

Legislative Assembly

Tuesday, 17 August 1982

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

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Mr Hassell (Minister for Police and Prisons), and read a first time.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Third Reading

MR MENSAROS (Floreat—Minister for Works) [4.36 p.m.]: I move—

That the Bill be now read a third time.

MR T. H. JONES (Collie) [4.37 p.m.]: In replying to the second reading debate, the Minister said that one company was perturbed about this Bill. Concern has been expressed in Collie that the Bill may be amended in another place. Can the Minister give an assurance that no amendments will be made to the Bill, and that it will go through the other place in the same form as it leaves the Legislative Assembly?

MR MENSAROS (Floreat—Minister for Works) [4.38 p.m.]: The member for Collie has been in this place for about the same time as I, and would realise it would be highly improper for me to give any such assurance. The business of the other place is in its hands, not ours.

Mr Grill: What rubbish! It is just a technicality.

Mr MENSAROS: It is interesting to note that the Opposition believes it is rubbish.

Mr Tonkin: We did not think you had a sense of humour.

Mr MENSAROS: I will bring to the notice of the Minister the concern expressed by the member for Collie.

Question put and passed.

Bill read a third time and transmitted to the Council.

INDUSTRY (ADVANCES) AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Mr MacKinnon (Minister for Industrial, Commercial

and Regional Development), and transmitted to the Council.

ROAD TRAFFIC AMENDMENT BILL

Report

Report of Committee adopted.

ADMINISTRATION AMENDMENT BILL

Second Reading

MR RUSHTON (Dale—Deputy Premier) [4.40 p.m.]: I move—

That the Bill be now read a second time.

Item two of the table contained in section 14(1) of the Administration Act details the entitlements of a spouse and children of a deceased person who did not leave a will.

Following amendments made to the Administration Act in 1976, where a person dies intestate and is survived by a spouse and children, or remoter issue, the spouse receives the household chattels plus the first \$30 000 of the estate, together with interest on this sum at five per cent from the date of death until payment. The spouse also is entitled to one-third of any remainder.

If only one child, or issue of one child, survives, the spouse will receive similar benefits, but instead of one-third will take one-half of the remainder. The child, or remoter issue, takes the rest. The spouse in either case also is given the right to acquire the matrimonial home at valuation. As is well known, there has, of course, been a decline in the value of money since the 1976 amendments; and therefore it is proposed to increase the amount of this statutory legacy from \$30 000 to \$50 000.

Item three of the table contained in section 14(1) of the Administration Act deals with instances where the intestate is survived also by a parent, brother or sister, or child of a deceased brother or sister, but no issue. In such cases, it is provided that the spouse will receive the first \$45 000 of the estate, plus five per cent interest, together with the household chattels, and also one-half of any remainder. The right to acquire the matrimonial home at valuation also applies.

In view of the decline in the value of money since the amendment was made, it is proposed to increase the amount of this statutory legacy from \$45 000 to \$75 000. The calculations increasing the statutory legacies from \$30 000 to \$50 000 and from \$45 000 to \$75 000 are based on annual increases in the Consumer Price Index as supplied by the Bureau of Statistics.

The remainder of the Bill contains procedural matters relating to the application of the 1976 amendments which came into operation on 1 March 1977, and for the provisions contained in this Bill to come into operation on a day to be fixed by proclamation.

The Bill will provide greater relief for widows where their husbands die without making a will. The statutory amount payable to them in advance of other beneficiaries will be brought up to figures commensurate with the cost-of-living increases.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Carr.

CHILD WELFARE AMENDMENT BILL

Second Reading

Debate resumed from 4 August.

MR WILSON (Dianella) [4.43 p.m.]: In stating the Opposition's position on these amendments, let me begin by saying that, in general, we have no objection to the amendments as they stand. Of course, we have been waiting for a considerable time for amendments to the Child Welfare Act to be introduced.

Some time ago the Parliament was told by the former Minister—and we heard through various channels—that a major review of the Act was under way. This information was confirmed, in fact, in an answer given to me by the present Minister in the earlier part of the session this year. Therefore we are somewhat surprised that the amendments represent something much less than what could be considered to be a major review of the Act. In one sense, I suppose, we can be grateful for that because some of the changes being broached by the former Minister had rather horrendous implications, and we might be grateful, therefore, that there seems to have been a pulling back on some of the previous intentions. We have before us now fairly moderate recommendations with which we take no issue.

I do not wish to comment on all the proposed amendments. As explained in the Minister's second reading speech, some of them are virtually machinery measures, putting back clauses that were left out by mistake on a previous occasion that the Act was amended and, in other ways, tidying up untidy parts of the Act.

However, I think I should make some comment on two of the amendments. The first one is that which includes a proposed new section enabling Children's Courts to make community service orders requiring young offenders to carry out community work. Nobody in the House could

possibly take issue with that thoroughly commendable measure.

As the Minister has indicated, this provision is in operation to a large degree, and the amendments are a formalisation of a process that has been going on for some time, with a great deal of success. Many people in the community, including welfare workers, criminologists, and ordinary citizens, feel that currently too many people are punished by incarceration in a departmental institution and that the range of alternative forms of punishment in the past have been too limited. Therefore, groups in the community and welfare workers have been advocating for some time that the Government should make an increased use of and provide funding for community programmes for offenders.

The community programmes to which I refer include community service orders; the introduction of more group homes or hostels; restitution systems which emphasise face-to-face conciliation between the parties rather than conflict-modelled justice; the community isolation practices of Aboriginal communities, where they are appropriate; and attendance centres by which a juvenile is able to live at home, but have his activities restricted by mandatory attendance at a day centre. Such new programmes as these could be introduced on a trial basis and could be evaluated over a period.

It appears that this is the way in which the use of community service orders has been implemented. It has been done very wisely, it is a very good measure, and we are pleased that it is being formalised by the amendments before the House.

By having mentioned other ways in which community-based programmes could be introduced I am saying, by implication, that more should be done; more should be attempted; more adventure should be engaged in in extending this approach to juvenile offenders. Not only is this a more effective way of bringing about a change in behaviour patterns, but also it would be a more economic way of administering the juvenile justice system.

The other amendment which warrants special attention is the one which provides for an appeal to a superior court against a decision on a care and protection application. This is a very wise amendment to the Act. Many members will be aware of the conflicts that arise in this sort of situation when an order is issued for a child to be committed to the care and protection of the State.

This is a very serious measure. No order committing a child to the care and protection of the department and the State should be made without the most careful consideration of the act of taking a child from his or her natural parents. Therefore, the provision of an appeal to the Supreme Court is a good step. It is an advance to be welcomed in this type of situation.

Perhaps we should be giving consideration also to other problems that crop up when this circumstance arises. If we are providing an appeal to the Supreme Court, care should be taken to ensure that legal aid is available to parents to allow them to be properly represented at a court hearing. Quite often in these circumstances the parents rightly or wrongly are taken by surprise and can be in a state of shock. Often they do not know where to turn to have their rightful responsibilities as parents upheld.

In some of the situations in which I have been involved where such orders have been issued very honest disputes have occurred about the rightfulness of the orders being issued. In some cases one cannot help but think that the personal prejudices of welfare officers are at stake and that their attitude towards particular people can affect their judgments when making recommendations for these orders. In other situations it is much clearer that a child should be committed to the care and protection of the State, but many borderline cases can be found where the rights of the child and the rights of the parents do not seem to be considered with enough care.

Therefore, in making this provision available, perhaps we should have gone further and included an extra provision to enable legal aid to be provided to parents so they may be properly represented at a court hearing to ensure that their proper rights as parents are protected and justice is done and not affected by strong personal attitudes, no matter how well intentioned a welfare officer may be.

I make those suggestions on behalf of the Opposition, fully approving of the amendments before us. The Opposition has no objection to the Bill.

MR DAVIES (Victoria Park) [4.54 p.m.]: Community service orders receive the general approbation of members of the community, but I wonder how successful they are or how successful they are likely to be. I have had no experience with juveniles in this context, which is the matter under discussion, but I have been associated with organisations which have welcomed the service of adult offenders who have been doled out some community service to complete only to find that

the work is rarely done and with no-one seeming to care. Mr Speaker, I see you half nod your head, which indicates that perhaps you have had the same experience. If community service is to mean anything it needs to be followed up and the people involved at least should be counselled to ensure that they go along and do the work allocated to them. Community service is a good concept and one we all applaud, but if it is to be something only written down and not followed up it will become quite useless.

The Bill provides for a report to be made back to the magistrate, and when the work has been done satisfactorily, that is the end of the charge. However, these things tend to be forgotten and it seems the Department for Community Welfare, like many other Government departments, is suffering from a severe shortage of staff. Many people come to my office—I am sure this has been the experience of all members of Parliament—complaining that their children have been placed under the care and protection of the department yet they rarely see a counselling officer and, if they do, it is usually for only the briefest of periods. Some complain that they have to take a child along and when they get to the department no officer is available or, if he is, the child and parent are dealt with as quickly as possible and then shunted out into the big wide cruel world once again without any astute or proper counselling. It is not because of inefficiency, but the result of staff shortages, that these officers are prevented from carrying out properly the duties we legislate for them to do.

So, I applaud the action taken by the Government, but if it is to be action in name only it will be useless, and this has been my experience with community organisations where service orders for adults have rarely been completed or followed up. An organisation with which I am involved went to considerable expense to buy equipment so that a person ordered to do community work could carry out that work. The person chose to come along for perhaps two or three hours only of the 40 hours "awarded" to him.

We hope these amendments will have some real relationship to punishment in the community, if it is to be some sort of punishment, and I do not use the word in any derogatory sense. An order probably could be of great benefit to many young people in the community; it could allow them to enter new areas of endeavour that might not be open to them otherwise. These service orders contain a lot of virtue if the idea can be applied successfully.

MR SIBSON (Bunbury) [4.58 p.m.]: I support this very important piece of legislation and commend the Minister for the various aspects covered by it. In particular I make mention of the service orders for young offenders to carry out community work. The extension of this concept is most commendable and should be encouraged not only within the confines of the Government and the department, but also in the wider community. Such service should be used to help the various voluntary organisations in our community and at the same time to help these young people. The work gives these youngsters the feeling of belonging to the community and it assists them to make their way through their future lives.

It is interesting to note that in the four years to the end of June, 1 394 boys and 98 girls participated in these community service orders and, bearing in mind the remarks by the member for Victoria Park about staff shortages, I point out that 1 304 boys and 82 girls successfully completed their orders.

This legislation will assist in taking the scheme further. Many voluntary agencies exist within the community and some of them are listed in the Minister's second reading speech, but business, industry, and commerce can greatly assist these young people because this scheme could be extended to become a work experience situation for young people, particularly those who are unemployed, and many offenders are unemployed as the two seem to go together. Perhaps work experience is another aspect which could be looked at and embodied in this good scheme. If we can do anything to help these young offenders to ensure that they do not offend again, it will be of great benefit to society. The offenders may be having problems in finding employment and the scheme could be used as a springboard to ensure that those young people enter or re-enter the work force. That matter could be given more consideration.

The guidance that will be given to these young people will be more successful if their parents or guardians become totally involved in the scheme. The young people will work a minimum of 10 hours and a maximum of 70 hours. It is terribly important that the young people receive family support and are made to feel part of the community. We all hope that that will be the first and last time they will offend, and any assistance, guidance, and close association to be given at that time would be appreciated greatly by the young people concerned and would go a long way towards achieving the desired effect.

Naturally, some hardliners will get into trouble again and they will have to be dealt with in due

course by law, but when we take the figures into account, we realise community service work will continue to do what it was designed to do.

The community youth support scheme could be involved. That scheme started many years ago to help young unemployed people to learn other skills and to be trained in the art of job-seeking, fronting up before prospective employers for interviews, and so on, and I believe this scheme could assist young offenders during their community service period. More importantly, it would assist those who are not in the work force.

Some members might think I am putting a lot of emphasis on this, but the fact is that there are many young people who are not in the work force and who are finding it very difficult to obtain employment. Apart from the fact that jobs are scarce, the main reason young people cannot obtain employment is that they have not had experience, and that is an unfortunate and unfair situation, because until they get a job, naturally they cannot obtain any experience.

Some of these young people could be channelled through the community youth support scheme, which does have a large emphasis on work experience, in co-operation with the CES, industry, and employers, both private and Government. This would assist CYSS to keep its numbers up and at the same time allow the unemployed young persons to get some training and work experience.

I notice analyses have been done from time to time by the Department for Community Welfare and it has been found that many young people offended for the very reason that they were unemployed, because they were not occupied and were frustrated with life as they were not working and could not live at the same standard as some of their friends. This is becoming a very frustrating problem, and it can influence the young person's activities in the first place.

I was pleased to note also in the legislation that any work being performed by these young people will be covered by workers' compensation, because it would be a disastrous and devastating thing if young people working in the community under these community service orders were not adequately and fully covered by workers' compensation. I commend the Bill for covering this area and also for the prevention of publication of decisions of proceedings in those courts without express approval of the courts. These people should be protected at all times.

Sometimes people say that the names of young offenders should be printed and the cases clearly outlined in the media. In the case of a subsequent

offender that is fair enough, but we are talking mainly about first offenders and I think we should go to every length to protect those young people, assuming that they realise the error of their ways and appreciate the assistance that is given to them together with the opportunity to correct their wrong and go on with their lives to become good solid citizens by contributing to the community. It is essential that we preserve very zealously and for all time the protection of young offenders by preventing their names being printed together with detail of the cases and service orders that have been issued against them.

I do not wish to add much more to the debate except to say that I am very pleased with the amendment. It is well known that the Department for Community Welfare and other groups are very short of staff—and there are obvious reasons for that—but it is not certain that the situation will improve in the near future. We must make as much use as possible of voluntary agencies. In fact, there are times when we perhaps ignore the voluntary agencies, yet they have a fantastic capacity to assist in almost every walk of life.

We have the voluntary fire brigade, the State Emergency Service, the CWA, the Red Cross, and various church organisations—I could go on and on—which are working voluntarily in the community, are experienced at the local scene and understand what is required, and, in many cases, know the young people who would be involved in these offences. I know these agencies will be of great assistance in combating this problem.

With those few words, I indicate my full support for the amendments.

MR SHALDERS (Murray—Minister for Community Welfare) [5.10 p.m.]: I thank members for their general support of this Bill.

As the member for Dianella correctly pointed out, it is not a major review of the Child Welfare Act. Certainly, other matters are being considered which should be dealt with carefully to ensure that when they come before Parliament they reflect the best interests of the parties concerned. I felt it was proper that I should come to Parliament now with these amendments which are supported totally by members. I did not want to delay these amendments until others were ready.

As the member for Dianella correctly pointed out, one of the major provisions of these amendments is to formalize a system of community service orders which previously have been covered by administrative practice. The member also mentioned the economic cost to the Government and, in turn, to the taxpayer, of keeping children in institutions. He would agree

that it goes much deeper than just the economic cost. Not only will this save costs, but also it is a better alternative to our placing children in institutions.

Mention was made of the right that both parties will have to appeal to a superior court in the cases of care and protection applications. I must admit that I am a person who likes to ensure that people have a right of appeal where they feel an injustice has been done. In this case, either the parents or the department will have the right to appeal to the superior court if they believe that the decision of the Children's Court is wrong. This is an excellent measure and I am very pleased that members opposite support it.

The member for Dianella mentioned that legal aid always should be available. It is not within the financial resources of the Department for Community Welfare to ensure that legal aid always will be available. The Legal Aid Commission would be very sympathetic to an approach or an application for legal aid by a person fighting a case, whether it be in the Children's Court or in the superior court, and who is not able to afford counsel himself.

I have seen cases where the Legal Aid Commission has written to applicants and said that it does not think it is appropriate for legal aid to be provided, and I hope that the Legal Aid Commission will not write to parents involved in appeals to a superior court and say that they do not believe legal aid should be provided in those cases. I appreciate what the member said, but I simply am saying it is not within the resources of the Department for Community Welfare to provide that aid.

The member for Victoria Park said that he hoped community service orders would be supervised to ensure they were properly discharged. I assure him that I share his opinion on that matter and indicate that it is the wish of the department to make certain that where a community service order is given or ordered by the court, it is properly discharged and is seen as a proper form of deterrent. I know the department will take steps to ensure that is always the case. I assure the member for Victoria Park, that if we discover there are some flaws in the administration, these will be looked at to ensure that community service orders are supervised in the manner for which they are designed.

The member for Bunbury mentioned young people with community service orders providing services to the community while serving a form of punishment and its acting as a deterrent to them. That is a very good point: Rather than have them

confined to an institution where they are not doing anything of benefit to anybody, they are seen to be back in the community doing something of value following the offences which they have committed.

The member for Bunbury suggested that some thought be given to unemployed offenders being given community service orders which might provide them with some sort of work experience. I think that is a first-class suggestion, but whether it could be put into practice, I do not know.

Leave to Continue Speech

MR SHALDERS: I seek leave to continue my speech at a later stage of the sitting.

Leave granted.

Debate thus adjourned.

QUESTIONS

Questions were taken at this stage.

CHILD WELFARE AMENDMENT BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

MR SHALDERS (Murray—Minister for Community Welfare) [5.52 p.m.]: I had almost concluded the remarks I wished to make to this Bill prior to question time. I said that the member for Bunbury referred to the fact that people who were the subject of community service orders would be covered by workers' compensation. I think members would agree that the Government would be derelict in its duty if that were not the case.

Now that the member for Victoria Park has returned to the Chamber, I assure him that I noted the points he made. I replied earlier that a scheme has to be devised to ensure that community service orders are effective. I suppose occasions may arise when allegations are made that the orders have not been supervised properly and I hope that any such instances are brought to the notice of the department. It is my intention to ensure that such details are attended to.

I would like to thank members for their support of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

BUILDING SOCIETIES AMENDMENT BILL

Second Reading

Debate resumed from 4 August.

MR WILSON (Dianella) [5.55 p.m.]: Unfortunately it is not possible for me to take the same conciliatory approach to the amendment before us to the Building Societies Act as the Opposition took with regard to the amendments, with which we have just been dealing. We were told by the Minister in the introduction to his second reading speech that the purpose of this Bill is to allow permanent building societies to have access to an offshore line of credit to replenish their liquidity funds during periods of heavy withdrawals by investors in abnormal economic conditions.

When one looks at the Minister's second reading speech in total, one finds it is remarkable not only for what it says, but also for the manner of its saying. The use of English is, to say the least, not up to the standard we would expect in such a speech, and to that extent it is very difficult to appraise the real intent of the Bill. Assuming the Minister is not attempting to disguise the real intent behind something deliberately conjured up, it is apparent that to some degree anyway the content of the speech and the content of the Bill are unrelated.

The Minister states that the permanent building societies of WA will have access to an offshore line of credit. It is difficult to understand whether he means by this that he intends to prevent different societies from each seeking different guarantors, and if so, whether the recipient of this profitable monopoly has been selected, and why his name is not referred to in the legislation? The Minister stated that it was not intended that the amendment would enable building societies to borrow funds from overseas sources for conventional housing loans. The House is entitled to be told what is now the intention. Why does the amendment extend certain powers to the State Treasury?

The Minister stated in his speech that it is intended that approval will be given only when a satisfactory currency hedge facility has been arranged, but this does not appear in the Bill. We believe it should be included and I think we rightly can pose the question: If the Minister can state that intention in his speech, why is the protection not included in the Bill?

In other words, we are concerned that in his second reading speech the Minister seems to be unclear about the reasons that this Bill has been introduced. Insufficient detail has been provided and, at the end of the second reading speech, we are told, as the Minister has said on a previous occasion in answer to a question, "The building societies advisory committee recommends the amendment."

However, we know the members of the Western Australian Permanent Building Societies Association were not consulted about the introduction of this Bill. When we discussed this matter with some members of the association they indicated they were not consulted. It is strange that they were not consulted and we believe they should have been. Surely they have the responsibility for the day-to-day operations of the building societies and they are the people with the expertise in this regard. Members of the association would be concerned about the issues dealt with in the Bill.

It is strange indeed that, if the degree of concern which is indicated to some extent in the Minister's second reading speech actually exists, it has not been indicated by the building societies themselves.

We are very concerned about this apparent anomaly of the future to hold discussions with building society representatives. If this matter is so important that the Government has felt constrained to introduce this amendment, why were not the societies consulted about it? Indeed, if so much concern exists about this matter, one wonders why the representatives of the building societies did not initiate the legislation.

In saying that, we do not necessarily believe it is not essential for building societies to seek a wider area from which to make standby arrangements. We do not necessarily say it should not be possible for building societies to arrange a line of credit offshore. However, we are concerned about the lack of consultation and the inadequate reasons given in the Minister's second reading speech for his proceeding with this legislation. We are concerned also that assurances about the intent of the legislation which appear in the Minister's second reading speech are not to be

found in the Bill itself. For example, in the Minister's speech we are told that it is intended approval will be given only by the Treasurer when a satisfactory currency ledge facility has been arranged to avoid any loss resulting from the foreign exchange exposure, should the standby facility be activated. However, that provision is not contained in the Bill and that is a rather dangerous way in which to approach this type of legislation. While the Government may intend that to be the case, the provision is not firmly entrenched in the legislation itself and we believe it should be.

We do not believe there is any urgency about this matter and it would be better dealt with were the Government to agree to withdraw the legislation as it stands, to consult building societies, and then, in introducing any amendments along these lines, to provide the Parliament with good reasons for their introduction at this stage. At the same time the Government should include in legislation the sorts of safeguards and provisos indicated in the Minister's second reading speech, but which have not been included in this Bill.

If the Government is not prepared to withdraw the legislation and allow for greater consultation, better explanation, and more appropriate phrasing, we intend to oppose the Bill.

MR SIBSON (Bunbury) [6.06 p.m.]: I support the legislation and commend the Minister for providing permanent building societies in this State access to offshore funds. This will enable building societies to obtain money when large or unusual draws on their funds have occurred. It is commendable such a provision should exist, particularly in view of the current downturn in the housing industry.

It is important we ensure funds are available to building societies when large draws occur. Bearing in mind the reputation of this Government in previous legislation aimed at raising money overseas, I am sure the fears of the member for Dianella will not come to pass.

Mr Wilson: But the building societies have not requested it.

Mr SIBSON: Whether or not building societies have requested this provision is not the matter under discussion. We have heard members opposite, including the member for Dianella, castigating the Government for the current housing difficulties, but now that the Minister is endeavouring to do something to ensure building societies are given the opportunity to deal with their problems, they are criticising him. It seems to me it is criticism for criticism's sake.

Mr Laurance: Crocodile tears!

Mr SIBSON: I am quite certain building societies will welcome this provision and that it will operate very successfully.

We need to take stock of the position in which the housing industry finds itself at the moment. It is at an all-time low and one of the reasons for that is the lack of funds for housing, coupled with high interest rates.

Mr Wilson: But you don't understand the purpose of these amendments.

Mr Pearce: Where is your green suit?

Mr SIBSON: It was gratifying to read reports in the Press recently that interest rates are going down in various parts of the world, particularly in America. Hopefully, this trend will continue, although it is early days yet and it concerns me that interest rates could increase again at the same rate at which they have gone down over the last few weeks.

It is to be hoped the downward trend of interest rates overseas will continue and, as a result, interest rates in Australia will level out also. This is important not only to prospective home buyers, but also to the building, finance, and banking industries which are involved with housing. I do not think anyone really appreciates fully the necessity for the continuing, profitable operation of the building industry in terms of its benefit to the community generally.

Not only do we have the lending of money and the bringing together of all involved in the planning for a home and the buying and servicing of land, but also we have a whole range of industries being assisted, whether they be involved with building materials, timber, steel, aluminium, tiles, and so on.

Mr Pearce: Why are you suddenly making all these speeches?

Mr SIBSON: It seems Opposition members are much more concerned with the reason I am on my feet than with the housing industry, and that is despicable. The only interjections I can draw in this debate are those indicating that there is something strange about my being on my feet.

Mr Bryce: Indeed, it is strange.

The ACTING SPEAKER (Mr Watt): Order!

Mr Bertram: Why the sudden surge after 20 years?

The ACTING SPEAKER: Order!

Mr SIBSON: It is only 10 years.

I was pleased to hear Mr Graham Matthews on the radio recently. He is the second-in-charge of the Perth Building Society. He spoke along the

lines I have been talking for a long time now about housing interest rates and the housing industry generally. He indicated that people's expectations in housing have been a little too high.

Mr Pearce: Are you advising people they should take worse homes than they currently are?

Mr SIBSON: While the building societies are somewhat responsible themselves by allowing five per cent or 10 per cent deposits, I was pleased to hear Mr Matthews being interviewed on the radio—an interview he handled very well—explaining that home buyers' expectations needed to change; they needed to have more equity in their homes.

He made three points. He indicated that if a person had more equity in his home he would have less to borrow. Therefore interest rates over the period of the loan would be less. Above all, a person would have equity built into that asset, so should bad times occur the equity would carry him through.

Mr Pearce: Your answer to high interest rates is to buy cheaper houses.

Mr SIBSON: That is ridiculous.

The ACTING SPEAKER: Order!

Mr Pearce: That is exactly what you just said.

Mr Bryce: You blame the workers in Bunbury for inflation in Western Australia, so your view seems to be, "Why not put them in smaller houses?"

The ACTING SPEAKER: Order!

Mr Pearce: Why buy a house at all?

The ACTING SPEAKER (Mr Watt): Order! The member for Gosnells must be a slow learner. Repeatedly I have called for order and consistently he has continued to interject. It is about time he realised that the Chair has the authority in this place and that if he continues to flout that authority he will be treated in the manner he deserves.

Mr Pearce: I apologise, but I believe the use of the term "slow learner" is improper.

Mr Bryce: Awfully close to being unparliamentary.

Mr SIBSON: For the benefit of the member for Gosnells, I was making the point that if a person buys a home and has a 20 per cent or 30 per cent equity in it, three things occur: Less money needs to be borrowed; less interest has to be paid over the term of the contract, which means the term can be shortened; and should the person lose his job, receive a reduction in pay, or be inconvenienced by a downturn in the economy

during the term of the contract, he has enough fat built into the contract to allow him to overcome the difficulty and make other satisfactory arrangements. Most of the home buyers losing their homes at the moment do so because they do not have enough equity to carry them over difficult times.

With those comments I commend the Bill to members and commend the Minister for its introduction. It has my full support.

Sitting suspended from 6.15 to 7.30 p.m.

MR SHALDERS (Murray—Minister for Housing) [7.30 p.m.]: I thank the member for Dianella and the member for Bunbury for their comments in respect of this Bill. It seemed to me the member for Dianella did not attack the need for this legislation. He highlighted what he saw as a deficiency in that the legislation does not specify the need for a hedging facility of the type mentioned in my second reading speech. To refresh the memories of members on the need for this legislation I emphasise that in my second reading speech I said that the Bill would allow permanent building societies to have access to offshore lines of credit to replenish their liquidity funds during periods of heavy withdrawals by investors in abnormal economic conditions. Members would agree that even at this time we are experiencing some abnormal economic conditions, but they have not resulted, as yet, in the need for a facility of this nature to be used by any of the building societies in this State. That is not to say the time will not come when such a facility is needed.

I point out to the member for Dianella—I think he would agree—that a great number of checks would occur before any building society was enabled by this legislation to go ahead to arrange an offshore line of credit. A building society wanting such credit would have to seek the approval of the Treasurer to proceed. In seeking that approval it would make its application to the Treasurer through the Registrar of Building Societies and the Minister for Housing. I am disappointed the member would think that any of those persons would show a dereliction of duty by not insisting that a hedging facility was provided to make certain no loss occurred to the building society or there was no possibility of loss to investors in that building society as a result of exchange fluctuations. The member unfairly indicted building societies when he suggested they might seek to arrange such a facility without ensuring an adequate hedging facility was provided.

Of course, the Bill provides for the Treasurer to stipulate at the time of his giving approval that the building society must have a hedging facility. Some play has been made of the fact that I did not confer on this matter with the Western Australian Permanent Building Societies Association. It is true that I did not confer; however, the Perth Building Society was the first, and, to my knowledge, the only building society in this State that saw the possible need for legislation of the nature of the Bill before us. Mr Sorensen of the society approached a former Minister for Housing to discuss the matter. I understand the Minister suggested to Mr Sorensen that he take the matter to the building societies advisory committee, which he did. At that time he was a member of that committee. The matter was discussed by that committee and a recommendation was made to me that the legislation be amended. At the time of Mr Sorensen's taking the matter to that committee, he was the President of the Western Australian Permanent Building Societies Association, and I thought he would have discussed the matter with the association, but it seems he did not. He subsequently completed his term of office as president of the association, and was replaced. It is pertinent to say that I do not offer criticism of Mr Sorensen for his not having discussed the matter with the association.

Mr Pearce: He may have felt it was your job.

Mr SHALDERS: The bionic lip is at it again.

Mr I. F. Taylor: Answer it.

Mr Pearce: Answer the point. He is not the Minister for Housing. He must have felt that you were in charge of the legislation, not him.

Mr SHALDERS: I believe Mr Sorensen did not take the matter to the association because any amendment to the legislation would not have affected any single member of the association. This legislation has no direct effect on any permanent building society in this State.

Mr Tonkin: Oh, rubbish! How can you say that?

Mr SHALDERS: It will not affect them in any way; it will provide a facility they can utilise. Nothing is being foisted upon them.

Mr Tonkin: No, but it will affect their operations if they utilise it.

Mr SHALDERS: No-one can say it will affect, for example, the Town & Country Building Society.

Mr Tonkin: Oh, come on! It gives building societies a new weapon in their armory if they want to utilise it.

Mr SHALDERS: The legislation provides a facility they can use.

Mr Tonkin: That's right.

Mr SHALDERS: It will have no detrimental effect—

Mr Tonkin: You have added the word "detrimental" now.

Mr SHALDERS: It will not affect in any way their day-to-day operations.

Mr Pearce: Answer this: Don't the circumstances you have outlined lead to the conclusion that Perth Building Society is in trouble and has to borrow offshore to get out of it?

Mr SHALDERS: It is quite true to say Perth Building Society is the largest permanent building society in this State, and certainly if any building society in this State had a necessity to arrange an offshore line of credit it would be Perth Building Society; it would be the first to avail itself of a facility of this nature, but this facility will not have any effect upon any permanent building society if it does not wish to avail itself of it. It is not as though we are amending the legislation in a way that may have an adverse effect upon building societies; simply we are providing a facility to be used by building societies if and when they see the necessity for it, and on the condition that the Treasurer approves the request for the society to use the facility.

Mr Wilson: Don't you think that if building societies might be in a position where they wished to use it at some stage, they should have had some input into the preparation of the legislation?

Mr Tonkin: Of course they should.

Mr SHALDERS: As I have said, this matter was discussed by the building societies advisory committee of which three members are representatives of permanent building societies. I would be surprised to know that there was not some talk around the traps about the proposed amendment. I would be surprised to know that building societies were not unofficially aware of the proposal.

Mr Pearce: We can assure you some building society heads were aware of this legislation only when they read about it in the newspaper.

Mr SHALDERS: I am surprised by the member's comment, but I will accept it at its face value. I understand the Registrar of Building Societies attended a meeting at which almost all the building societies were represented and at which he made mention of the legislation.

Mr Wilson: That was only a few days before the legislation was introduced.

Mr SHALDERS: I have said no direct consultation occurred between the WA Permanent Building Societies Association and me. I have given an undertaking to the association that when amendments to the Act which would have a direct effect on the operations of building societies are proposed and are being considered, the association will be consulted. But this legislation will not affect their day-to-day operations. To the best of my knowledge building societies do not claim the Government is pressing on with legislation which would adversely affect them.

I do thank members for their comments.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Leave granted to proceed forthwith to the third reading.

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

CONSUMER AFFAIRS AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 4 August.

MR TONKIN (Morley) [7.45 p.m.]: This Bill, we are told—and a check of the Bill with the Act seems to indicate that this is so—arises out of a High Court decision known as Shaddock and Parramatta City Council in which it was found that certain people were not given protection when they gave advice, assistance, and information.

We understand that it was believed that officers of the Consumer Affairs Bureau did have this protection, but that the case referred to indicates they probably did not. Therefore, the Bill does give protection when advice, assistance, and information is given.

The Opposition would like to make the point that although immunity should be given to officers of the bureau, we would not like to think that this means they will be careless or indifferent about the advice, assistance, and information given.

It is important that the bureau officers do assist the public to their fullest extent and although we do not believe that people working for a Government instrumentality such as the bureau should be open to litigation by aggrieved members of the public, we do trust that all officers will do their utmost to ensure that the advice, assistance, and information given is 100 per cent correct.

MR BERTRAM (Mt. Hawthorn) [7.46 p.m.]: This is an extraordinary Bill. It is quite unusual because, as was indicated a few moments ago, it is designed expressly to overcome or overthrow a recent decision of the High Court of Australia.

The express purpose of the Bill has an extraordinary object and that is to authorise negligent activity on the part of certain persons and to authorise negligence by the Crown in right of the State.

The Minister makes absolutely no secret of the Bill's objective. He makes no apology, but perhaps he thinks there is an "excuse"; however, it has no real justification or merit. His "excuse" was that the task of the bureau is such that its officers often have to give advice to the public at short notice.

That being so, the Minister, backed by his Government, says that in that case we must be prepared for some of that advice to be of a negligent nature. What sort of advice is that? Does the law allow that excuse to a trained lawyer if he is sued for negligence? Does he have a defence along the lines, "I was a bit busy; this fellow was in a hurry; I did not bother about looking at the law; I just shot from the hip and gave him advice which was clearly negligent"? That comparison shows the situation.

It could mean that an aged pensioner living in Mandurah—50 or more kilometres from Perth—who may be aggrieved by some activity and recognising that he has some right to go to the Consumer Affairs Bureau, travels all that way, but will no longer have any assurance that after going to all that trouble and effort, it will be of any value at all.

Human nature being what it is, what will be the position when members of the bureau become acquainted with the fact that they can act negligently and get away with it? What can we imagine will happen? Will they ignore that position and give of their best at all times? It is most unlikely.

Over the years this Government habitually has told the people that civil servants are not really all that energetic and if anyone wants action and efficiency, he should not go to civil servants, because although some are good, on the whole

civil servants are not much chop and do not work too hard. In the same context the Government is now giving special dispensation to a certain group of people affected by this Bill; that is, members of the Consumer Affairs Bureau, the commissioner, and any officer of the bureau, as well as the State itself. They will all have a specific exemption from negligence; in other words, they are invited to be negligent.

Against whom does this discriminate? It discriminates against the little people, those who are discriminated against most, the people who have the least means. The people who have the means are quite capable of looking after themselves; they do not have to go to the Consumer Affairs Bureau. If they have a grievance against a person, they can go to their lawyer.

Those people will receive the protection of the law in respect of their dealings with a lawyer; they will not be hurt; they will be on a better wicket.

The officers of the Consumer Affairs Bureau, with this immunity against any attack by any of the consumers, in respect of whom they have been negligent, will be no sort of meat for lawyers in a contest between the Consumer Affairs Bureau and the legal profession. The lawyer will have the forces of the law imposed upon him if he is negligent, but the officers of the bureau, lawyers or non-lawyers, will be immune. Who will win any such contest?

Anyone who knows anything about human nature and about the things that come within the jurisdiction of the bureau knows that under this legislation the little person—the small-income consumer—will be, to use the vernacular, "done like a dinner" as a result of this piece of mischievous, extraordinary legislation.

In what sort of State are we living? We are told to be proud of our nation and so on, even in the light of what happened on 11 November 1975. How can we be proud of a State which, through this legislation, encourages the staff of the Consumer Affairs Bureau to be negligent in their dealings with the public? The consumers are the people who pay the staff their salaries, and they in turn can be subjected to negligence. What an extraordinary thing this is, especially when we consider the twists and turns which can occur in this legislation.

What about the aged pensioner who travels from Mandurah? Perhaps an officer needs to look at something on site. Often this is the best way to deal with things, because it is better than a verbal description which often can be incorrect or

inadequate. An officer may go to the dwelling of the aged pensioner and in the process of this moving about that dwelling suffer an injury as a result of the negligence of that elderly pensioner. That officer successfully could sue the pensioner under those circumstances, but the consumer pensioner has no right of action against the officer of the Consumer Affairs Bureau. That is a "very fair and equitable arrangement" is it not?

The Minister should be "proud" of a Bill such as this. I trust that he and the member for Bunbury—who has suddenly become active in debates on legislation—will have placed in their local newspapers an explanation of what they have introduced into this Parliament in the hope and certainty that it will become law. What a disgraceful measure it is!

Mr Shalders: Are you opposing it then?

Mr BERTRAM: We will see about that.

Mr Shalders: Would you answer the question?

Mr BERTRAM: Whether or not I oppose it is irrelevant in this place, or does not the Minister know that? Whether or not I oppose it, I have some sort of obligation to have put on record a little piece of classical mischief when it is so obviously before us.

Mr Shalders: I asked a polite question. Are you going to answer it?

Mr BERTRAM: I think the Minister's question is irrelevant. Does not the Minister understand that?

Mr Young: He just wondered if you do.

Mr BERTRAM: I notice the member for Scarborough put a sign up. He has been in a hiatus for five or six years and suddenly it has turned up in the middle of Scarborough Beach Road.

Mr Young: Did you see anyone having a smoke next to it?

Mr BERTRAM: People are told each three years, by Liberal Party members, that they are important and that it should be borne in mind that the Government is concerned for them.

Here is a classic case if ever there was one for the Liberal Party to translate that alleged attitude into reality. This Bill can be described only as disgraceful. No doubt, shortly, the Minister will stand and say, "Until the High Court decision, it was thought these people enjoyed immunity. To put the matter beyond doubt, we are giving them 100 per cent immunity." That may or may not be the case; it is a matter for some other forum to decide. All I am saying is that I am prepared to bet that very few members of this Parliament

dreamt that was the way it was intended to operate.

Let us assume immunity previously existed. I am saying it never should have existed and that we should not now be taking this opportunity to legislate for that most unsatisfactory state of affairs.

I imagine this Bill will be the forerunner of a number of measures designed to protect from negligence civil servants, Government instrumentalities, and servants of those instrumentalities.

Mr Sibson: Nobody has mentioned negligence; that is another matter altogether. The advice may well have been given in good faith. That is the spirit of the legislation.

Mr BERTRAM: Just precisely what is meant by "good faith" is not easy to decide. One must assume that the Minister had a rough idea of what he was talking about. He spelt out in the clearest terms that this legislation is all about the protection of certain persons; namely, the Commissioner for Consumer Affairs, and officers of the Consumer Affairs Bureau. Even the State of Western Australia, which has set up an agency purporting to assist consumers, itself is hiding behind these immunity-from-negligence provisions. What an extraordinary situation.

Under the provisions of the Transfer of Land Act, a fund is established not necessarily to enable people to be compensated for negligence, but which embraces negligent situations which cause them to be deprived of their title to land. Negligence could be involved there, so protection is provided. Why should it not be given here? If a consumer is hurt in some business transaction, he should be able to obtain the best possible advice, not some slapdash, off-the-cuff advice.

Mr Sibson: How many times have you given advice in good faith, only to find at a later stage it is not spot on?

Mr BERTRAM: If I or anybody else gives advice that turns out to be wrong, and the elements of negligence are present, I must pay up; that is the way it should be.

Mr Sibson: In good faith?

Mr BERTRAM: In good faith, or in any other faith; if a person is negligent, he is negligent. This Bill seeks to alter the general law. No lawmaker, be it a parliamentary lawmaker or a court, should tamper lightly with the law, no matter how bad that law may appear to be. Such people should be in a position to provide evidence justifying a change of the law in question. That is why we have a Law Reform Commission comprising

skilled commissioners who go to all sorts of lengths to obtain opinions and find out about the law before making recommendations to reform it.

In this case, the law is being handled in a quite extraordinary way, and no real attempt has been made by this Government to justify that which it is seeking to achieve. To put it at its mildest, that is a thoroughly unsatisfactory situation.

I have mentioned that a lawyer can be held liable for providing negligent advice. In addition, stockbrokers and settlement agents may be held to be liable. Even if a doctor must perform an operation quickly in order to save a life, he still is not excused from being negligent; he must discharge his obligations in a professional manner and if he does not, damages may be recovered against him for negligence.

A dentist can be dealt with for negligence; a nursing sister, an architect, a hairdresser, an auditor, and an accountant all can be sued for negligence. However, the State Treasurers cannot be sued for negligence, nor can members of Parliament operating in this forum be sued.

Mr Sibson: You would be in trouble if that were the case.

Mr BERTRAM: It might be just as well if they could not be sued, considering that this forum acts on the basis of numbers and not on merit, and that it often acts negligently.

A small businessman, the driver of a motor vehicle, and clerical staff can be sued for negligence. Out of this great mass of people who can be sued for negligence in their dealings with other people, up pops this exception, for heaven knows what reason. I ask the Minister whether the Consumer Affairs Bureau put up this proposition.

Mr Shalders: I am still waiting for you to answer my question. When you answer mine, I might think about answering yours.

Mr BERTRAM: That is a pretty convincing sort of response from the Minister. Certainly, I imagine the committee of the Consumer Affairs Bureau put up this proposition; who knows? The Minister eventually may tell us about it. I have asked the question so that the public might be informed on the matter; if the Minister prefers to conceal the initiators of this proposal, that is up to him. However, I should have thought that if the Consumer Affairs Bureau came along with this proposition, the Minister would reject it.

One cannot repeat too often that this is a very shabby piece of legislation. Even the previous Premier would have been amazed at the audacity

of this Minister and the Government in bringing such legislation before this House.

MR SHALDERS (Murray—Minister for Consumer Affairs) [8.10 p.m.]: I thank the member for Morley for his comments on the Bill. I certainly do not intend to thank the member for Mt. Hawthorn for his comments. In fact, he concluded his remarks without advising the House whether he intended to support the Bill. From the tenor of his remarks, I doubt that he was able to find one piece of good in the legislation; obviously, he intends to vote against it.

Mr Young: He must be against it.

Mr SHALDERS: That will produce an interesting situation, with the spokesman for the Opposition supporting the Bill. However, we are used to the member for Mt. Hawthorn roaring like a lion and then scampering away from the House like a mouse.

Mr Harman: You have not seen "Ferdinand the Bull" yet.

Mr Bertram: Could you give us one example?

Mr Young: Yes, we are going to watch the way you vote on this Bill.

Mr SHALDERS: Members can rest assured that when the comments of the member for Mt. Hawthorn appear in the printed version of *Hansard*, I intend to circulate copies to each member of the staff of the Consumer Affairs Bureau, because it is important members of the bureau know of the malicious implications contained in the speech of the honourable member. He has cast a slur on the work of bureau staff and virtually implied this legislation would authorise them to be deliberately negligent in the assistance they provided.

Mr Bertram: Is that not what you are doing?

Mr SHALDERS: It would have been helpful had the member for Mt. Hawthorn bothered to read the Act as it now stands, because it already provides the commission and officers of the bureau with protection for acts done, defaults made, and statements issued. We simply seek to add to those existing provisions the words "advice, assistance or information" and "omission".

I would not expect the member for Mt. Hawthorn to have done his homework on this matter, because he has never done so before in this House. He simply stands and says the first thing which comes into his mind; of course, his speeches do not last very long for obvious reasons.

The member for Mt. Hawthorn said that the more affluent people in the community would go to lawyers for advice. I understand he masquerades under that title; they would be

making a sorry mistake if they went to him. All people can obtain from lawyers is an opinion, given in good faith. Lawyers are not always right. Obviously, when two parties go into court, the solicitors of the respective litigants have advised their clients that they stand a good chance of success. It follows that one of those solicitors must have given his client incorrect advice. However, that does not necessarily mean he has been negligent; it simply means he has interpreted that situation incorrectly. That is the sort of thing at which the legislation is aimed, and I think the member for Morley accepts that.

Officers of the Consumer Affairs Bureau frequently are called upon to give an opinion, assistance, and information, and to make statements. I pay a tribute to the work done by officers of the bureau. I am certain they have never taken advantage of the existing protection provisions of the Act to give advice lightly or negligently. Of course, at times that advice will prove to be incorrect. I am sure that the officers of the bureau would feel—I was going to say “sad”; I cannot think of a better term. It would be unfortunate if the advice they tendered proved to be incorrect.

I cannot believe that the member for Mt. Hawthorn could stand in this House tonight and say that, from now on, one could expect the officers of the bureau to give negligent advice, to give negligent information, to make negligent statements, or to perform negligent acts. What an indictment! I hope that the attitude is not reflected by other members on his side of the House.

Mr Harman: He never said that.

Mr Brian Burke: You are always accusing us of being regimented. Come on!

Mr SHALDERS: I hope the Leader of the Opposition disagrees with the statements made by the member for Mt. Hawthorn because he has made some most unfortunate inferences against the activities of members of the bureau. As I said, I will make sure that each and every one of them is fully aware of the comments of the member for Mt. Hawthorn, and the lack of faith he has in them.

Question put and passed.

Bill read a second time.

In Committee

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

Clause 1 put and passed.

Clause 2: Section 25 repealed and substituted—

Mr BERTRAM: The whole of section 25 is being repealed, to be replaced by the provisions now contained in this clause. I would like the Minister to tell me the effect of this amendment of the law on the situation in which an officer of the bureau is driving a motor vehicle and has as a passenger, a consumer whom he is serving with advice in a case currently before him, and in the course of driving from one point to another, bona fide in the performance of his duties, the officer drives negligently. Can the Minister tell me whether the consumer will be entitled to recover damages in the circumstances from the driver or from the Bureau of Consumer Affairs?

Mr SHALDERS: I am surprised and amazed that the member for Mt. Hawthorn would suggest that a consumer who happened to be in a car driven by an officer of the bureau who drove negligently would be protected under this Act. Obviously it bears no relationship to the clause.

The member for Mt. Hawthorn knows what occurs if one drives negligently along the road. Goodness gracious, another Act of Parliament covers that matter. I cannot believe that he is serious in asking that question.

Mr Sibson: It shows an ignorant disregard for his own profession.

Mr Bryce: What a nasty thing to say!

Mr BERTRAM: I only can express the hope that if that particular matter goes before a court for determination at some time, the court will take notice of what the Minister has said. It is worth noting that, as general rule, the courts do not—

Mr Shalders: The court will take notice of what the law says; and you know that as well as I do.

Mr BERTRAM: Generally speaking—

Mr Shalders: I have given you my interpretation; and in my opinion it is lot better than yours might be.

Mr BERTRAM: What dignity this Minister displays! A person rises to debate a clause and he is confronted with this sort of personal abuse. He may have been set a precedent by the former Premier; but that is not really a good precedent at all.

Mr Shalders: At least I do not abuse the officers of the bureau behind their backs.

Mr BERTRAM: I am thankful that the courts do not take too much notice of what happens here. In fact, as I understand it, they take absolutely no notice of what is said by members of Parliament while debating matters in the Parliament.

Mr Sibson: Including the one on his feet.

Mr Shalders: I did not assassinate the characters of the officers of the bureau behind their backs, like you did.

Mr BERTRAM: I have no cause to attack members of the bureau.

Mr Shalders: You have done a pretty good job so far.

Mr BERTRAM: They are not as childish as the Minister. He came along with an extraordinary outburst at lawyers, saying that they are not always right. What do members think about that? Perhaps other members can understand the situation concerning negligence. A lawyer is not necessarily negligent because he gives the wrong advice. We know that; and nobody has ever argued it. The only person who seems to be worried about that point is the Minister. If, however, a lawyer gives advice and he is negligent, damages can be recovered from him. That has occurred from time to time.

When the staff of the bureau have a question which causes them some doubt—they are not satisfied that they are fully aware of the law—why can they not hop on the phone and obtain the advice that they need? That is what other people do. Perhaps the Minister can explain that. I do not know how he will manage to do so; but nonetheless that is the position.

Even lawyers ring other lawyers to obtain the information they require. Most people do that when they have a problem. Why should not the officers of the bureau do that or, alternatively, why should not the officers of the bureau who have the responsibility of giving legal advice be required to be lawyers? If that is the way it is to be played, instead of our amending the law in this way, should not the Government appoint lawyers as officers of the bureau?

What will happen is that the effectiveness of the bureau will be diminished substantially. I am concerned about that because the Opposition, for many years, has been very concerned about the exploitation of the people who happen to be consumers. The Opposition recognises the need for the consumers to be given protection, advice, and assistance. This proposed new clause is a very real weapon that is endangering the achievement of that essential objective.

Mr SHALDERS: I do not imagine I can say anything in this Chamber that will satisfy the member for Mt. Hawthorn. I ask him, in good faith, to look at the last paragraph of clause 2 of the Bill. It provides protection.

I cannot imagine that he would believe that anything done by the officers of the bureau is not done in the best of faith and after their having acted upon all the information available at the time. Even when they have obtained all the available information, it is possible that they could make errors or omissions and the Bill provides them with protection in such cases.

The Bill does not provide that, where an officer has acted negligently, he will be protected. It provides protection when he has acted in good faith. I could not imagine why the member would suggest that officers may now feel that they have been given the green light to act negligently. All I can do is to draw the attention of the member to the portion of the clause to which I referred.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Leave granted to proceed forthwith to the third reading of the Bill.

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

WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY AMENDMENT BILL

Second Reading

Debate resumed from 12 August.

MR GRAYDEN (South Perth) [8.29 p.m.]: When the debate on this Bill ended on Thursday last, I was speaking briefly to it and making a point in respect of the composition of the board which will manage the Western Australian School of Mines in Kalgoorlie. I was pointing out that most industries make provision for the managing director of a business automatically to be an *ex officio* member of a subsidiary of that organisation.

I was indicating that it seemed rather strange that no provision is made for the appointment of the Director of WAIT or his nominee to be an *ex officio* member of the board. This could be seen as an affront to the director. In any event it is inconsistent with the principles of sound management not to have a chief executive as an *ex officio* member of a board or a branch. I know the Minister has given this point some thought and I am conscious of the fact that the Bill specifies that two persons will be appointed by the

Council of WAIT to be members of the board, but not more than one of them may be a member of the full-time staff of the institute. Therefore, in all probability the Director of WAIT will be elected. Nevertheless, I make the point that he should not have to be a member of the board by that means; he should be an *ex officio* member automatically.

Quite obviously this board has two main objectives, and the first is to see that mining education is encouraged, strengthened, and rationalised. That would be its main objective. A secondary objective would be to ensure co-operation with the new Kalgoorlie College and to help with the orderly development of the WA School of Mines and the new Kalgoorlie College. For that reason, if there is any criticism to be levelled at the board, possibly it is on the basis that, if anything, it should be weighted towards the mining industry; in other words, instead of having six members from the community and four from industry, it should be the reverse with six members from industry and four from the community. In fact, one of those members, a Mr McDermot, belongs to both groups.

Mr Pearce: Don't you see a danger in having too many district people on an institution like that? Mining companies tend to have vested interests.

Mr GRAYDEN: The main purpose of the board is to ensure that mining education is encouraged, strengthened, and rationalised. That being so, these functions would be better served if we had six members from industry and four members from the community.

Mr I. F. Taylor: You agree that the board should be looking at mining education as a whole rather than mining education as it relates to WAIT?

Mr GRAYDEN: Without question; I agree with the member for Kalgoorlie. I believe the board more strongly could serve its function of strengthening mining education if its advisory powers were extended from its merely advising WAIT on mining and mining-related courses run by WAIT, to its having an advisory role on all mining and mining-related courses in the entire State. If it did that it would be infinitely more effective.

The member for Kalgoorlie got his facts wrong last week and I instance the following from his speech—

Three institutions now offer courses in mining education in this State. They are the University of Western Australia, Murdoch University, and WAIT. Each of those

institutions offers widespread courses on mineral sciences. The University of WA offers courses on geology, mining engineering—I understand that course is under review at the present time—and geophysics. WAIT offers courses in geology and metallurgy. Murdoch University offers courses in extractive metallurgy and mineral sciences, and various correspondence courses over a wide range of mining developments.

As far as I am aware, that is not strictly correct.

Mr Pearce: What is wrong? It seems to be accurate.

Mr GRAYDEN: Although the University of Western Australia has a mining engineering course on its books, the course mentioned by the member for Kalgoorlie has not existed for about 30 years.

Mr I. F. Taylor: It is under review.

Mr GRAYDEN: Absolutely correct; it is under review. However, it has not existed for about 30 years and then the mining components of the course were actually held at the School of Mines in Kalgoorlie. The University of WA does not offer a course in geophysics as such, but rather as an adjunct to the course on geology. Murdoch University does not offer a course on metallurgy, but rather a course on mineral science. It is so similar that a protest from Murdoch University effectively prevents the WA School of Mines from offering post-graduate studies in pyrometallurgy and hydrometallurgy.

Mr Pearce: It is moving into research in gold. To suggest Murdoch is not involved in that area is ridiculous.

Mr GRAYDEN: Another point made by the member for Kalgoorlie should be clarified. He said—

The board proposed to be established under this legislation must be very strong and forceful. One of the main reasons for having a board of this nature is that WAIT is an educational octopus and, given the opportunity, it will swallow up and strangle the WA School of Mines. Since the establishment of WAIT in 1967 there has been a four-fold increase in student numbers. During the same period there has been a six-fold increase in teaching staff numbers and a nine-fold increase in administrative staff numbers. When it comes to empire building, WAIT would leave any Government department well and truly behind. We have to be very careful indeed that the WA School of Mines is not swallowed up by WAIT.

I disagree. Firstly, the member gives the impression that WAIT simply is waiting for an opportunity to swallow up the WA School of Mines in Kalgoorlie. In dealings I have had with WAIT administrators they have always stressed that they fully accept the existence of the WA School of Mines in Kalgoorlie; they regard it as a college of excellence and they are conscious of its worldwide reputation. They stress that they are prepared to accept the fact that it costs at least one-third more to educate a student there than at WAIT.

Mr I. F. Taylor: I would be very wary of WAIT; I am not prepared to give it the benefit of the doubt.

Mr GRAYDEN: WAIT always has emphasised those points, so the member for Kalgoorlie does it an injustice.

As for the figures he quoted, he spoke of the year 1967, but it would be obvious that his figures include the first years of the establishment of the administrative system at WAIT. If we take a look at the growth figures from 1968, a year later, we have a different picture altogether. The academic teaching staff has increased 2.8 times; the technical support staff 2.5 times; the central administration 2.6 times; and the student numbers have increased threefold.

Mr I. F. Taylor: It shows that there are lies, damn lies and statistics.

Mr GRAYDEN: It emphasises that the growth figures are reasonable.

I have additional information which is relevant and revealing, because it emphasises the attitude I was speaking of held by WAIT administrators towards the WA School of Mines. The student-staff ratio at the WA School of Mines is 7.3 pupils to one staff member. However, the student-staff ratio in engineering and applied science at WAIT is 10.2 to one. So we see that the WA School of Mines has a considerable advantage. The student-staff ratio at WAIT is 11.6 to one while the student-staff ratio at the WA School of Mines is 7.3 to one. I mention that purely to show that the WA School of Mines is comparatively well off compared with WAIT.

The other point I wish to mention occurred to me when I was reading the speech by the member for Gosnells.

Mr Pearce: Here we go.

Mr GRAYDEN: The member for Gosnells would not have made his comments had he realised the true position. He will realise in a moment that his comments were not based on fact. I quote as follows—

Members may remember that under the previous Minister for Education an effort was made to extend the Government's commitment to community colleges, to create a new community college in the goldfields, not from scratch as happened with the two community colleges in the Pilbara, but by amalgamating two existing institutions: the WA School of Mines and the Eastern Goldfields Technical College, both of which had had a long and separate existence on the goldfields.

The motive for this amalgamation was prompted by the belief that the School of Mines was a flagging institution during a downturn, particularly in the goldmining industry, and it was necessary to make some decision about the future of the School of Mines. That decision was to amalgamate. It was opposed at the time by almost all the people involved, including a good part of the Kalgoorlie community involved with the School of Mines. It certainly was opposed unanimously by everybody who had anything to do with the Eastern Goldfields Technical College.

Further on he said—

The only reason that one can discover for leaving the technical college as a community college is simply that the Government wishes to pretend that its policy of last year was not as disastrous as it was. Instead of moving back to the old situation, the Government is trying to pretend that, somehow, improvements have been made to the situation, and that last year's total disaster was not a total disaster.

Anyone reading those comments would gain the impression that the amalgamation of these two colleges was my brainchild and that it happened some time last year. I would hate anyone to think that was the case, because I certainly inherited the proposal to amalgamate the two colleges.

Members might recall that I became the Minister for Education on 5 March 1980, and already this proposal had been bandied about for years. A federation council had been established in Kalgoorlie, had debated the proposal for an extended period, and actually came forward with recommendations.

So within a couple of weeks of my assuming the portfolio of Education I was confronted with a deputation from the Teachers' Union during which they pointed out that this federation council of Kalgoorlie, notwithstanding that it had been in existence for a very long time and had had

ample opportunity to consider all the facets of the proposed amalgamation, consistently had refused even to take into consideration the possibility of a loose federation between the School of Mines and the Eastern Goldfields Technical College. Instead it was pumping for an autonomous college, an amalgamation of the Western Australian School of Mines and the Eastern Goldfields Technical College.

This was only two weeks after I assumed my portfolio and I took exception to that and told the union so. As a result of that, on 25 March 1980, three weeks after I became Minister for Education, quite a large statement headed "Grayden asks for Revised Guidelines" appeared in the *Kalgoorlie Miner*. It reads as follows—

The working party forming the guidelines for the administrative structure of the proposed Federation of Post-Secondary Colleges in Kalgoorlie has been asked by the Minister for Education, Mr Grayden, to re-examine its recommendations.

This follows a meeting of the executive of the State School Teachers' Union with Mr Grayden last week.

At that meeting, Mr Grayden conceded that there appeared to be a conflict of interests between the major educational institutions involved in forming the federation—the WA School of Mines (WAIT) and the Eastern Goldfields Technical College (Technical Education Division).

He told union delegates it seemed that the recommendation of the working party, to adopt a fully autonomous standing, might not best serve all the parties concerned.

Yet the member for Gosnells gives the impression—I do not know whether he intended to do so, but he certainly gave the impression here—that this was a brainchild of mine, that I was all for it, and that it came up last year. I can assure him he is very wrong in that respect.

Mr Pearce: I accept what you say; it is perfectly accurate. However, it did seem to me, and I think to many other people, that while you were the Minister last year the decision to amalgamate those two on a community college basis was very close to being made, if not actually made, and that the backdown or the backing away from it, as you say, which had many years of lead-up, was done on the basis that the mining companies lost interest in supporting the institution.

MR GRAYDEN: I assure the member for Gosnells that it was not so, for reasons which I

will elaborate on later. As a consequence of that, there was an article in the *Kalgoorlie Miner* and I assure the member for Gosnells that I was absolutely flooded with telexes, telegrams, letters, and phone calls from people in high and low positions in this community. I was amazed at the pressure which was put on me to go ahead with this fully autonomous institution. The argument was that it had been discussed for years; that a decision had been made; and that there was an irrevocable commitment by the Kalgoorlie people. I do not want to mention the names of some of the people who wrote or sent telegrams to me.

I received a letter from the Chamber of Mines of Western Australia Inc. dated 15 April 1980, one month after I became Minister for Education. The letter was signed by the then President of the Chamber of Mines, and it reads as follows—

Dear Mr. Minister,

As you know, the Mining and Minerals Industry, both through individual companies and corporately through The Chamber of Mines of Western Australia (Incorporated), has a keen interest in the welfare of the Western Australian School of Mines. Its graduates are acknowledged throughout the world as pragmatic engineers and technologists who usually perform extremely well in line management. Its future wellbeing is therefore crucial to the continued development of the Mining Industry in both Commonwealth and State.

The Industry is extremely concerned regarding the confusion which currently prevails and defensive comments are once again being made about the School's location. Surely an irrevocable decision was made by your Government in 1977 to maintain and further develop the School within the newly created Federation of Post Secondary Education Institutions.

The federation council had been considering the issue for three years and had opted for an autonomous college. This was the objective, as far as the people of Kalgoorlie were concerned, particularly the Chamber of Mines, a couple of local authorities, and other organisations. I had a myriad of telegrams from various bodies up there which were all along the following lines—

Surely an irrevocable decision was made by your Government in 1977 to maintain and further develop the School within the newly created Federation of Post Secondary Education Institutions.

Mr Pearce: That is misleading, isn't it, because that was done on the basis of the School of Mines

alone with no suggestion of federation with the technical college in light of the possibility that the School of Mines would be moved to WAIT' Bentley campus, wasn't it?

Mr GRAYDEN: It goes back to 1977, but, as far as I was concerned, the federation council was simply considering three models.

Mr Pearce: No, the models came later, I think you will find. The proposition was at one stage that the School of Mines would be scrapped and moved to Bentley. That caused the initial fuss.

Mr Clarko: That was accepted a long time back.

Mr Pearce: Sure it was, but we are talking about a long time back.

Mr GRAYDEN: When I became Minister, the people of Kalgoorlie felt the Government had an irrevocable commitment to develop a fully autonomous institution on the goldfields.

I will not go on and read the remainder of the Chamber of Mines' letter. I just mentioned it to indicate my point.

The Minister for Mines wrote to me on 21 April.

Mr Pearce: April 1980?

Mr GRAYDEN: Yes, April 1980, a month after I became Minister. This will indicate the type of pressure that was being applied. The letter reads as follows—

Dear Mr. Grayden,

Yesterday morning, together with a deputation from the Chamber of Mines, led by its President, Mr. Wreford, I met with the Chairman of the Tertiary Education Commission, Professor Karmel, in order that the representatives of the mining industry could express their concern to Professor Karmel regarding the future of the School of Mines.

As you will be aware from earlier correspondence, the mining industry and Kalgoorlie community is concerned that plans for the formation of a "community college" combining the two post-secondary institutions presently operating on the Goldfields (the School of Mines and the Eastern Goldfields Technical College) might not proceed because of the opposition of the staff associations of each institution and the seeming lack of enthusiastic support for the development of a semi-autonomous institution being given by the Institute of Technology.

Professor Karmel made it quite clear that much of the initiative in these matters rested with the State through the Minister for Education and the Post Secondary Education Commission, but his Tertiary Education Commission was aware of the decisions which had been made by the State Government in the past and was assuming that the development of a single institution would be proceeding.

At the request of the Chamber of Mines, I have undertaken to re-affirm the mining industry's strong conviction that the School of Mines be retained at Kalgoorlie and that a new single post-secondary institution be developed out of the two institutions presently conducting post-secondary education activities on the Eastern Goldfields.

It was signed by the Minister for Mines.

That gives some indication of the extent to which the mining community on the goldfields was committed to the development of an autonomous college there. I assure the member for Gosnells that I never subscribed to the idea of an autonomous college, for pretty good reasons. We have an autonomous college at Karratha and at Port Hedland, but both of those colleges are in a completely different category. The north is isolated. Autonomous institutions in those situations can flourish, but when we speak about the eastern goldfields we are talking about a very different situation.

In this instance we had a proposal to amalgamate the Eastern Goldfields Technical College, which was a fine institution, notwithstanding the buildings in which it was housed. I felt that that would have been a retrograde step. I knew WAIT's attitude as it had been emphasised to me. There was absolutely no need for an amalgamation of two institutions at that stage in order to ensure the survival of WASM.

I am delighted with what the present Minister has been able to achieve; that he has been able to obtain Government approval to go ahead and operate the Western Australian School of Mines as a branch of WAIT. What I set out to do was to ensure that we would not get an autonomous institution up there. Instead, we got—

Mr Grill: That is what we got!

Mr GRAYDEN: Just a second. We would get a loose federation between the two and it would ensure that the Western Australian School of Mines would continue.

Mr Grill: This Minister is going to set up a community college in Kalgoorlie, something that you have not done.

The ACTING SPEAKER (Mr Trethowan): Order!

Mr Grill: What do you mean by "Order"? I have only had one interjection.

The ACTING SPEAKER (Mr Trethowan): I ask the member for Yilgarn-Dundas not to interject.

Mr Grill: At all?

Mr Mensaros: You should be thrown out.

The ACTING SPEAKER (Mr Trethowan): The member for Yilgarn-Dundas will not interject, particularly when I am on my feet.

Mr Grill: A new rule?

Mr GRAYDEN: What we would have achieved with a loose federation would be exactly the situation applying now, or the situation that will apply in respect of the Kalgoorlie School of Mines in that that institution would have remained a branch of WAIT. Similarly, the Eastern Goldfields Technical College would have remained within the technical education—

Mr Pearce: Two schools.

Mr GRAYDEN: We could have had an overriding governing council which would have enabled the institution to relate to the Kalgoorlie community and, in particular, the mining industry, but it would have principally an advisory role. There would not have been much of an upset. That is what we were actually working towards.

The member for Yilgarn-Dundas has just mentioned the fact that the Minister is now in a position of being committed to transferring the Eastern Goldfields Technical College into an autonomous body. As I mentioned earlier, there was a commitment made to establish an autonomous college. I do not know to what extent the Minister is still committed in that respect, nor do I know the final form that college will take. I would prefer it remained in the technical education division under an advisory council just as we have at Rockingham, which works satisfactorily.

Mr Grill: I think you and I and the Opposition might all agree on that. I think the Minister might be the odd man out.

Mr GRAYDEN: They work famously as far as technical education colleges are concerned. The college should relate to local industry and establish courses which are suitable. I do not know the final form the college will take, nor the

extent to which the Minister is committed, not by decisions that he has made, but by decisions that have been made by other people, unfortunately, on the basis of impressions of people on the goldfields who want some sort of an autonomous college.

While an autonomous college will, I hope, work famously in the Pilbara which is relatively isolated from Perth, it is a different proposition when we talk about putting an autonomous college in a place like the eastern goldfields. Autonomous colleges tend to become educational backwaters; there can be absolutely no doubt about that. A teacher does not get the opportunities of promotion and the school does not get an interchange of staff.

We have a fine teaching system throughout Western Australia. The teachers are highly trained and dedicated. Some of them are sent to remote parts of Western Australia where they stay for a limited period and then come back to Perth—they go to remote areas on that basis. It is for that reason I am fearful of what will happen if that college becomes fully autonomous.

Secondly, it will have an unfortunate effect on the morale of the teachers throughout the Technical Education Division of the Education Department. Those people who have dedicated their lives to the technical education division look forward to promotion and if they see a Government hive-off colleges which are successful, it must have a devastating effect on the morale of the teachers in that division.

The people of Kalgoorlie are not alone in wanting an autonomous college. Strong pressures have been brought to bear from some people in Bunbury, which has a fine technical college, but some people think, "This is a wonderful institution, let us make it autonomous." However, they are overlooking the fact that they will deny the individuals concerned the opportunities for promotion and the school will be denied the right of the interchange of teachers. Albany, too, has come forward with proposals for an autonomous college. Esperance and Geraldton have come forward also with the same proposals—so members will see what will happen if the Government hives-off its technical colleges throughout Western Australia.

I am not being critical of the Minister. I agree with what he said about the School of Mines, but I do not know the extent to which he is still committed by some promises made years ago. When I was Minister for Education it took me virtually two years to reach the stage where I was in a position to achieve a loose federation that

would enable the Eastern Goldfields Technical College to remain within the technical education division.

Shortly after the furore that was caused as a result of the newspaper article that appeared in the *Kalgoorlie Miner*—to which I have already referred—an interim council was appointed. The council looked at the types of systems and the models which could form the basis of the new college. At the time I emphasised to the council that it had to include a model of a loose federation and that again caused an absolute furore. The stage was reached where even the chairman of the interim council was at loggerheads with the Chamber of Mines. As a result the chairman resigned and I appointed Dr Brodie-Hall—who is now Sir Laurence Brodie-Hall—as chairman of the interim council, and I appointed staff representatives, etc. I did that for one reason and for one reason only—I knew they would be the people who would favour a loose federation and we would be able to get away from the business of an autonomous college which would be formed by the amalgamation of the WA School of Mines and the technical college. It was for that reason we increased the number of representatives on the interim council.

The saying is that a mine is only as good as its management and the same thing applies to business.

Mr Coyne: A mine is as good as its ore body.

Mr GRAYDEN: It is a common saying in the mining industry that a mine is as good as its management. The same applies to schools. If a director, a principal, or a dean—whatever he may be called—is responsible for the new autonomous college, he might make a shining success of it. I am referring to the Kalgoorlie College which will be formed out of the technical college. It might well be that we will have that type of principal, but, on the other hand, the principal could be confronted with all sorts of difficulties. Of course, this is a value judgment for the Minister and the Government.

At this particular stage I think the Government should be reassuring teachers employed in the technical education division that it will not hive-off successful technical colleges. I raise this simply because when the member for Gosnells made a statement regarding the amalgamation of the two colleges, I did not know whether he was under the impression that I was responsible for it. I assure him and the House that I certainly was not at any time favouring an amalgamation of that kind. If we have an intact WA School of Mines at the present time, I can assure the

member for Gosnells it is because I took action to present the implementation of recommendations made two years ago to form an autonomous college on the goldfields.

Mr Pearce: Why were the principal, the deputy principal, and the senior staff of the technical college given the impression last year that their positions were to become vacant at the end of the year?

Mr GRAYDEN: I was in very close contact with WAIT in respect of maintaining the WA School of Mines. I went out of my way to ask the management to reassure the staff—I was in close touch with the executive of the technical education division—and to pass on the message not to worry.

Mr Pearce: I do not want to suggest that you are inaccurate. Is it a fact that the staff members of the technical college were told that they could have the option of transferring elsewhere within the technical education division or they could be divorced—on some form of temporary basis—from the technical education division to hold a place at the college?

Mr GRAYDEN: I ask the member for Gosnells not to forget that we were still at the stage of considering whether the two schools should be amalgamated in a loose federation. The Government intended giving the staff a choice, even though it was to remain part of the Technical Education Division of the Education Department, and they understood that.

Mr Pearce: They told me differently.

Mr GRAYDEN: The same thing applied at WAIT. I certainly, at no stage supported or agreed to the concept of a fully autonomous college as had been proposed.

MR GRILL (Yilgarn-Dundas) [9.08 p.m.]: I think all members in this House would like to see a strong and viable School of Mines in Kalgoorlie, operating in a mining environment, and turning out competent engineers, geologists, metallurgists, and surveyors, and at the same time undertaking sophisticated research into the many facets of the mining industry. That is the sort of school we want—a school of excellence in a mining environment. What better place to have it than in Kalgoorlie which has a long history of mining.

The recent history of the School of Mines has been rather checkered, and over the last eight months or so probably it has been through the worst period it has ever faced. The checkered history of the School of Mines goes back to the days of the early 1970's when the Partridge committee recommended that the School of Mines be transferred holus-bolus from Kalgoorlie

to WAIT. Of course, that recommendation—which was supported by most members of WAIT and most members of the academic staff of the School of Mines—implanted in the minds of the people of Kalgoorlie and the minds of the people in the mining industry who were jealous of WAIT, a fear that the School of Mines would end up on the Bentley campus. That fear has engendered many problems that have racked the School of Mines since that particular time.

When he spoke last week in respect of this matter, the member for Kalgoorlie, referred to that particular fear and the possibility of the campus still being moved to Bentley. He was only echoing the fears of many people in the mining industry and in Kalgoorlie today. He spoke of developing the right sort of balance, the right sort of management, and the right sort of environment whereby the premier institution for mining education would remain on the Kalgoorlie campus without breaking its links with WAIT, links which are essential for the School of Mines' viability. This fact is appreciated by the ex-Minister for Education, not so much by the present Minister for Education, and not at all by the present Minister for Mines.

The Minister for Mines would have agreed to the amalgamation of the colleges. I think that is a fair summation.

Mr Clarko: Come off it!

Mr GRILL: If the Minister was slow in coming to a conclusion and slow on announcing it—

Mr Clarko: I was not slow—in fact, I made the decision expeditiously.

Mr GRILL: I do not want to attack the Minister, but that is how it seems to me and to most people.

Mr Clarko: I will answer it.

Mr GRILL: The Minister will have the opportunity to answer it and no doubt he will put up a case.

I was referring to the right balance—a management with the right strength and the right links with WAIT. Over a period of years, and especially during the early months of this year, a lack of confidence in the School of Mines was shown by staff members and students. At one stage—not so many weeks ago—only 12 out of the 22 lecturing positions were filled. There was no head of department for geology and no head of department for metallurgy. Both of these subjects are specialities of the School of Mines. The department for engineering had an acting head only. The school was in crisis, and it appeared that the situation had been engendered by the vacillation of successive Ministers of the Crown

and the reluctance of the present Minister for Education to make a decision, or to announce a decision.

As I said before, the Minister will have the right to defend himself shortly. However, that is the way it appeared to most of the people in Kalgoorlie and in the mining industry. That is why pressure was brought to bear on the Minister to make a decision. It appears as though he has made a decision—part of it being right and part of it, I fear, being absolutely wrong. The previous speaker has criticised the part of the decision that was wrong.

This is a recap of the situation that existed when the Partridge committee recommended, in the early 1970s, that the campus of the School of Mines should be transferred from Kalgoorlie to Bentley. At that time there was a large degree of agitation throughout the State—mainly centered in the eastern goldfields and throughout the mining fraternity—to reverse that situation. The Western Australian Post Secondary Education Commission did in fact reverse that decision and recommended that the campus remain in Kalgoorlie, but it did not recommend any particular model.

There are three models that could be followed. Firstly the School of Mines should be autonomous, but retain its links with WAIT, and the technical college should operate as a separate entity.

The two other models discussed were a full federation of the School of Mines and the Eastern Goldfields Technical College to create a new community college, and the last option was a loose federation in which both the WA School of Mines and the Eastern Goldfields Technical College had a fair degree of autonomy, but shared the same members on the board and a number of facilities. That particular option was favoured by an overwhelming majority of people in the eastern goldfields area, and the former Minister. As years went by without any definite decision by the Government as to which model should be adopted, problems developed in the School of Mines. I already have mentioned some, but another one was that accreditation of the various courses with the various professional bodies fell well behind.

At present, accreditation of some of the major courses at the school is on an *ad hoc* basis, and not a formal basis. It needs to be brought up to date, but that cannot be done until the courses at the school are revamped, the number of lecturers is brought up to quota, and departmental heads are appointed. It always appeared to the

Opposition that the problems that bedevilled the Government in coming to a decision on the School of Mines stemmed in no small degree from a small group of unrepresentative people on the interim council of the college. Some of them were members of the Liberal Party who had a disproportionate voice because they were very close to the Minister of the day, and they caused a vacillation and lack of decision by the Government over a period of years. Those people finally lost, and their agitation for a community college including a WA School of Mines was unsuccessful. The Government finally saw reality.

By creating a School of Mines with necessary links with WAIT, and a strong independent board, the Government appears to have sacrificed the Eastern Goldfields Technical College, and to some extent damaged the whole fabric of technical education in this State. That comes from the decision of the present Minister to create almost simultaneously a new college in Kalgoorlie to take over technical education and which is to be called the Kalgoorlie community college.

Mr Clarko: It is the Kalgoorlie College. The word "community" will never be used by me in that sense.

Mr GRILL: Let us not argue about semantics.

Mr Clarko: One day your children will be proud of that place.

Mr GRILL: I hope they will be.

Mr I. F. Taylor: I hope so, too.

Mr Clarko: Your children will be proud, too. You can apologise to me when that comes about.

Mr GRILL: We will be the first to do so, but we doubt that that will happen. We believe the Minister has been sold a pup and he is on the wrong track. It does not stem from a lack of goodwill; there was always goodwill on the Government side, starting with Sir Charles Court. But the Government is very slow in making decisions.

Mr Clarko: I was not slow at all. I was the fastest of the lot.

Mr Pearce: But you got it wrong. It is not the speed that counts.

Mr Clarko: When we played rugby I was fast enough, too.

Mr GRILL: The Minister is pretty fast with the lip.

Mr Old: No, he is well outclassed.

Mr GRILL: We feel there is goodwill on the Government side towards the School of Mines, but the Ministers have been misled by voices

emanating from Kalgoorlie and within the Liberal Party.

Mr Clarko: You are not suggesting the Kalgoorlie Liberals proposed the Kalgoorlie College? You would be a long way off.

Mr GRILL: I am not saying that. They agitated for a community college. The Government finally saw reality and gave them a consolation prize and a fairly poor one at that.

Mr Clarko: The people of Kalgoorlie got a prize, but it was not a consolation prize.

Mr GRILL: They got a consolation prize and the chief agitator will become the new chairman of the board of the Kalgoorlie College. I do not want to deal in personalities. I think the Minister has been sold a pup.

Mr Clarko: It may have been a German shepherd pup!

Mr GRILL: The decision to create the Kalgoorlie College came out of the blue. It was not one of the models previously discussed, or one considered by the community, or considered at any length by the expanded interim council. It was the brainchild, if we are to believe the Minister, of his own fertile imagination.

Mr Clarko: I took advice, but I made the decision.

Mr GRILL: The decision to hand out the consolation prize.

Mr Clarko: It was first prize.

Mr GRILL: The Minister knows what we are talking about, and I think history will show he has made a major error. Whether he is right or wrong, the decision was not considered at any length by the community, the mining industry, or the interim council. I think the decision will suffer because it was not considered by those particular bodies. The initial object was to save the School of Mines, and I think that has been done and the Minister needs to be applauded for that. I do not think he has made a perfect job of the legislation before us—it has some defects. There was no educational reason to create the Kalgoorlie College.

I am as parochial as the next man and if the Minister wants to appeal to that side of my nature in regard to the Kalgoorlie College, I will embrace it. But reality indicates that it is the wrong decision, and it will weaken technical education in Kalgoorlie and Boulder and the goldfields area. Community colleges around the State do not appear to be prospering. My information is that the community college at Karratha has a staff turnover of 50 per cent per annum.

Mr Clarko: It is early to start talking about a per annum figure.

Mr GRILL: How long has it been going?

Mr Clarko: It was officially opened in April. I doubt that it has operated for two full years. It has been operating on a part-time basis and it began in 1980. It is early to talk about averages.

Mr GRILL: To date, the staff turnover at the college has been 50 per cent, notwithstanding the fact that there is a disincentive for people to move out of the area because they have to pay their own moving costs which are about \$2 000 to return to the metropolitan area.

Mr Clarko: It is one of the harshest places in the world and you would expect a high turnover in comparison with the situation in Perth.

Mr GRILL: Granted, I understand that, but the college is not a happy place and I doubt whether these small colleges can offer a dedicated academic the prospects he wants.

Mr Clarko: The staff you are talking about are not academics.

Mr GRILL: Not in the strict sense—they are teachers. Let us not argue about semantics.

Mr Clarko: You are using semantics.

Mr GRILL: I am arguing factually and the Minister is arguing semantically. The Karratha College does not seem to be working.

Mr Clarko: That is not my information.

Mr GRILL: Nor will the Kalgoorlie College work. Many of the reasons have been outlined in some detail and quite adequately by the member for South Perth. In supporting this legislation the Opposition has grave doubts about the contemporaneous decision by the Minister to develop a Kalgoorlie College.

Debate adjourned, on motion by Mr Nanovich.

SUPREME COURT AMENDMENT BILL (No. 2)

Receipt and First Reading

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

Second Reading

Leave granted to proceed forthwith to the second reading.

MR RUSHTON (Dale—Deputy Premier) [9.30 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Supreme Court Act so as to enable the court to award

prejudgment interest in cases in which it is considered warranted.

Prejudgment interest is interest in respect of a period prior to judgment on a sum of money which a court in legal proceedings orders a defendant to pay to a plaintiff. In effect, it is awarded to compensate the plaintiff for being kept out of money which ought to have been paid to him.

In delivering judgment on a particular case in 1980, the Chief Justice of Western Australia summarised the problems of prejudgment interest in the following way—

... we see many cases ... in which debtors withhold the payment of their debts and force creditors into litigation ... simply because they think it to be good business to do so. In this way they obtain in effect a free of interest unsecured loan and at prevailing interest rates the benefit they derive by doing so is very considerable as is the loss to the unpaid creditor.

Members will appreciate that this practice is both unfair to individual creditors and a factor which contributes to congestion in the courts. In addition, even where money is not withheld deliberately in the manner described by the Chief Justice, protracted litigation combined with prevailing high interest rates also may work an injustice to creditors.

Following the comment referred to, the Law Reform Commission of Western Australia was asked to expedite a report on this particular subject. That report has been completed and studied by the Government.

The Bill which is now before the House will implement the commission's recommendations by repealing the existing sections 32 and 33 of the Supreme Court Act and substituting a new section 32.

That section will give the court a wide discretion in awarding prejudgment interest, but be subject to the exclusions contained in the proposed subsection (2). There will need to be also various rules of court and, so far as the superior courts are concerned, the preparation of such rules will devolve upon the judges of those courts.

In respect of the Local Court, the rule-making power rests with the Governor and appropriate recommendations will be made in that regard.

The amendment proposed will give the courts in this State a general power to award prejudgment interest in cases considered to be appropriate

where a debt is recovered, damages are awarded, or judgment is obtained in default. In the case of the Local Court prejudgment interest will be recoverable only in cases in which the judgment sum exceeds \$750.

The proposed section 32 will give a wide discretion to the courts in determining whether prejudgment interest should be awarded. As the Law Reform Commission pointed out in its report, many variable factors are to be taken into account, including the rate of interest at the relevant period, possible delay in bringing a claim, evaluation of economic and non-economic loss, whether compensation has been received by the plaintiff from other sources, and so on.

Also a considerable body of case law in other jurisdictions exists to guide the courts in exercising their discretion.

When implemented, the proposals contained in this Bill will have application also to the District Court by virtue of section 34 of the Supreme Court Act when read with section 57 of the District Court Act, and in the Local Court by virtue of section 35 of the Local Courts Act. Consequently, those Acts will not need amendment.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Grill.

WORKERS' COMPENSATION SUPPLEMENTATION FUND AMENDMENT BILL

Receipt and First Reading

Bill received from the Council; and, on motion by Mr Young (Minister for Health), read a first time.

Second Reading

Leave granted to proceed forthwith to the second reading.

MR YOUNG (Scarborough—Minister for Health) [9.33 p.m.]: I move—

That the Bill be now read a second time.

The failure of Palmdale Insurance Ltd. in 1979, an approved insurer for the purposes of the Workers' Compensation Act, resulted in many employers being faced with the prospect of meeting claims by injured workers.

The Government acted in 1980 to remove the threat of financial hardship on these employers by establishing the Workers' Compensation Supplementation Fund. A one per cent levy on all approved premiums payable by insurers and self-

insurers was imposed to meet the cost of resulting claims.

The effectiveness of this legislation to date is evidenced by the number of claims successfully processed since its inception. However, an anomaly has been identified in the existing legislation which could affect adversely many employers.

The Government's intention, when it introduced the Workers' Compensation Supplementation Fund Act, was to meet all liability under the employer's workers' compensation policy. It is pointed out that employers' indemnity policies in this State, by agreement between insurers, include coverage not only for liability under the Workers' Compensation and Assistance Act, but also in respect of common law claims.

For this reason, the terminology defining the scope of coverage contained in the Act does not reflect the full intent of the Government at the time of its introduction, which was to meet all liability.

As a result of this narrowed definition, many employers who have been helped with regard to liability for workers' compensation are now threatened with financial ruin due to claims under the same employers' indemnity policy for common law liability.

Due to this anomaly, the Government proposes to amend the Act to include liability at common law, a change that will not necessitate a variation in the levy level, but will reflect correctly the Government's intention when the legislation was first introduced.

I commend the Bill to the House.

Debate adjourned, on motion by Mr I. F. Taylor.

MONEY LENDERS AMENDMENT BILL

Receipt and First Reading

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

Second Reading

Leave granted to proceed forthwith to the second reading.

MR RUSHTON (Dale—Deputy Premier) [9.36 p.m.]: I move—

That the Bill be now read a second time.

This Bill is presented for the purpose of simplifying those provisions in the Money Lenders Act relating to collateral securities for corporate

loans and contains more adequate provisions in regard to exemptions granted to corporate bodies.

A company which is borrowing money can agree under section 3A(1) of the principal Act that the major provisions of the Act, other than the maximum interest rate chargeable, shall not apply to the particular loan or to any contracts or securities in relation to such loan.

However, this does not prevent other requirements of the Act from applying to any guarantee or collateral security given by a natural person in respect of the same—exempted—loan.

As a person guaranteeing a loan which has been placed outside the Act by agreement would normally be a director of the company, or other person closely associated with it, there appears to be no necessity for the observance of the formalities of the Act in respect of the guarantee.

For general convenience, therefore, and in order to reduce the complexities applying to loans to corporations, it is proposed to eliminate the need for compliance with the Act in the case of the guarantees and collateral securities referred to in such circumstances.

The principal Act contains a provision to the effect that no moneylender can carry on business unless registered as such under the Act. It contains also a provision for the Governor to grant by proclamation an exemption from the Act to a body corporate.

In practice, it is usual before considering the granting of an exemption to require the body corporate to give certain undertakings.

The usual undertakings required are to the effect that, firstly, the body corporate will lend only to other bodies corporate and in amounts not less than \$50 000, and that, secondly, the body corporate will observe the advertising restrictions set out in section 20 of the Act, notwithstanding the exemption.

Under this Bill the Governor will continue to be empowered to grant an exemption to a body corporate, but there will now be express provision for the Governor to impose any conditions considered necessary. Such conditions would be specified in the proclamation granting the exemption.

It is proposed also that a fee shall be payable with any application made for a grant of exemption.

It is provided further that an exemption granted by the Governor may be revoked, if the corporate body contravenes any of the conditions imposed or for other sufficient reason.

One further minor amendment to section 6(10)(c) has been included to correct an obvious error in the text of the original Act.

The question of whether the provisions of the Money Lenders Act should undergo a complete review has been the subject of discussions between the States along the lines of adopting uniform credit laws.

The Attorney General has indicated that although such credit legislation has been introduced in some other States, there have been some initial problems with the provisions which do not yet apply in any State. Western Australia is continuing to liaise with officers working in those States.

It is clearly desirable that ultimately there be uniform credit legislation throughout Australia in regard to this important commercial area, but, in the meantime, the Money Lenders Act does provide some measure of protection for unwary consumers.

Until such time as a decision can be made properly to introduce more effective provisions, the Government believes it necessary to make amendments to facilitate its working.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Grill.

STAMP AMENDMENT BILL (No 3)

Returned

Bill returned from the Council without amendment.

House adjourned at 9.40 p.m.

QUESTIONS ON NOTICE

PASTORAL LEASE: NOONKANBAH STATION

W. W. Mitchell

1045. Mr PEARCE, to the Premier:

- (1) Was public relations consultant, W. W. Mitchell, engaged by the Government as a consultant in the controversy associated with oil drilling at Noonkanbah Station and, if so, in what capacity?
- (2) What payments were made to W. W. Mitchell for services rendered in the Noonkanbah controversy?

Mr O'CONNOR replied:

- (1) and (2) As a consultant to the Government, Mr Mitchell was involved in matters related to Noonkanbah, as he is in relation to any other matter on which his services may be considered relevant. His time involved in this matter was covered in his normal contract.

PUBLIC RELATIONS: DIRECTOR

Liberal Party Conference

1047. Mr PEARCE, to the Premier:

- (1) Did the Government's director of Public Relations attend the 1982 annual conference of the Liberal Party held in Canberra?
- (2) If so, what were the costs of travel, accommodation, and other associated expenditure?
- (3) Were these costs met by the Liberal Party or from Government funds?

Mr O'CONNOR replied:

- (1) The Director of Public Relations was not a delegate to the 1982 annual conference of the Liberal Party. But he was present to assist the Attorney General and Minister for Federal Affairs who was representing me at short notice at concurrent long-arranged discussions with Federal Ministers, including the Prime Minister, on a range of intergovernment matters. These meetings were held to suit the Prime Minister's itinerary, and to save costs, on two of the three days of the conference. The Attorney General also became my representative at the conference.
- (2) \$1 080.45.
- (3) This cost was properly met from Government funds.

PUBLIC RELATIONS: CONSULTANT

Contract of Employment: Additional Work

1048. Mr PEARCE, to the Premier:

- (1) Will he please advise if public relations consultant, W. W. Mitchell, in addition to fees paid to him and covered by his contract of employment by the State Government, undertakes work on behalf of other Ministers and Government departments?

- (2) Will he please list the names of the Ministers and departments concerned, and the costs to the Government of such work?

Mr O'CONNOR replied:

- (1) and (2) The only occasion this year in which cost was involved concerned the State Government's programme to attract Eastern States industry to Western Australia, and proposals for the ongoing programme. In this, he worked with the Minister for Resources Development, Mines, and Fuel and Energy, and the then Minister for Industrial Development and Commerce and relevant officers and businessmen. The consultant was involved in such matters as concepts, strategies, interviews, research, draftsmanship, and planning and preparations, over the period January to April inclusive, at a fee of \$9 625.

"STATE REPORT"

Cost

1052. Mr PEARCE, to the Premier:

- (1) What has been the cost so far to the Government of producing *State Report*, including postage?
- (2) Is this report mainly the work of the Director of Public Relations and public relations consultant, W. W. Mitchell, and are ministerial Press secretaries also required to submit material for this publication?

Mr O'CONNOR replied:

- (1) The cost of bromides, typesetting, pasteup, printing, folding and delivery to the Premier's Department for eight issues has totalled \$2 004.35. Most of the distribution occurs as inclusion in existing regular distribution of other material.
- (2) Yes. *State Report* is a minor extension of the process of providing information.

LAND

Guildford

1066. Mr GORDON HILL, to the Minister for Urban Development and Town Planning

- (1) Is it a fact that land abutting Turton and Almond Streets, Guildford, is to be reserved by the Government?

(2) If "Yes"—

- (a) why;
- (b) which residential or reserved lots are wholly or partially involved;
- (c) what are the guidelines to be used for the determination of compensation to affected landowners and users;
- (d) will access roads be created?

Mrs CRAIG replied:

- (1) The land is currently reserved.
- (2) (a) The land is reserved for parks and recreation in the metropolitan region scheme;
- (b) lots 4, 5, 6, 8, 21, 22, 23, 17, 18, 34, and 20;
- (c) market value in accordance with the compensation provisions of the Metropolitan Region Town Planning Scheme Act;
- (d) only if necessary to gain access to reserved land.

TIMBER

Karri: Reduction

1067. Mr EVANS, to the Minister for Forests:

With the proposed reduction in the intake of karri sawlogs as indicated in working plan 87 and the report on management of the karri forest by Bradshaw and Lush—

- (a) how many jobs is it expected will be lost in the timber industry as a consequence of this reduction, by 1989;
- (b) how many timber mills is it expected will be closed in this period;
- (c) which timber mills is it expected will close?

Mr LAURANCE replied:

- (a) Assuming the current relationship between jobs and wood production continues, then it is estimated about 200 jobs could be affected in the hardwood industry. However, current planning provides for many of these positions to be absorbed in the developing softwood industry.
- (b) and (c) This information is not currently available as the necessary rationalisation of sawmills has yet to be planned by the timber companies.

EDUCATION

School of the Air

1068. Mr I. F. TAYLOR, to the Minister for Education:

- (1) With reference to question 1001 of 1982 on the availability of English set books for year four School of the Air students, is he aware that there may be 20 books in the set?
- (2) If "Yes", could he tell me when the outstanding books may be delivered to the students?

Mr CLARKO replied:

- (1) There are 18 books in the set.
- (2) The six books completing the year four set will be distributed to students during term three in 1982.

TIMBER

Karri: Cutting Level

1069. Mr EVANS, to the Minister for Forests:

- (1) What is the level of cutting of general purpose karri sawlogs which will be permitted in each of the following years:
 - (a) 1982;
 - (b) 1983;
 - (c) 1984;
 - (d) 1985;
 - (e) 1986?
- (2) Will there be any additional karri log intake from scavenge operations or secondary class logs, and if so, what is the level expected in each of the five years mentioned in (1)?
- (3) Between the years 1982 and 1986, how many jobs associated directly with wood production is it estimated will be lost in the karri forest areas because of reduced intake?
- (4) (a) What is the level of wages paid to employees directly concerned with wood production at the present time in Western Australia;
- (b) by how much is this figure expected to fall during the currency of working plan No. 87 as a consequence of the reduced levels of sawlog intake to mills?
- (5) (a) What was the value of wood products to Western Australia in 1981;
- (b) what is the value of wood products expected to be in 1988 after the reduction of sawlog intake?

- (6) (a) What is the quantity of karri sawlogs per annum which is expected to come from the Shannon Basin in each of the next five years;
- (b) what is the value of wood products which is generated from timber obtained from the Shannon Basin in each of the next five years;
- (c) how many jobs are, and will be dependent on the timber obtained from the Shannon Basin over the next five years?

Mr LAURANCE replied:

- (1) (a) 1982—206 610 cubic metres
 (b) 1983—183 980 cubic metres
 (c) 1984—183 980 cubic metres
 (d) 1985—183 980 cubic metres
 (e) 1986—183 980 cubic metres.
- (2) Yes.
 (a) 1982—28 000 cubic metres
 (b) 1983—27 000 cubic metres
 (c) 1984—27 000 cubic metres
 (d) 1985—27 000 cubic metres
 (e) 1986—27 000 cubic metres.
- (3) Assuming the current relationship between jobs and wood production continues there would be in the order of 60 fewer persons employed following the reduction planned between 1982 and 1986.
- (4) (a) Approximately \$30 000 000 per year;
 (b) the total reduction of levels of sawlog intake to mills during the currency of working plan No. 87 will be minimised as a result of increased softwood availability; however, there is likely to be some reduction in total wages paid to employees directly concerned with wood production.
- (5) (a) I am advised that the Australian Bureau of Statistics has provisional figures for the 1980-81 financial year for Western Australia as follows—
- (i) The turnover of log saw-milling establishments was \$69 217 000.
- (ii) The turnover of total wood, wood products, and furniture was \$327 035 000.

- (b) It is expected that increased softwood cutting will have largely replaced reductions in hardwood yields by 1988 without substantially affecting value of production.
- (6) (a) 1982—39 000 cubic metres
 1983—35 000 cubic metres
 1984—46 000 cubic metres
 1985—42 000 cubic metres
 1986—Wood harvesting proposals for 1986 not yet complete;
- (b) based on values quoted in (5) (a) 2 above—
 1982—\$24 000 000
 1983—\$27 000 000
 1984—\$30 000 000
 1985—\$31 000 000
 1986—Wood harvesting proposals for 1986 not yet complete;
- (c) based on the current relationship between jobs and wood production the nearest estimate is between 230 and 300 jobs according to the different proportions of sawlogs and chipwood extracted each year.

CONSUMER AFFAIRS

Motor Vehicle Dealers Act: Disputes

1070. Mr TONKIN, to the Minister for Consumer Affairs:

Pursuant to section 36 of the Motor Vehicle Dealers Act, how many disputes have been determined by the Commissioner for Consumer Affairs, or his nominee, in each of the past five years?

Mr SHALDERS replied:

1977-1978	nil
1978-1979	nil
1979-1980	6
1980-1981	10
1981-1982	22.

CONSUMER AFFAIRS

Motor Vehicle Dealers Act: Licences

1071. Mr TONKIN, to the Minister for Consumer Affairs:

In each of the past five years, pursuant to the Motor Vehicle Dealers Act, how many—

- (a) dealers;
 (b) yard managers;
 (c) salesmen;

have been disqualified from holding licences?

Mr SHALDERS replied:

(a) to (c) Dealers, yard managers, and salesmen disqualified from holding licences in each of the past five years—

			Dealers	Yard Managers	Salesmen
September 1977	to	2	2	2	
August 1978					
September 1978	to	3	2	14	
August 1979					
September 1979	to	2	3	2	
August 1980					
September 1980	to	—	4	6	
August 1981					
September 1981	to	2	1	3	
August 1982					

CONSUMER AFFAIRS

Motor Vehicle Dealers Act: Licences

1072. Mr TONKIN, to the Minister for Consumer Affairs:

Pursuant to section 14 (a) of the Motor Vehicle Dealers Act upon how many occasions in each of the past five years has the Commissioner for Consumer Affairs appeared before the proceedings of the Motor Vehicle Dealers Board in order—

(a) to oppose the granting of—

- (i) dealers' licences;
- (ii) yard managers' licences;
- (iii) salesmen's licences; or

(b) to ask for the cancellation of—

- (i) dealers' licences;
- (ii) yard managers' licences;
- (iii) salesmen's licences?

Mr SHALDERS replied:

Appearances of Commissioner for Consumer Affairs before proceedings of the Motor Vehicle Dealers Licensing Board in each of the last five years.

(a) (i) to (iii) To oppose the granting of licences—

			Dealers	Yard Managers	Salesmen
September 1977	to	1	—	—	
August 1978					
September 1978	to	3	—	1	
August 1979					
September 1979	to	5	—	4	
August 1980					
September 1980	to	1	4	12	
August 1981					
September 1981	to	3	—	5	
August 1982					

(b) (i) to (iii) To ask for the cancellation of licences—

			Dealers	Yard Managers	Salesmen
September 1977	to	1	—	2	
August 1978					
September 1978	to	3	—	2	
August 1979					

September 1979	to	4	—	1
August 1980				
September 1980	to	1	1	—
August 1981				
September 1981	to	3	1	—
August 1982				

CONSUMER AFFAIRS

Motor Vehicle Dealers Act: Provisions

1073. Mr TONKIN, to the Minister for Consumer Affairs:

- (1) What other particulars are at present prescribed pursuant to section 33 (3) (g) of the Motor Vehicle Dealers Act?
- (2) Is the Consumer Affairs Bureau satisfied with the general adherence to the requirements of section 33?
- (3) What action has been taken in each of the past five years against those who have contravened these requirements and with what results?

Mr SHALDERS replied:

- (1) Regulation 5 of the motor vehicle dealers (sales) regulations prescribes the other relevant particulars.
- (2) Yes.
- (3) Prosecution proceedings successfully concluded in relation to the undermentioned offences—

1977-78	178
1978-79	67
1979-80	124
1980-81	7
1981-82	60

TRAFFIC: DRIVERS

Licences: Testing

1074. Mr BRIAN BURKE, to the Minister for Police and Prisons:

- (1) Has any consideration been given to compulsory testing of drivers in terms of—

- (a) peripheral vision;
- (b) night vision;
- (c) reaction ability and co-ordination;

at police licensing centres when initial testing is done before drivers licences are issued?

- (2) If "No", why?

Mr HASSELL replied:

- (1) (a) to (c) No.

- (2) I am advised that it has not been considered necessary to test for peripheral vision and night vision as these factors have not been shown to be significant in the cause of road accidents. The reaction ability and co-ordination of a driver is assessed in the practical driving test.

FUEL AND ENERGY: ELECTRICITY

Debt Collection

1075. Mr BRIAN BURKE, to the Minister for Fuel and Energy:

- (1) What authority gives the commission the right to collect debts for electricity incurred by tenants, using the method of adding the debts to the private home State Energy Commission account of the property owner?
- (2) Does the Government endorse this method of debt collection?

Mr P. V. JONES replied:

- (1) There is a two-part answer to this question—
- (a) If the tenant has authorised the commission to put the account in his/her name, he accepts full responsibility for payment of the account. In this situation, the commission has no right to recover the debt from the owner;
- (b) if the account for a tenant-occupied property is in the name of the owner, the owner is the commission's customer and is responsible for payment of the account.
- (2) Yes—when action followed complies with the State Energy Commission Act 1979-1981.

FISHERIES

Whiting: Denham

1076. Mr BRIAN BURKE, to the Minister for Lands:

- (1) Has he received correspondence dated 4 August 1982, from the Denham Fishermen's Association expressing concern at proposed development at the "Big Lagoon" in Denham by a consortium called Club Méditerranée (Australasia) Pty. Ltd.?
- (2) Has his attention been brought to the effects of such a development on the whiting nurseries in the area?

- (3) What is the Government's attitude to the development?

Mr LAURANCE replied:

- (1) Yes.
- (2) The possible effects of such a development on the whiting nurseries in the area was raised in the association's letter.
- (3) The proposal is being examined.

MEAT

Inspection Fees

1077. Mr McIVER, to the Minister for Health:

- (1) What efforts have been made to encourage the Waroona and Harvey Shires to provide local authority meat inspectors within the export abattoirs located in their shire areas?
- (2) Why have not the Public Health Department inspection fees increased at Watsons Spearwood and Robb Jetty?

Mr YOUNG replied:

- (1) Every effort has been made to have Harvey and Waroona provide local authority meat inspectors appointed at the export abattoirs within their areas. The Health Act allows local authorities to appoint and authorise any person to act as their deputy and both Waroona and Harvey have opted to give this authority to qualified officers of the Department of Primary Industry to conduct meat inspection within their areas. This authority must stand, unless the local authority desires a change.
- (2) Following the issue of a High Court writ in 1976 challenging the legality of meat inspection fees, legal opinion advised against the introduction of any increase in fees. The writ has now been withdrawn and the fees are presently under review.

RAILWAYS: FREIGHT

Joint Venture: Kewdale Terminal

1078. Mr McIVER, to the Minister for Transport:

What is the total cost to upgrade Kewdale freight terminal to meet the requirements of the joint venture concept?

Mr RUSHTON replied:

The cost of all work undertaken for Total West at the Kewdale freight terminal is not known as some work has been arranged privately by the company, without involvement by Westrail.

The cost of work carried out by Westrail, as requested by the company to date, is estimated at \$290 000, and these costs will be recovered from Total West.

The member will appreciate that the "Stucon" system is a new concept for use in rail-road transfer of containers and the unit was obtained with a view to promoting rail-road movements. It has been located at Bunbury as the region has potential with timber, fruit, and mineral sands production.

The equipment offers a low cost alternative to providing conventional gantries and can be relocated if required.

RAILWAYS

Bunbury: Gantry

1079. Mr McIVER, to the Minister for Transport:

- (1) What cost was involved in installing the gantry in the railway yards in Bunbury?
- (2) On how many occasions has the gantry been utilised since its installation?

Mr RUSHTON replied:

- (1) I assume that the question relates to the "Stucon" container transfer system which was installed in the Westrail yard at Bunbury. The estimated final cost for the system is \$40 000.
- (2) Since its completion in March and official opening in June the system has been used for demonstration purposes.

CONSUMER AFFAIRS: BUREAU

Staff

1080. Mr TONKIN, to the Minister for Consumer Affairs:

In each of the years since its establishment, how many staff in the following categories have been employed by the Consumer Affairs Bureau—

- (a) complaints;
- (b) investigatory;
- (c) research;
- (d) graduate assistant;
- (e) administrative;
- (f) legal officers;
- (g) clerical support staff—such as typists and so on;
- (h) total?

Mr SHALDERS replied:

- (a) to (h)

ESTABLISHMENT STAFF AS AT JUNE 30 FOR EACH PERIOD

(Source: Public Service List)

	Complaints (a)	Investigations (b)	Exec. Off Sec. To Council & Committee	Research Graduates (c & d)**	Admini- strative (e)	Legal Officer (f)	Clerical Support (g)	Total (h)
1972-73	2	—	—	—	2	—	2	6
1973-74	5	5	2	4	2	—	9	27
1974-75	5	9	2	4	2	1	8	31
1975-76	5	9	2	4	2	1	8	31
1976-77	5	11	2	4	2	1	8	33
1977-78	5	11	2	2	3	1	8	32
1978-79	6	12	2	2	3	1	8	34
1979-80	6	13	2	2	3	1	8	35
1980-81	6	13 + 2 ⁽¹⁾	2	1	3	1	7	35
1981-82	6	13 + 3 ⁽²⁾	2	1	3	1	7	36

⁽¹⁾ 2 additional assistance investigations officers.

⁽²⁾ 1 additional assistance investigations officer 2 special investigators.

**Not included in departmental staff establishment

WATER RESOURCES: IRRIGATION*Camballin Project: Cost*

1081. Mr EVANS, to the Minister for Works:

What is the total cost of the Camballin project to the Public Works Department since its inception?

Mr MENSAROS replied:

The total cost of the Camballin irrigation project to the Public Works Department from its inception to 30 June 1982 is \$7 520 276 comprising capital expenditure of \$2 637 703, operating and financial costs of \$5 364 233 less revenue of \$481 660.

WATER RESOURCES: IRRIGATION*Camballin Project: Cost*

1082. Mr EVANS, to the Minister for Agriculture:

What is the total cost of the Camballin project to the Department of Agriculture since its inception?

Mr OLD replied:

The cost has not been calculated, but would be quite small. The Department of Agriculture carried out a limited amount of cropping research in the early years of the original project, but has had virtually no involvement for the last 20 years.

MINING*Griffin Coal Mining Co. Ltd.: Bunkers Bay*

1083. Mr GRILL, to the Minister for Mines:

- (1) Has an application been made by Griffin Coal Mining Company for a prospecting licence in the Bunkers Bay area?
- (2) What minerals are being sought by the Griffin Coal Mining Company?
- (3) Would he detail the extent of the area to be mined?
- (4) What is the last date that objections may be lodged against the application?
- (5) Has an Environmental Protection Authority report been requested?

Mr P. V. JONES replied:

- (1) Yes. On 28 June 1982 the company lodged applications for prospecting licences 70/22 and 70/23 at Bunkers Bay.
- (2) The applications cover all minerals.

(3) The areas applied for as prospecting licences 70/22 and 70/23 are 19.8 hectares and 32.5 hectares respectively.

(4) 29 August 1982.

(5) It is understood that the Busselton Shire Council has referred the matter to the Environmental Protection Authority.

WASTE DISPOSAL: LIQUID*Canning Vale*

1084. Mr GORDON HILL, to the Minister for Health:

- (1) Have there been any difficulties as a result of the additional use of the Canning Vale liquid waste disposal dump since the closure of the Gngangara site?
- (2) If "Yes", what are they?
- (3) Is the Health Department continuing its efforts to find an alternative liquid waste disposal site in the northern part of the metropolitan area?
- (4) If "Yes" to (3), which sites are being considered?
- (5) Is it a fact that the Canning Vale site is to be used on a trial basis only, for the disposal of liquid waste which was previously deposited at the Gngangara site?
- (6) If "Yes" to (5), for what period of time will the trial last?

Mr YOUNG replied:

- (1) No.
- (2) Not applicable.
- (3) Yes.
- (4) The Government is keen to have an additional site available in the northern part of the metropolitan area. Feasibility studies of proposed modifications to the Midland abattoir project, which will make it acceptable, are continuing. In association with the shires concerned, the possibility of alternative sites in the Shires of Swan and Wanneroo will be examined.
- (5) No.
- (6) Not applicable.

TRAFFIC*Accidents: Guildford*

1085. Mr GORDON HILL, to the Minister for Police and Prisons:

How many accidents have occurred in James Street, Guildford, in

- (a) 1978;
- (b) 1979;

- (c) 1980;
- (d) 1981; and
- (e) up to 30 June 1982,
involving—
 - (i) pedestrians;
 - (ii) motor vehicles only?

Mr HASSELL replied:

- (a) (i) nine;
- (ii) 103;
- (b) (i) two;
- (ii) 109;
- (c) (i) eight;
- (ii) 96;
- (d) (i) three;
- (ii) 77;
- (e) (i) two;
- (ii) 41 to 30 June 1982.
- Total (i) 24
- (ii) 426.

QUESTIONS WITHOUT NOTICE

TOURISM

Caravan Parks

405. Mr WILLIAMS, to the Minister for Tourism:

During a recent caravan tour of the north-west several constituents complained that, although the scenic tour was magnificent, they were far from impressed with caravan park accommodation and facilities in many of the centres. Is the Minister aware of problems with caravan park accommodation in the north-west, and, if so, what action has he taken to overcome these problems?

Mr MacKINNON replied:

For some time, the Government has been concerned with the standard of accommodation in caravan parks throughout the State and for that purpose has provided assistance to shires to improve the quality of those facilities. The publicity for caravan parks is mainly by word of mouth, hence our concern at their standard. This year problems have accelerated in the north, due partly to the sealing of the road to Broome, thus encouraging many tourists

to travel to the north. The publicity and promotion given by regional travel associations also has had an impact. In Carnarvon, for example, tourist accommodation occupancy has increased by 46 per cent this year. This is reflected throughout the north and, as a result, has caused a number of problems.

The Government has ordered consequently a complete study of caravan park facilities north of Perth and I am expecting a preliminary report shortly. It is hoped that the report will assist the Government, local authorities, and investors, to plan for the future. A problem exists in Broome and the Government has made a grant available to the Broome Shire Council to improve the rodeo club as temporary caravan park facilities. The council will be able to provide for future years, caravan park facilities all year round and the rodeo club will be used to accommodate visitors to the Shinju Matsuri Festival next year.

I urge local authorities in the north to review current and future needs in relation to caravan park facilities once the study is made available.

TOWN PLANNING: MRPA

Membership

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

- (1) Is the report correct in this evening's paper that Mr Wilkins, the Chairman of the MRPA, at her direction, has advised Mr Burkett that he is no longer to attend meetings of the MRPA?
- (2) Does it mean that Mr Burkett is now a member of the MRPA, but he is not able to attend meetings?
- (3) If this is the position, what does the Minister intend to do about the membership of the authority?

Mrs CRAIG replied:

- (1) and (2) At the time Mr Burkett made the statement that referred to the hearings, he had been part of a committee considering amendments to the western suburbs planning. I did speak with the Chairman of the MRPA and I did indicate my deep concern because Mr Burkett was part of the committee listening to submissions. Those submissions were later to be evaluated by all members of the authority before, in fact, any recommendation was made to the Government, and Mr Burkett, by his actions, for the third time had breached the confidentiality that he was expected to observe as a member of the planning group of the local authority that he represented on the MRPA.

Therefore, it is my understanding that the chairman spoke with Mr Burkett and indicated to him that it would be proper for him not to attend any more hearings of the authority until such time as the hearings for the western suburbs were over. It is also my understanding that the Mayor of Stirling, Mr Burkett—who is an ALP candidate—indicated that he knew that was the proper thing for him to be asked to do.

- (3) I understand that Mr Burkett was appointed until 31 August this year and at that time his membership lapses and, as usual, the planning committee of that authority has been asked to put forward three names. Those names have never been considered by this Government or, from my understanding, any other Government, to be other than three names not given in any specific order. In other words, one chooses from those names two persons—one as a member and one as a deputy member—who are thought to be suitable representatives of the local authority concerned. Those appointments will be considered shortly.

It is also important to say, as the member for Victoria Park raised this matter, that one of the utterances made by the mayor publicly was in direct conflict to the opinion of the council of which he is mayor. In fact, there is a letter that raised very clearly the fact that the Stirling City Council, of which he is mayor—and one would normally

expect him to make his utterances in accord with the decisions of the council—is in conflict with his expressed opinion. Therefore, the future membership of Mr Burkett will be considered at the time that the nominations are being considered by Cabinet for membership of the group committees of the authority.

SHOPPING CENTRE

Newman

407. Mr SODEMAN, to the Minister for Lands:

- (1) Why was the proposed new shopping centre development for Newman initially awarded to John Holland (Constructions) Pty Ltd.?
- (2) Why has this company decided not to proceed?
- (3) What negotiations have taken place with other prospective developers?
- (4) Have alternative measures been investigated for providing an expanded retail service for the town of Newman?
- (5) What are the Government's plans for the site already allocated for a shopping complex?

Mr LAURANCE replied:

- (1) The land board selected John Holland Constructions' submission as the best development proposal put forward by competing applicants.
- (2) It has found that its costs of development, at current interest rates, will not enable it to offer rentals at economic rates, nor, in the light of current economic conditions, to attract investment funding of the project.
- (3) Discussions have been held with a number of other developers who have shown continued interest in some form of commercial centre development in Newman, including re-release of the new site.
- (4) Yes. The Department of Lands and Surveys has taken part in discussions with the local authority and prospective developers on the possible expansion of the existing retail area in the town.
- (5) The department is currently reviewing ways of bringing economies into the new commercial centre project, with the objective of re-releasing that site in the near future.

TOWN PLANNING: MRPA

Servetus Street: Public Hearings

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

- (1) Is the Minister aware that the Chairman of the MRPA (Mr Wilkins), argued openly at the public hearings against those people who were opposed to the Servetus Street concept?
- (2) If not, will the Minister look at the transcript of the committee's meetings, check it out, and advise us accordingly?
- (3) If the Minister is aware of this does it not place Mr Wilkins in the same position as Mr Burkett, and leave the decision of the committee almost predetermined?

Mrs CRAIG replied:

- (1) to (3) I guess the short answer is "No". I was not at the hearings and I do not know what was said by the chairman or by any other member of the committee. I can assume only that the member for Victoria Park has been told this by the person we were discussing previously—that he has breached his confidentiality. However, as far as his request is concerned that I examine the transcript and look at those submissions that have been made, the answer, of course, is "I will". It is part of my role and it is absolutely essential for me to be conversant with what was said in order that I might determine the matter before I make recommendations to Cabinet. The recommendations must be clear and all submissions must be taken into account.

TRANSPORT: PERTH AIRPORT

Runway

409. Mr GRAYDEN, to the Minister for Transport:

In comments to this House as covered in *The West Australian* of Friday, 13 August, the member for Welshpool is reported to have criticised the Government for supporting a development option for Perth Airport which envisages the lengthening of the present main runway to the detriment and jeopardy of those who will fall under the new flight path. Is the member correct in his interpretation of the Government's position?

Mr RUSHTON replied:

The member's interpretation of the Government's position is misleading and so, for that matter, is his assessment of the various options for airport development put up by the Commonwealth Government.

In the first instance, it should be noted that all four options for airport development envisage lengthening the present runway, by the same amount and over the same time scale.

In the second instance, the Government has said all along that the ultimate development of the airport is option four. Its support of this option is categoric. All advice is that from the points of view of land use planning, traffic management, and noise minimisation, this is the direction in which the airport should be developed.

In supporting this option, the Government is in step with local councils and indeed with the views expressed by the Opposition of recent times.

Discussion of option four, however, should recognise two facts. Firstly, that the option is the most expensive from the point of view of both capital and running costs, and secondly, that there is no proven need at the present time for the option four runway system.

Faced with those two circumstances, the Commonwealth Government may be unlikely to support option four at this time and could well discard even the chance of its ultimate development by sticking to option one.

To avoid that possibility, and also in recognition of the realities of the situation, the Government has given its support to option two—in the short term and purely as a stepping stone to option four.

Any other interpretation of the Government's position is misleading and mischievous.

INCOME TAX: AVOIDANCE

Legislation

410. Mr BRIAN BURKE, to the Treasurer:

As a result of the Prime Minister's and the Federal Treasurer's determination to

push ahead with the announced tax avoidance legislation, I ask the Premier simply whether or not he will assure this House his Government will co-operate fully with the Federal Government in its plans to introduce and implement the legislation?

Mr O'CONNOR replied:

I made it clear in this House last week, as the Leader of the Opposition knows, that it is not my intention to indicate that I will support legislation that I have not seen. I made it very clear also that legislation of this sort might bring a number of innocent victims forward and cause unemployment in some areas. This is of concern to me and I will give no indication of support of the legislation until I have seen it. I indicate again that I am fully supportive of action being taken against people who have broken the law against tax avoidance. As far as I am concerned, retrospective legislation is abhorrent and it would have to be under exceptional circumstances that I would support it.

TRANSPORT: BUSES

MTT: Joondalup

411. Mr NANOVIK, to the Minister for Transport:

When is work due to commence on the erection of the MTT bus depot at Joondalup?

Mr RUSHTON replied:

Work is due to commence on this new depot at Joondalup in about four weeks.

PRISONS: ACT

Regulations

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

- (1) Is the Minister aware that the report of the Legislative Review and Advisory Committee recommends disallowance of the recently promulgated section 25 of the Prisons Act regulations 1982 in view of the fact that it goes further than section 47 of the recently promulgated Act?

- (2) Will he take action to have this regulation disallowed and reviewed by his department?

Mr HASSELL replied:

- (1) "Yes". I am aware of the report and I became aware this afternoon when the Speaker tabled the report in this House, and I obtained a copy. That was the first time I was aware of it.
(2) The matter will be properly considered.

RAILWAYS: FREIGHT

Joint Venture: Charges

413. Mr SIBSON, to the Minister for Transport:

Could the Minister give the House some comparative freight rates and service schedules which would illustrate the position of country people now that the cartage of small goods has been deregulated?

Mr Bryce: You already have the answer.

Mr RUSHTON replied:

The following rates are indicative of what country people pay for cartage under the new competitive system and what they would have paid had the old regulated system been maintained—

	Total West	Westrail
18 kg parcel ex Kewdale to		
Albany	\$6.00	(\$7.58)
Bunbury	\$5.00	(\$6.08)
Southern Cross	\$6.00	(\$6.83)
3 tonnes groceries to		
Narrogin	\$122.00	(\$162.50)
Three Springs	\$152.00	(\$183.00)
2 tonnes Beer to		
Morawa	\$102.00	(\$131.00)
West Kalgoorlie	\$122.00	(\$148.70)
Esperance	\$142.00	(\$178.50)

Mr Pearce: Ask some of your country members. They are aware of the complaints about this system.

Mr RUSHTON: The member does not know what the country looks like.

Mr Pearce: I drove through the country a couple of weeks ago and every shop at which I stopped had complaints because everything they asked for does not come on the train.

The SPEAKER: Order!

Mr RUSHTON: In addition to these better rates, clients are now offered a better service. Illustrative of this is a comparison of the general acceptance times for parcels and general goods, before and after the establishment of Total West. The member for Avon complained that the lights were on at Kewdale late into the night instead of going off at 4.30 p.m. The reason is that better service is being given.

Acceptance Depot	Type of Traffic	Westrail Closing Time for Acceptances	Total West Closing Time for Acceptances
Kewdale	—Parcels	4.45 p.m. (Kalgoorlie) 5.00 p.m. (Elsewhere)	7.30 p.m.
	—General Freight	3.00 p.m.	4.00 p.m.
Roe Street	Parcels and Small Freight	2.00 p.m.	5.30 p.m.
Subiaco	—Parcels and Small Freight	2.00 p.m.	5.30 p.m.

Mr Davies: It takes two hours to get to Kewdale.

Mr RUSHTON: Members can see from the information I have given that the country is gaining.

TECHNOLOGY PARK

Establishment

414 Mr BRYCE, to the Minister for Industrial, Commercial and Regional Development:

- (1) Is it the Government's intention to establish a technology park in Western Australia?
- (2) If so—
 - (a) will he indicate when; and
 - (b) will he table a list of the conditions that will apply to firms interested in establishing themselves at such a park?

Mr MacKINNON replied:

- (1) and (2) The question of the technology park and its establishment in this State is currently before the Government for consideration and, when a decision has been made, an appropriate announcement will be made giving details if the decision is in favour of the park.

ROAD: FREEWAY

Kwinana: Congestion

415 Mr TRETOWAN, to the Minister for Transport:

Bearing in mind that under a Labor Government there would probably not

have been the provision of the new Mt. Henry Bridge and southern extension of the Kwinana Freeway, as representative for many thousands of residents now fortunately benefiting considerably from this system, I would, on behalf of my constituents, congratulate the Government on its foresight and initiative in bringing forward to fruition this tremendously valuable and important facility.

Several members interjected.

Mr TRETOWAN: However, some traffic congestion seems to be occurring in the narrower section of South Street near Murdoch University. Is the Minister aware of this and, if so, what action is contemplated to relieve the situation?

Several members interjected.

The SPEAKER: Order! I point out that, if interjections continue, I will have no alternative but to bring question time to a close.

Mr RUSHTON replied:

Firstly, I thank the member for his kind remarks.

These new facilities are bringing tremendous benefits to people living in and travelling through the area, in terms of the considerable travel time saved with consequent cost savings, and the safer travel it affords. There are also the benefits to residents from the substantial removal of through-traffic from their residential streets.

This \$35 million 6.5 km extension development has constituted a major step forward in this City's road network, and work is now progressing on a northern extension of Mitchell Freeway to serve the needs of the rapidly growing northern suburbs, all of which would apparently not be occurring under a Labor Government, as the ALP publicly stated it would freeze freeway development.

I am aware of the traffic situation that has developed in the narrow section of South Street near the university and advise the member that action is being taken to overcome this problem.

The State Government recently has allocated additional funds totalling

\$185 000 to the Melville City Council so that the South Street-Murdoch Drive intersection can be channelised and the dual carriageway of South Street extended from the intersection through to the university.

The intersection will be controlled by traffic signals, and these will be installed, at a further cost of some \$30 000, by the Main Roads Department.

I understand that the council's intention is to get the works under way as quickly as possible.

I thank the member for his representation on the matter.

EDUCATION

Class Sizes

416. Mr PEARCE, to the Minister for Education:

- (1) Is he aware of the Australian Teachers Federation biannual survey which has again shown this year that Western Australia, along with Queensland, has the worst class sizes in the nation?
- (2) Can he outline any moves that he or the Government intend to make to reduce that unfortunate situation which is cramping the education of our children?

Mr CLARKO replied:

- (1) and (2) I saw a report in the newspaper of the Australian Teachers Federation survey, and I was asked by the Press for comment. I said I was not in a position to comment. I have spoken to members of my staff and requested them to obtain full details of the survey. There are basic weaknesses in just contemplating class sizes as the member who asked the question would know. These days it is not conventional for the various State departments to keep such figures, but to address themselves to teacher-pupil ratios. It is important for the public to realise that at present I know of no person involved in education in this State, and I presume I include the member for Gosnells, who regards education in this State as not being of a high standard.

HOUSING: ABORIGINES

Swan Valley Fringe Dwellers

417. Mr SODEMAN, to the Minister for Housing:

- (1) Is the Minister to hold a meeting with the Swan Valley fringe dwellers?
- (2) If so, when?
- (3) What is the purpose of the meeting?

Mr SHALDERS replied:

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

- (1) Yes.
- (2) I am to meet Mr Bropho and representatives of the Swan Valley fringe dwellers next Monday at the Saunders Road property at Middle Swan.
- (3) The purpose of the meeting is to honour an undertaking I gave some months ago to Mr Bropho that at such time as I received a recommendation from the Aboriginal Lands Trust regarding the future of the Saunders Road property, I would meet him to ascertain his opinion about the trust's recommendations.

On a number of occasions Mr Bropho has sought a meeting with me to discuss this matter. Consistently I have advised him that it was proper for me to wait until I had a recommendation before me about the future of the property. A recommendation had been made by the ALT to a former Minister for Community Welfare, but knowing of the concern of the Swan Valley fringe dwellers and other people who support that group, I asked the ALT to reconsider the question and to consult Mr Bropho and the fringe dwellers about it and again make a recommendation to me.

I do not think there is any secret about the fact that the trust has now recommended that the property be leased to the Aboriginal Advancement Council. When that recommendation reached me I wrote immediately to Mr Bropho and advised him that I had received the recommendation. I asked him to

contact my office with a view to making arrangements for us to meet at a convenient time. That is the purpose of the meeting.

FUEL AND ENERGY: OIL EXPLORATION

Exmouth Plateau

418. Mr GRILL, to the Premier:

- (1) Is it correct as reported in *The Australian* on Monday that the Esso-BP consortium is withdrawing from a \$60 million drilling programme on the Exmouth Plateau because of a disagreement with the Western Australian Government?
- (2) Was it correctly reported in the same paper that the Hudbay Oil (Australia) Ltd. group intends to relinquish its tenements?
- (3) If that is correct—
 - (a) what is the nature of this dispute;
 - (b) what chance is there of getting some other group to take up those permits?

Mr O'CONNOR replied:

- (1) to (3) Off the cuff, I cannot give the member the answers he requires. I suggest he puts the question on notice and I will get the details.

RAILWAYS: FREIGHT

Joint Venture: Opposition's Statements

419. Mr BLAIKIE, to the Minister for Transport:

- (1) Is the Minister aware of statements made by the Opposition in April that it would do everything in its power to reverse the legislation which enabled Westrail to enter into a joint venture for the handling of smalls freight?
- (2) Does he consider that these premature statements have bound the Opposition into a commitment to see the joint venture fail despite the fact that, in the judgment of the Commissioner for Railways, a joint venture is the best possible response for Westrail to make to the progressive deregulation of smalls traffic?

Mr RUSHTON replied:

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

(1) Yes. In this House on 21 April 1982, more than two months—

Mr Bryce: The Minister gave the member for Vasse the answer when he gave him the question. It is a blatant misuse of question time.

The SPEAKER: Order! I suggest that cross-Chamber conversation should cease.

Point of Order

Mr BRIAN BURKE: I rise on a point of order to indicate to you that it has become clear that although it is a difficult area so far as Standing Orders are concerned, the Minister for Transport is consistently abusing question time. If we are to maintain order in this place during questions without notice, it will require goodwill on both sides. That presupposes there will not be a concerted campaign by the Government to occupy the time with questions that are the subject of answers that are handed to people as they are answered without notice.

I know that there is no specific Standing Order to which I can draw your attention, Sir, but I can say this: If this Minister continues to abuse question time in the way he is doing—

Mr Clarko: He is not abusing it.

Mr BRIAN BURKE: —there will be more than one occasion on which you will require that questions without notice cease.

Speaker's Ruling

The SPEAKER: The situation with respect to questions without notice, as the Leader of the Opposition would know, is that they are entirely at the discretion of the Speaker. In recent times the practice has been that questions are taken at 5.45 p.m. and I have assumed it is the will of the House that questions continue until 6.15 p.m. so that there is half-an-hour of question time. In those circumstances there is not much I can do about extending question time. In the present circumstances I kept watch on the number of questions that have been asked and who has answered them. Seven questions have been asked by the Opposition and answered by the Ministers, and about the same number of questions without notice have been posed by members on the Government

side and answered by Ministers. I believe question time is a very important time in the House, and it is my intention to use the discretion I have to ensure that the purpose of question time is not abused. It is my intention to allow question time to continue today until such time as I believe all members of the House have had a reasonable opportunity to ask questions of Ministers.

Questions (without notice) Resumed

Mr RUSHTON: I will commence my reply again as follows—

- (1) Yes. In this House on 21 April 1982, more than two months before the joint venture had commenced operations, the Opposition repeatedly stated its desire to see the joint venture fail.
- (2) The Opposition does appear to have caught itself up in its own desire to be negative. I notice the Opposition has tried recently to shift ground, so that it now opposes the joint venture only if its services do not improve, which is a far cry from its original total opposition to the venture.

The Opposition now apparently supports the Government's policy to progressively deregulate freight transport, three years after the policy was announced.

Perhaps in another three years the Opposition will recognise that under the deregulated freight policy, Westrail was faced with two main alternatives. It could contemplate either total withdrawal or major rationalisation of its smalls traffic, or it could seek to make more flexible use of road transport with rail doing the consolidated linehaul wherever feasible. From the point of view of both the general community and Westrail, the second alternative was preferable.

A joint venture was recommended by the Commissioner for Railways as the best way of achieving the desired flexibility, while at the same time maintaining reasonable services and costs.

The Opposition's problem now is that it is caught without any positive ideas as to how Westrail should handle smalls while, at the same time, being hopeful that Westrail's own positive, commercial response to smalls freight should not succeed.

ELECTORAL: ELECTION

Federal

420. Mr BRIAN BURKE, to the Premier:

I preface my question by drawing the Premier's attention to the fact that under the Fraser Government Australia has gone to the polls, on average, every two years. I ask the Premier—

- (1) Is he aware of increasing speculation that there will be an early Federal election?
- (2) Is his Government opposed to Australians being forced to the polls prior to the time that it becomes legally necessary, in the absence of any mitigating or compulsive circumstances?

The SPEAKER: Order! That question is out of order in that it does not fall within the ministerial responsibilities of the Premier or that of any of the Cabinet.

PUBLIC RELATIONS: CONSULTANT

Conflict of Interest

421. Mr PEARCE, to the Premier:

On the Channel 7 news on Friday night the Premier appeared to say that the Government public relations consultant (Mr W. W. Mitchell) is being paid also by certain companies to look after their interests and to mount a campaign against the Federal Government's announced intention to legislate to collect money that has been lost to the Taxation Office because of bottom-of-the-harbour schemes. If that is so, does the Premier see any conflict of interest on the part of Mr Mitchell in conducting this campaign at the same time that he is being paid to advise the Government on political matters?

The SPEAKER: Order! I will allow the Premier to answer that, but clearly it is another question that is out of order. It would have been unfair for me to allow

the question to be asked without allowing it to be answered, but I draw attention to the fact that we have Standing Orders that determine practices in this House and the questions that may be asked.

Mr PEARCE: I appreciate your allowing the question to go forward, but the question deals with a potential conflict of interest on the part of the Government adviser.

Mr Clarko: On what basis are you speaking now? Are you just having a chat?

Mr PEARCE: I am concerned—

Mr Hassell: Don't tell me he is speechless!

The SPEAKER: Order! There is no point of order.

Mr O'CONNOR replied:

If I recollect correctly what happened when I was interviewed for the Friday night's edition of the Channel 7 news, I was asked the question whether one of the Government's public relations officers was involved in some work in connection with the submission of papers on the bottom-of-the-harbour operations. I said that to the best of my knowledge this was so. I was then asked who this person was, and I replied that it was Mr W. W. Mitchell. I said this

because a letter from Mr Mitchell was attached to the documents that came forward. I would not know whether Mr Mitchell was paid for his work. What he does outside the public relations work which he carries out for the Government is not my affair.

STATE FINANCE: CONSOLIDATED REVENUE FUND

Recurrent Revenue

422. Mr I. F. TAYLOR, to the Treasurer:

Is it a fact that not all recurrent revenue—that is to say, all the income derived from or in relation to income collected for the purpose of the Consolidated Revenue Fund—is credited to the Consolidated Revenue Fund in the year in which it is raised?

Mr O'CONNOR replied:

I cannot reply to that question offhand. I would have to check to ensure as there may be some amounts of which I do not know which are not so credited. If the member puts his question on notice, I will obtain a reply for him.