

# Legislative Council

Tuesday, 18 October 1988

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

## PETITION

### *Percy Markham Collection - Sale Prohibition*

The following petition bearing the signatures of 175 persons was presented by Hon P.G. Pandal -

To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia assembled. We the undersigned citizens of Western Australia express the gravest possible disquiet over the State Government's decision to allow the sale, by the Museum authorities, of the Percy Markham collection of vintage and veteran cars. Accordingly, we: -

- (1) Urge the Government to abandon all plans to sell or otherwise dispose of the vehicles; and
- (2) Call on all Members of Parliament, regardless of their political affiliation, to support the Bill currently before the Legislative Council which seeks to prohibit the break-up of the Markham Collection.

And your petitioners as in duty bound will ever pray.

[See paper No 481.]

## PETITION - PROSTITUTION

### *Proposed Liberalisation - Prevention*

The following petition bearing the signatures of 504 persons was presented by Hon P.G. Pandal -

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

The humble petition of the undersigned electors and residents of the State of Western Australia respectfully sheweth that:

Prostitution attacks social justice because it:

- (a) demeans women by encouraging men to view them as sex objects;
- (b) undermines the institution of marriage by encouraging promiscuity among single men and adultery among married men;
- (c) lowers the health of the community by facilitating the spread of sexually transmitted diseases;
- (d) impoverishes the community financially by diverting funds to health and welfare programmes.

As legislation of the trade of prostitution will result in more brothels in WA, thereby intensifying social injustice, your petitioners humbly pray:

That all members of the Legislative Council vote against the proposed liberalisation of laws governing prostitution.

And your petitioners, as in duty bound, will ever pray.

[See paper No 475.]

## FINANCIAL ADMINISTRATION AND AUDIT ACT

### *Report Tabling - Legislative Council*

THE PRESIDENT: I table the Auditor General's interim report on the financial statements of the Legislative Council.

[See paper No 477.]

## MOTION - SELECT COMMITTEE

*Aboriginal Funding Programs - Replacement of Member*

HON G.E. MASTERS (West - Leader of the Opposition) [3.34 pm]: I move -

That the Honourable Tom Stephens be replaced as a member of the Select Committee on Aboriginal Programs.

Members will recall that on 16 June 1988 a Select Committee was set up on the motion of Hon Eric Charlton to investigate and inquire into State funding for Aboriginal programs. That Select Committee was set up with the authority and the direction of the Legislative Council, which means that all members of this House are responsible for that action and for appointing a number of people to serve on that Select Committee. I commend Hon Eric Charlton for his intentions and for the terms of reference of the Select Committee, and the Opposition was pleased to support the committee and have one of its members serve on it.

It has now come to the Opposition's attention that certain events took place in relation to that Select Committee which should be debated in this House; it is a very important matter. I quote from an article from the *Kalgoorlie Miner* dated Friday, 7 October 1988, headed, "Woman claims intimidation at inquiry", which has already been mentioned by Hon Tom Stephens himself. The article states -

A Kalgoorlie woman, who presented a submission to the State Government Aboriginal funding inquiry, claims she was emotionally intimidated by committee member Tom Stephens.

These claims have been supported by committee chairman Eric Charlton.

The four-member committee, which met in Kalgoorlie on Wednesday, received two written and five verbal submissions.

Chris Armstrong, a leading Kalgoorlie psychologist, and her husband, presented a submission to the inquiry in August.

The article continues -

Ms Armstrong attended the hearing to present her case and summarise her previous written submission.

However, she claims that during a question session she was verbally harassed and abused by Tom Stephens, Member for North Province, which encompasses the Kimberley region.

"I think he felt threatened because of the waste of money in the Kimberleys," Ms Armstrong said.

"The Labor party is not using the policy in terms of Aboriginal spending.

"He was nit-picking."

She failed to present her entire summary because she was "too distressed" and left the meeting.

Mr Charlton followed her out of the meeting to discuss the situation.

Speaking from Alice Springs yesterday, Mr Charlton confirmed that Ms Armstrong had been harassed.

"I thought that she had a contribution to make which she put in a written submission," Mr Charlton said.

He said that Mr Stephens had over-reacted.

"Someone who puts in a submission should be given the respect they deserve in putting forward comments and responding to questions," Mr Charlton said.

He said that he was extremely disappointed that one member of the committee had responded so aggressively.

That is a very serious allegation and one which cannot go without comment in this House, bearing in mind that a Select Committee of the Legislative Council has a very important and responsible role to play; indeed, the respect and the good standing of this House depends entirely upon the committee's performance and the way it carries out its responsibilities.

Hon T.G. Butler interjected.

Hon G.E. MASTERS: I am not going to start a verbal crossfire in this House.

Hon T.G. Butler: That makes a change.

Hon G.E. MASTERS: It is important to understand the implications of what has happened, and we must assume that Hon Tom Stephens' behaviour was a deliberate attempt to intimidate a witness and probably to sabotage the inquiry. This is an unforgivable attempt to bring the Legislative Council and a Select Committee of this House into disrepute. I do not think it has ever happened before; I have not heard of any reports, and none has been brought to my attention, although I have done some research on the matter.

It is important to understand that when a Select Committee is set up by the Legislative Council, members appointed to that task have certain responsibilities, and they are required to behave and conduct themselves in a proper manner. They have a responsibility to attend that Select Committee and carry out their tasks properly. There is absolutely no way that a member of a Select Committee can simply walk away from the Select Committee and say, "I am not going to serve." After being appointed he cannot say, "I do not like it, I am not going to attend." It is his responsibility to attend, and if he does not it should be brought to the attention of the House. It is important that members understand their responsibilities, and I quote from *Practice of the Legislative Council* by Blackmore. This is an old publication dated 1889. Page 125 is headed "Select Committees".

Hon T.G. Butler: Big stuff!

Hon G.E. MASTERS: I know it does not matter much to the honourable member, but it is important to every member, and I am trying to make that point. It reads -

A Member cannot excuse himself from serving on a Select Committee, or for not attending its sittings, but Members may be discharged on Motion, and others appointed in their place, election being by ballot as before.

That is a very old publication, but there are some later ones. My next quote comes from Erskine May's *Parliamentary Practice*, dated 1903, page 685 headed "Select Committee (Commons)". Again I point out the responsibilities of members appointed to a Select Committee and the task they are appointed to carry out. Page 685 reads -

A Member cannot relieve himself from his obligation as a Member to obey the commands of the House by declining to serve on a committee. Members originally nominated to serve on committees may, however, be discharged from further attendance, and members may be added to the committees in the room of members who have been so discharged, or have died or otherwise ceased to be Members of the House.

Again I quote from *House of Representatives Practice* dated 1981, page 564, headed "House of Representatives Parliamentary Committees", which reads -

Committee service is considered to be one of the parliamentary duties of private Members.

Reference is made on this page to the acknowledgment that Ministers quite often, for reasons of pressure and a great deal of work, are not able to serve on committees. I point out that committee service is considered to be one of the parliamentary duties of a private member. When they are elected to carry out those duties they have to do so. On page 570, still under "Parliamentary Committees" it goes on -

#### Quorum

The proceedings of a committee which meets in public or in private without a quorum are invalid. Consequently, decisions taken are not binding and, more seriously, words spoken by members or witnesses are not privileged.

The reason I quoted that reference is that it is important to understand that members discharging their duties as members of a Select Committee also have to attend. It is no good a person saying, "I am fed up with it; I do not like the evidence; I do not like the chairman." It is no good his walking away and forcing the committee to disband or adjourn through lack of a quorum. Those are the responsibilities of a person appointed to a Select Committee.

Any person who accepts nomination in this House and as a result is appointed has those commitments and must accept them and their obligations.

Hon Fred McKenzie: But has Hon Tom Stephens not carried out all of those requirements? Has he refused to serve on the committee?

Hon G.E. MASTERS: No. There is a person in this House who did, but I will not refer to that now. I am just pointing out the importance of the job members of the Select Committee have to do. He did not do that, as far as I know.

Hon T.G. Butler: It is irrelevant, then.

Hon J.M. Berinson: Yes.

Hon G.E. MASTERS: The point I make is that members appointed by the Legislative Council to carry out duties as members of a Select Committee must carry out and accept those responsibilities and obligations; otherwise they should be replaced.

Hon Tom Stephens: Are you criticising Hon John Williams?

Hon G.E. MASTERS: The move to replace Hon Tom Stephens was proposed because he has demonstrated that he is unfit to serve on the Select Committee I have mentioned. He has shown from the very day he entered this Parliament that he has contempt for the traditions and the institution of Parliament. That is a view I have as a result of some of the remarks he has made, and he more than anyone else has done a great deal of damage to the Select Committee system in the Legislative Council.

I give the highest praise to the Chairman of the Select Committee for the way he has proposed this Select Committee, for his initiative, for the terms of reference he has put forward and the support he gained from this House. I am sure he had the most honourable intentions in doing this. For that reason the Select Committee cannot be placed in the situation of facing newspaper reports which bring discomfort to the chairman of that committee and disgrace to the Legislative Council and the institution of the Select Committee system.

I do not know what the true words were; whether they were properly reflected in the newspaper report. If there is any truth in the newspaper report - and I am sure there is because Hon Tom Stephens acknowledged that last week when he apologised for his actions - this House should insist that the transcripts of the Select Committee be made available to us before the final vote is taken. The Select Committee is a Select Committee appointed by the Legislative Council. The reports of the Select Committee are the property of the Legislative Council, and I imagine the transcripts are there to be made available so that before a vote is taken we can make a proper analysis of what went on. It is a very serious matter indeed. If the allegations are true, rather than this House replace Hon Tom Stephens, he should resign. His actions have pretty well automatically disqualified him from service on that Select Committee.

I will not continue any longer than is necessary in this case. I do not intend to make a long speech. I am as concerned as anyone over the way Select Committees have operated in this House in recent times, and I acknowledge that there has probably been fault on both sides. We have now reached the stage where Select Committees must start operating properly. I am convinced that the future of the Legislative Council will depend on the committee system, on the proper operation of Select Committees and their reporting in a noncontroversial way to the Legislative Council. If that does not occur, in the next five or 10 years there will be no Legislative Council. Certain members would be quite happy with that situation, but the majority of us on both sides would feel aggrieved if that were to be the case. I do not think this House, in the light of the public comments made by the newspaper and what must be in the transcript, has any option but to replace Hon Tom Stephens with another member.

**HON TOM STEPHENS** (North) [3.48 pm]: It may come as no surprise to members that the comments of the Leader of the Opposition make me a little angry, but I will restrain my anger to respond to the facts. I deny that I set out in any way to intimidate or harass or disturb any witness who has appeared before the Select Committee on which I served. My colleague, Hon Tom Butler, made an interesting interjection during the Leader of the Opposition's comments; he asked on what has Mr Masters based his complaint. The truth is that he has, as he said to the House, based his claims upon newspaper reports.

Hon G.E. Masters: Which you acknowledged to be true.

Hon TOM STEPHENS: Hon Gordon Masters knows that in my apology to the witness last week I apologised in these terms: It was not my intention to in any way upset or intimidate Ms Armstrong, and if I had succeeded in unwittingly doing that, then I was apologetic.

Hon G.E. Masters: Don't you think you owe an apology to the House as well?

Hon TOM STEPHENS: One of the things in which I concur entirely with Hon Gordon Masters is his desire to have the transcript of the hearing of the Select Committee's proceedings in Kalgoorlie made available here. I do not know whether there is a precedent for this, but I would be delighted if not only were Hon Gordon Masters to have the transcript but also that I could have the opportunity of sitting here, with all members of the House, face to face with Hon Gordon Masters as he listened to the tape, which is available, of the cross examination of the witness involved. After the newspaper article appeared I took the opportunity of going up to the Hansard department and asking for an opportunity to listen to the tape of that cross examination. I can assure Hon Gordon Masters that there is nothing I have said - and there is no way that I spoke to the witness - about which I am apologetic. It distresses me, however, that the witness was obviously distressed by that cross examination. It does not give me any pleasure to see a witness upset in a Select Committee hearing, and, of course, I was sad and sorry to see that the situation which emerged in Kalgoorlie a fortnight ago resulted in a woman being distressed.

It should come as no surprise to members, however, that someone like me is particularly concerned about the Select Committees of this House. They have become a place before which highly contentious political issues are brought.

Hon G.E. Masters: This was not one.

Hon TOM STEPHENS: These issues are brought before Select Committees by people who have expressed strong views on the topic and who then endeavour to sit in judgment over those issues. The Chairman of that Select Committee is a person whom I hold in the highest regard.

Hon G.E. Masters: So do we all.

Hon TOM STEPHENS: I would like to place on the record the fact that I consider him to be a friend, but at the same time I feel deeply about the process whereby members like him have the opportunity of expressing publicly their concerns about issues, moving for the formation of a Select Committee and then sitting in judgment over those issues when it has been clear from the outset that they have a view and a position that does not add to the dignity, the impartiality or the regard with which the community should hold the Parliament and that arm of Parliament - the Select Committee process. I strongly fear that it is not appropriate for the Select Committee process to sit in judgment over contentious political issues and claims. In that context, people making claims to a Select Committee, particularly a Select Committee upon which I serve, need to know that if they choose to repeat allegations and claims on contentious political issues in submissions to that Select Committee, they should anticipate a process of vigorous scrutiny of those allegations and detailed cross examination.

Hon G.E. Masters: Are you accusing Ms Armstrong of that?

Hon TOM STEPHENS: May I try to avoid for the moment responding to interjections? I took the opportunity of restraining myself, despite my anger, from responding to comments made by the Leader of the Opposition, and I would appreciate it if he would pay me the same courtesy.

I think a difficult process is now before the House: That is, matters have come before the consideration of the Select Committee and already the processes of that Select Committee and submissions to it have been discussed in the *Kalgoorlie Miner* and, not least of all, by the Chairman of the Select Committee who commented about the matters that were before that Select Committee. Had there had been any complaint or concern about my behaviour on that day, I put it to my friend and colleague, Hon E.J. Charlton, that the appropriate place for him to have made his comments was by way of this motion, being his motion in this House, and not by comments that confirmed claims before the journalist who addressed the issue in the *Kalgoorlie Miner*. Then we would have had the opportunity to join in the process and respond to the claims and counter claims made over this issue. What needs to be

remembered by members of the House is that the Select Committee is a three party committee upon which representatives from the Liberal Party, the National Party and the Labor Party serve. On that particular day in Kalgoorlie the representative from the Liberal Party was away on other parliamentary duties and did not have the opportunity to be present, so the Leader of the Opposition is in the situation of basically being in the dark as to what happened.

Hon G.E. Masters: Except that you acknowledged that Press release by referring to it and apologising for it.

Hon TOM STEPHENS: It would appear that my great fear about the Leader of the Opposition is true. Not only is he stupid; he is deaf as well.

Hon G.E. Masters: You are starting to lose your temper.

Hon Kay Hallahan: Is that what you are about?

The PRESIDENT: Order!

Hon TOM STEPHENS: I suggest Hon Gordon Masters watches my lips.

Hon G.E. Masters: I could not bear it. You were better when you had a beard.

Hon TOM STEPHENS: At least listen to what I am saying: I did not, in my view, intimidate or harass in any way that witness. I endeavoured to cross examine her on allegations put before the Select Committee. I would be quite happy, as I have said to the House, for the Leader of the Opposition to listen to the tape recording which is available of the proceedings of that day for that witness, in this Chamber at any time if it so decides.

Hon T.G. Butler: He would rather read it on the front page of the *Kalgoorlie Miner*.

Hon TOM STEPHENS: Absolutely. The claims of the witness who appeared before the Select Committee will in the end be evaluated by that committee and by this House, and in turn, they will be evaluated by the public because in the process of our report to the House no doubt we will have to make deliberations upon the submissions we received. I imagine that in the normal process some of these submissions will become the property of this House and will become available for public scrutiny.

I would be happy, as I have said already, if the tape recording and the transcript were to be available to members of this House so they could evaluate my response to the claims made by Hon Gordon Masters and the witness to the media. However, with regard to the point about the claims of the witness in particular, it is true that I respond with anger to claims that are not accurate. Certainly I am angry about claims made by Hon Gordon Masters to the House today, and it is true that the claims put before the Select Committee by the witness in question made me angry, because I know them to be wrong. There was a series of nine claims which I wanted to take the opportunity to cross examine the witness about. The witness indicated to the Select Committee, for instance, that the Aboriginal people own Gogo Station and had eaten it out. I asked her whether she would be surprised to learn that the Aboriginal people do not even own Gogo Station and are not involved in the management of that station. It is not an Aboriginal owned pastoral lease and yet the Select Committee was expected to sit there and hear a submission from the witness claiming that not only did Aborigines own the Gogo pastoral lease, but, in the process of their alleged mismanagement, they had eaten it out.

I was also supposed to sit and listen, presumably without vigorously cross examining the witness, to a claim that the Bow River community had received 30 new houses on the Bow River Station which were not being occupied when I had heard, only the day before, from the chairman of that community who petitioned me, as a constituent to a member of Parliament, asking for my assistance in ensuring that funds for this housing could be allocated to that community. He indicated to me that no housing had been allocated to the Bow River community in the time that it had been on the station. Can members imagine my distress to hear, the very next day, a witness speaking to a submission that she made to our Select Committee claiming that there has been waste and mismanagement in Aboriginal affairs, and that some 30 houses had not only been built, but were no longer being lived in? Can members imagine my distress when others in my constituency, the Oombulgurri community, were accused of receiving \$10 million in Government funds in a community in which it was alleged that they did not even live for four or five months of the year? I know that to be

untrue as my colleague, Hon Tom Helm, was in that community a few days before and told me, "They are putting on a very good charade of living in the community if the claims of Miss Armstrong are to be believed."

There were other claims that the witness made about which I endeavoured to cross examine her. What is the Opposition saying? Is the Opposition, in the process of establishing Select Committees in this place, trying to provide a forum to which anyone can come and make any outlandish claim or contention upon which they shall never be cross examined?

Hon G.E. Masters: I am saying they should not be harassed or abused which, apparently, you did.

Hon TOM STEPHENS: Hon Gordon Masters and I are agreed that witnesses should not be harassed or abused.

Hon P.G. Pental: There are ways of testing evidence, are there not?

Hon TOM STEPHENS: I agree.

Hon P.G. Pental: That is what your job was.

Hon TOM STEPHENS: The way of testing evidence is to cross examine the witness about her claims.

Several members interjected.

The PRESIDENT: Order!

Hon TOM STEPHENS: In the process of such testing it became clear that the witness was not comfortable with the cross examination and, unfortunately, became distressed. I can understand that distress. From my point of view, that distress reflected her embarrassment as she became aware, during the process of that Select Committee, that the claims she had made before the committee were not only wrong, but she could not substantiate them.

Hon G.E. Masters: You are saying she told lies, are you?

Hon TOM STEPHENS: Rather than being harassed or intimidated, as the witness claims, it was a demonstration of her embarrassment as she realised, during the Select Committee process, that she had two members of Parliament who represented the area and were able to speak with some knowledge about the Aboriginal community and claims that she made. I do not want to attack the witness. In many ways, I do not even criticise the false claims she made to the Select Committee as being her own. She came to the committee with views she had formed during a tour through the Kimberley; she had picked up the claims and scuttlebutt, chose to believe them, and put them in a submission to the Select Committee. I felt, as a member of Parliament for the area and as a serving member on that Select Committee, that I had the obligation and, indeed, duty to examine what I saw to be basically unjustified and scurrilous claims about my Aboriginal constituents. I saw the claims as being neither accurate nor capable of being substantiated. I knew them to be untrue.

The needs of the Aboriginal community in Western Australia are too great to allow claims such as this to be made to our Select Committee and go unchallenged. Such claims were received as evidence by a Select Committee which is proposing to make recommendations to Parliament and the Government on questions of Aboriginal funding. Far from holding the Select Committee process in disdain, I hold it in the highest regard. What I do hold in disdain is a procedure which has been adopted too often in this House by the Opposition, during the life of this Government, to use the Select Committee process as an extremely unfair and unsatisfactory way of highlighting contentious issues, almost sitting in judgment over some of those issues, and trying to sensationalise and run with such issues, thus providing the opportunity of increasing and repeating claims that, in the end, cannot be substantiated.

Hon G.E. Masters: You are simply calling her a liar. That is what you are doing.

Hon Kay Hallahan: Come off it. You really are very pathetic.

The PRESIDENT: Order!

Hon Kay Hallahan: Have you not been listening to him?

The PRESIDENT: Order! Honourable members will come to order when I call for order.

Several breaches of the rules are occurring, apart from the interjections. I remind members that they cannot read newspapers in this place. That is as serious a breach, in my view, as the others. I only saw that out of the corner of my eye. What I wanted to say to honourable members is that here we have one of our members of this Chamber being accused, and the subject of a motion that is probably the most serious motion moved against a member that I have seen in my years here. The motion accuses him of conduct that he is alleged to have carried out, and he is being subjected to the same sort of conduct about which he is accused. I am not passing judgment on what the honourable member did or did not do, but I am passing judgment in that while he is endeavouring to answer the accusations he must at least be allowed to do so with a bit of decorum.

Hon TOM STEPHENS: Thank you, Mr President. Parliament, at times, particularly outside of the forum of the Chamber itself, is a reasonably relaxed place; it is a place where members have the opportunity of speaking to one another; it is a place where Hon Gordon Masters, if he had any shred of decency, could have taken the opportunity of discussing this matter with me. He chose not to. He chose instead to raise the matter in this forum to score political points.

Hon P.G. Pandal: As is his right.

Hon TOM STEPHENS: As is his right, but Parliament is a fairly relaxed place, and I am a fairly relaxed man, and I would have been quite prepared to discuss this matter with Hon Gordon Masters.

Several members interjected.

The PRESIDENT: Order!

Hon TOM STEPHENS: If Hon Gordon Masters had wished to, he could have come with me when I went upstairs and listened to the tape recording of the Select Committee hearings, which are the subject of this motion. Hon Gordon Masters could have judged for himself my claim that I in no way wanted to intimidate or harass the witness, and my claim that there is a tape recording in this House which convinces me that, on a fair assessment of the situation, that was not done. More importantly, if Hon Gordon Masters had not wanted to raise the issue with me he could have spoken to the Chairman of the Select Committee and assessed what he wanted to do in regard to this matter. I have been able to establish what the Chairman of the Select Committee wanted to happen in this matter: He wanted me to make the statement I made to the House last Thursday; that is, that I apologise if I unwittingly caused distress or embarrassment to, or a sense of harassment of, the witness. The Chairman of the Select Committee indicated to me that was the course of action he wanted me to take and I took it. It is interesting to note the assurance of the Chairman of the Select Committee that he, and members of the National Party will not support the Leader of the Opposition's motion.

Hon P.G. Pandal: That is their right. It is not a problem.

Hon TOM STEPHENS: The Leader of the Opposition's party was not even represented on the committee -

Hon P.H. Lockyer: Yes it is.

Hon TOM STEPHENS: A member of the Liberal Party was not present on the day in question. It ill behoves the Liberal Party leader in this House, who had no inside knowledge of the events of that day, to rush into this House with this ill conceived motion that will not attract the support of the National Party in an attempt to obtain political points. It is not as though the Leader of the Opposition is alone in guilt on this question. The *Sunday Times* reports that another member of the Liberal Party rushed to a columnist.

Hon P.H. Lockyer: That was incorrect. I was speaking to a reporter on another matter and he asked me whether you had apologised and I said no.

Hon TOM STEPHENS: I will not proceed along that line and I will redirect my comments to the actions of the Leader of the Opposition. His actions were ill conceived, poorly thought out and taken in haste. He rushed into this House to secure cheap political points with claims that will not be substantiated by any fair assessment of that situation.

Hon P.G. Pandal: Are you saying the *Kalgoorlie Miner* report was wrong? I notice that you are not prepared to deny the Press report.



Hon TOM STEPHENS: Is Hon Phil Pental talking about the first report, or the report on the day after the first report in which I denied -

Hon P.G. Pental: I am talking about the report on Friday 7 October.

Hon TOM STEPHENS: Selective reading of the *Kalgoorlie Miner* would produce only that story, but had the member chosen to read the report on the following day he would have seen a categorical denial of the claim.

Hon P.G. Pental: My question was: Did you deny the accuracy of that report and also what Hon Eric Charlton said in that report?

Hon T.G. Butler: Why do you base your allegations on that report?

The PRESIDENT: Order! Why did not members listen to what I said earlier?

Hon TOM STEPHENS: I will draw the attention of the House to the fact that there is nothing wrong with the reportage of the *Kalgoorlie Miner*. The journalist faithfully reported the claims of the witness and also faithfully - I have no evidence to the contrary - reported the claims of the Chairman of the Select Committee, although the chairman gave me a slightly different version of what he said from that which appeared in the *Kalgoorlie Miner*.

Leaving that issue aside, I have no quibble with that element of reportage of those claims except that I did express to the journalist involved that I would have liked the opportunity of discussing those claims before they appeared in the paper that day in order that my response could have been recorded on the Friday on which they appeared. I thought it was a pity that the paper did not give me that opportunity. Unfortunately, members of the Select Committee were in Alice Springs and although we were staying in the same hotel and I was not even two feet from the Chairman of the Select Committee, the paper was able to contact Hon Eric Charlton but failed in its efforts to contact me. In that context, I say in response to the claims of the Leader of the Opposition that it is unfair of him to expect me to resign from the Select Committee or for him to anticipate that the House should choose to remove me from the Select Committee. It is important if we are to have a Select Committee process for people to know that claims before a Select Committee process have to be evaluated by the committee. It has been a lesson to me about the fragility of members of the public as they face that process. I was genuinely surprised and I advise members that my surprise is doubled by the fact that I knew I was dealing with a professional woman - a psychologist. I viewed her as a confident and self-assured woman who was confidently making claims. The manner in which I was cross examining her was on the basis of my belief that she would confidently handle the cross examination process. What became apparent as the Select Committee proceedings disintegrated was that she was lacking in that self-confidence in the face of the cross examination process. It was a sorry moment for me to see her in distress.

What is more important is that members of Parliament or people who appear before the Select Committee process should be made aware that claims made before a Select Committee have to be evaluated by the Parliament. People who put up claims need to know they will be cross examined. If they are confident about their claims, they have nothing about which to be embarrassed or ashamed and nothing about which to eventually become distressed.

Finally, I draw attention to the extraordinary hypocrisy of the Leader of the Opposition in this place, who sat in this House during the debates about the Select Committee process involving one of his colleagues and heard pleas from members from both sides of the House in regard to the position of Hon Neil Oliver on a certain Select Committee. Hon Neil Oliver, at least, should have known that he should not be on that committee. The same man who ignored the claims and pleas from people from both sides of this House to ensure that Hon Neil Oliver was not involved with that Select Committee, now wants me removed from a committee -

Hon P.G. Pental: That is absolute nonsense.

Hon TOM STEPHENS: - on the flimsiest of evidence; that is, an unsubstantiated news report.

Hon P.G. Pental: You just said it was substantiated.

Hon TOM STEPHENS: The Leader of the Opposition has decided to extract vengeance for

the challenges to the Liberal Party's right to be in control of everything in this Parliament - the Government benches as well. That party will use every tactic in the book to try to discredit its opposition benches. It is a tactic which ill behoves the Leader of the Opposition and which can be judged for what it is - nothing more than a ploy to distract the attention of the House and the community away from more fundamental issues in contemporary Western Australian debate.

It is my intention, with the forbearance of the House, to continue to serve on that Select Committee - despite my reservations about the Select Committee process - in an effort to ensure that it can redeem itself, even though the Opposition wants to drag it into the mire of the political debate, to misuse it and to engage in political point scoring.

Hon P.G. Pendar: You are the one who was claimed to be intimidating.

Hon TOM STEPHENS: In that context, I hope that members opposite will not be encouraged to support the Leader of the Opposition's motion.

HON E.J. CHARLTON (Central) [4.21 pm]: As the member who instigated the inquiry, I feel I should make some comment on this debate. This is an inquiry by a Select Committee of this House into a series of problems within a certain section of our community, conjecture surrounding which confronts the whole community on a daily basis. Not a day passes without some aspect of the subject of this inquiry being debated in the media at some point or another. Bearing in mind what has taken place with Select Committees of this House in recent times, I put a great deal of emphasis, and will continue to do so, on ensuring that this Select Committee sticks to the subject of its inquiry. Although I initiated this inquiry, I did not have preconceived ideas about whether individuals, organisations, or groups were guilty or not guilty of impropriety or had carried out their activities in a questionable way. My main concern was that many people in the community felt there were question marks about the way in which taxpayers' money was being spent. That was the reason for the initial debate which led to the establishment of the Select Committee. That is where I stand on the matter.

The public of Western Australia must be given an opportunity to comment on community matters; they elect members of Parliament to represent them and they in turn have an opportunity and a responsibility to establish the facts. The Select Committee system is one of the mechanisms whereby the people of this State have an opportunity to find out what is going on, and also are able to put forward their submissions and comments. That does not necessarily mean that the comments made, or decisions arrived at, have resulted from research into the topic or represent a true record of the situation. However, the process provides people from across the whole spectrum - from Government departments, organisations and the private sector - with the opportunity to make submissions. When this Select Committee was established, because of the problems in the past with Select Committees, and bearing in mind that in Western Australia members of Parliament are not held in the high esteem one would wish for, I was very conscious of the need to keep the train on the rails - particularly in view of the fact that the nature of the inquiry would make it heavy going. Therefore, when this situation arose in Kalgoorlie I made a decision, rightly or wrongly, that I would not hide behind the protection of Standing Orders, assuming I had interpreted them correctly. I decided that if a person became distressed while giving evidence, I would acknowledge my point of view on that aspect of the inquiry rather than make no comment or drift away from the subject. Furthermore, as Hon Tom Stephens has stated, I, along with other members of the committee, requested him to apologise for the situation that had arisen, which he did. The meeting was held last Wednesday night and Hon Tom Stephens made that apology in the House on Thursday. That is where the matter should have ended. I do not think any good will come from raising this matter as far as the inquiry of this Select Committee is concerned.

As members of this House know, it was always my intention to complete this inquiry as soon as possible. However, submissions are still being received and, obviously, the longer the inquiry continues the heavier will be the workload of those members involved. I had hoped that Hon Tom Stephens' apology last week would be the end of this matter, and that from now on when members of the committee have indicated that they will attend a meeting of the committee to hear evidence, they will participate in the entire hearing on that day, and will not at any time walk out of meetings. All members of the committee should remain during

the entire hearing and carry out the responsibility with which they have been entrusted. If they are not prepared to do so, they should acknowledge the fact now and not continue as members of the committee.

It has been correctly stated by Hon Tom Stephens that I suggested to the Leader of the Opposition that the matter had gone far enough; that an apology had been made and that should be the end of the matter. I am not in a position to support the motion because I think something more important is at stake; that is, this State and nation have a very serious problem with regard to Aboriginal affairs and the advancement of Aboriginal people. It is a very difficult subject, and as long as I am involved in this Select Committee inquiry, I will carry out my responsibilities, as will other members of the committee who, in addition to serving their electorates, are contributing extra time, effort and resources in order to participate in this Select Committee.

If we are to maintain the Select Committee system in this place we must establish the facts in these matters; we must keep our eyes in front of us and not veer too much to the sides. We must not allow these inquiries, whatever the subject, to become political point scoring issues. Therefore, I hope that this inquiry is able to continue to completion, and that a report is made to the Parliament so that the people in this State will have an opportunity to read the evidence and make their own judgment about the findings and recommendations. I also hope that after deliberation the recommendations will be made by the Select Committee as a whole, and that those recommendations will provide positive answers not only to the people who made submissions and the wider community, but also to the Aboriginal community.

[Resolved, that business be continued.]

**HON J.M. BERINSON** (North Central Metropolitan - Leader of the House) [4.31 pm]: Hon Eric Charlton has approached this motion responsibly, and I welcome his indication that he intends to oppose it. We can all count, and we are, therefore, aware that this motion will not be carried. Nonetheless, I make it very clear that Government members of this House believe this motion ought not only to be rejected absolutely but also condemned. This is a shallow and transparent political attack, and it is made all the more cynical by the professed concern of the Leader of the Opposition to protect the good name and standards of this House. This motion trivialises the role of this House, and the Leader of the Opposition has been here long enough to know that.

There has been no previous occasion, so far as I am aware, on which a member, once appointed to a committee, has been dismissed, as this motion proposes. I suppose that, theoretically, the conduct of a committee member might be so utterly reprehensible as to justify his or her dismissal, but any such conduct must certainly be of a most extreme kind. What evidence has the Opposition produced to suggest that such utterly reprehensible conduct is here involved? The Leader of the Opposition offers us, first, the headline of the *Kalgoorlie Miner* which says a woman claims to have been intimidated; and to support that he quotes Hon Eric Charlton as having said that Mr Stephens has overreacted. The Leader of the Opposition offers, on the basis of that evidence, a motion with the historic purpose - for the first time in almost 100 years of this Council's history - of dismissing a member of this House from his proper appointment to a committee. This motion is not to be taken seriously. The chairman of a committee has control of the committee proceedings and could at the very least be expected, if there were extreme difficulties, to take some initiative within the committee environment or, if necessary, within the House. That has not been the case in this instance; on the contrary, the Leader of the Opposition has taken it upon himself, without first hand knowledge of events, and without an ability to produce evidence to support his case, to move a motion of such an extreme kind.

I believe that Hon Tom Stephens, both last Thursday and today, has behaved with great responsibility and dignity. He has not - as some interjections sought to suggest - agreed that he did behave unreasonably or improperly or in such a way as to harass the witness. What he has apologised for is not so much his conduct but rather the unintended effect which his cross examination had on the witness. I believe he has made it clear it was not his intention to upset the witness, and if that was the result, it was an unintended result and was unwitting. That is more than enough, and to attempt to take this motion any further is absolutely unwarranted and would be pitiful. I put it to the Leader of the Opposition that if he is concerned for the role, standards and dignity of this House, he will not pursue this motion further and will withdraw it.

**HON A.A. LEWIS** (Lower Central) [4.36 pm]: I guess I have to apologise because I was not in Kalgoorlie; I was away on other business. What worries me about this matter and the whole of the argument is, first, that it should have been in the Press at all; and, secondly, that we should have a situation where any committee of this House is reported on in detrimental terms. I think I have had, along with you, Mr Deputy President (Hon John Williams) as much experience on Select Committees as any member in this place, and there have been many times when I have had evidence given to me that I did not like, but it has never blown up into an issue like this. I congratulate Hon Tom Stephens for apologising to the witness; I believe that goes part of the way. I would like to apologise to the House for not being in attendance at the committee meeting, and for not being able, as an aged gentleman, to pour some oil on troubled waters during the committee's proceedings. It seems to me that at no time do our Standing Orders give us, as members of a Select Committee, the right to adopt a sort of Perry Mason type cross examination that some people think committee members have. I am referring not only to this committee but to several that we have dealt with during this session.

Hon T.G. Butler interjected.

**Hon A.A. LEWIS:** If the honourable member wants to make a contribution, he can. I will not be here for future committees. I think it might be a good idea if we get back to what Select Committees are meant to be all about: Forums for elucidating information, not for conducting political witch hunts.

Hon T.G. Butler interjected.

**Hon A.A. LEWIS:** Mr Butler should hang on, because if he wants to start a yike about this, I will start to deal with some other people whose comments about committees have not been too good. The member's record in this House of knowing anything about its procedures has not shown him in a very good light to this stage.

Hon T.G. Butler interjected.

**Hon A.A. LEWIS:** I think that in most aspects of the running of a committee, a number of members would think I can do a fairly good job. I am worried that witnesses who come before any committee which is set up by this House should have pressure put on them to the stage where they crack and cannot take any more. I do not know how witnesses show that, whether it be by losing their temper, crying, or in any other way.

**Hon Tom Stephens:** It was not during the witness's discussions with me that the witness cried; it was at the end.

**Hon A.A. LEWIS:** I am laying absolutely no blame. As Hon Tom Helm will tell the member, as a member of the Select Committee I have a transcript, but I have not yet read it because I wanted to make a sensible plea to this House. I think Hon Tom Stephens will agree that ever since this committee was set up I have been trying to have passions lowered and hosed down, and a sensible program followed. All I am appealing to the House for is that in the future - and there will be many Select Committees in the future - this sort of thing does not occur. If we really believe we are legislators, we cannot afford to have this House or its committees turned into screaming matches. I have been known to interject at times, and to be unruly -

Hon T.G. Butler: Heaven forbid!

**Hon A.A. LEWIS:** - but I am getting wiser and older.

Hon T.G. Butler: You are loved, too.

**Hon A.A. LEWIS:** I thank the member, and I hope the Hansard reporter got that lovable quote.

Hon T.G. Butler: No, you are not lovable.

**Hon A.A. LEWIS:** The apology should have been to the House and the witness, but I will not force that. I am just asking for the future to be a little bit better. It is not just for the members of the Government now, or the members of the Opposition now, or what happens after the next election, or after the election after that. Having served on a number of committees with Hon Fred McKenzie, although evidence was given that was not to our liking at times I do not think there was a single occasion on which there was a harsh word.

The evidence was taken and, as I said to Hon Tom Helm, after the witness left, "Well, we know that, and that, and that are incorrect from what we have seen." That is what a Select Committee makes up its mind on: On the evidence it is given and on the evidence it can verify. We have almost reached the stage of the Perry Mason attitude. That might be all right for budding members of the Bar and people like the Premier when he was cross examining Ministers in this House; I did not think it was good even then, but I do not believe it is the way we should conduct Select Committees. My plea to those members of this House who will be here in the future is: Do not let it happen again. Let us discipline ourselves and make sure that, if there needs to be a minority report, let there be one, but let there be no rancour with it.

**HON G.E. MASTERS** (West - Leader of the Opposition) [4.44 pm]: First of all, Hon Tom Stephens seemed to suggest that there was something wrong with the National Party disagreeing with us on this issue. We are separate parties. I had discussed the matter with Hon Eric Charlton, so he knew my intentions; he made mention of that fact. Of course, as we will be in coalition next year, we confer. We do not always agree, but we confer on a regular basis and that is the proper way to go about things. At the end of the day, if the honourable member wants to disagree with me, that is his right and privilege and I respect him for it.

Hon P.G. Pendal: Hear, hear!

**Hon G.E. MASTERS**: Comment has been made of unsubstantiated reports in the *Kalgoorlie Miner* in a headline "Woman claims intimidation at inquiry". I believe the report was substantiated by the member who is referred to in this Press statement, Hon Tom Stephens, who stood up, quoted the comments and apologised for what I thought was his conduct or the way the woman was upset. If I misunderstood that point, I stand corrected; but I understood that reference was made to this newspaper report and, indeed, an apology was made on the basis that those comments were correct. Also, the comments in the paper indicated that the claims were supported by committee chairman Eric Charlton, but I leave it at that.

As I understand it, Hon Tom Stephens has been severely reprimanded by the Premier and the leader in this place and I am quite sure he will be more careful in future. Nevertheless, I reiterate that members of Select Committees cannot be allowed to act in the manner that has been described in this report and, I believe, substantiated by the honourable member himself. It is no good a member of a Select Committee saying that because he or she disagrees with evidence he or she can harass and abuse the witnesses. That is not the purpose of a Select Committee at all. The Select Committee must receive the evidence whether its members agree or disagree with it, and then discuss it among themselves and put together a report. If the Select Committee report says that a person's evidence cannot be believed, or that the evidence is doubtful, that is the method by which the Select Committee reports to the Legislative Council, not by a single member going off at a tangent and interrogating witnesses to the point where they are reduced to tears and cannot proceed. There is a limit to how far members of a Select Committee can question witnesses, and I say again that even if a member is upset there is no reason at all why a witness should be pursued to the stage this lady was. It is very important to understand that the procedure I have outlined is how a Select Committee should and must proceed. Any person is entitled to give evidence to a Select Committee - we should be encouraging people to come forward and give evidence.

Hon Garry Kelly interjected.

**Hon G.E. MASTERS**: Mr President, can you not imagine other witnesses who think they have something to say to the Select Committee reading this sort of report in the newspaper and saying, "My goodness, we will not turn up to this sort of inquiry"?

Several members interjected.

**Hon G.E. MASTERS**: I repeat that when a member gets to the stage where reports of this nature become public and this sort of harassment occurs -

Hon Garry Kelly: That has been denied.

**Hon G.E. MASTERS**: No, it has not. Does not the member understand?

Hon Garry Kelly: The harassment has been denied.

Hon P.G. Pendal: It has been confirmed.

Hon G.E. MASTERS: Hon Tom Stephens has apologised. When he spoke he said the woman was telling untruths - in other words, she was telling lies.

Hon Tom Stephens: There is one thing that is clear - that you are a totally stupid man.

Hon G.E. MASTERS: Well, I must have been looking at Hon Tom Stephens for too long. Mr President, the honourable member said - and if he looks at his speech he will see that he said - that the woman, so far as he was concerned, was telling untruths. If she were telling untruths I imagine the other word to be used is that she was telling lies.

Hon Tom Stephens: You go back to the transcript.

Hon G.E. MASTERS: I will look very carefully through the *Hansard* tomorrow.

Hon Tom Stephens: I am not sure it will do you any good.

Hon G.E. MASTERS: Mr President, I do not want to continue with the debate in this way. I point out again that Select Committees cannot be allowed to proceed in this way; nor can Select Committees appointed by the whole of this House be allowed to act in the way that has been reported of Hon Tom Stephens. We have no option but to replace him on the Select Committee for one very good reason; that is, if he continues to sit on the Select Committee I doubt very much whether many people will want to give evidence. They will believe they will be subjected to the same sort of pressures, and that possibility is quite unacceptable. It would undermine the whole operation of this Select Committee. I support the motion.

Question put and negatived.

## CRIMES (CONFISCATION OF PROFITS) BILL

### *Third Reading*

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

## BILLS (2) - REPORT

1. Criminal Law Amendment Bill
2. Soil and Land Conservation Amendment Bill

Reports of Committees adopted.

## OFFICIAL CORRUPTION COMMISSION BILL

### *Second Reading*

HON P.G. PENDAL (South Central Metropolitan) [4.51 pm]: I move -

That the Bill be now read a second time.

In the ordinary course of events, this Bill would not have been needed in the State of Western Australia. For generations Western Australia has been remarkably free of political chicanery or misbehaviour of a criminal kind. Whichever Government has been in office, any corruption has been of a minor kind limited to people of relatively low levels of responsibility or authority. That perception has changed in recent times; rightly or wrongly the belief has grown that many things which happen nowadays are of concern, disquiet, and even alarm. What a sad reflection it is on our society that we have reached the point of having to legislate to weed out corruption of persons in public office. The Opposition has been trying for some time to move such legislation through Parliament, and I am pleased to be able to debate this Bill in this House today.

In the other place the Government has made several amendments which the Opposition has accepted. The Bill is now a fairly tight piece of legislation which will go a long way towards curbing any corrupt behaviour in the public sector. The Bill has been widened to include categories of persons as specified in the Criminal Code. The legislation contains a provision for the commission to monitor the progress of any subsequent action of an investigation, but contains no provision to prematurely alert a person about whom allegations are made thus giving undue warning to that person. There is a provision to penalise those persons who knowingly supply false or misleading information and this is always a problem with

legislation of this type. It is distasteful but not impossible to think that a person will attempt to allege things against another person when no reason exists to do so. The only reason could be a gain for the person alleging the corrupt behaviour in the first place. Provision is also contained in the Bill for a review after a two year period.

It is important to realise that this commission will be in place to receive and report on corrupt activities. The commission will have no powers of its own to carry out investigations or witch hunts. In the other place, some doubt existed as to whether politicians or political parties and corporations were covered under the Bill. We have been assured that they have been. There is little purpose in having official corruption legislation if some of the more important officials are exempt.

To a large extent the Bill is self explanatory. The Bill's passage will signal to many people this Parliament's desire to bring to an end the perceptions I spoke of earlier. No doubt, in recent times, the reputation of Western Australia has suffered not only within Western Australia but also beyond its borders.

Not just matters of a spectacular kind sometimes cry out for attention. Sometimes smaller and more mundane matters need that attention. For example, some time ago I became aware that historic maps had been removed from a Government department and sold by individuals for a large profit. My understanding was that no action was taken at the time until an Opposition member of Parliament took up the matter in both Parliament and the public arena. The matter should have been pursued by the department concerned and by the police in that instance; that did not occur. An official corruption commission, if one had been in place, would have been the vehicle by which an allegation of that kind could have been tested in the event that it was initially ignored.

This mechanism will allow a new level of inquiry in Western Australia; a mechanism which will prevent an inquiry being headed off or side tracked. That is the strength of the Bill. I commend the Bill to the House.

Debate adjourned, on motion by Hon Fred McKenzie.

## LIQUOR LICENSING BILL

### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

### *Second Reading*

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Consumer Affairs) [4.58 pm]: I move -

That the Bill be now read a second time.

This Bill repeals the Liquor Act 1970 and replaces it with a new Liquor Licensing Act. The existing Act arose from the 1969 Committee of Inquiry into Liquor Laws carried out under the chairmanship of Mr P.R. Adams QC. For many years the Act provided an adequate framework for liquor licensing in this State. Increasingly, however, it has been unable to cope with the changing demands of the industry and the public, especially those relating to tourism. The Act has also been amended so often that it is now difficult to interpret and apply.

This Government appointed an Honorary Royal Commission in 1983 to examine the Act. The resulting report led to some changes to the Act, and further changes were made to accommodate the special demands of the America's Cup challenge. Late in 1986 the Government introduced amendments to the Act which abolished the existing Licensing Court and created a new Liquor Licensing Court and an Office of Director of Liquor Licensing. These amendments also introduced the concept of category A licences, and provided that the court would hear all applications for category A licences where objections were lodged. All other applications for licences are determined by the director. At the time, the House was informed that this was a first stage in reviewing the Act, to achieve a clear separation between judicial and administrative functions under the Act. The second stage of that process - a complete review of the Act - is implemented by this Bill. Last year the

Government established a committee within the Office of Racing and Gaming to re-examine and consolidate past submissions, to consult industry groups and other interested parties, and to make recommendations for change. The committee also took into account recent reviews of liquor licensing legislation in Victoria and South Australia, and the Bill implements the thrust of the recommendations of the review.

The Bill still provides, except in some specified cases, that liquor may not be sold other than by a person licensed under the Statute. The number of licence and permit categories has been reduced from 30 to 13. The court will still hear applications for the grant or removal of category A licences where objections have been lodged. The court will also hear disciplinary complaints, applications for review of decisions of the director, and applications for major alterations to category A licensed premises, where objections have been lodged.

All other matters, including applications for the grant or removal of category B licences and transfers of all licences and minor alterations to premises, are to be determined by the director whether or not objections are lodged. Matters which attract objections and are important in the potential effect they may have on the balance of the industry or on local amenity are, therefore, still to be determined judicially by the court. The remainder, making up the majority of applications overall, will be dealt with by the director. The industry will benefit from having the matters determined informally.

The Bill changes significantly the provisions relating to objections by widening the grounds of objection and classes of people who may object to applications, to give more scope for the general community to affect licensing decisions. In the case of category A licence applications, an affected area will still be set but persons outside the area will be able to object if they can show the licensing authority they have a worthwhile case.

#### [Questions taken.]

Hon GRAHAM EDWARDS: The grounds of objection include public interest factors and considerations such as neighbourhood amenity and potential disturbance to nearby residents. The Government recognises the important role played by local government in deciding where licensed premises should be located. The licensing authority will not be able to grant a licence unless prior local government planning approval is given. Only in the case of category A licences will the applicant have to show that the licence is necessary to satisfy the requirements of the public for the facility. This criterion no longer applies to category B licences. Where the reasonable requirements of the public must be satisfied, the likely expected patronage can be taken into account, which will, unlike now, assist those tourism related developments which are an attraction in themselves.

A new special facility licence category has been inserted. This is for special facilities when no other single licence is reasonably adequate. It will still have to be shown that the reasonable requirements of the public warrant the licence grant but, if these criteria are satisfied, the licensing authority will be able to grant a licence subject to whatever conditions are needed to satisfy the special needs which have been established. This licence category will absorb those which now exist for theatres, ballrooms, works canteens, reception lodges, historic inns, boats and aircraft, and for major sporting venues which are the headquarters of sport in the State. Special facility licences will also be able to be sought for developments which enhance tourism or are themselves tourist attractions, where no other licence is reasonably adequate. Developers in these cases will no longer have to modify their proposals to fit the licensing laws. Instead, a licence can be obtained which is moulded to suit the special needs of the project. This will assist considerably our most important tourism industry.

The licensing authority is given an overriding discretion to grant or refuse an application if the public interest so dictates. The authority could, for example, grant a licence where a ground of objection has been established, but could impose conditions aimed at ensuring that the conduct alleged in the ground of objection does not eventuate. The paramount consideration will be the public interest rather than the specific interest of a sectional group.

The unlicensed club permit is abolished and replaced by a club restricted licence - that is, a club licence subject to restrictions including no takeaway liquor sales, and a requirement that



liquor supplies be obtained from nearby hotel, tavern or liquor store licences. Any club with a club restricted licence may apply to the director to have those restrictions revoked if it is incorporated and has premises of adequate standard. This will reduce considerably the time and expense involved in clubs achieving complete trading rights under a club licence.

Trading hours from Monday to Saturday are not changed. On Sundays, hotels, taverns and restricted hotels will be permitted to operate at any time between 12.00 noon and 9.00 pm, or for all that period, at the licensee's discretion. Club licences may operate between 10.00 am and 10.00 pm at their discretion. Hotels, taverns and liquor store licences will still be obliged to trade each day from 11.00 am to 7.00 pm, or some other eight hour period nominated by the licensee, except on Sundays and some public holidays. Outside the Perth metropolitan area, the eight hour period is reduced to four hours in the case of hotels and taverns. This recognises the greater hardship faced by licensees in those areas.

Enforcement of provisions relating to liquor consumption ancillary to meals is significantly enhanced. There is no longer any obligation for licensees to provide food or meals, except for hotels and restricted hotels which must supply breakfast and dinner to lodgers. Licence renewal applications are abolished. A licence will remain in force, subject to payment of the annual fee, unless the licence is suspended, surrendered or cancelled. However, at any time during the year, a complaint for disciplinary action against a licensee may be lodged with the Liquor Licensing Court by the director, police or relevant local government authority, including one adjacent to the premises.

The grounds for complaint include factors such as the management of the licence, suitability of the premises, or public health or safety. If a ground is established, the court has available a wide variety of possible sanctions ranging from reprimands, through imposing conditions, fines or bonds, to suspension or cancellation of the licence in serious cases. In the case of undue noise, disturbance or the like at or near licensed premises, a complaint may be lodged with the Director of Liquor Licensing by the local council or shire, including one adjacent to the premises, police or local residents, worshippers or workers. If the complaint is established and the parties cannot agree on an acceptable solution, the director may impose conditions on the licence aimed at eliminating the problem. These could include conditions restricting trading hours, the use of parts of the premises, numbers of persons on the premises or the provision of entertainment. Licensees are not expected to control the behaviour of patrons off the premises, but where persons who disturb nearby residents, workers or worshippers are attracted to licensed premises, licence conditions may be imposed to alter the nature of the licensee's operations where this would result in a reduction of the problems.

Premiums have been abolished. This should provide an incentive for licensees to undertake renovations to premises which may now not be feasible because of the additional cost of the premium. No other State or Territory has provision for premiums. During the recent moratorium on the grant of some types of licences, some small country communities were disadvantaged when the only hotel or store licence in the area was purchased for relocation. Where a small community loses its only liquor outlet, the relevant local shire may obtain approval to conduct a liquor outlet for up to 12 months, until alternative arrangements can be made.

Provisions relating to the sale, supply and consumption of liquor by juveniles on and off licensed premises have been strengthened. Licensees are made responsible for unlawful actions of their staff in all areas. For many offences under the Act, including those relating to juveniles, there is provision for infringement notices to be issued. This should further aid enforcement. Licence fees will be assessed in the same way as now, but the provisions for detection and collection of evaded licence fees have been considerably strengthened. The transitional provisions in the Bill automatically deem the licences which now exist to be appropriate licences under the new Act. No licensee will be given fewer rights than under the existing Act.

The Government recognises the important role played by the liquor industry in the economic and social life of the State. Within the industry itself, there are several competing interest groups. With social legislation such as this, there are also the legitimate expectations and interests of the general community to be considered. While maintaining regulation of the industry and a balancing of industry interests through different licence categories and criteria, the Bill takes greater account of general community considerations by placing emphasis on the public interest and the requirements of the public in specific localities.

The Bill is a carefully balanced set of interrelated measures, which must be seen and treated as such. The Government is confident that the Bill provides a proper and responsible set of measures which give due emphasis to the legitimate interests of relevant groups, tempered with a degree of flexibility and discretion vested in the licensing authority which will ensure that future demands can be accommodated without altering the scheme of the Statute.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.H. Lockyer.

### **LIQUOR AMENDMENT BILL**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Graham Edwards (Minister for Consumer Affairs), read a first time.

#### *Second Reading*

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Consumer Affairs) [5.15 pm]: I move -

That the Bill be now read a second time.

This Bill amends section 11 of the Liquor Act 1970 which provides for the appointment of acting judges to the Liquor Licensing Court. The court comprises one judge but, at present, an acting judge can be appointed if the judge is absent from duty or declines to deal with a matter or the office of judge is vacant. The Bill also adds a provision to allow an acting judge to be appointed if the conduct of the business so requires. The Government recently introduced a Bill to repeal the Liquor Act and enact a new Liquor Licensing Act. That new legislation will allow an acting judge to be appointed on all the existing grounds as well as the ground included in this Bill to amend the existing Act. It will be some months before the new Act can come into operation and this short amendment to the existing Act is provided so that, if necessary, an acting judge can be appointed to assist in the disposal of applications before the new Act comes into effect. This Bill, although related to the Liquor Licensing Bill already introduced, is to be treated separately and will come into operation when assented to so that an acting judge can, if necessary, be appointed as soon as possible.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.H. Lockyer.

### **WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL**

#### *Receipt and First Reading*

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

#### *Second Reading*

**HON J.M. BERINSON** (North Central Metropolitan - Leader of the House) [5.17 pm]: I move -

That the Bill be now read a second time.

This Bill introduces appropriate compensation for permanent loss of hearing due to exposure to noise in the workplace. Noise induced hearing loss results from repeated exposure to high levels of noise and the resulting impairment is a major handicap both at work and in everyday life. In most other Australian States noise induced hearing loss is compensable.

At the time the present Act came into operation in 1982, noise induced hearing loss was identified as one of a number of matters which required further consideration and it was agreed that it would be the subject of a continuing review of matters relevant to the Act. In 1985 amendments went before this House providing for lump sum compensation for noise induced hearing loss. The amendments were passed in the expectation that appropriate hearing tests would be conducted under the Noise Abatement Act 1972.

Due to changes to the regulations attached to the Noise Abatement Act in relation to testing, the sections of the 1985 amendment Act relating to noise induced hearing loss have not been proclaimed. These present amendments arise from intensive consideration by representatives of employers and unions within the Tripartite Labour Consultative Council of the most cost effective arrangements for testing. I am confident that the Bill now introduced will meet the original intentions and provide just lump sum compensation for noise induced hearing loss.

**Audiometric Testing:** The features of this Bill agreed by the Tripartite Labour Consultative Council include assessment of a worker's hearing and confidential recording of the results until such time as a worker is entitled to claim for loss of hearing. Audiometric testing will be conducted on workers at prescribed workplaces where there is a high risk of noise induced hearing loss. The results of these audiometric tests will be kept in confidence by the Workers' Compensation and Rehabilitation Commission. In regard to workers presently employed in prescribed workplaces, testing must be carried out within 12 months of proclamation of these amendments. Of course, new employees will be tested as they take up employment in a prescribed workplace.

**Entitlement to Compensation for work related noise induced hearing loss** will be prospective; that is, workers who have been audiometrically tested after proclamation of this Bill will be entitled to seek compensation if they suffer hearing loss. As previously agreed by Parliament, a hearing loss of at least 10 per cent must occur before eligibility for compensation. However, where the extent of hearing loss exceeds 10 per cent, all of the lost amount will be compensable.

**Whole of Government approach:** These new provisions under the workers' compensation legislation which will provide just compensation for noise induced hearing loss are to be complemented by vigorous campaigns for the prevention of noise induced hearing loss to be conducted by the Department of Occupational Health, Safety and Welfare.

The Government is confident that this two-pronged approach to this problem - prevention on the one hand and just compensation on the other - will ensure that a frequently overlooked, but important, work injury will now be adequately addressed.

I commend the Bill to the House.

Debate adjourned, on motion by Hon G.E. Masters (Leader of the Opposition).

## MISCELLANEOUS AMENDMENTS AND REPEALS BILL

### *Standing Orders Suspension*

Debate resumed from 11 October.

**HON G.E. MASTERS** (West - Leader of the Opposition) [5.22 pm]: The Opposition opposes suspension of the *Standing Orders* because it is having great difficulty handling and assessing the impact of this legislation. I refer to the comments of the Leader of the House when he said that the Bill was non contentious. That is possibly his view, but we might well have another view. I am not saying that the Leader of the House has been devious or was trying to mislead the House, merely that the Bill provides a problem for us. The intent of *Standing Orders* is clear; they are to cater for just such a situation where, in fact, there may be pressure on the Opposition.

*Standing Order 240* states -

Such matters as have no proper relation to each other shall not be included in one and the same Bill.

This legislation seeks to repeal over 60 Imperial and State Acts of Parliament. Further, it seeks to make a number of amendments to existing Acts. It seems that it is sought to repeal an amendment in the same piece of legislation and this poses some difficulties; it ought to be separated.

**Hon J.M. Berinson:** Which items cause you concern, because from our point of view they are so non contentious that I would be happy to agree to their deletion?

**Hon G.E. MASTERS:** I have a research officer to whom I said a week ago, "I want you to report on them" bearing in mind that there are 60 Acts involved. Let us talk about State Acts

for a start. They deal with matters such as the slander of women and contraceptives. We are not trying to be difficult but we need advice and help. It may be that 31 out of 32 Acts, if that is what we are talking about, are okay and there may be one about which we have strong reservations. We have sought legal advice and people say that this will be a fairly big job. We ought to be dealing with the amendments to certain Acts in a different Bill from the one dealing with the repeals. Some of this legislation goes back to the 1300s, so there is good reason to repeal some of the Acts. Some of them have a front and back page with nothing between and it is obvious they should be repealed. However, to treat the matter in this way seems to me to be wrong. First, I suggest that the amendments ought to be separated from the repeals. I thank the Leader of the House for supplying us with a copy of the second reading speech, the Bill and the Committee notes, which we have used.

Hon J.M. Berinson: The Leader of the Opposition has everything that I have.

Hon G.E. MASTERS: I understand that this sort of legislation has been introduced on one or two previous occasions, but when it has been introduced with a similar number of Acts involved there has also been a report from the Law Society, or some sort of a report on why the legislation ought to be repealed. To be perfectly frank with Hon J.M. Berinson, he might have slipped in something that we did not pick up.

Hon J.M. Berinson: It would have to be something slipped in that I did not pick up.

Hon G.E. MASTERS: We would not be performing our proper function if we did not look at each and every piece of legislation to be repealed. This is an important matter. We are talking of legislation that goes back to the 1800s and some even to the 1300s. We are not in a hurry about this. I believe the Government should not be in a hurry to handle these matters. We would be derelict in our duty if we did not look carefully at each one in turn. If the House decides it will support the suspension of Standing Order No 240, we will be looking at setting up a two or three member committee of this House to report back to the House on this matter. Its members - and I do not argue about the composition of this Select Committee - could sit down and, with proper advice, over a couple of days decide just what the Bill will achieve. This seems to me to be the way to go. I thank the Leader of the House for the information supplied, but it is not enough for us to do our job properly. I am not trying to block the Bill and have accepted that much of the legislation could well be repealed. However, I cannot afford to miss anything as it is my job to not make a mistake if I can help it. That is why I oppose the Standing Order suspension and suggest that we be given more time to look at the legislation, we set up some sort of committee, or the legislation is split so that the repeals are separate from the amendments. One way or another, something has to be done.

Hon J.M. Berinson: Are you saying that you would agree to a Bill which repeals only? Is the Leader of the Opposition in a position to say that?

Hon G.E. MASTERS: I suggest that we ought to have a few more days on this matter, but that would be the way I would go. Obviously the amendments will affect existing legislation. These are two separate issues. If we do it this way, we need to be certain it is done correctly. If we deal with the repeals I will be looking for a committee of this House to consider this matter and report back to the House. We would not argue about the composition of that committee as it would not be a political one but one to carry out the proper functions of the Legislative Council. At this stage I cannot agree to the suspension.

Debate adjourned, on motion by Hon Fred McKenzie.

*House adjourned at 5.29 pm*

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## QUESTIONS ON NOTICE

### EDUCATION - TECHNICAL AND FURTHER EDUCATION

#### *Minister's Newspaper Letter - Employee Salary Figures*

441. Hon N. F. MOORE to the Minister for Community Services representing the Minister for Education:

How does the Minister responsible for TAFE, in his letter to the *Daily News* of 16 September 1988, arrive at the figures of \$21 000 - average salary for public servants employed in TAFE - and \$31 400 - average salary for lecturing staff in TAFE?

Hon KAY HALLAHAN replied:

The Minister assisting the Minister for Education with TAFE has advised me that the figures have been calculated using the salary expenditure for 1987-88 for both lecturing staff - including lecturers, senior lecturers, heads of departments, deputy principals, principals, and directors of regional colleges - and Public Service staff - including clerical officers through to directors. These figures were then divided by the total number of staff employed in these areas. No adjustment was made for other elements of the employment conditions of the two groups; for example, 12 weeks' holiday per annum and a 30 hour working week for lecturing staff compared with four weeks' annual leave and a 37.5 hour working week for Public Service staff.

### ROADS - ROBERTS ROAD

#### *Miller Road - Kent Street, Victoria Park - Upgrading*

444. Hon P. G. PENDAL to the Minister for Consumer Affairs representing the Minister for Transport:

I refer to the proposed road widening and upgrading in the area of Roberts Road, Miller Road and Kent Street, Victoria Park and ask -

- (1) How many houses have been purchased by the Government, in Roberts and Miller Roads and their adjoining streets, in preparation for road upgrading in the area?
- (2) When were these properties purchased?
- (3) What prices were paid by the Government for the purchase of these properties?

Hon GRAHAM EDWARDS replied:

This route is an important regional road - blue road - under the metropolitan region scheme and the roads are under the control of the City of Perth. These property acquisitions are concerned with long term proposals. The Minister understands that the council has no current proposals for major road widening on this route.

- (1) Twenty nine.
- (2) 1981 to 1987.
- (3) Prices range from \$8 000 to \$50 000.

### HEALTH - HANDICAPPED CHILDREN

#### *Catholic Care for Intellectually Handicapped Children - Holiday Funding Submission*

446. Hon P. G. PENDAL to the Minister for Community Services:

- (1) Is the Minister aware of the submission, from Catholic Care for Intellectually Handicapped Children, for funding to conduct holiday activities, including camps providing respite for the care givers of intellectually handicapped children?
- (2) What is the likelihood of funding being provided for these camps?
- (3) Why has funding for these camps been gradually reduced in recent years?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) The application will be considered with all other applications received for such funding.
- (3) Funding received from the Department for Community Services has, in fact, increased.

#### ROTTNEST ISLAND AUTHORITY - EXECUTIVE DIRECTOR

452. Hon P. G. PENDAL to the Minister for Consumer Affairs representing the Minister for Tourism:

- (1) How many applications have been received for the position of Executive Officer to the Rottnest Island Authority?
- (2) Has a person been selected to fill that position?
- (3) If so, who is that person?
- (4) When does that person take up his/her duties?

Hon GRAHAM EDWARDS replied:

- (1) Eighty one applications were received for the position of Chief Executive Officer, Rottnest Island Authority.
- (2)-(4) A recommendation for appointment will shortly be made to His Excellency the Governor in Executive Council, following which an announcement will be made.

#### ARTS - FILMS

##### *M Rated - Parent's Permission*

453. Hon N. F. MOORE to the Leader of the House representing the Minister for The Arts:

- (1) Is it possible for a parent to give his or her child - under 18 years of age - permission to view an M rated film?
- (2) Can a teacher show an M rated film to students -
  - (a) without the parent's consent; and
  - (b) with the parent's consent?

Hon J.M. BERINSON replied:

- (1) The M classification is an advisory classification and is assigned where the censor is of the opinion that the film cannot be recommended for viewing by persons under the age of 15 years. The question of parental permission or otherwise is entirely a matter for the individual parent.
- (2) It would not be unlawful under the Censorship of Films Act or the Video Tapes Classification and Control Act for a teacher or any other person to show an M rated film to a student of any age with or without parental consent.

#### SPORT AND RECREATION - MID-WEST GAMES

##### *South-West Games - Costs*

457. Hon N. F. MOORE to the Minister for Sport and Recreation:

- (1) What was the total cost to the Government of arranging the -
  - (a) Mid-West Games; and
  - (b) the South-West Games?
- (2) How many people participated in each of these games?

Hon GRAHAM EDWARDS replied:

- (1) (a) \$70 000; and
- (b) \$32 000.

- (2) The Mid-West Games had a total of 3 800 participants comprising 3 000 athletes, 500 administrators and 300 volunteer helpers.  
The South-West Games had a total of 6 200 participants comprising 5 000 athletes, 500 administrators and 700 volunteer helpers.

**PRISONS - PRISONERS**

*Women - Social Security Fraud Charges*

458. Hon G. E. MASTERS to the Minister for Corrective Services:

Will the Minister advise the House of the total number of women who have served prison sentences over the past two years on charges of social security fraud in Western Australia?

Hon J.M. BERINSON replied:

The information is not readily available and I am not prepared to allocate scarce resources to extract the information. If the member has a particular concern about a specific case, I would be prepared to investigate the matter.

**QUESTIONS WITHOUT NOTICE**

**TRANSPORT - SHIPPING**

*Arc Royal, Fort Grange - Bicentennial Fremantle Visit*

215. Hon G.E. MASTERS to the Leader of the House:

Will the Government ensure that the two Royal Navy ships, *Ark Royal* and *Fort Grange*, will be properly handled and serviced during their bicentennial visit to Fremantle and not be subjected to the embarrassment and discomfort caused by the Seamen's Union and an unsympathetic Victorian Government which they experienced during their recent visit to Melbourne?

Hon J.M. BERINSON replied:

This question clearly has no relationship to any of my portfolios and I ask the honourable member to put the question on notice.

Hon G.E. Masters: You are not prepared to answer it?

Hon J.M. BERINSON: I simply know nothing about it.

**FAMILIES - FAMILY DAY CARE CENTRES**

*Government Commitment*

216. Hon G.E. MASTERS to the Minister for Community Services:

I thank the Minister for making available copies of draft regulations for child care services. How firm is the Government's and the Minister's commitment to support and encourage family care centres?

Hon KAY HALLAHAN replied:

I assume the honourable member means family day care centres.

Hon G.E. Masters: Sorry, that is right.

Hon KAY HALLAHAN: There is a strong commitment. Subsidies are funded within the agreement between the Commonwealth and State Governments and there is an ongoing commitment to expand the number of them. I think that answers the honourable member's interest in the matter. There will probably be a greater emphasis on family day care centres under the forthcoming agreement.

**SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE**

*Government Assistance*

217. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

- (1) Can the Minister inform the House whether the Government will make a financial injection into the troubled West Australian Football League?

(2) If so, how much?

Hon GRAHAM EDWARDS replied:

(1)-(2)

No.

#### FAMILIES - FAMILY DAY CARE CENTRES

##### *Private Centres - Women in the Home*

218. Hon G.E. MASTERS to the Minister for Community Services:

Supplementary to my previous question and to make it clear to me and the House: In answer to my question about family day care centres and their encouragement and extension I assume the Minister is talking not only about Government day care centres, but also privately run centres - in other words, those centres run by the housewife and the like?

Hon KAY HALLAHAN replied:

I can understand the confusion. Family day care centres are run by women in the home and they are licensed.

Hon G.E. Masters: They are privately run.

Hon KAY HALLAHAN: They are run by women in their own homes. Some are licensed to take up to five children.

Hon G.E. Masters: Four children is the maximum.

Hon KAY HALLAHAN: Thank you. They are of that nature. Child care centres generally are community managed and Government subsidised. Family day care givers are women in their own homes - they are private day care places, but they are licensed to do the job.

#### SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

##### *Financial Problems - Non Financial Assistance*

219. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

I acknowledge that no financial aid whatsoever will be given by the Government to the West Australian Football League. What steps will be taken for non financial assistance to assist the WAFL to overcome its financial problems?

Hon GRAHAM EDWARDS replied:

I understand that was a statement - it was a statement from the Opposition, not from the Government.

#### SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

##### *Financial Problems*

220. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

Is the Minister aware that the West Australian Football League is in financial trouble?

Hon GRAHAM EDWARDS replied:

Yes.

#### SPORT AND RECREATION - WEST AUSTRALIAN FOOTBALL LEAGUE

##### *Government Non Financial Assistance*

221. Hon P.H. LOCKYER to the Minister for Sport and Recreation:

(1) Will the Government be taking any steps to assist the West Australian Football League on a non financial basis?



(2) . If so, what will those steps be?

Hon GRAHAM EDWARDS replied:

(1)-(2)

The matter is currently being considered by my office and it would be premature of me to make any statement.

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