Legislative Council

Tuesday, 14 October 1980

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

QUESTIONS

Questions were taken at this stage.

MARINE NAVIGATIONAL AIDS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.48 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to provide protection for the owners of marine navigational aids where the control of such aids has been transferred to the Harbour and Light Department or a port authority.

The Marine Navigational Aids Act 1973-1977 makes provision for the Harbour and Light Department or a port authority to enter into an agreement with the owners of any navigational aids for the transfer of control of those aids to the State.

The Act also protects the State, the Minister, or a port authority against any liability for any act done in good faith or omission relating to the establishment or maintenance of navigational aids whether or not negligence is a factor in any claim that might arise.

This protection does not currently exist for the owner of any navigational aids in respect of which an agreement is made transferring control to the State.

It is conceivable, therefore, that the owner of such an aid, as distinct from the maintainer and operator thereof, could be liable for the damage resulting from a ship misled or misdirected by a navigational aid if such misdirection were due to some negligent defect in the positioning of the aid, or in its maintenance or construction.

Navigational aids are public to the extent that they are harbour facilities and may be used by third parties. It is not reasonable that a company which has provided any such aids should be liable for negligence, when it has relinquished its control of those aids to the extent that the State may exercise any of the powers which it has under the Act when the State itself is excluded from liability.

The amendment therefore proposes that where the control of a marine navigational aid is transferred to the Harbour and Light Department or a port authority the owner will be indemnified against liability to the same extent as those authorities.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

DOOR TO DOOR (SALES) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [4.51 p.m.]: I move—

That the Bill be now read a second time.

This Bill is presented following an examination of the Door to Door (Sales) Act which was carried out with a view to assessing its effectiveness.

Under the principal Act, door-to-door salesmen may call on the public at their place of residence between the hours of 8.30 a.m. and 8.00 p.m. on weekdays and 8.30 a.m. and 6.00 p.m. on Saturdays.

It has been found that there is a real and genuine concern by many sections of the community about unsolicited calls made on a householder at night. This is particularly true in the case of the aged and infirm and women living alone.

It is therefore proposed to amend the permitted hours of calling on weekdays to 8.30 a.m. to 6.00 p.m. This will in no way prevent appointments being arranged by salesmen to call outside the permitted hours or prevent advertising leaflet drops to be made which can result in requests from householders for a salesman to call at any time.

The amendment to shorten the evening period during which unsolicited calls can be made should provide added relief to sections of the community which have expressed concern at the present arrangement.

A requirement is currently contained in the Act for a vendor or dealer to give the purchaser a notice of termination rights. It has been found that, in practice, it is common for the notice not

to be handed over. Failure to do so makes the agreement unenforceable, but it is not an offence against the Act.

The Bill therefore makes provision that failure to observe this requirement will constitute an offence under the Act with a penalty of $1 000.

An amendment to section 7B is proposed for identification cards to be of a specified size and to be separate from the agreement, as some vendors seek to contain the card within the agreement. In many instances, purchasers are unaware with whom they are dealing.

Other amendments are proposed to increase penalties as a deterrent to persons avoiding their obligations under the Act.

I commend the Bill to the House.

The Hon. G. C. MacKinnon: Would you be prepared to table the report you talked about and tell us where it came from instead of making that glib sort of statement which you did at the beginning of your speech?

Debate adjourned, on motion by the Hon. F. E. McKenzie.

RURAL RELIEF FUND ACT REPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [4.54 p.m.]: I move—

That the Bill be now read a second time.

The Farmers' Debts Adjustment Scheme became operative on 30 December 1930, and the principal legislation, the Farmers' Debt Adjustment Act, provided mainly for an extension of time in relation to the payment of debts through voluntary arrangements between farmers and their creditors. The growing realisation that this was inadequate for many necessitous farmers led to a Commonwealth-States conference at the end of 1934.

It was decided by this conference that farmers would be advanced money to enable them to effect composition arrangements with their creditors. To facilitate this the Commonwealth agreed to advance up to £12 million over a period of years to the States on an interest-free basis. Each State agreed to provide legislative machinery, and this was done in Western Australia by the Rural Relief Fund Act 1935.

This scheme, however, was not intended to supersede the Farmers' Debts Adjustment Scheme. Its purpose was to provide for the administration of the fund made available to the State from the Commonwealth and to issue stay orders to creditors where no voluntary arrangement had been reached under the Farmers' Debts Adjustment Act.

The Farmers' Debts Ajustment Act lapsed in 1972, but the Rural Relief Fund Act remains on the Statute book. It should be repealed now since its functions have been overtaken by the Rural Adjustment Scheme. Further, the Commonwealth legislation, to which the State legislation was complementary, has been repealed by the Loan (Farmers' Debts Adjustment) Repeal Act 1979.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. T. Leeson.

METROPOLITAN (PERTH) PASSENGER TRANSPORT TRUST AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

FISHERIES AMENDMENT BILL

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [4.57 p.m.]: I move—

That the Bill be now read a second time.

The main purpose of this Bill is to give effect to the fisheries component of the offshore constitutional settlement reached at the Premiers' Conferences in 1978 and 1979.

Existing arrangements involve a division of legislative responsibilities under which, generally speaking, State laws are applied inside "territorial limits" consisting of the outer limit of the three-mile territorial sea, and Commonwealth laws beyond. These arrangements inhibit a flexible functional approach under which responsibilities can be adjusted by reference to the requirements of particular fisheries. Fish do not respect the jurisdictional lines that man may draw.

In conjunction with amendments to the Fisheries Act passed in the Commonwealth Parliament, this Bill will provide a legal and administrative structure for rationalising the role of the State and the Commonwealth in managing Western Australian fisheries as well as providing a new and more flexible framework for joint State

and Commonwealth activities in regard to offshore fisheries.

The Bill relies on section 5 (c) of the Commonwealth's Coastal Waters (State Powers) Act 1980 to put beyond doubt State legislative power with respect to fisheries beyond the territorial sea.

Under the provisions of this Bill, two types of arrangements may be made. These are—

(1) The State may arrange with the Commonwealth that either the State or the Commonwealth may manage a fishery in waters adjacent to the State and that either State or Commonwealth law is to apply from low-water mark.
It is anticipated that the majority of Western Australian fisheries will be covered by such an arrangement; or

(2) The State may arrange with the Commonwealth that a joint authority may be established to manage a fishery in waters adjacent to the State and that either State or Commonwealth law is to apply.

Should more than one State be involved in the arrangement with the Commonwealth, Commonwealth law will apply.
The Blue Fin Tuna Fishery which involves Western Australia, South Australia, Victoria, New South Wales, and the Commonwealth is an example of such a fishery.

Where no arrangement is made to manage a fishery the present position will remain; that is, State law will apply within three nautical miles, and Commonwealth law beyond.

The arrangements referred to above will represent a considerable change in the area of State-Commonwealth management of fisheries.

Since the first Commonwealth Fisheries Act was passed in 1952 there has been a steady increase in the degree of involvement of the Commonwealth Government in the State area of fisheries management.

This involvement has taken place with the co-operation of the State because it was held that Commonwealth powers were necessary to enforce management rules beyond the territorial sea traditionally controlled by the States.

Under this understanding a system of joint management has developed which requires mirror legislation by State and Commonwealth Governments down to the smallest detail of fisheries management; for example, every boat, every fisherman, and every crewman must have a licence under each Act and every detail on each licence must be precisely duplicated.

This resulted in a cumbersome and wasteful administrative structure as, essentially, two groups of public servants—one State, one Commonwealth—were doing the same tasks.

Fishermen found the system frustrating, as not only were they required to take out a multiplicity of licences, but they were never sure whether they should be approaching a State or Commonwealth Minister or member of Parliament with their problems.

In 1976 the High court decision on a Western Australian case—Pearce *v.* Florenca—confirmed that State fisheries laws could apply outside the State's territorial sea provided they did not conflict with any Commonwealth fisheries laws.

However, the extent of this State extra-territorial legislative competence has not been finally resolved.

At the Australian Fisheries Council meeting in Perth in October 1976, the Western Australian Minister supported by other State Ministers used this new legal development to argue very strongly for a return to the management of "State-based" fisheries whereby each individual State would manage its fisheries as a whole—both inside and outside the territorial sea.

Such a management regime would simplify the costly and cumbersome joint management regimes which duplicated every detail and was to apply to fisheries where the majority of the catch was made in State waters; where the fishermen returned to the State's inshore waters each day; and where the majority of the catch was landed in the particular State.

Meetings and discussions between the States and the Commonwealth have devised a scheme of legislation which will allow simplification of fisheries management as proposed.

These proposals were consistent with the "new federalism" policy outlined by the Prime Minister in a letter to the State Premiers dated 22 December 1975, which was designed to return autonomy to the States wherever possible.

The first type of arrangement mentioned above will allow this, and the above criteria apply to almost all Western Australian fisheries.

Such an arrangement will allow the clear allocation of ministerial responsibility, reduce the confusion of fishermen as to whether their problem is caused or can be solved by State or Commonwealth law, and reduce the costs associated with the two groups of administrators

doing essentially similar tasks and Ministers meeting frequently to agree on joint regulations and policies.

It will improve the efficiency of communication and administration in our State fisheries and allow decisions to be made at the State level by people in closest touch with fishing organisations and communities.

The reverse of this, of course, is that the State needs to be prepared to agree to the Commonwealth sharing joint responsibility for those fisheries fished by foreign fishermen; and the Commonwealth and adjoining States or the Northern Territory sharing joint responsibility for those fisheries that extend into the waters of another State or the Northern Territory.

In a fishery, such as the Blue Fin Tuna Fishery, where the contiguous stock move constantly around the coast, a combination of several States and the Commonwealth is involved in such a way that a joint management regime is necessary.

The Bill provides for the establishment of the Western Australian fisheries joint authority and any other joint authority which may be required.

The Western Australian fisheries joint authority will consist of the Minister responsible for the administration of the Fisheries Act together with the Commonwealth fisheries Minister.

The functions of a joint authority will be to—

(1) Keep the condition of the fishery constantly under review.
(2) Formulate policies and plans for the good management of the fishery.
(3) Exercise statutory powers conferred upon it.
(4) Co-operate and consult with other joint authorities in matters of common concern.
(5) Such other functions as are conferred upon it by the arrangement agreed upon by the State/s and the Commonwealth.

The Bill also provides for the powers and procedures of joint authorities.

In relation to management of specified fisheries in accordance with the law of the State, joint authorities will be empowered to—

(1) Publish, amend, or cancel notices under various sections of the Act.
(2) Issue, renew, transfer, cancel, or suspend licences which are limited in their effect to joint authority fisheries.
(3) Delegate their powers to an officer of the State, the Commonwealth, or a Territory.

The Commonwealth Minister will retain the power to take action on licences for foreign boats in joint authority fisheries.

The State Minister is empowered to exercise any power and perform any function as a member of a joint authority.

It has been necessary to provide a new definition of "Western Australian waters" to meet the requirements of the constitutional changes contained in the offshore settlement package.

Independent of the foregoing an amendment is proposed for section 52 of the Act to simplify court attendances and proof of appointment by inspectors of fisheries.

I would like to point out at this time that the Bill can proceed no further than the second reading stage because it has been agreed by all States that the Commonwealth will not complete the passage of its legislation until all States have prepared similar legislation. Then the Commonwealth will complete its legislation.

This Bill can be amended, but it will have to lay here until other States do the same.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. H. W. Olney.

MURDOCH UNIVERSITY AMENDMENT BILL

Second Reading

Debate resumed from 30 September.

THE HON. R. HETHERINGTON (East Metropolitan) [5.06 p.m.]: The Opposition supports this Bill mainly because the Senate of the Murdoch University has asked for it and is anxious that legislation be brought into effect immediately. Were it not for this fact, I might have had some reservations about the legislation, but there is no point in my attempting to oppose anything in the Bill.

I welcome the fact that the academic staff of Murdoch University will now have an extra member on the Senate. I think this is a good step and I commend the Government for its action.

The Hon. D. J. Wordsworth: I am sure you do.

The Hon. R. HETHERINGTON: I am glad we have taken the first step towards having a representative of the non-academic staff on the senate. This Bill provides for an extra member. No doubt the staff would like more members, but these things come in little steps and it is good that this little step has been taken.

One aspect which I find quite interesting in the thinking of this Government, is the fear its members have of academics and the fact that the Government wishes to keep the number of academics on university senates to four or no more than four. The Government does not like the idea that a member of the academic staff of a university might be elected by the convocation.

I can assure the Government that it would have nothing to fear if ever it were to take such a radical step because in my experience the only criticism I have heard in that respect was when I was at the University of Adelaide. The criticism was that the university staff tended to be too conservative; certainly academics do not tend to be radical. Members of the academic staff normally know what is important in a university so I regret the limitation which has been placed on them by this Government. However, I welcome this small faltering step and I am certainly pleased the Government is prepared to allow non-academics representation on the university senate.

I have been approached by the Secretary of the Non-academic Staff Association. He is a little perturbed by what he believes to be discrimination in clause 2. That clause says that the Act will come into operation on the day on which it is assented to by the Governor. In clause 2 (3) (a) gives the non-academic staff representation, but they have to wait until a date fixed by proclamation.

Some people tend to be a little suspicious and paranoid and some members of the non-academic staff were wondering why there is this discrimination and how long they will have to wait for a proclamation. Perhaps the Minister might say something about this in his reply.

Once again, we have a Bill validating legislation which has apparently been invalid in the past. I wish Governments would do something about making sure that legislation is correct in the beginning. There has been a long and sad history of Governments of all persuasions in this State producing legislation which has had to have action instituted for it to be validated because the past actions were not in accordance with the legislation.

In other words there seems to be some doubt as to whether or not some people at the university are acting illegally as far as parking is concerned. I do not wish to prevent the university from having proper parking regulations although it is not such a grave problem at Murdoch as it is at the University of Western Australia at the present time. There certainly must be adequate parking regulations.

Apart from the reservations I have mentioned, the Opposition supports the Bill.

THE HON. H. W. OLNEY (South Metropolitan) [5.12 p.m.]: I appreciate the affairs of State are more important than this debate, but I do wish to make a few comments. Members will be pleased to know that the Hon. Robert Hetherington is not the only former academic in this House. I claim that status also, having been a temporary part-time lecturer at the Universtiy of Western Australia for a very short period. During that time I had the privilege of teaching the Hon. J. M. Berinson trade union law. Members will note that Mr Berinson never rises to discuss trade union or industrial matters in this House.

I do not wish to vie with the Hon. Robert Hetherington on the question of academic representation on the Senate of Murdoch University, but I do wish to pursue one comment he made; that is, that there is the need to validate actions taken under authority given to the senate by way of delegated legislation.

The Murdoch University Act was passed in 1973 and the legislation before us is in fact the fourth amendment to it. Amendments were made in 1975, 1976, and 1978. The second amendment in 1975 was to subsection (7) which is now to be further amended. One of the paragraphs inserted by that amendment provided the by-law-making authority. Paragraph (ba) reads—

> prescribing, in respect of an alleged breach of the by-laws involving a vehicle, the circumstances under which the owner of the vehicle is deemed to be the driver or person in charge of the vehicle at the time of the alleged breach;

That was a very clear statement of power given to the senate in the area of by-law making power giving authority to make by-laws specifying the circumstances under which the owner of a vehicle can be deemed to be the person in charge.

Apparently, what occurred was that when the by-laws were drawn up, the person who was responsible went beyond that power. He went beyond the power given by the Statute and in fact prescribed in the by-laws that a person holding a permit could be deemed to be the driver of the vehicle or the person in charge of the vehicle at the time of the alleged breach.

There was a very clear excess of delegated law-making power which obviously slipped not only past the draftsman, but also past the senate of the university and, no doubt, this House when it was tabled, and past other places where these matters are submitted to scrutiny.

As I have said on more than one occasion in my brief history here, greater attention must be paid to the drafting of regulations as well as the Statutes. In this case, the Statute was not at fault; the fault lay with the delegated legislation. The subsidiary legislation went further than the Statute permitted. The Government said, "Okay, if that is how you want it we will change our law and give the nod to whatever you have done in the past." I suggest that is unsatisfactory and we should not lightly validate excesses of power by delegated law-making authorities.

I wish to mention one other matter, and that is to note with regret that the Government, having brought to this House a Bill to amend the Murdoch University Act, failed to make an amendment which is perhaps more important than anything else; that is, an amendment to section 9 under which the Governor is appointed Visitor of the university. Believe it or not, he is given the power to "exercise in that capacity such general powers as usually pertain to the office of Visitor of a university". That does not tell us very much.

It came to pass that last year the Governor of this State had to exercise the powers of Visitor when an industrial dispute could not be taken to the Industrial Commission because of the amendment to the Industrial Arbitration Act which prevents academic staff having access to the Industrial Commission. The only way to determine the dispute was to take it to the Governor; and what a business that was. It was an historic occasion, and I think that is about all I can say.

The Governor had to sit as though he were a court. He had to declare what his powers and authority were. The university challenged him in the Full Court, and the Full Court said he was half wrong—wrong on one point and right on the other. The matter then had to go back to the Governor sitting as Visitor, when he had to deal with evidence; and unfortunately he found against the particular member of the academic staff.

No right of appeal is provided against the Governor sitting in that capacity, and this opportunity should have been taken to rectify an accident of history. The office of Visitor of a university ought not to be more than ceremonial. It is high time the Government gave attention to the real interests of the academic and non-academic staff of the university and provided a proper avenue for settling disputes between those staff members and the university.

THE HON. H. W. GAYFER (Central) [5.18 p.m.]: I am not sure of the sense in which previous speakers have used the word "academic". It is a very interesting word. Speakers have referred to the use of the word "academic" in the Bill. They have also said they were themselves academics and proud of it.

The *Concise Oxford Dictionary* defines "academic" as meaning "scholarship, of a university", etc.; and also as meaning "abstract, unpractical, theoretical, cold, merely logical". If the cap fits, those speakers probably wear it.

I remember an old axiom to the effect, "I have seen many trained economists come out of a university but never yet an economist who has been a millionaire."

I hope that this amendment to the Act will give the academics what they want, and that they do know what they want. In the belief that they talk from some experience which is logical, along with my academic colleagues I will support the amendment.

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.21 p.m.]: I thank members for their support of the legislation and for their observations. Perhaps the only comment which requires an answer is that relating to the provision for the Act not to take effect immediately.

The reason is that at this stage the non-academics have no way of knowing they will have a representative or that they are able to elect one. As soon as a Statute exists which allows them to elect their representative, the legislation will be proclaimed. Members will be able to pass on that explanation to the non-academic members. I understand it is acceptable to them.

Mr Olney raised the matter of the Governor being the Visitor. Section 9(3) of the Act lays down his duties in the following terms—

> (3) The Visitor has the right from time to time and in such manner as he thinks fit to direct an inspection of the University, its buildings and general equipment and also an inquiry into the teaching, research, examinations and other work done by the University.

The Hon. H. W. Olney: It would be all right if the duties were confined to that, but they are not. They include powers pertaining to all those other matters relating to the office of visitor, and they are enormous.

The Hon. D. J. WORDSWORTH: It is useful to have someone in this position to whom an appeal can be made and who can make a decision in these matters.

The Hon. H. W. Olney: But not the Governor.

The Hon. D. J. WORDSWORTH: Perhaps it should not be the Governor. However, the position of Visitor is one of honour as well, and I think that is the main reason for the Governor being the Visitor. Now and again he gets a bit of dirty washing to clean up, but the position is an honour.

I was interested in Mr Gayfer's definition of "academic".

The Hon. G. C. MacKinnon: It was not Mr Gayfer's definition; it was the *Concise Oxford Dictionary's* definition.

The Hon. D. J. WORDSWORTH: Mr Gayfer said he did not know of an economist who had become a millionaire.

The Hon. H. W. Gayfer: Did you do economics?

The Hon. D. J. WORDSWORTH: No. Mr Hetherington said he thought the academics were very conservative and he wondered why the conservative parties held off from allowing more academics on the senate. Perhaps in believing in the capitalist system they take notice of the founder of the House of Rothschilde, who said the word he hated and feared most was "professor". Perhaps that is why we refrain from having more academics on the senate.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

The Hon. R. HETHERINGTON: I take the Minister's point about the proclamation, although it seems to me it is not necessary to wait till all the provisions have gone through.

I point out to Mr Gayfer that when I speak to a Bill dealing with a university and I say "academic", I use it as a shorthand term for professors and other members of the teaching and research staff of a university. I am not now an academic in that sense; I am just a member of Parliament like everyone else here and very non-expert.

The point is the non-academic staff want to ensure they have their elected member on the senate for the next academic year, and to do that the senate will have to take action on 27 October, confirm it in November, and then call for nominations. It will be a long process, and if the Government delays proclaiming the legislation once this has been done, it could go into the next academic year without the representative being on the senate.

I am sure there is no malicious or evil intent, but if the Minister in this place would draw the attention of the Minister for Education to this matter, we would be pleased.

Clause put and passed.

Clause 3: Section 12 amended—

The Hon. R. HETHERINGTON: For the life of me I cannot understand why subparagraph (iii) of clause 3(a) has been put in the Bill to prohibit the Murdoch University Senate co-opting an academic member of the staff or a full-time officer or servant of any other university. This seems to be peculiar. I would not think the senate would want to do so often, but sometimes it might want to appoint a person from another university who has expertise which will be useful to the Murdoch University. I cannot follow this. I hope the attention of the Minister for Education will be drawn to it and that he will reconsider it and change his mind. This provision seems to be unnecessary and foolish.

Clause put and passed.

Clauses 4 and 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

House adjourned at 5.29 p.m.

QUESTIONS ON NOTICE

WORKERS' COMPENSATION BOARD

Mr E. W. Dubberlin

280. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Labour and Industry:

(1) Has Mr E. W. Dubberlin, ED, JP, the nominee member of the Confederation of Western Australian Industry (Incorporated) on the Workers' Compensation Board, been given the consent of the Minister to engage in an occupation for remuneration other than that of his office on the board?

(2) (a) Is it normal for consent to be given; and
(b) if not, why the exception in this case?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) (a) No, but consent has previously been given.
(b) Each case has to be looked at on its own merits. In Mr Dubberlin's case the occupation of nominee of the insurance industry on the Fire Brigades Board does not interfere with the carrying out of his duties in the Workers' Compensation Board. In the event of a Fire Brigades Board matter being litigated in the Workers' Compensation Board, Mr Dubberlin would be disqualified from sitting upon the matter.

TOWN PLANNING

Metropolitan Region Scheme: Amendment

281. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Urban Development and Town Planning:

Referring to the proposed deletion of clauses 15 and 34 from the metropolitan region scheme as notified in *Government Gazettes*, Nos. 78, 79, and 80 of 1979, will the Minister advise—

(1) Were any submissions in support of, or objecting to, the amendment received by the authority?

(2) If so—
(a) has a public hearing of those submissions taken place; and
(b) when?

(3) After considering the submissions, has the authority made any modification to the amendment?

(4) Has the authority's report on the submissions been presented to the Minister?

(5) If the authority has made a modification to the amendment, is it a substantial modification?

(6) If it is a substantial modification, when will the modified amendment be again deposited for public inspection and submissions to the Minister?

(7) When will the amendment, either modified or otherwise, be approved by the Governor and tabled in Parliament?

The Hon. I. G. MEDCALF replied:

(1) Yes; 11 submissions—seven supporting, four objecting.

(2) (a) Yes.
(b) 25 June 1980.

(3) No.

(4) Yes.

(5) Answered by (3).

(6) Answered by (3).

(7) Subject to the Governor's approval, during the current parliamentary session.

QUESTION WITHOUT NOTICE

CAPITAL PUNISHMENT

Death Sentence: Commutation

85. The Hon. H. W. OLNEY, to the Attorney General:

(1) Would the Attorney General be willing to arrange for his department to prepare a detailed statement of the present law and practice dealing with the commuting of death sentences and

the subsequent treatment of prisoners whose sentences have been commuted?

(2) If "Yes", would he be prepared to table such a statement for the information of members and of the public so that any future proposals to change the law may be better understood?

The Hon. I. G. MEDCALF replied:

I am indebted to Mr Olney for supplying particulars of the question, which has enabled me to examine the matter. The answer is as follows—

(1) and (2) Yes, I will arrange for a statement to be prepared for the information of members.