Legislative Council

Thursday, 17 November 1983

The PRESIDENT (Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

HEALTH: TOBACCO

Advertising: Petitions

On motions by the Hon. S. M. Piantadosi, the following petition bearing the signatures of 25 persons was received, read, and ordered to lie upon the Table of the House—

TO:

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

We the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco advertising can we expect that the uptake of smoking by children will be significantly reduced.

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

(See paper No. 491.)

A similar petition was presented by the Hon. W. N. Stretch (nine persons).

(See paper No. 492.)

RECREATION: ACTIVITIES

Select Committee: Report

HON. LYLA ELLIOTT (North-East Metropolitan) [2.21 p.m.]: I seek leave to present the interim report of the Select Committee on Sport and Recreation Activities in Western Australia.

Leave granted.

Hon. LYLA ELLIOTT: I am directed to report that the Select Committee requests that the date fixed for the presentation of its report be extended until Wednesday, 2 May 1984. I move—

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

(See paper No. 494.)

CONSTITUTION ACTS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. H. W. Gayfer, and read a first time.

Second Reading

HON. H. W. GAYFER (Central) [2.23 p.m.]: I move—

That the Bill be now read a second time.

I have not circulated a second reading speech at this stage; it is short and I will cause it to be photostated on completion. I do not have the same facilities as Ministers and others sitting on the front bench.

The object of this Bill is to correct a farcical situation which has arisen from some extremely bad drafting and/or a clerical mistake arising from amendments to section 47 of the Acts Amendment (Electoral Provinces and Districts) Act as introduced in this House in May 1981. At that time the Hon. Jim Brown drew attention to the anomalies which would have been created by the passing of that Bill, but various members, including myself, sincerely doubted that such would be the case. The Hon. Jim Brown again referred to the matter in his speech on the Address-in-Reply on 20 April 1982, on page 737 of *Hansard*, when he made the House aware that he had caused many letters for opinions to be written during the previous 12 months, and the replies as quoted justified his belief that the Constitution Acts Amendment Act did in fact create a ridiculous state of affairs electorally which could only lead to complications after the 1983 elections on the new province boundaries.

Of course the Hon. Jim Brown was right, and the purpose of this Bill is to rectify this untenable position. What has happened, in effect, is that eight members of the Legislative Council do not represent the same area as their counterparts who represent a province by the same name. To simplify the position, let me explain that the Hon. Gordon Atkinson and I are both by law members for the same province. Central Province has, with other provinces, been defined by the Electoral Commission, yet we both represent, according to the interpretation of the Constitution Acts Amendment Act, two vastly different areas of the State. This has only happened because of the wording of the amending Bill of 1981.

The PRESIDENT: Order! Honourable members are completely out of order in carrying on general conversations while another member is addressing the Chair. This is to cease.

Hon. H. W. GAYFER: The implications are that if I were to die or to resign from this place, someone would have to be elected to replace me as member for Central Province on different boundaries representing a different part of the State from the legally defined area of Central Province. The same would apply with the Hon. W. G. Atkinson. The same situation would apply in the case of the Hon. J. M. Brown, the member for South-East Province; the Hon. A. A. Lewis, the member for Lower Central Province; the Hon. Tom Knight, the member for South Province; the Hon. G. C. MacKinnon, the member for South-West Province; the Hon. G. E. Masters, the member for West Province; the Hon. Margaret McAleer, the member for West Province; and the Hon. I. G. Pratt, the member for Lower West Province.

The utter confusion existing in the minds of electors of the various provinces and shires contained therein is both real and constantly aired. We members likewise find ourselves in a ludicrous position as far as representation is concerned. The matter has been raised with the President, who sought clarification from the Attorney General, the Hon. J. M. Berinson, who caused a letter to be sent in reply to the query. Mr Berinson's letter, of which I have a copy, is addressed to the Hon. Clive Griffiths, MLC, President of the Legislative Council, Parliament House, and reads as follows—

> Dear Mr President,
>
> Boundaries of Provinces represented by Country Members elected in 1980.
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> I regret very much the delay in responding to your letter of July 28. The pressures of the current session, as well as my commitments to Budget discussions, have made this unavoidable.
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> Having taken the advice of the Crown Solicitor, the position may be briefly set out as follows.
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> Should a by-election be made necessary by the retirement of a member elected in 1980, the new Province boundaries would apply. However, this does not conclude the matter. In particular, s. 47(1) (a) of the Constitution Acts Amendment Act provides that every such member "... shall continue to represent in Parliament the province of the same name as the province for which he was elected with the same boundaries as it had immediately prior to (the date of the coming into operation of the Acts Amendment (Electoral Provinces and Districts) Act, 1981)."
>
> The effect of this is that a member should be recognised as representing electors within the boundaries of his original province even though these electors may not be represented by the member elected in 1983 for a province of the same name. In summary, each member of the Legislative Council now represents his province as defined in the January 20, 1982, Gazette, from May 21, 1983, except for the following who retire in 1986:
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> J. M. Brown, South East
> H. W. Gayfer, Central
> A. A. Lewis, Lower Central,
> T. Knight, South
> G. C. MacKinnon, South West
> G. E. Masters, West
> M. McAleer, Upper West
> I. G. Pratt, Lower West.
>
> These will continue to represent their respective provinces as defined in June 9, 1976, Gazette.
>
> It should be noted that the position would change given the enactment of the Acts Amendment (Constitution and Electoral) Bill 1983. By clause 12, this introduces a new s.8B to the Constitution Act Amendment Act allocating the 1982 gazetted provinces to the above members.
>
> Best regards,
> Joe Berinson, M.L.C.,
> Attorney General

It will be noted that in his reply Mr Berinson admitted to the anomaly by suggesting that if the proposed Acts amendment Bill of 1983 were adopted, the problem would be rectified. As that Bill was not passed by this Chamber, I have moved that the matter be cleared up in this practical manner.

I commend the Bill to the House.

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

ROAD TRANSPORT: DANGEROUS GOODS

Disallowance of Regulations: Motion

HON. A. A. LEWIS (Lower Central) [2.31 p.m.]: I move—

> That the Dangerous Goods (Road Transport) Regulations 1983, made under the Explosives and Dangerous Goods Act 1961, published in the *Government Gazette* on 20 September 1983, and laid upon the Table of the House on Tuesday, 27 September 1983, be and are hereby disallowed.

I have talked to you, Sir, the Clerks, and members of the Standing Orders Committee and it seems ridiculous that I should have to move to disallow 236 pages of regulations to get a point across about regulations with which I disagree and which comprise about one page. Those regulations are Nos. 402 to 408 inclusive.

These regulations put a great deal of pressure and financial commitment on people who distribute fuel. Alternatives have been put to the Minister and his predecessor and the latter agreed with them, but the department would not carry out what the Minister told it to do. I give the Minister all the credit in the world. Members would have heard him refer to the meetings which have been held about this matter, because I mentioned them when I was talking about a totally different matter; that is, overhead electricity lines. The Minister suggested I see him about the matter and I did so.

The Minister has altered some aspects, but he has not amended the regulations with which I disagree. As a result every vehicle with a tank with a capacity of over 500 litres used by a distributor of fuel must pay a licence fee of $65 per annum.

Yesterday some of my colleagues met with the Minister and departmental officers and they were told this was a once-only situation. Regulation 407 reads as follows—

> A licence under these regulations in respect of a vehicle is valid only for the transport of the dangerous goods specified in the licence and subject to any conditions that may be specified in the licence and, unless renewed in accordance with these regulations or cancelled, expires—
>
> (a) 12 months after it is granted; or
>
> (b) in the case of a licence issued before the prescribed day, at such other time being not less than six nor more than 18 months after the licence is granted as is specified by the Chief Inspector in the licence.

Regulation 408 says—

> (1) Upon application made within one month before a licence under these regulations in respect of a vehicle is due to expire together with payment of a fee of—

Two fees are set, one is $25 and the other is $65. To continue—

> —the Chief Inspector may renew the licence for a period of 12 months.

Hon. Peter Dowding: Regulation 207 was the one we were talking about as being a once-only situation.

Hon. A. A. LEWIS: Well, the Minister did a very good job of confusing my colleagues. He knew what I was talking about, as did his advisers. I had never discussed the extra impost the Minister's department wanted to levy on people who were distributing fuel; that is, the $125 fee for the inspection of tanks. I did not even consider that. This one is bad enough without going back to the first mistake the Minister made.

Hon. Peter Dowding: But other members raised issues at meetings with us of which this was not one.

Hon. A. A. LEWIS: Is it not interesting that a Government member calls backbench members on the Opposition side to meet with him, but he does not call me? I am the person who is moving to disallow the regulations, but he does not call me to meet with him because he knows he is in a bind. He will admit he is in a bind and I think privately he agrees with me.

Hon. Peter Dowding: You are wrong.

Hon. A. A. LEWIS: The Minister says that I am wrong. Well, we will see what the House says and then the Minister might smile again. It disturbs me that I have to do this. The Minister has been offered the chance to alter the position, which normally is a fairly simple procedure, and does not entail disallowing all the regulations, with the work that involves for the department. These regulations will open up a Pandora's box, because I know there are members in the House who want to move to disallow the fee imposed on the cartage of fertiliser. The Minister has just made trouble for himself, because he or his department is being so pig-headed about this.

The only question I wish to raise relates to an annual licence fee being charged for each vehicle that carries the tax. The Minister will say the amount is only peanuts. Alternatives have been put to the Minister and those alternatives were approved by the previous Minister. As I understand it, he instructed his department to do this.

The Minister should not wag his head, because I have that in writing. I have the letter which was sent to the department, and if the departmental people are conning the Minister, he should not wag his head at me. I believe the Minister has been conned by people who are trying to get greater inspectorial power in order to stop people in private enterprise doing their jobs.

One again the "Minister for Increases" intends to bite the private sector. It is shocking that every second move the Government makes is one to belt the private sector. A licence fee of $65 a truck does not seem to be a large amount, but when it is added to all the other licence fees, transfer fees,

plate fees, and the other imposts this Government is doubling or tripling—

Hon. Mark Nevill: What about payroll tax concessions?

Hon. A. A. LEWIS: What payroll tax concessions? Good God, the Hon. Mark Nevill ought to read what is in the Budget. The man does not understand. Obviously he has been an employee all his life; he has never had to pay payroll tax. What worries me is that a man like that can make these sorts of comments and think he is right. He has never been in the private sector paying the piper.

It is a great shame we cannot come to some reasonable compromise on this item. It has been suggested to the Minister and to his advisers that the oil companies, as they have done in the past in the city, should inspect any vehicle with a tank that goes to the terminal at, say, Fremantle to fill up with fuel. The oil companies could be responsible for making sure the vehicles are satisfactory, which would save the Government the expense of about eight inspectors. The oil companies have auditors and representatives who could do this inspection work.

I have been involved in the distribution of fuel in a country area and I know that a tank is not cleaned for a fortnight unless the vehicle is involved in a crash or knocks into something. I do not believe the department has a right to inspect the tanks, although the Police Traffic Branch would have the right to make sure that the vehicles are roadworthy. Obviously all these regulations are written by city people.

Regulation 402 talks about submitting the vehicle to which the application relates to inspection at any time satisfactory to the chief inspector. Is that helping private enterprise? The regulation does not say that the time shall be acceptable to both parties; it says only that the time shall be satisfactory to the chief inspector. Such a provision sounds like something the Minister would include as a member of this Labor Government; it is an example of the bully boy tactics adopted by this Government.

Hon. Peter Dowding: It was done under your Government.

Hon. A. A. LEWIS: No, we knocked that regulation out. We would not let our Minister bring it in. This Minister has been conned. He is too smart by half, and falls into holes; he does not understand the portfolio he is supposed to control.

Hon. Garry Kelly: Oh, come off it.

Hon. A. A. LEWIS: The member says I should come off it, but he knows the Minister does not understand the practical implications of these regulations.

Hon. Robert Hetherington: That's nonsense.

Hon. A. A. LEWIS: The Hon. Robert Hetherington would talk "academia", but I talk in practical terms.

Hon. Robert Hetherington: You are still talking nonsense. I have read the regulations and I know what is in them.

Hon. A. A. LEWIS: The member cannot have read the regulations; if he has, he has not understood them.

The second part of this regulation to which I refer says that the inspection shall be at a place within 150 kilometres of the place specified in the application as the place at which the vehicle is normally based, and is satisfactory to the chief inspector, or another place that is mutually accepted. The licensee will have to pay the $65 licence fee and the cost of taking the truck to the inspection point. As the Hon. Fred McKenzie would know, that transportation would probably cost three days' wages on the railways. The private enterprise person must take his truck 150 kilometres at his expense and then pay the $65 licence fee. If he is refused a licence he must take his vehicle back to where it is normally stationed, and then do another round trip at a future date.

Hon. S. M. Piantadosi: He will charge extra for it on the runs.

Hon. A. A. LEWIS: The member has just hit the nail right on the head. It is the end user who will pay for it, the person the Labor Party does not give two hoots about.

Hon. S. M. Piantadosi: You haven't understood the point that the—

The PRESIDENT: Order! I ask the honourable member on his feet not to engage in a discussion with another member, and I ask the member who is entering into the discussion to refrain from doing so.

Hon. A. A. LEWIS: He did make a valid point. I have been trying to make that point, and I hope the Minister picks it up as well as the Hon. S. M. Piantadosi has picked it up. All these costs must be passed on to the consumer. He is the person who will pay finally. The Minister might say that these amounts are peanuts, and I would accept that the licence fee is small, but these costs build up. The private enterprise person must pay $65 as a licence fee per vehicle for the tank, plus the expenses of the 300 kilometre round trip at the usual commercial rate, which for a nine-tonne truck would be $1 per kilometre. The total would be $365—$1 a day without adding any other ex-

pense. It may be regarded as peanuts to some, but who pays it in the end? People like the Hon. W. G. Atkinson, the Hon. Mick Gayfer, the Hon. Jim Brown, the Hon. Tom Knight, and the Hon. Gordon Masters, although the Hon. Gordon Masters is only a hobby farmer, will have to pay for the cost of this licence even though the licence is unnecessary and the inspection could be done another way. The alternative was suggested to the previous Government and to this Government. The previous Government accepted the point and did not bring in a regulation such as the one to which I refer. Yet a Minister of this Government and his advisers have a head-in-the-sand attitude; they are quite prepared to regulate and to bolt down private industry, which tries to do a job at the cheapest possible rate for the consumer.

This regulation has nothing to do with safety. I have not been able to obtain a reasonable answer from the Minister as to accidents with fuel. At one stage it took me seven weeks to get even one reply from the Minister about accidents. I must rise in this place to talk about this regulation because the Minister will not give anybody a fair deal. He wants to override and to be smart. Obviously his officers follow the "Peter" principle because they believe another eight or nine inspectors will enable people to move up the scale.

We have a Government that is supposed to be saving the taxpayer money and has said that it will impose no increase in taxes and charges; but by way of this regulation the Minister has brought in another increase. He does not mind doing that; he could not care less about what he does to the public. His philosophy of not worrying about the private individual will rule. I urge the House to disallow the regulations.

HON. W. G. ATKINSON (Central) [2.50 p.m.]: I thank the Minister for the opportunity to hear from the department yesterday about these regulations. However, that information left me with a number of questions on the matters that the Hon. Sandy Lewis has mentioned. I am still not clear in my mind about this matter, because yesterday I received assurances that the licence fees were a once-only charge.

Hon. Peter Dowding: That is on the tank. The vehicles are not.

Hon. W. G. ATKINSON: So we have a licence fee of $65. In addition to that, the owner of the vehicle, when applying for a licence, must have in his possession an insurance policy amounting to $500 000. This is quite an impost, not only on the contractors who will use their vehicles for most of the year, but also on the farmers who wish to transport nitrogenous fertilisers. Once the tonnage carted goes over 10 tonnes a farmer who applies for that licence has to be in possession of an insurance policy of $500 000 and must pay a licence fee of $65.

An additional charge will apply to the farmers in relation to the containers used in the transport of dangerous goods. Regulation 212 states—

> 212 (1) Approval of a bulk container for the packing of dangerous goods for transport ceases to have effect if
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> (a) 2½ years has expired since the date, if any, marked on the bulk container in accordance with regulation 214 as being the date on which the bulk container has last passed an inspection pursuant to this regulation by a person approved for that purpose, or
>
> (b) 5 years has expired since the date, if any, marked on the bulk container in accordance with regulation 214 as being the date on which the bulk container has last passed a test pursuant to this regulation by a person approved for that purpose.

An unclear situation has arisen, because on the one hand the message we received yesterday was that the fee was once-only charge, but on the other hand when we read paragraphs (a) and (b) of the regulations, the situation is different. As a farmer, I am not happy with the costs involved in bulk fuel cartage, because farmers are great users of fuel.

We have mentioned already the insurance costs associated with other Bills; for example, the straying of stock. Now the farmer who wishes to license a truck for the purposes of transporting dangerous goods has to pay in the vicinity of $235 per annum for an insurance policy for public risk up to $500 000. Added to that is the cost of the inspection of the vehicle each year. That is not an inconsiderable amount and it is a pity that this part of the regulations cannot be looked at without moving for the disallowance of the whole section relating to dangerous goods. We wish only a small part to be clarified.

HON. PETER DOWDING (North—Minister for Fuel and Energy) [2.55 p.m.]: I thank the Hon. Gordon Atkinson for his comments. He raised some queries that are quite properly addressed. The Hon. Sandy Lewis focused his comments on only one aspect of these regulations. I do not concede the points the Hon. Sandy Lewis raised which were critical of the department. He suggested that the department put these regulations up to the previous Minister, who knocked

them back, and the department then put them up to me again, without comment.

These comments have been on the boil now for some years; they have gone to and fro between the political officers of Government and the department. I understand Mr Lewis has been fairly strident in his comments over the last year or so. It is not the case that the previous Minister or previous Cabinet rejected these regulations. It is the case that when these regulations came to me I gave them searching and careful examination and made my alterations to them.

It has to be said to members opposite that these are not regulations which apply simply to farmers or to the cartage of fuel or fertilisers. They are regulations based on those adopted in other States of Australia. They are designed to provide more uniformity in relation to the transport of a range of goods which are classified in the schedule to the regulations.

I invite honourable members to look at the fifth schedule, which gives a range of the dangerous goods covered by these regulations. They run into some 180-odd pages. It is evident that these are regulations designed to deal with a much greater spectrum than simply those focused on by the Hon. Sandy Lewis and the Hon. Gordon Atkinson. In all they total 2 503. These regulations cover a great range of goods; they cover goods which are potentially or extremely dangerous and include ammonium nitrate, which is a potentially dangerous substance.

I was glad the Hon. Gordon Atkinson made the point that 10 tonnes of ammonium nitrate can be carried by the farmer without complying with the special requirements of these regulations. I am informed by my departmental officer that that figure was reached after discussion with the Farmers' Union, which is now known as the PIA. If the Hon. Gordon Atkinson felt that it was not the view of the farming community that the number had to be moved up or down to a small extent, I would be prepared to take that suggestion on board.

It must be recognised, and I think the meeting yesterday recognised it, that ammonium nitrate is potentially very dangerous. I think it is worth mentioning to members that accidents have occurred in the past involving ammonium nitrate in which people have been killed. The classic example was the truck containing ammonium nitrate which blew up in the Eastern States killing the driver and the people who came to the aid of the vehicle. No-one wants to inconvenience the business community, but safety is a requirement for the whole community and it undoubtedly has some costs. If honourable members regard 10 tonnes as an inadequate limit I give an assurance I will review the limit with that input and give consideration to an amendment to the regulations after I have received advice.

I do not believe any of us in this Chamber can play around with the implications that these regulations carry with them. I refer to some of the accidents that have occurred and have been recorded concerning the carriage of dangerous goods. I make the point that not all accidents concerning the carriage of such goods have been recorded, because no mechanism has existed for doing so. The one recorded as perhaps the most horrific was the Spanish incident in which a tanker carrying LPG exploded. It is something that potentially could happen in Western Australia and could cause substantial injury to the public.

In the Spanish incident 200 people were killed and 600 were injured; they were holiday-makers. LPG is one of the dangerous goods covered by these regulations, and it is of the utmost importance that the vehicles and tanks concerned in the carriage of such dangerous goods should undergo stringent tests and licensing. I give the example in the United Kingdom in which a tanker carrying sulphuric acid was breached and overturned, and a woman who went to the assistance of the driver found herself in the acid and was very badly burned and died from those burns. That is another example of the sort of accident that these regulations are designed to avoid.

In Western Australia there have been many examples of accidents of this sort. Fuel tankers have overturned in city and country areas.

Hon. A. A. Lewis: They have overturned after being inspected, and you think this inspection fee will do something about that.

Hon. PETER DOWDING: No, I think the inspection fee will ensure there is a much greater likelihood that the tanks will not be breached in an accident. It will ensure that if they roll over the public will not be so much at risk, because the tanks will be of an approved standard.

I give an example of a country person—and I do not suggest this is any reflection on country people—who carried petrol in a water tank on the back of a truck. Clearly that situation would be caught by these regulations. I refer to another example in which a tanker carrying 19 tonnes of hydrofluoric acid rolled over and the contents spilled on the road. It is conceivable that occurred because the tank did not meet basic safety requirements. In another case containers of hydrochloric acid fell from a truck in Welshpool. One

could go on and on; there are numerous examples. A tanker carrying sulphuric acid collided with another vehicle in March this year. Two people were killed, and although there was no spillage of acid, the dangers in that accident were very considerable. Unless a stringent approach is taken to the carriage of dangerous goods, no guarantee exists that safety levels will be maintained by the people carting the goods. It must be understood that safety involves a cost, and there is a cost to the community in administering safety regulation.

I said specifically to the Hon. Sandy Lewis, and I am surprised he did not mention it in his speech, that I was prepared also to look at the quantum of the licence fee if he were able to demonstrate that people would be significantly affected by that fee. Having an eye on the risks involved, I regard these regulations as extremely important, as did the previous Minister (Mr Peter Jones). I have said to Mr Lewis that if evidence exists that the licence fee will cause hardship to particular sections of the community I will look at a reduction of the fee. I am still prepared to do that.

Hon. A. A. Lewis: Abolish it.

Hon. PETER DOWDING: No, I will not do that, because I believe it is appropriate that where inspections occur people in the industry should make some contribution towards the cost. With due respect to both speakers, it is a modest fee having regard to the money involved in the rigs we are inspecting. We are talking about plant and equipment which may be worth hundreds of thousands of dollars. To talk about an annual fee of $65—and in response to Mr Atkinson, I reiterate a potential fee of $125 for tank inspection every 2½ years—indicates it is nothing more than a modest contribution towards the cost of administration.

It is not the department's intention to impose a licence fee unless some work inspection is required at the end of 2½ years. So long as a tank remains in good order and condition it is not the intention that a repeat cost of $125 be imposed. That is an administrative matter and the regulations permit a fee every 2½ years. The administrative arrangements simply do not contemplate that that would be required. I make that point clear because it is a matter the member raised in his speech.

The Hon. Sandy Lewis has ignored the fact that these regulations have been prepared and introduced in consultation with the industries concerned. The advisory committee which carefully looked at these regulations involved not only Government departments concerned with transport, but also the private transport industry. I think industry recognises these are appropriate regulations.

I say to all members who are contemplating the question of whether these regulations should be permitted to stand, that since their introduction I have not received one piece of correspondence against the regulations. I have received only one submission against them, and that from the Hon. Sandy Lewis, to whom I willingly gave my time to hear his objections.

Hon. A. A. Lewis: If you hadn't you would have been in more trouble than you are.

Hon. PETER DOWDING: I give members opposite a clear and unequivocal assurance that the points raised by Mr Lewis, which are identical to the points he raised today and the points he raised at a number of meetings last year, have been given very careful consideration. It is always open to members to say that the Minister is doing nothing—

Hon. A. A. Lewis: You are.

Hon. PETER DOWDING: With respect, Mr Lewis does not take the broad view of these regulations that it is necessary for members of this House to take.

Having referred to the breadth of the issues covered by the regulations, and having referred to the number of dangerous goods that the regulations cover, the complexity of the issues and, most importantly, the fact that this is an attempt to have a model code to give us some uniformity across Australia, we cannot pretend that in the transport industry we live on an island.

It is important, in my view, and in the view of many honourable members on both sides of the House, that there is much greater uniformity in terms of the licensing requirements in the transport industry throughout Australia. It is intolerable for people to go thorough one procedure in one State and to have to go through quite a different procedure with different criteria in another State, particularly when we are dealing with transport companies which are moving through two or three States in one journey. For that reason, the regulations ought not to be set aside.

The imposition on the very small transport operator who is carting fuel is not thought of by the industry, apparently, as so great as to warrant a representation to the Minister. However, I repeat the unequivocal assurance that I have given, that if any indication of hardship can be raised by honourable members in relation to these regulations, I will give consideration to them most sympathetically.

Since the farmers' group is so well represented in this House, an attempt has been made to reach accommodation with the needs of the rural industry. It is noted that farmers will carry their goods themselves, rather than transport them through transport companies. That is the reason the limits have been reached. If those limits are found by the industry to be unsatisfactory, I undertake unequivocally to give very sympathetic consideration to establishing limits that are appropriate, bearing in mind the farmers' methods.

The Hon. Gordon Atkinson at our meeting yesterday made the suggestion of decreasing the handling of ammonium nitrate fertiliser. We will consider that to find a mechanism for ensuring its efficient distribution.

The transport of fuel is not a matter of concern for oil companies only. It is not a matter that can be rectified by imposing an obligation on the oil companies. In fact, the oil companies represent less than 50 per cent of the owners of the vehicles which will be used in the transport of fuels within the next 12 months, so it is essentially a matter of safety which must lie on the owners and the operators of the vehicles.

With due respect to the problems raised, the safety of the public is of such importance that it justifies the relatively minor problems that the regulations create.

HON. A. A. LEWIS (Lower Central) [3.14 p.m.]: When the Minister replied in his emotive fashion he did not speak at all about the fact that he is licensing a vehicle, not a tank. The actual licence goes on the vehicle that carries the tank.

Hon. Peter Dowding: Both are licensed.

Hon. A. A. LEWIS: We have a Road Traffic Act, and the Minister went so far as to say that we would accommodate farmers with farm trucks; but we are not prepared to accommodate the professional carriers with their top rigs of 10 tonnes. The farmers can be accommodated; we have at times seen farm trucks driven around the place. Most of the farmers put their foot down through the floor boards. That may not happen in the wheatbelt, but it certainly does down in my area.

[Resolved: That motions be continued.]

Hon. A. A. LEWIS: That indicates how crazy the regulations are.

I am not getting at the Minister. I am saying this to protect the people who, before the Minister took up his portfolio, were told by officers in his department that the licence would be introduced, and that they would do this and that before the Parliament, members, or Ministers had ever seen the regulations. I take objection to departments overriding the wishes of the Parliament and of Ministers. I take objection to these people who think that because they have a single purpose—I do not disagree with safety at any stage of the game—they can do what they like and tell my constituents that this is the law. It is not within a bull's roar of being law, and after today it will not be law. The department will have to go back and draft regulations that are acceptable to this House.

A few other members in this House have moved to disallow regulations; but as you know, Sir, I get very sick of being taken as a rubber stamp by any department or any Minister. The departments and Ministers do not listen to what we in the Parliament say. They think they are the only experts, but some of us have been in the industry and, having worked under these conditions, we can tell the department, the Minister, and many of our colleagues the best way to handle the matter. We will not be overriden day by day with emotive speeches about safety in Spain—it had rain on the plain, too. The sort of longbows the Minister drew in his answer to me today jack me up. They are the replies I have had time and time again from the department.

Hon. Peter Dowding: I only gave you one-third of them. Do you want the rest?

Hon. A. A. LEWIS: I have heard the rest and I do not want them. Brilliant lawyer though he is, the Minister does not know much about carting fuel; but some of us do know about it. The situation can be overcome; it will only take the Minister a few moments to tell his department that this will be done, and it will be done. The previous Minister did that, and I am sure the present Minister thinks himself far better than the last Minister, so it will take him even less time to have it done. The previous Government gave an instruction that it was to be done.

The fact that this type of law is in effect in the United Kingdom does not impress me. It may be in Ireland, or in England. It could even be in Scotland; but we are dealing with Australian conditions.

The examples the Minister gave were interesting. He talked about an annual fee of $65 for a vehicle. Then he went to Mr Gordon Atkinson and said that $125 would extend for 30 months, and that the Government would look at it then. He was told that there was no intention at the moment to charge another $125; but that does not appear in the regulations.

I would rather the Minister charged an annual fee of $30 for the inspection of the tank, an inspection I think is a necessity. However, I am ar-

guing about the licensing of the vehicle. The Minister forgot to mention the 150 kilometres each way that someone may have to travel to get the vehicle inspected, and this means a further cost to the consumers.

It is obvious why the Minister did not receive any correspondence against this regulation. The reason is that the people involved were told by officers of the department that the regulation was already in force and they were about to be sent their bills.

The big story has two parts: One is that farmers are allowed to use their trucks to cart this item but the professionals in the carting business are not. The second is that a vehicle is to be charged another licence fee on top of the horrific licence fees, transfer fees, and stamp duties this Government has already introduced. These people will face a further licence fee for the vehicle, but not for the tank.

Really, it is not within the Minister's province but rather within the province of the police or the road traffic people to decide whether a truck is roadworthy.

Hon. Peter Dowding: It doesn't have to be only roadworthy; it has to meet other criteria as well. You must know that.

Hon. A. A. LEWIS: A truck must have its exhausts facing downward or upward—one way or another.

Hon. Peter Dowding: Exactly.

Hon. A. A. LEWIS: But does the farmer's vehicle?

Hon. Peter Dowding: Farmers are exempt.

Hon. A. A. LEWIS: That is right. A farmer with his 10 tonnes of nitrate could blow up the whole of St. George's Terrace, and the Minister would not care because the person was a farmer! I do not think anyone should be excluded when it comes to the vehicles. The inspection can be made at the point of delivery. If the vehicle is not safe—and this has always happened in the past, whether it be a school bus or something else—perhaps because it does not have the right exhaust system, delivery should be refused.

The Minister could not quote any horrific accidents in Western Australia, and to cite a decent accident he had to refer to Spain. He could not find a decent accident in Australia.

Hon. Peter Dowding: That is not so. I told you I quoted only one-third of the list.

Hon. A. A. LEWIS: One was in the east.

Hon. Kay Hallahan interjected.

Hon. A. A. LEWIS: The member thinks it is nonsense, but she is not interested in individual rights.

Hon. Kay Hallahan: Don't tell me what I am not interested in.

Hon. A. A. LEWIS: The member proves that by her interjection. In any case, she knows even less than the Minister, and members know we are having trouble convincing him, in our polite and sweet way, that he is wrong.

I chucked this matter about with the Minister, and I must give him due credit for being prepared to negotiate the prices and everything else. I tried to negotiate last night and he had to make a decision. I do not know whether it was a political one. To get these few regulations disallowed we could have moved in this way in both Houses. Perhaps the Minister will say that the upper House is knocking something back again. He can be assured that his predecessor also would have had it knocked back had he introduced such regulations. I have nothing against the Minister personally; in fact I compliment him on the trouble he has been to and for at least reading the regulations and altering a few things I mentioned to him.

Hon. Peter Dowding: And some you hadn't.

Hon. A. A. LEWIS: Probably, because I was looking at only one particular aspect of this. The House should disallow these regulations.

Question put and a division taken with the following result—

Ayes 17

Hon. W. G. Atkinson	Hon. Neil Oliver
Hon. C. J. Bell	Hon. P. G. Pendal
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. Tom Knight	Hon. W. G. Stretch
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. P. H. Lockyer	Hon. John Williams
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Noes 11

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. D. K. Dans	Hon. Garry Kelly
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	*(Teller)*

Pairs

Ayes	Noes
Hon. I. G. Medcalf	Hon. J. M. Brown
Hon. V. J. Ferry	Hon. Mark Nevill

Question thus passed.

WESTERN AUSTRALIAN TOURISM COMMISSION BILL

Receipt and First Reading

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

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.29 p.m.]: I move—

That the Bill be now read a second time.

Tourism in Australia is a growth industry. With appropriate support the tourism industry can expand Western Australia's economic base and create thousands of permanent employment opportunities.

The development of tourism in Western Australia presents a great challenge. The challenge lies in developing the industry to ensure a widespread distribution of the benefits of development activity, taking into account the full range of financial, economic, social, and organisational considerations. It is a challenge which the Government is determined to accept, thus ensuring the industry develops in a planned, ongoing fashion. The success of the Government's plans to develop the tourism industry will depend largely upon the manner in which the following vital elements are managed—

the role and activity of the private sector interests in the industry;

the role and activity of Government;

the State's ability to attract investment into tourism infrastructure and facilities;

community attitudes towards tourism;

the ability of the industry to plan its development to realise optimum benefits and minimal adverse effects; and

the manner in which the above-mentioned considerations are co-ordinated and directed toward common goals and objectives.

The private sector has a key role to play in the development of tourism in Western Australia.

The Government is currently working on the development of an investment incentive package specifically for the tourism industry. This investment incentive system will be designed to encourage and attract investment in tourism plant and infrastructures. It will assist to place Western Australia in the forefront of tourism infrastructure development. The scheme is being developed in close consultation with the private sector, and its assistance and advice has been invaluable.

The State Government's role in the tourism industry is an important one and may be categorised under the headings of leadership, marketing, planning, research, and development. The attainment of this goal will be reached with the establishment of the Western Australian tourism commission.

The Government will—

ensure that the new commission has the appropriate powers and authority commensurate with its responsibilities and objectives;

create a management environment sufficiently autonomous from the workings of Government, in which marketing can function in a creative and performance-orientated manner;

create an organisation in which employees can pursue and develop a career in the tourism industry, aware that they may make a longer-term commitment to the commission; and

establish an organisation which is structured to enable a high level of commercialisation in its operations on both a day-to-day and longer-term basis.

The commission, through its powers, will be strongly commercial in addressing and fulfilling its objectives, involving itself in a close working relationship with the private sector. This structure will enable the commission's decision-making processes to be open to influences from the private sector and the marketplace, which will facilitate a more commercial approach to planning, research, marketing, and the role of Governments.

The new organisation will encourage financial investment in the tourism industry, by way of direct involvement or other forms of participation and assistance. This will raise investor confidence, particularly in the "pioneering" projects so readily identifiable in many regional locations.

Finally, the Government's initiative will ensure that the new commission's activities will be to address the critical issues of planning and research. Such management disciplines are vital to the development of the industry and will be given a high priority in the structure of the new organisation.

Provisions in the Bill outline the following objectives of the Western Australian tourism commission—

to market and promote Western Australia as a tourist destination for intrastate, interstate, and international travellers;

to increase the amount of travel within Western Australia and the use of tourist fa-

cilities in Western Australia by Western Australians;

to increase—

(a) the number of travellers to Western Australia;

(b) the period during which travellers or tourists stay at destinations in Western Australia; and

(c) the use of tourist facilities in Western Australia;

to improve and develop tourist facilities in Western Australia;

to support and co-ordinate the provision of tourist facilities in Western Australia;

to provide for the more efficient and effective utilisation of investment in tourism in Western Australia; and

to advise the Minister upon any matters relating to tourism or travel that are referred to the commission by the Minister.

Given these objectives, it is essential that the new tourism body have powers commensurate with its stated responsibilities.

The commission's powers are wide-ranging from both a financial and operational point of view. The aim of developing a planning function within the Western Australian tourism commission is to facilitate a strategic development plan for tourism in Western Australia. The plan will comprehensively cover all aspects related to tourism for a 10-year period up to 1994.

This Bill is formulated to make provision for intrastate tourism in Western Australia, interstate tourism from other parts of Australia, and overseas tourism to the State. All tourism motivations—business, holidays, visits to friends or relatives, other, and combined purposes—and all market segments will be provided for in the plan.

The tourism industry is massive and diversified both structurally and geographically—factors which make the co-ordinating role a difficult one. Co-ordination of available resources and the manner in which they are utilised will largely determine the success of the commission. The new commission will have the resources—both financial and manpower—to adopt such a role.

From the Government's viewpoint, the tourism industry is a vital industry in expanding Western Australia's economic base. It is, under the present economic environment, one of few industry sectors experiencing rapid and beneficial growth. It is an area of growth which has the capacity to broaden our economic base, while making a useful contribution by assisting where it really counts—with employment.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. P. G. Pendal.

BUILDERS' REGISTRATION AMENDMENT BILL

Third Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.35 p.m.]: I move—

That the Bill be now read a third time.

HON. TOM KNIGHT (South) [3.36 p.m.]: I want to make it quite clear that I support the Bill as far as it goes, but I maintain the third reading should not be passed because I do not believe the Bill goes far enough. For a start, I do not believe it has enough teeth. It should have State-wide application. For many years I have fought for the extension of the Builders' Registration Act, and that is why I support the Bill to the degree to which it presently goes. It has been my strong contention that the Builders' Registration Act should support the buying public of Western Australia by our pushing forward regulations which further enhance the building industry, and giving this State an acceptable standard for our consumers. This Bill does not go far enough to that end.

I urge the Government to look further at extending the Builders' Registration Act to give it more teeth, because the present penalties are not detrimental to people breaking the rules, regulations, and by-laws of the building code. It does not give enough protection to the consumer in this State. The Bill should go further and should put before the public an accepted standard of building practice. To do this it must be a State-wide Act. I do not believe that the people in the metropolitan area or country areas to which the Act presently extends deserve any more protection than other people living outside those areas. If it is good enough to be in force in the areas we have designated, it should be extended to cover and to protect those people living in the country areas. I repeat that I do not believe the Bill should be read a third time.

Question put and passed.

Bill read a third time and passed.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Recommittal

HON. N. F. MOORE (Lower North) [3.38 p.m.]: I move—

That the Bill be recommitted for the further consideration of clauses 4, 9, 16, and 21.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [3.39 p.m.]: I oppose the motion. I do so, naturally, having notice of the amendments which the Hon. Norman Moore proposes to move if the Bill is recommitted.

I think it is fair to say that the debate on this Bill was extensive and that no part of the debate was more thoroughgoing than that which dealt with the conscientious objection provision. All relevant issues were canvassed in the course of the debate and I see no good reason why the Bill should now be recommitted for further debate on that point.

It is not as though the Bill came on for substantive debate at short notice. It was before the House for the best part of a fortnight, or even longer. Previous indications of the content of the Bill and particularly the conscientious objection provision were available through the knowledge of what had transpired in the Legislative Assembly.

Nothing new has emerged since the debate to justify our backtracking and I would urge the House not to take this step backwards. I do not propose to indicate at this stage my substantive objections to what the Hon. Norman Moore proposes. Perhaps I could simply say that whereas his initial objection to the conscientious objection clause was that it put too much discretion in the vice-chancellor, his listed amendments would put complete discretion in the student himself. It would not be a question of a student establishing conscientious objection, but of merely asserting a conscientious objection, and that would be the end of the matter.

Point of Order

Hon. N. F. MOORE: On a point of order—

The PRESIDENT: Order! I suggest to the Attorney General that I have extended to him an awful lot of licence. I believe he ought to desist in talking about that particular aspect of the proposition. The question is whether or not the Bill will be recommitted and any subsequent amendment should not be discussed now.

I ask the Hon. Norman Moore if he was going to raise a point of order.

Hon. N. F. MOORE: The point of order was along the lines you have just mentioned, Sir.

Debate Resumed

Hon. J. M. BERINSON: That is obviously good advice and I take it gladly. I will not take the particular argument further, but leave members with the general argument that this Bill was fully and properly canvassed and that nothing has emerged since the passing of the second reading and the rejection of various amendments during the Committee stage to justify its recommittal.

HON. N. F. MOORE (Lower North) [3.43 p.m.]: I seek to recommit the Bill to debate four clauses because of certain circumstances, including the fact that my substantive amendment was not agreed to, and therefore certain other things could not happen. As a result of these circumstances I was not in a position during the Committee stage to move amendments, and I seek to do so now.

Question put and a division taken with the following result—

Ayes 16

Hon. W. G. Atkinson	Hon. Neil Oliver
Hon. C. J. Bell	Hon. P. G. Pendal
Hon. H. W. Gayfer	Hon. I. G. Pratt
Hon. Tom Knight	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. John Williams
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. Margaret McAleer *(Teller)*

Noes 11

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. D. K. Dans	Hon. Garry Kelly
Hon. Peter Dowding	Hon. S. M. Piantodosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	*(Teller)*

Pairs

Ayes	Noes
Hon. I. G. Medcalf	Hon. J. M. Brown
Hon. V. J. Ferry	Hon. Mark Nevill

Question thus passed.

Sitting suspended from 3.47 to 4.00 p.m.

In Committee

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

Clause 4: Section 28 amended—

Hon. N. F. MOORE: I move an amendment—

Page 2, lines 20 to 24—Delete paragraph (a) and substitute the following—

(a) declares by writing addressed to the Vice-Chancellor that he has a conscientious objection to being a member

of the Guild and notifies the Guild accordingly;

This amendment seeks to change the provision which exists in the amended Bill before the Committee. This provides that a student who has a conscientious objection to joining the guild must satisfy the vice-chancellor that his conscientious objection is acceptable. I wish to amend that provision to remove the requirement for the student to gain the permission of the vice-chancellor.

Clause 4 refers only to the University of WA, although other clauses refer to other institutions. Therefore, I shall relate my remarks to the University of WA and refer to the person concerned—the vice-chancellor.

The amendment is worded so that a student who does not wish to be a member of the guild, because he has a conscientious objection to being such a member, may declare such in writing to the vice-chancellor and advise him that he will not be a member of the guild. He must then advise the guild accordingly. As the Bill also provides for the payment of a fee, he pays an amount equivalent to the fee to a charity nominated either by the guild or one of his own choice. The student decides for himself whether he has a conscientious objection to being a member of the guild.

The reason that I bring this forward is simply to provide for individual students to decide for themselves whether they have a conscientious objection to being a member of the student association. I do not believe someone else in this society, in this case the vice-chancellor, should be in a position to rule on whether such a conscientious objection is acceptable. This applies particularly in view of the objections I raised previously to the vice-chancellor being that person. There is no right of appeal against the decision of the vice-chancellor and no guidelines as to what conscientious objection might be acceptable in this instance.

Conscientious objection means different things to different people; the vice-chancellor may make rules in relation to conscientious objection which are different from the rules made by the chief executive officer of the Claremont College of Advanced Education. At present the Bill also gives power to one individual to make a decision about the beliefs of another individual, in this case a student. I do not think the vice-chancellor should be given this role and I am now arguing that no-one should be given this role. My conscientious beliefs and no-one else's business; nor is it anyone's business whether they are such that I should or should not belong to an association—which was referred to the other night as a campus club.

In my attempt to have this amendment carried I am heartened by the basic principles and objectives of the Australian Labor Party. Of course, this matter has been raised previously when I argued the question of compulsion. Regrettably, members opposite do not accept item 14 of the objectives of their party, otherwise they would have agreed with me.

I quote from the Australian Labor Party platform as follows—

> Recognition and protection of fundamental political and civil rights, including freedom of expression, the press, assembly, association, conscience and religion; . . .

It goes on further to say—

> . . . the right to privacy; the protection of the individual from oppression by the state; and democratic reform of the Australian legal system.

It refers to freedom of conscience; in other words a person is free to make his own decision on any matter and such freedom applies to every individual. The item refers also to invasion of privacy. For an individual who believes he has conscientious objection to joining the guild to subsequently be required to go to the vice-chancellor and tell him why he has this objection, is an invasion of that individual's privacy.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! I would like the Hon. P. H. Lockyer and the Hon. Kay Hallahan to cease their cross-Chamber tête-à-tête.

Hon. N. F. MOORE: As I said when I commenced quoting from that document, I am heartened by the beliefs of members opposite when I argue in favour of this amendment. This is a matter of principle. I accept what the Government wants to do; that is, that the vice-chancellor shall be the final arbiter on a person's conscientious beliefs. The alternative is that the person himself shall be the final arbiter on them. That is the question. Either we agree the vice-chancellor should do it or we agree that the individual himself should make that decision.

I am asking the Committee to agree to my amendment which will fix the situation in respect of the Guild of Undergraduates at the University of WA and then, as members will see, further amendments are proposed to other clauses which will achieve the same position for the other relevant institutions in Western Australia.

Hon. S. M. Piantadosi: You are the "fixer".

Hon. N. F. MOORE: That is the most incredible comment ever made in this Chamber. The member calls me a "fixer". It is unbelievable that

he should call me that. I come to the Chamber and move amendments to legislation in a proper forum, seeking the concurrence of a majority of members of this Chamber to my point of view; if that is fixing something, it is fixing something, but the honourable gentleman knows more about fixing things than I do.

Hon. I. G. Pratt: I think he meant "repair".

Hon. S. M. Piantadosi: You change your mind from one day to the next.

Hon. N. F. MOORE: I do not change my mind on this matter, because it is very firm on it.

We should agree to the amendment so that the individual has the opportunity to decide if he or she has an objection on the basis of conscience to being a member of the guild, and so that he or she makes that decision, not the vice-chancellor. I ask members to support the amendment.

Hon. J. M. BERINSON: By its decision earlier in the debate, the Chamber agreed that the traditional and long-standing practice of requiring compulsory membership of the student guild should continue. That was the general principle which was adopted by the vote of the Chamber. We then went on to consider an important exception to that rule which related to conscientious objection. So far as I can see no-one disagrees with the proposition that scope should exist for a conscientious objection clause.

What we have before us now is a debate as to the form which such a clause should take. I shall repeat a comment which I made a few moments ago: What we are invited by the Hon. Norman Moore to do is to replace a conscientious objection clause with an opting out clause, because it will take no more than the simple assertion that one is a conscientious objector for one to be relieved from the obligation to take up guild membership.

Hon. N. F. Moore: What is wrong with that?

Hon. J. M. BERINSON: The only thing wrong with that is it will no longer be a conscientious objection clause as generally understood. Similar situations arise in many other places; this is not an isolated case of the question of conscientious objection emerging. On most such occasions it is agreed that some sort of independent tribunal should be available to adjudicate on the matter.

I accept that the Hon. Norman Moore does not like the vice-chancellor exercising that function and if he were to have provided an alternative tribunal, that is something which could be considered. Each of us could then decide for himself whether he preferred the vice-chancellor or the alternative tribunal offered by the member. However, the amendment does not contain that sort of alternative.

We have the choice between a tribunal to provide some sort of detached and independent judgment, as against the mere assertion of the person who wants to be relieved of the obligation of membership. I suggest this is, in a sense, inconsistent with the decision the Chamber has made that the traditional compulsory membership by students of the guild should be reaffirmed.

On those grounds, I urge the Committee to reject the amendment.

Hon. I. G. PRATT: I am amazed that the Hon. J. M. Berinson, with his professional background, should make this suggestion. What he is suggesting is that everyone is assumed not to be telling the truth unless he proves to someone that he is telling the truth.

Hon. J. M. Berinson: No, I am not saying that.

Hon. I. G. PRATT: The amendment sets out that, if a person is prepared to make a declaration in writing, and deliver it to the vice-chancellor stating he has made a statutory declaration—

Several members interjected.

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

Hon. I. G. PRATT: It is not a case of someone saying, "I do not want to join the guild". The amendment requests that, if a student sits down and makes a declaration that he has a conscientious objection, that declaration is accepted as being honest. If we take the other point of view that that has to go to someone to be judged—in other words, the person who has made the declaration has to prove to someone he is honest about it—it is most unsatisfactory.

If the Attorney General really considers that, I cannot believe he will pursue his objection to the amendment, because it is quite fair and equitable. The majority of our young people are honest and if they make a declaration that they have a conscientious objection, they will do it honestly, not as a dishonest act. If it is dishonest, it is up to someone to prove that person is being dishonest, not for him to prove he is being honest.

Hon. NEIL OLIVER: I commend the Hon. Norman Moore on moving the amendment, because the legislation is not in the form in which a Bill was introduced previously in 1977.

At page 3236 of *Hansard* of 9 November 1977, when I spoke quite strongly on the legislation, I quoted the following words from the Minister's second reading speech—

> ... no academic benefit, right or privilege, would be denied to, or withheld from, any

student who chose not to become a member of a student body.

Bearing in mind the spirit of that legislation and the Minister's second reading speech at that time, I do not believe this Bill accords with it.

Therefore, I am pleased the Hon. Norman Moore has moved his amendment, which is an improvement on the proposition put to the Chamber by the Government.

Hon. N. F. MOORE: The Hon. Ian Pratt has put the whole position in a nutshell. What he has said is in line with what the ALP is arguing in relation to membership of unions. The ALP says a person who does not want to be a member of a union must pay the equivalent of his union dues to someone else, but it is not necessary for that person to say, "I have a conscientious objection to being a member of the union, therefore, I will go to some other person to decide whether my conscientious objection is acceptable".

We are asking, in effect, for the Government to accept that students should have the same rights as the Government would give to unionists who do not wish to be members of a union. I do not equate the two areas, but obviously the Government does; so it ought to apply the same principle to both. The Government does not need to have someone else decide whether a person's conscientious objection is satisfactory.

Amendment put and a division taken with the following result—

Ayes 15

Hon. W. G. Atkinson	Hon. Neil Oliver
Hon. C. J. Bell	Hon. P. G. Pendal
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
Hon. N. F. Moore	*(Teller)*

Noes 11

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. D. K. Dans	Hon. Garry Kelly
Hon. Peter Dowding	Hon. Mark Nevill
Hon. G. J. Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. Fred McKenzie
Hon. Kay Hallahan	*(Teller)*

Pairs

Ayes	Noes
Hon. I. G. Medcalf	Hon. J. M. Brown
Hon. V. J. Ferry	Hon. Mark Nevill

Hon. N. F. MOORE: I intend to move further amendments.

Hon. J. M. Berinson: I suggest that you move all the listed proposed amendments together.

Hon. N. F. MOORE: I seek leave of the Committee to move together all the proposed amendments standing in my name on the Notice Paper.

Leave granted.

Hon. N. F. MOORE: Firstly, I must explain that these proposed amendments are machinery matters.

Hon. J. M. BERINSON: I rise only to avoid any misunderstanding. The procedure I suggested was not meant to indicate approval of the remaining proposed amendments. The position is that having carried the principal amendment there is no point in my pursuing the intial discussion while each proposed amendment is put.

Hon. N. F. MOORE: I move the following amendments—

Page 2—Delete paragraph (b).

Clause 9: Section 20 amended—

Page 5, lines 12 to 16—Delete paragraph (a) and substitute the following—

(a) declares by writing addressed to the Vice-Chancellor that he has a conscientious objection to being a member of the Guild and notifies the Guild accordingly;

Page 5, lines 17 to 19—Delete paragraph (b).

Clause 16: Section 44 amended—

Page 8, lines 25 to 30—Delete paragraph (a) and substitute the following—

(a) declares by writing addressed to the chief executive officer of the Institute that he has a conscientious objection to being a member of the Student Guild and notifies the Student Guild accordingly;

Page 9, lines 1 to 4—Delete paragraph (b).

Clause 21: Section 44 amended—

Page 12—Delete paragraph (a) and substitute the following—

(a) declares by writing addressed to the chief executive officer of the college that he has a conscientious objection to being a member of the student association and notifies the student association accordingly;

Page 12—Delete paragraph (b).

Amendments put and passed

Clauses 4, 9, 16, and 21, as further amended, put and passed.

Further Report

Bill again reported, with further amendments, and the report adopted.

Third Reading

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

ACTS AMENDMENT (PARLIAMENT) BILL

Receipt and First Reading

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

WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL BILL

Report

Report of Committee adopted.

Third Reading

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

PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

Report

Report of Committee adopted.

Third Reading

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

LOTTERIES (CONTROL) AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 15 November.

HON. JOHN WILLIAMS (Metropolitan) [4.33 p.m.]: I rise to object to this Bill. I use the term "object" advisedly. Yesterday, I intended to do more than object only; however, the Leader of the House gave a certain assurance, in regard to the Instant Lotteries, which assurance I accepted without hesitation. My eloquence will not be tested because I do not want my colleagues to cross the floor and vote against this Bill.

Had we not had an assurance from the Government I was going to ask about that, because I am somewhat disturbed that the previous Government and the Governments before it were constantly asked for money for sport and cultural purposes. Of course, this money was allocated regularly from the Consolidated Revenue Fund and it has become a great drain on the Government's resources. The only way the Government could raise money to satisfy the needs of such a large State—this is geographically a very large State—which requires for its population the same amenities that other States and other countries in the world enjoy, was to set up the Instant Lottery.

The previous Government, by a stroke of good fortune and good planning, introduced a measure whereby people were invited to subscribe to Instant Lotteries, or scratch lotteries as they are known today. The sole purpose of that lottery was to provide funds for the arts, culture, and sport and recreation facilities for people within this State. No Government, not even this Government or the previous Government in its wildest dreams could ever have hoped that this Instant Lottery would take off as it did. Forecasts were made that given good luck the lottery would bring in something like $2.5 million per annum. The projected figure this financial year is $35 million. That is a lot of money. However, it is not to say that sports and culture will receive that. We know that does not happen: Approximately $25 million of that amount disappears in prize money and perhaps that has been the attraction of this lottery.

Because of the funds available and the unequivocal promises made that the lottery was for sports and culture, people have started to plan how they could best use the money. Suddenly Governments of every colour and calibre are telling us we have to do more for the population to ensure that people are adequately provided with recreation facilities. The Government has given two reasons for that: The first is that people are retiring earlier and have to be prepared for their retirement. Therefore, facilities are necessary for people to enjoy the recreation of their choice. Secondly, we have opened up an unprecedented amount of unemployment. Again people saw employment prospects through the great distribution of these funds. I will come in a moment to an instance which will be of interest to some members in this House.

Let us imagine a group of Cabinet Ministers sitting around a table with the information as to what Instant Lotteries will do this year, and what funds can be expended. One can imagine the two Ministers at the table with charge of the funds for distribution to these bodies. They would be feeling terribly disappointed, because no doubt their share of the Consolidated Revenue Fund would have to be cut because so much money was allocated from Instant Lotteries and they would be the first to be cut. Imagine being told that in future the funds would increase to $55 million

and being told, "You will be allocated only a certain amount of that money. What is said in the Act is not important". I can well imagine the feelings of those two Ministers.

I will not divide the House as I wanted to because now the Government can see the odium that would attach to it and the contempt in which it would be held by the public if it placed a restriction on the amounts of money to be allocated from the Instant Lotteries. People genuinely believe that when they buy lottery tickets they are actually contributing something to art, culture, recreation and sport in this State.

The diversification of the allocation of this money up to now is absolutely staggering; it touches on every facet of society, and that was the intention. The intention was that the Minister should go to the various people in this State. I remind the House again of our geographical size and isolation.

I will give an example: I have never heard of the Western Australian Flute Society before but that society attended a convention and the Instant Lotteries fund contributed $1 460 to air fares and attendance costs. Another group is listed as the Fair Maid of Perth, which was provided with transportation costs to the Adelaide Festival totalling $1 950. I do not know who the Fair Maid is.

Hon. G. C. MacKinnon: They are the folk dancers with heavy shoes. I got their shoes out of customs once.

Hon. JOHN WILLIAMS: The Mucky Duck Bush Band which also wanted to go to the folk festival in Adelaide was given a grant of some $800. In my own electorate the Leederville Festival Committee received a grant of $400 to assist with its festival. The list given to the House by the Attorney General as a supplement to a question asked by the Hon. Mr Wells was truly amazing. Among those on the list are the Armadale Town Council and Bunbury, Kalamunda, and Canning. The Four Notes who attended a barber shop quartet congress in the United States received $4 400, and I do not think I am wrong in saying that an officer of the Parliament is one of the Four Notes. Bigger amounts appear on the list, such as $119 653 for the WA Ballet Company. Members ought to get a copy of the supplement and see where this money has been expended. As far as I am concerned it has been expended very wisely and well, and it is encouraging a whole spectrum of people into the arts and sport.

I said I would touch on unemployment, and I refer to unemployment among a group of people in this State who in the past have been somewhat disadvantaged; I am talking about the acting profession. We have many professional actors of extremely good calibre in Perth, and they have proved through their performances they can hold their own on stages in the United Kingdom, the United States, and other parts of the world, without any difficulty. They have done very well, but we have a duty towards those actors and actresses. They are among the great ranks of the unemployed; one finds them doing all sorts of menial tasks in between rehearsing and presenting plays.

The committee that distributes the money, ILDACC, has been of tremendous assistance in making sure that the maximum number of those actors and actresses get employment. In gaining employment they are then able to display their talents in performances in this State. No-one would deny that a most marvellous theatre facility has recently been opened at Geraldton. The Instant Lottery helps distribution of funds via the Arts Council, or in addition to it. Money can be used from the Arts Council grant to send those professional companies to the bush—to Geraldton and Port Hedland—and it does not matter that they make a loss. The losses are covered by the people of this State who have contributed to the Instant Lottery.

If the Government and its Ministers, particularly in Cabinet, are ever tempted even for a second to shave any money from the Instant Lottery for any other purpose—whether this Government or the next Government, and whatever its colour—and to divert it away from the arts and sports section of the community, I will stand up in this House and do my level best, inadequate as it may be, to persuade my colleagues to throw a Bill like this through the window. Let Cabinet keep its sticky fingers off moneys which rightfully do not belong to any other parts of the community than those to which they are allocated. I commend the Government for giving the assurance it has; I will stand by that assurance and support the Bill.

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

LOCAL GOVERNMENT SUPERANNUATION AMENDMENT BILL

Second Reading

Debate resumed from 15 November.

HON. I. G. PRATT (Lower West) [4.46 p.m.]: The Opposition has no objection to this Bill, which was explained very clearly in the Minister's second reading speech. We wish it a speedy passage.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. Peter Dowding (Minister for Mines), and passed.

LAND DRAINAGE AMENDMENT BILL

Second Reading

Debate resumed from 15 November.

HON. G. C. MacKINNON (South-West) [4.49 p.m.]: In supporting this Bill I want to point out a number of matters to the House and to the Government. As Mr Dans explained, this is enabling legislation in that it allows the Government to change the system of rating for drainage and, hopefully, to simplify it. The fact that it needs simplifying has been apparent for a number of years to anyone who has had anything to do with land drainage and irrigation matters. Indeed, it is purely fortuitious that the present Government happens to be bringing in this legislation. The inquiry has been going on since about 1967. Certainly, when I was Minister I gave it a little impetus because of the complexities of the drainage system. I am sure Mr Mensaros pushed it along even harder.

So the matter to discuss is the report put out by the Public Works Department. As one would expect, the report is a very thorough one and it goes into the matter in great detail. However, I take exception to a part of it. In the preface it says a study was conducted and consultations and discussions on the proposed change in the rating method were held with a number of groups and individuals, including the ratepayers most affected by the proposed change.

That statement explains why the meetings of the department were so blatantly party political. The person in Bunbury who had more to do with drainage than any other present member would certainly have been myself. It was well known that I had problems with the Preston drainage area because of the rate which had been taken off without legal sanction. It was put on again by me. David Smith as a candidate had made a great deal of fuss about it. David Smith and Philip Smith were consulted, but no other member was consulted. David Smith represents Mitchell, which has some drainage problems. Philip Smith represents Bunbury, which is certainly an area with flooding problems.

Areas not included were the areas of Vasse—Barry Blaikie's area—South-West Province, represented by Graham MacKinnon; and Lower West province, where Ian Pratt and Colin Bell come from. The rate in the Preston area is about $10 to $12, but a number of people objected and have not paid it. A promise was made that the drainage rate could be taken off. Mr Tonkin found that that was impossible; one cannot take off a rate for a drainage area. The problem was overcome by cancelling the drainage area and putting the responsibility onto the local authority. That is the factual situation.

Mr Tonkin also wrote to me and told me that the charges imposed for the rate would lie against the properties and would continue to do so; in other words, the people were still liable for those rates, as they ought to be. A number of people had already paid them, but David Smith in today's paper has advised ratepayers not to pay rates for the Preston drainage area. If everything I hear about David Smith is true, he is bound to have had a talk with Mr Tonkin. I wonder who is kidding whom in this case.

The whole exercise in this isolated pocket is purely and simply to embarrass me, for what reason I do not know, because that area was already the subject of quite a heated election fight over this matter. I won that election by something in excess of 2 000 votes, so I am not particularly worried about it. But when the Minister gives me an assurance in writing one week, and his colleague writes in the newspaper the next week and gives other advice, I consider there are one or two other matters in relation to drainage administration which should be looked at. Perhaps a reply could be obtained from Mr Tonkin, or even David Smith, and I could be informed about it.

Apart from that statement by the Public Works Department with regard to that so-called consultation which was held with only two Labor members of Parliament in that area, the whole thing is very good indeed.

The whole system of drainage of 13 areas has blown up because the drainage has been done over a long period of time. Some of it was done during the Depression, as the report says, as relief work. Almost invariably the Government agreed to pay the capital cost of the drainage and the deviation of creek channels and the like. Almost without exception the local people agreed to pay the maintenance costs. Over the years, with good and bad times, these maintenance charges have been whittled away, not increased, for political reasons, and all sorts of things; until now very few drain-

age areas have kept up sufficient payments to cover the costs.

The benefits to the State mentioned in this report have been increased productivity of farmland in the south-west region. In view of the growth of towns, the establishment of industries on swamp land and the like, the reduction in construction costs, rates for water, reduced costs of railways and other capital works, extra tourists, and the general prosperity of the region, there is very good justification for the Government to involve itself in drainage works. But the methods of rating have become extremely complex. A whole host of appeals arose every time there was a variation in the cost, because cut-off rates were imposed if the water did or did not flow onto the property, depending on whether there was a direct or indirect benefit. So it has gone on. It was a complex system, and there was another method of applying it in the Wungong district. A whole host of variations were set out in this report.

All land in the district is currently subject to a general rate. In addition there is provision for land capable of being drained through a defined outlet into a departmental drain to be subject to an outlet rate. Then there is provision for a rate on the first four hectares closest to the outlet at 2.03c a hectare. The next section of four hectares is at 1.74c, and the next four hectares are rated at 1.14c. That is all set out on pages four and five of the report. So one can understand how disagreements, arguments and appeals in regard to any change ran on and on.

There are some advantages. There is this whole range of variations. A rate is imposed at present for the areas closest to the drain. This will not necessarily apply under the new system, which will be brought in later. So it is high time this was changed.

Another thing which has made a tremendous difference to land drainage is the effect of Governmental action on drains and the use of major drains. In these days of very excellent earthmoving equipment it is possible for the farmer to put in his own drains. With a system like the Whittington interceptor banks, some farmers spend many thousands of dollars doing just that. That is not the only system of drainage banks; there are many others. Farmers can go to a great deal of expense, but they can get it done nowadays. It is not a matter of having thousands of men with picks, shovels, wheelbarrows, horses and so on doing the work, as used to be the position when a lot of the work in this State was done.

Drainage is also an integral part of an irrigation system. Water cannot be put on the land without taking it off by some other method. The proposed system, which is set out in the report—that is what this legislation is all about—is the basis of any discussion. The advantage of the proposed system is that it will be used in all drainage districts. Accordingly, the properties receiving the benefit will pay rates on the same basis. Valuations will not be used, and therefore drainage costs will be according to area. This is set out on page 13 of the report.

The present rating systems are cumbersome and open to misinterpretation and error. The proposed system will be easier to understand from the viewpoint of the ratepayer. It is intended that a plan of each property showing the area receiving a direct benefit will be retained.

It is proposed to implement the new rating system from 1 July 1983, with a uniform rate per hectare applying to direct benefit properties. If my memory serves me correctly, that date may have been changed. It will be introduced in this year; but the speech by the Hon. Des Dans does not indicate the specific date.

Nobody likes change. Even if one decided to make a change and send everyone a $10 note on his birthday, some people would object. People do not like change, just because it is change. We have heard some objection even to this system. Obviously many people will pay less. The Government will have to raise more money each year, and if some people pay less, they will be reasonably happy about it. Some will pay more—those who happen to live in the Vasse-Busselton area.

A total of 5 985 rural properties are rated for drainage in the 13 drainage districts; and 2 610 are currently rated at the minimum charge of $10.80. That information appears on page 16 of the report. Of the 5 985 rural assessments, 74 per cent will experience either no increase or a reduction. Of the 3 775 rural assessments not rated at a minimum charge, 53 per cent will experience a reduction in charges, and 47 per cent will experience an increase. Of course, those people will not be terribly happy because the percentage variations shown on page 18 of the report range from a 95 per cent increase on one property to a 505 per cent increase on another.

It should be pointed out that, in line with the amendment moved by the previous Government, no-one will pay in excess of 40 per cent more than he paid the previous year. Nevertheless, in the long term, of course, he will pay more.

The Public Works Department pointed out in its report that it is probable that the people have

been subsidised in the past. We would be hard pushed to convince the farmers of that fact.

I thought it slightly impertinent, but the Government might have wanted to highlight the fact, that on 6 April State Cabinet agreed with a decision to implement the proposed new drainage system following consultation and discussion with urban and rural ratepayers and their association, and members of the Legislative Assembly seats of Mitchell and Bunbury. That Cabinet decision is set out in the report. However, there are other affected parties, and they held meetings with a number of people. I am surprised that the Cabinet made such a flagrant decision as that. It would not have hurt the Government in the slightest to hold a meeting of members of Parliament who were particularly interested in drainage; that is, predominantly those in the south-west. There is one drainage district in the area of Mr Wordsworth and Mr Knight, but I do not think any other members' areas are really affected.

As shown on page 23 of the report, a series of meetings was held at Mundijong, Waroona, Coolup, Yarloop, Harvey, Benger, Brunswick, Waterloo, Dardanup, Capel, Vasse, Busselton, and Bornholm, which is in the Albany area. The attendance at the meetings was disappointing, being a total of 357. I think that is less than 10 per cent—a very small percentage—of the people who should have been there.

It is interesting that a popular myth has been exploded by the research. A number of people in the drainage areas have complained of recent years that the drains have actually drained off the top surface of the soil, and the top two or three feet has dried out very quickly.

Hon. Tom Knight: Everybody had to put in a lot more dams to keep the level.

Hon. G. C. MacKINNON: They even tried putting barriers across the dams in order to stop the flow of water. As a matter of fact, they found that the water table level had not fallen because of the drains, and that the drainage of the top three or four feet of the subsurface soil is restricted to within a few yards of the major drains. It does not extend far back. One would have thought that a drain washed out to four or five feet would have denuded the surface for perhaps 300 or 400 yards on either side.

Hon. Tom Knight: Strangely enough, in the Wilson area, it damaged a lot of potato swamps.

Hon. G. C. MacKINNON: That has been proved not to happen.

On pages 26 and 27 of the report, the reactions at the various meetings are set out in detail. It points out that in Busselton the meeting on 13 December 1982 did not accept the proposals explained to the meeting, and required 12 months to consider them. In case Mr Knight amd Mr Wordsworth have not seen the report, at the Bornholm meeting, the people were in favour of changing from a UCV drainage system to one based on an "area" system. The vote for that was affirmative 39, negative 18, with 14 abstentions. Of the 13 meetings, 10 voted in favour of the proposed system, and the balance did not.

This Bill is enabling legislation, and it deals with rural land only and excludes urban land. Mr Tonkin has made it clear, so far as the Preston district in Bunbury is concerned, that he is cancelling that as a drainage area; if any desire is felt locally to have the main drain and the other works continued, the local authority can take them over. I wish Mr Tonkin luck. I tried to sell the people that idea when I was the Minister for Works a few years ago, with a signal lack of success.

I have always believed that as Bunbury was once really the mouth of a number of creeks and has always been prone to flooding, the whole city ought to be dealt with as a drainage area and that all residents of the city should be covered and not just those in one little area. I was unable to convince the local council. Mr Tonkin must feel a little more secure than I did, and devil take the hindmost.

We will all be watching the success or otherwise of the system. Mr Tonkin has made quite firm assurances about sorting out the anomalies when they come along. I sincerely hope when sorting out those anomalies he does not return to the complexities of the system of payment that were evident before. We will be watching to see how he sorts out the problems of drainage rates that apply to non-rural land.

As I said at the outset, I support the Bill although I am disappointed with the limited consultation with the two members involved. It highlights the fact that the Preston drainage area at any rate has been used very much as a party political exercise, even to the point that the people who have already paid their rates—and some are pensioners—will get the money back, and those people who have not paid their rates will continue to be charged, and should they sell their properties at some time, the rates will remain as an outstanding debt.

When we get to the stage of asking for a proper debate and argument to arrive at a sensible solution and some sensible legislation, it is a pity it is started off with this sort of flagrant party political exercise rather than having a sensible ap-

proach in order to ensure there is reasonable discussion on the whole issue.

I support the Bill.

HON. C. J. BELL (Lower West) [5.12 p.m.]: I support the Bill but I would like to make a couple of comments about anomalies which undoubtedly will come before the Government as the provisions of this legislation start to take effect.

Lower West Province has four separate drainage districts. Most involve the standard form of drainage system involving Government drains and people discharging water into them. However, one described as the Myalup system is very different in that it is a very small system involving just 10 landowners. According to the report to which Mr MacKinnon referred a moment ago, nine of the 10 landowners will receive an increase in rates of at least 150 per cent, while the other one will receive a decrease of between 20 per cent and 40 per cent.

The situation with this system is different because it involves a large swamp where the peripheral land is held by these 10 people. The land is below the drain level. The Public Works Department supplies a short drain which discharges into the landowners' major system, and the major landowner owns an electricity system and a very large pump which lifts the water from the swamp and discharges it into the drains. It costs that owner between $3 000 and $4 000 per annum for the electricity to run the pump and I would imagine if he were to replace the capital equipment he would be up for a cost in excess of $10 000. I remind members that this is a private drainage scheme discharging into a public scheme.

As I understand this Bill, no differentiation will be made for such a scheme. It will be declared a public scheme. The land receives the direct benefit because the water finishes up in a public drain, so these people are to receive very large rate increases from now on.

One of those landowners happens to be the former member for Wellington. Members can well imagine that he will be fairly unhappy if his current $1 350 drainage rate is increased by a minimum of 150 per cent. The Bill does not say what greater percentage might be involved. He does not happen to own the pump. The owner will be even more displeased, because he is pumping water for the other landowners. This is one of the anomalies that will crop up. I support the concept of the system, but already I can point to this small drainage area creating an anomaly.

Does the Public Works Department intend to take over that pump and the electricity supply system and pump water, or will some other provision be used to compensate these landowners for the additional capital cost they have incurred to drain the land?

I will refer also to the Stirling drainage system, as did Mr MacKinnon. This happens to be an area in which I am a landowner. The Stirling system is actually the sump of the old Capel River, or the top end of the Vasse estuary. At the bottom of this is land which is substantially below sea level. The land at the bottom of the swamp is saline, and a significant area of the land adjacent to the swamp is to be considered to be fully benefiting land—at least that is my interpretation of what the department has said at various meetings.

I can assure the Minister that there are landowners there who have the drain running through their properties and are receiving no benefit at all. Their land is of no commercial value. It is below four feet of water during winter and it is a dry patch of saline, sterile soil in summer. Those areas will not necessarily be uniformly proportionate to the area of land owned.

Provision is made for appeal, but it seems to me that every landowner in the district would have to lodge an appeal for an assessment of the area which in fact receives no benefit. It would be better were the land to stay under water, because the only area that receives any benefit is the surrounding area, which has grazing potential.

This situation might apply also to the Denmark area, which has certain areas of swamp and where potatoes are grown on surrounding areas. The area of the swamp would be disproportionate to the productive area of land.

This matter needs careful consideration, and undoubtedly the appeal provision will have to be generous in the first instance and a significant effort will have to be made to ensure these unfair aspects of the new system are very quickly rectified, otherwise some landowners could receive very substantial rating assessments which have no bearing on the productive capacity of the blocks of land. That is surely the first and foremost aspect of a drainage system; that is, the productive benefit. If no benefit is provided, the land would be better left under water and so not be subject to any assessment. I would like the Minister to indicate what will be done to ameliorate the penalty involved in these two areas.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.19 p.m]: I thank Opposition speakers for their support of this measure. I noted the Hon. Graham MacKinnon did have one or two complaints on related matters, but I think it is fair to say his support for the Bill itself was unqualified. I also

noted the comments of the Hon. Colin Bell about the possibility of anomalies. I will ensure the comments of both members are brought to the attention of the Minister.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

QUESTIONS

Questions were taken at this stage.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 18 October.

HON. C. J. BELL (Lower West) [5.23 p.m.]: I rise to make a few comments on this matter with an agricultural emphasis. The Budget has made a very strong attack on the agricultural sector. I intend to illustrate some areas where this has occurred.

The first is in the area of agricultural education. On looking at the figures contained in the Budget one sees that fees for agricultural colleges have increased by 30 per cent. I discovered some of that is accounted for because more positions have been made available in those areas than previously. However, when I went to specific agricultural colleges I discovered that the position generally is that fees have been increased by 16 per cent. If one considers the underlying assessment of the Federal Labor Budget and this Budget one sees that the Federal Budget anticipates a 7.5 per cent inflation rate for the year while the WA Budget overall shows an 11 per cent increase in revenue. Agricultural education goes up by 16 per cent or 50 per cent above the anticipated general rate.

Agricultural education is a very special case in that if families living on farms wish to have their children educated in an agricultural education institution it is inevitable that the children will be forced to live in an agricultural college. There is no other way. We are educating our future agriculturalists to the best of our ability, as we have always endeavoured to do with all other sectors of the community; yet we find that the fees charged, which are of a captive kind, have increased by 16 per cent. If we continue like this, the quality of our future agricultural personnel will deteriorate. Charges are constantly increasing and incomes have not increased. We must move in that direction.

Agricultural education should come more into line with university education. It should be free of charge because we want our agricultural people educated in certain skills to the highest standard. It is wrong to suggest that an agricultural college is not equivalent to any other tertiary institution. We should look very carefully at ensuring fees in these areas are minimised in the first instance and ultimately abolished.

Drainage and irrigation charges are up 18.9 per cent. My electorate contains one of the principal irrigation areas for Western Australia, embodying Collie, Harvey, and the Waroona irrigation areas. I must say that the previous Governments cannot escape criticism on this. Over the last four years rates or charges have increased to 18, 20 and 21 per cent. These are very savage increases on landowners involved in this industry. The dairy industry is the principal industry in my electorate. At the end of the 12 month prices freeze, the last two months of which could be best described as punitive, the Government said that the Prices Justification Tribunal had recommended a price increase and that it would hang onto it and refuse to allow it to occur for another two months. The situation is grim for the poor farmer earning an average increase of about $800 a year, whose irrigation costs have increased over that 14 month period. His drainage charges have increased and these will exceed $2 000. This is hardly a reasonable matter.

Electricity charges increased by 15 per cent at the beginning of the year, and that imposes on the average farmer an additional cost of $2 000 per annum. Increases of $4 500 to $5 000 have been imposed on farmers by this Budget. If that is the best the Government can do for our farmers I am horrified. The farmer now increases his income by $700 to cover those costs. This hardly encourages him to produce the dairy requirements of Western Australia.

I refer to the provision for the Dairy Industry Authority. Under the dairy food and technology division—a payment which has been extracted from the so-called dairy assistance fund—one finds an increase of 20 per cent. That has been extracted to assist the Department of Agriculture budget for next year. It was a fund which was supposed to assist the industry, not the department. The Government has seen that this is a very good source for raking in the dollars. As I pre-

dicted three years ago, this would become a Department of Agriculture levy and not, in fact, a dairy assistance fund levy.

I wish to point out the areas which need careful consideration. I believe that the Budget has been a savage attack on agriculture and it is causing very substantial hardship to many farmers in the south-west corridor. I do not believe there is any light at the end of the tunnel for the farmers.

I was extremly disappointed not to find any assistance to upgrade the Peel Inlet. The budget for the Peel Inlet increased by 20 per cent but the total amount is less than $300 000, and it will not cover the works that are required. The Premier indicated that the Government would make some provision for a sand bypass at the mouth of the Peel Inlet. I cannot find any provision for this work in the Budget and I do not know whether it is hidden in some dark or devious way. Nevertheless, it is something which needs to be considered.

I was extremely interested to find a provision for land reclamation for salinity control. The Government stated it would offer assistance in this area. However, I think the subject will be better handled by Mr Stretch than myself.

To go back to the Peel Inlet, it is worthwhile indicating to the House that prior to the last election the Government said it would spend whatever money was necessary to improve the inlet. The Premier made this promise at a public meeting held on the foreshore.

The nodularia bloom at the Harvey Inlet is worse than last year. This indicates that the Government has not done anything in this area, yet something needs to be done. It will cost a lot of money, but that does not matter because it has been promised. As a result many people in the Mandurah district are waiting to see what will happen. They will be waiting with bated breath to see what happens as soon as summer arrives. During the summer months the nodularia will disappear and the weed banks will be seen on the Mandurah foreshore. It was bad last year and will be worse this year.

Hon. S. M. Piantadosi: What is the cause of it?

Hon. C. J. BELL: I believe it is the nutrient enrichment from the adjoining farming areas. Nothing has been done, despite the fact that the Premier said at a public meeting that the Government would subsidise the fertiliser cost incurred by farmers, to ensure they do not use the incorrect type of fertiliser. He said that representatives from the Department of Agriculture would investigate the problem and visit the farming communities. I believe that the department has done that, but the reality is that the so-called low leaching fertiliser has been less effective than the department would have hoped.

Hon. S. M. Piantadosi: The farmers are causing a lot of problems.

Hon. C. J. BELL: They provide food for a lot of people.

Hon. S. M. Piantadosi: They affect the estuary as well.

Hon. C. J. BELL: I conclude my remarks by saying I am extremely disappointed at the attacks, which are contained in the Budget, on agriculture and the profitability of agriculture.

Debate adjourned, on motion by the Hon. Tom Stephens.

MINES: DEPARTMENT

Annual Report: Ministerial Statement

HON. PETER DOWDING (North—Minister for Mines) [5.31 p.m.]: I seek leave of the House to make a short statement in connection with the Mines Department's annual report.

Leave granted.

Hon. PETER DOWDING: The year 1982 was a difficult one for the mining and mineral processing industry in Western Australia and for the Department of Mines in serving the industry.

Despite the world recession, the value of Western Australian mineral production—including fuels and gold—amounted to $3 334 million in 1982, an increase of 24 per cent on 1981. This rise in value was largely a reflection of improvements in output and the value of iron and gold.

Iron ore production was 78 million tonnes, which is an increase of three million tonnes on the previous year. This represents about 65 per cent of the iron ore industry's total capacity, and 45 per cent of the total value of the State's mineral production.

The price of gold fluctuated between $300 and $460 during 1982. However, the rise in the gold price towards the end of the year stimulated exploration and production of gold which resulted in a 72 per cent increase in production in 1982 compared with 1981.

The 3.7 million tonnes of coal produced at Collie in 1982 was a record for the third successive year and an increase of 12 per cent over 1982. Approval was given for the mining and marketing of diamonds from the Argyle deposit by the Ashton Joint Venturers and approval was given for the department to appoint a Government diamond valuer to advise on the marketing of diamonds.

Petroleum exploration activity in Western Australia was the highest ever with a record 67 exploration wells being drilled, of which 16 were classed as gas or oil discoveries. This is a success rate of nearly one in four. However, the total production of oil in Western Australia continued to decline during the year.

Of the other mineral commodities, there was an increase in production of nickel, base metals, and mineral sands, while tantalite, tin, silver, and salt production decreased.

The production of bauxite was at a similar level to 1981, although the total value of production was higher in 1982.

The first year of operation of the new Mining Act was 1982. The transition from the old Act was relatively smooth, and after initial hestitation the Act was generally well accepted by the mining industry. Under the new Act, 10.9 million hectares of ground were taken up as tenements, compared with 12.8 million hectares in 1981.

The year 1982 saw the first effective operation of new royalty rates, which came into effect on 1 December 1981. These rates are being constantly reviewed so that there is a fair return to the State without causing undue difficulties to industry.

Royalty revenue for the year amounted to $94.76 million, an increase of $19 million over the 1981 figure.

In 1982 the Western Australian minerals industry has demonstrated that it is efficient and lean. Provided it can successfully survive the present downturn, it will be well placed to take full advantage of new opportunities when improvements eventuate.

Investment over the past four to five years has meant that there is at present a large unused capacity in modern efficient plant, and with the North-West Shelf gas project to provide a new energy source from the middle of the decade the long-term future of the Western Australian minerals industry is better than in most other parts of the world.

The workload of a number of divisions in the Mines Department largely stemmed from the first year of operation of the new Mining Act 1978-81 and its regulations, which were introduced on 1 January 1982. Other divisions of the department not directly serving the mining industry, such as the Government Chemical Laboratories and the explosives and dangerous goods division, experienced a busy time as demands from the community for their services continued to expand at a much greater rate than the available resources.

A significant event in the history of the department was the creation of the position of Manager, Computer Services. A complete review of the department's EDP plans has been undertaken and the stage has been reached where only funding is required to enable major advances to be made by the department in this area. An extensive integrated word processing system was introduced to the department in 1982.

It is expected that new technology, particularly computerisation, will have a great influence on the role of the department in the future.

I endorse the report and recommend it to people and companies involved in petroleum and mining exploration and development within the State. Copies of the report are available from the Mines Department.

House adjourned at 5.41 p.m.

QUESTIONS ON NOTICE

676. *This question was further postponed.*

ALUMINIUM SMELTER AND POWER STATION

South-west: Korean Participation

722. Hon. W. N. STRETCH, to the Minister for Fuel and Energy:

With reference to an article in *The West Australian* of Wednesday, 16 November 1983, headed "Unions Assured on Smelter Work", where it states that the South Koreans were prepared to invest in the smelter and Bunbury power station—

(a) does this mean that the investment will be for the enlargement of the present Bunbury facility; or

(b) does the article mean that the Government has decided on Bunbury as the site for the proposed new power station, rather than near Collie?

Hon. PETER DOWDING replied:

(a) and (b) The Government has not yet finalised its decision on a site for the proposed south-west power station.

HEALTH

Meningitis

723. Hon. JOHN WILLIAMS, to the Attorney-General representing the Minister for Health:

(1) Is it a fact that Western Australia is in the grip of a meningitis epidemic?

(2) Is it correct that 50 cases have been notified in the last 10 days?

(3) If so, what steps is the Public Health Department taking to combat this outbreak and alert the general population?

Hon. J. M. BERINSON replied:

(1) No.

(2) No.

(3) Not applicable.