Wanneroo Shire

762. Mr PEARCE, to the Minister for Urban Development and Town Planning:

(1) Is it a fact that she has overruled a decision of the Wanneroo Shire Council

and that this will have the effect of allowing a tavern to be constructed next to the Heathridge Primary School?

(2) If so, did she consult with her colleague, the Minister for Education, as to the desirability of building a tavern in proximity to a primary school?

(3) Is it her policy to allow taverns to be constructed near schools in areas under her authority?

Mrs CRAIG replied:

(1) to (3) I have no immediate knowledge of the decision the member asks about. I suggest he put the question on notice in order that I might give him a considered reply.

TOWN PLANNING: MRPA

Servetus Street: Properties

763. Mr DAVIES, to the Minister for Urban Development and Town Planning:

I refer to question on notice 1958 appearing on today's notice paper. In reply, the Minister said that approaches for consideration by a further 19 owners of properties in or near Servetus Street have been made for the purchase of their properties. I ask—

(1) Will a special allocation of funds be made for this purpose?

(2) Has she made application to Cabinet for a special allocation of funds?

(3) If not, who will pay for the properties purchased?

Mrs CRAIG replied:

(1) to (3) Because I recognised the member sought information other than that for which he asked specifically, I did expand my answer to indicate properties not only in Servetus Street, but also adjacent, because he asked, firstly, about properties in Servetus Street and, secondly, how many properties were apparently under active consideration for purchase. Of course, the question referred to negotiations taking place. I felt he was not seeking that particular information, but rather he wanted to know how many people had made an approach to the authority.

Mr Davies: Thank you for making up my mind for me.

Mrs CRAIG: For the reason I have given, I expanded the answer. A minute has been prepared, and probably has been circulated by now to Cabinet Ministers, and will go to Cabinet. It is an appraisal of the Servetus Street situation; a communication to members of Cabinet as to how many people at this time request that consideration be given to the purchase of their properties. Therefore, in reply to the third part of this question, I cannot indicate whether a special allocation for funds will or will not be made.

I expect that in the first instance negotiations will take place with owners in so far as affected value is concerned. The member would know very well about that because he was a Minister for Town Planning. It remains for the authority and Cabinet to determine whether there ought to be or whether it is possible that there be a special allocation of funds.

FUEL AND ENERGY: STATE ENERGY COMMISSION

Debt

764. Mr BRIAN BURKE, to the Treasurer:

(1) Is he aware of the massive debt burden the State Energy Commission is assuming with present and projected work?

(2) Can he assure the House that the commission is in a position to service this burden from present and projected earnings and borrowings?

(3) Has the Treasury been involved in approving or in any other way considering the proposed debt burden to be assumed by the commission?

Mr O'CONNOR replied:

(1) I am aware of the finances of the SEC, and the amounts it is expending on the North-West Shelf pipeline and other energy resources of the State, amounts necessary to make sure power supplies will be suitable for us in the future.

(2) In connection with the expenditure and the debt charges incurred, I have had discussions with the Treasury, and indications are that, while the first few years will be difficult, the venture, in due course, will become very profitable.

(3) All approvals for borrowings are considered by the Treasury before being signed by me.

FUEL AND ENERGY: GAS

North-West Shelf: Purchase by SEC

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

This question will be simple and brief. Can he tell the House—

(1) How much natural gas, through the SEC, has the State Government contracted to purchase from the joint venturers in the North-West Shelf project?

(2) How much of that gas has been sold to potential customers?

Mr P. V. JONES replied:

(1) and (2) As the Leader of the Opposition has been told several times, and as the seminar we had last Friday was told in some detail, the contractual purchase figure is related to approximately 380 million cubic feet per day. At present an amount of gas of the order of 80 to 100 million cubic feet is not allocated totally from that total amount of gas. I say "totally" because part of it relates to discussions occurring in relation to the use of the portion from the Pilbara originally allocated for use by pellet plants, an amount which is now not required and which under our renegotiated arrangements with the North-West Shelf joint venturers can be used elsewhere. More particularly now, readjustments have been made in relation to pricing and using adjustments of that quantity.

NATURAL DISASTER: DROUGHT

Relief

766. Mr EVANS, to the Minister for Primary Industry:

I refer to his reported statement in the *Farmers Weekly* of 13 October that any future drought-declared areas in WA could expect to receive the same benefits now applying in the Eastern States.

I draw his attention also to comments made in the Senate on 21 October by Senator Chaney, as Minister in charge of the legislation to give effect to the Commonwealth's drought relief measures, in which Senator Chaney said, referring to the Eastern States drought—

> I should have thought that it would be fairly clear that in farming in Australia generally one could not rely on similarly generous measures being brought down by the Government when less severe drought conditions were generally evident around the country.

I ask—

(1) Could the Minister advise the House whether, in the light of Senator Chaney's comments, it is still his view that drought-affected farmers in WA can expect to receive the same benefits now applying in the Eastern States?

(2) If that is not still his view, why did he make his comments to the *Farmers Weekly* without first checking the situation with the Commonwealth?

(3) What steps has he taken to get a fair deal from the Commonwealth for drought-affected farmers in WA?

Mr OLD replied:

(1) to (3) I am very pleased the member for Warren asked that question. I had hoped for an opportunity to talk about this matter. Of course we will get the same treatment as that meted out to the Eastern States. It is significant that Senator Walsh—that great champion of Western Australian agriculture and commerce—

Mr Young: A great help, isn't he!

Mr OLD: —sowed the seed of discontent in Western Australia, or endeavoured to do so. But that is typical of Senator Walsh, who takes great pride in denigrating his own State. If there were ever a man who gave his own State hell, it is Senator Walsh. However, I can assure this House that farmers in Western Australia will receive exactly the same treatment as have farmers in the Eastern States. I remind the House—again I take this opportunity—that the measures currently adopted for drought relief to farmers throughout Australia are those engineered in the first place by the Western Australian Government.

CONSUMER AFFAIRS: HIRE-PURCHASE ACT

Repossession

767. Mr WILLIAMS, to the Minister for Consumer Affairs:

Was his answer to question 1946 incorrect as alleged by the member for Morley.

Mr SHALDERS replied:

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

No. The answer supplied was absolutely correct. Subsection (2) of section 12A of the Hire-Purchase Act provides the right to the owner of goods, whose request to the Commissioner for Consumer Affairs for consent to repossess has been refused, to apply to a Local Court for an order declaring that the failure of the commissioner to give his consent was unreasonable in the circumstances of the case. Obviously it must follow that the criterion to be used by the commissioner at the time of making his decision is that he should act reasonably in the circumstances of the case.

This was precisely the terms of the answer provided by me to the member for Morley's question. It is as correct now as it was then.

FUEL AND ENERGY: GAS

North-West Shelf: Purchase by SEC

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

My question follows on from my previous question without notice in which the Minister indicated that the SEC was using some of that gas previously allocated for use in the Pilbara, but not now needed there because of the closure of the pellet plants. Am I to understand from the Minister's answer that this means that the State Energy Commission has sold or contracted to sell that part of the gas which was orginally allocated for use in the southern part of the State?

Mr P. V. JONES replied:

That is not what I said at all. I said it included that portion of the gas which was originally allocated or reserved for use by the pellet plants when the original negotiations were being undertaken in 1977-78 which now obviously is not required for that purpose. The eventual usage of it is the subject of some discussions with potential major industrial users but not necessarily for use within the Pilbara.

Mr Brian Burke: Yes, but that is 70 million allocated for up there and you indicated that only 80 million remains unsold.

Mr P. V. JONES: Of 380, in fact.

Mr Brian Burke: So if 70 up there is unsold and only 80 remains—

Mr P. V. JONES: I did not say there was 70 up there unsold. I said it includes that part reserved for pellet plants. It was not all for the pellet plants.

Mr Brian Burke: How many have you sold?

Mr P. V. JONES: Hamersley is the customer in the Pilbara. Because the Leader of the Opposition and his colleagues seem to be implying some difficulty with financing—

Mr Bryce: Disaster!

Mr Brian Burke: It is a major question for the State to address, surely.

Mr P. V. JONES: As we have made clear on repeated occasions, and as was reinforced in some detail last Friday at the SEC briefing, if the Leader of the Opposition or any of his colleagues had been there and if the member puts the question on notice, I will give him a more detailed reply—the Government is advised by financial advisers, and financial arrangements are based on what one might call the minimum situation. On that basis, as was clearly identified and dealt with in some detail last week, Treasury receives advice and approves of exactly what is being undertaken. The point is that the SEC does not act independently or in isolation; indeed, it is unable to do so.

EDUCATION

Media Education Course

769. Mr BRIDGE, to the Minister for Community Welfare:

(1) Is it a fact that the Minister refused a $500 plea for aid to conduct a media education course in the Kimberley, to be

run by the community services training centre?

(2) Did the Minister also advise the Commonwealth Government Department of Education not to grant the money?

(3) On what basis did the Minister make his decision?

(4) Is the Minister aware that the media education course has now collapsed?

(5) In view of the vast amount of money spent on media courses in the metropolitan area, how does he justify rejecting a plea for $500 for a media education course in the Kimberley?

Mr SHALDERS replied:

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

(1) I refused to approve the payment of $500 in air fares for a Darwin journalist to attend the course.

(2) No.

(3) On the responsible use of taxpayers money and the precedent it would set for other such requests for similar assistance to conduct other such courses in many other centres.

(4) No.

(5) While I cannot comment as to whether vast sums of money are spent on media courses in general in the metropolitan area, such is not the case with the Department for Community Welfare which, to the best of my knowledge, has conducted only one this year at the department's training centre in Perth.

ELECTORAL: BOUNDARIES

Rigging

770. Mr BRYCE, to the Premier:

(1) Is he aware that compared with policies in South Australia the policies of his Government are depriving 120 000 Western Australians of the right to vote?

(2) Does he believe that he and his party have sufficiently rigged the boundaries of this State's electoral districts to enable them to survive the next election?

Mr O'CONNOR replied:

(1) and (2) I do not think the question warrants an answer.

Government members: Hear, hear!

Mr Bryce: You cannot answer it. You ought to be ashamed of yourself, because 120 000 people will be denied the right to vote.

STATE FINANCE: BUDGET

Petrol: Price Increase

771. Mr PARKER, to the Treasurer:

I refer the Treasurer to the fact that last week there was some publicity in the Press of a fact which has been known for some time—that is, that under the Federal Government's oil parity pricing policy there will be a $4 per barrel increase in the price of oil—and as at 1 January it will result in a 5 or 6c per litre increase in price at the petrol pump. I ask the Treasurer—

(1) Was that known fact taken into account in the preparation of the estimates which are currently before the House in terms of the fuel costs to the Government for the financial year considered?

(2) If not, to what extent will it affect the outcome of the Estimates?

(3) Will he make representations to the Federal Government to avoid the passing on of that 6c a litre or $4 a barrel increase in the price of oil to the consumer in Western Australia?

Mr O'CONNOR replied:

(1) to (3) The question asked of me by the member for Fremantle is impossible to answer because he asked me such things as what effect it would have on Budget funding. If the member cares to put the question on notice, I will be happy to answer it.

SPEAKER OF THE LEGISLATIVE ASSEMBLY

Champagne Breakfast

772. Mr BRIAN BURKE, to the Speaker:

As we are now approaching the time when the Speaker's legendary champagne breakfast is to be held, is it the Speaker's intention to issue an invitation to the Opposition in general, or will he agree to direct the invitation to the Opposition leader on this occasion?

The SPEAKER replied:

> The Leader of the Opposition's question obviously relates to an incident a couple of years ago when the member for Melville was brave enough to attend a function known as a champagne breakfast at my home. It is true that next Sunday there is to be held at my home a champagne breakfast which will be attended by some 500 supporters of mine who will be there for the express purpose of seeing me re-elected to this place.

Mr Old: Hear, hear!

The SPEAKER: I am delighted to know that the Leader of the Opposition wants to support the proposition.

Mr MacKinnon: It will cost him, though.

The SPEAKER: However, in the interests of safety—

Mr Pearce: Is someone being paid for this commercial?

The SPEAKER: —I must decline on this occasion to extend an invitation.

Mr Bryce: No illegal gambling!

Several members interjected.