Legislative Council

Tuesday, 15 September 1987

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

BILLS (9): ASSENT

Messages from the Governor received and read notifying assent to the following Bills --

1. Stamp Amendment Bill.
2. Prevention of Cruelty to Animals Amendment Bill.
3. Treasurer's Advance Authorization Bill.
4. Supply Bill.
5. Business Franchise (Tobacco) Amendment Bill.
6. Local Government Amendment Bill.
7. Acts Amendment (Occupational Health, Safety and Welfare) Bill.
8. Occupational Health, Safety and Welfare Amendment Bill.
9. Acts Amendment (Electoral Reform) Bill.

HOUSING: RESIDENTIAL TENANCY LEGISLATION

Support: Petition

The following petition bearing the signatures of 25 persons was presented by Hon. Robert Hetherington --

> To The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned support the Residential Tenancies Bill as a minimum form of protection of tenants rights and strongly urge all Honourable Members to support its passage through the Parliament.
>
> Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound will ever pray.

(See paper No 351.)

FINANCIAL ADMINISTRATION AND AUDIT ACT

Report Tabling: Extension of Time

THE PRESIDENT (Hon Clive Griffiths): I table the following notifications of extensions of time for the tabling of annual reports for the 1986-1987 year granted under section 70 of the Financial Administration and Audit Act 1985 --

The Minister for Police and Emergency Services --

> Annual report of the WA Fire Brigades Board, annual report of the WA Fire Brigades Disablement Benefits Board, and annual report of the WA Fire Brigades Superannuation Board.

The Minister for Agriculture --

> Annual report and financial statements of the Rural Adjustment and Finance Corporation, and annual report of the Agriculture Protection Board.

I table the relevant documents.

(See papers Nos 346A to H.)

JURISDICTION OF COURTS (CROSS-VESTING) BILL

Introduction and First Reading

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

VIDEO TAPES CLASSIFICATION AND CONTROL BILL

In Committee

Resumed from 8 September. The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

Clause 9: Classification of video tapes --

Progress was reported after the clause had been partly considered.

Hon J.N. CALDWELL: I move an amendment --

Page 7, line 18 to delete "drug misuse or addiction,"

The main concern of the National Party is with the word "reasonable" when it refers to an adult. Our main concern is to appeal to the censor as to how he would classify a "reasonable adult". Perhaps as I suggested with video classification we could classify people with numbers in this respect. The National Party would like to take sexual violence and drug misuse and addiction out of this clause and make it a special part of the Bill so as to give the censor better direction.

I foreshadow that as far as sexual violence is concerned we would like to add the words "it describes, depicts, expresses or otherwise deals with sexual violence". We feel that would give the appeal censor a better sense of direction when dealing with the classification of videos; likewise with drug misuse or addiction. We appeal to everybody to see the reason for this but mainly because the censor must use his own sensibility to determine what a "reasonable adult" might be.

Hon J.M. BERINSON: The Government opposes this amendment and in commenting on it, I start by acknowledging that it is proposed to delete the present words and to replace them with other words, which also relate to drug misuse or addiction.

I should indicate firstly that the Bill as it is presently drafted is in very wide form in that it looks to the censor refusing to classify a video tape which deals with matters of drug misuse or addiction; and that is as wide as one can go in relation to those areas. That is to be compared with the terminology that has been foreshadowed, which will be limited to those videos that promote, incite, or encourage drug misuse or addiction; but I think Hon John Caldwell is right in drawing attention to the major difference between the present terminology and his proposed amendment; that is, the existence in the draft legislation of the reference to the standard of a reasonable adult. The truth is that all censorship has to proceed on the basis of some standard; and whether it is expressed or not, the censor would find it extraordinarily difficult to have blanket bans on matters without reference to some community standards.

The whole of our censorship laws are based on the notion of community standards being applied and the formula that has been adopted to try to reflect that approach is by way of this reference to the "reasonable adult". I do not think we should move from that and for that reason we do not believe that the amendment seeking to delete the reference to drug misuse or addiction from the general clause dealing with the standards to be applied should be carried by this Chamber.

Hon P.G. PENDAL: I am not sure whether what Hon John Caldwell is seeking to achieve will be achieved by this amendment but I believe it is worth supporting if for no other reason that -- like an amendment moved by the Liberal Party to this Bill some months ago and voted on last week -- it attempts to make some stand on the matter.

If clause 9(2)(a) were to be implemented realistically by any fair-minded individual -- be it with Hon John Caldwell's amendment or not -- it would lead to the banning of hundreds, possibly thousands, of video titles that are currently on the shelves of video stores throughout

Western Australia. I hasten to add that I do not think that is the way the law will be implemented at all. In fact the more I look at this Bill, the more I think it is a bit of a phoney. That wholesale banning would take place with the potential for thousands of titles to be involved if the people who were involved were serious about the job they are seeking to do in the censorship office. I cannot imagine a worse job to be confronted with than what I imagine is the totally desensitising work of a film censor, given the rubbish that is served up to them to put some form of cinematic classification to. It is no wonder that twice in the past three years people on the censorship committee in Western Australia have resigned because they believed they were becoming desensitised as a result of the sort of things they were confronted with.

The amendment moved by Hon John Caldwell, as I understand it, seeks to take out the words "drug misuse or addiction" and to replace them at a later stage in order to emphasise Hon John Caldwell's point. If he were able to indicate that is the case -- bearing in mind that it is several months since we went over these things -- I, for one, am prepared to support his amendment and to ask members of the Liberal Party to support it as well.

In his remarks a few minutes ago Hon Joe Berinson said that when dealing with different issues, the censor had to try to determine community standards. Frankly, I think the Leader of the House is out of touch; I think the Premier is out of touch, and I think the Minister for The Arts is out of touch. I think all the people involved in the administration of legislation of this kind are out of touch when they say that the censors are successfully achieving an expression of community standards. They are patently not doing that; as late as last night, in this very building, I chaired a meeting on matters to do with the family, which is a portfolio I shadow for the Opposition. The people who attended and who were asked to comment on a whole range of family matters were people I did not really expect would have especially conservative views, but they expressed what I thought were very conservative views about the standards of the videos, in particular, available and the resultant desensitising effect that such videos were having on the children of this State. The people at the meeting included teachers, persons involved in infant health, and a well-known city barrister. Without their being asked to nominate that this is a problem, it was one they nominated on their own account.

The Government seems to see no problem in this area; certainly the Leader of the House shuts himself off from the totally desensitising nature of this excessively violent video material. The matter must be tackled. The people at the meeting told me that the problems it is causing for kids down the line will live to haunt this community in generations to come.

I have previously put forward a suggestion to test just what are community standards on these matters. I am not one to criticise the censors, because they are confronted with the responsibility of trying to determine the community standards. I will keep repeating my proposition until someone in a position of authority takes it up.

Let us test in a random and scientific way what are the real community standards in these matters. We live in an age of polling, in an age of market research; and on the whole it is remarkably accurate research. Companies spend millions of dollars in advertising budgets based on market research. Why is it beyond the wit of the Burke Government to hire a market research company to select at random perhaps 100 Western Australians in the same scientific way people are selected when firms conduct political polls? That company could put those people in the Subiaco Civic Centre for a day and show them 20, 30, or 40 videos that are currently on the shelves and being taken out and viewed by little kids in this city. Let those people be asked to put their classification on those films and let us see if those 100 Western Australians come up with anything like the classifications that the censorial powers in this State attach to those same films. Maybe it would be a load off the minds of the people in the censor's office. Maybe it would an encouragement for them to know that there were other people in the community who were prepared to assist them in their bid to discover that very illusive quality of community standards.

Unless we are prepared to take a stand, particularly on matters of violence, we are going to find an increase in child abuse, and an increase in violent activities of little children who use those things as role models. That statement does not originate from me. The Leader of the

House can ask any reputable educator in this State whether that is so and he will be told that that is what is going on at this very moment. It relates not just to videos but goes well across the board to other consumer items. Yet this Government, led by a Premier who says that he is totally interested in all matters to do with the family, is not prepared to act. The Premier shows himself to be lacking and has shown himself not to be interested in those things when it comes to making some of the tough decisions.

I am not sure whether the amendment moved by Hon John Caldwell will achieve what he thinks it will achieve, but he, like me, thinks it might be one small way of making some progress. He, like me, thought that to move as I did last week to amend the Bill, an amendment which the Leader of the House rejected out of hand, would have given ordinary citizens the right to object to video classifications. It would have been a modest reform but one which might well at the end of the day have prevented the sorts of violence we have been seeing increasingly not only in this State but overseas as well.

It just cannot be coincidence that every time the profile of some deadbeat Rambo-style nitwit is raised in the community by way of the mass media, we see a repetition down the line. If it is possible in real life for one of those mental derelicts on television during the news to influence kids, it is also possible that the violent forms of video material are influencing them as well.

During the second reading debate on this Bill I gave a description of some of the extracts I saw in this Parliament when accompanied by Hon John Caldwell. What we saw was enough to make us throw up, but when I read out some of the descriptions of what we had seen, some members saw it as a matter of mirth. They ought to see for themselves what Mr Caldwell and I were asked to see on that occasion, the sort of revoltingly violent activity that will lead to numerous psychological problems in this community for generations to come. I support the amendment.

Hon E.J. CHARLTON: It surprises me that with this issue and these amendments, the Government is not prepared to incorporate the changes to the legislation that we seek. After all, the amendments merely attempt to tighten up the censorship of some of this material we are considering. I do not know whether it is because the Government has a new-found source of political awareness since the numbers have changed a little in this place that it does not want to take on board some of our amendments. Perhaps it believes that there really is no need for them.

Statements such as that by the Prime Minister that we will have no children living in poverty by 1990 are just a joke. Here is an opportunity for the Labor Party to demonstrate that it agrees with our seeking to do something meaningful, something which could be put in place and which would help the censors keep off the shelves some of the rubbish that presently even young children can take home and view. Instead, families will be able to take home videos with which they can relax and enjoy themselves instead of having their minds filled with what is so readily available on video shelves these days.

This is probably one of the most serious issues for the long-term well-being of our young people that our society is confronted with. If we are not prepared to bite the bullet now and show a bit of initiative we will have been derelict in our duty. I cannot understand why the Government is reluctant to accept this amendment. It does not change the intent of the Bill. Surely the Government should say that as most of the members here agree with it, it is prepared to take it on board. Perhaps it could be reworded. Certainly the amendment goes further than the wording of the Bill in its attempt to define those areas that are covered by this clause.

When the Government decided to do something about the hotel industry, it received praise from all sections of the community. It is true that a handful of people were critical about the Government's attempts to clean up the hotel industry; nevertheless, the support was overwhelming. The Government is protecting no-one by not including more definitive statements in the legislation.

I appeal to the Leader of the House to accept the amendment. It is not a critical proposition put forward in a publicity exercise. It is a serious attempt to amend the legislation effective-

ly. I agree that the amendment will not automatically solve all of the problems in the legislation. However, we should be doing all we can to give society something on which to draw to allow it to make judgments on certain matters.

The CHAIRMAN: Order! I believe that now is not the time for members to be making second reading speeches. I ask members to debate the clause under consideration.

Hon J.N. CALDWELL: Hon Phillip Pendal asked me the reason for deleting the words from the clause. My reasons are exactly those that he expected. We want to withdraw them from this clause and put them in a part of the Bill where they can be dealt with separately. In another place last week, a member produced a petition from 1 750 citizens supporting the National Party's amendments. I assure the Leader of the House that these amendments are what they want. The intention of this amendment is to give the words more emphasis in a different part of the Bill. We intend to move for the deletion of the word "sex" also from this part of the Bill and deal with it separately elsewhere. That will give the appeal censor some direction when classifying videos.

Hon J.M. BERINSON: Hon Phillip Pendal tried to put words in my mouth which do not belong there. I am obliged to correct him in that respect. In the first place, Mr Pendal claimed that I had asserted that there was no problem in this area. Of course, I did not assert that, and I would not. This is a very difficult and vexed area. There are all manner of problems involved. I have news for Mr Pendal. There will still be problems whether we pass this Bill in its present form or in an amended form. The problem is too great to be solved by either of these simple measures. I make that correction to make it clear that there is no suggestion either by me or by the responsible Minister, let alone the Government, that there is no problem in this area.

The other thing that I did not say that Mr Pendal claimed I said was that the censor was reflecting community standards. That is a matter for individual judgment. I said that the aim of the censorship exercise is to reflect community standards. The extent to which the censor succeeds or fails in that effort is a matter upon which each of us has an opinion.

In addition to the words of the proposed legislation, we have been referred already, on a number of occasions, to the existence of guidelines which have been established by the Commonwealth and State Attorneys General for the guidance of the censor. I understand that the guidelines to the censor follow very closely the words of Hon John Caldwell's proposed amendment in relation to "promotion, incitement, encouragement of drug misuse and addiction". The general areas of concern will be covered by either the Act or by the guidelines.

Hon Eric Charlton asked why we should stick to these words and not be a little more flexible. All members will concede that no-one in this Chamber is more flexible than I. No-one has adopted more suggested amendments from the other side. If members look at the Notice Paper they will note a lengthy list of amendments by me on several Bills listed following submissions between the second reading stage and the Committee stage. That remains the position of the Government irrespective of the day-to-day position of the numbers in this Chamber.

That is not a consideration; but what is a consideration is that this Bill is part of an interstate exercise, together with the Commonwealth, designed to produce some uniform national standard. That is the reason why at a number of points where it might be thought that these words or those words are neither here nor there, they become questions which have to be dealt with with some seriousness. This is a national effort designed to produce a nationally uniform, if not a nationally ideal, standard. That is much more the background and explanation of the general position taken by the Government than any question of wanting to be inflexible.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN (Hon D.J. Wordsworth): Before appointing the tellers I cast my vote with the Ayes.

Division resulted as follows --

Ayes (14)

Hon C.J. Bell	Hon G.E. Masters
Hon J.N. Caldwell	Hon Tom McNeil
Hon E.J. Charlton	Hon N.F. Moore
Hon Max Evans	Hon Neil Oliver
Hon H.W. Gayfer	Hon P.G. Pendal
Hon A.A. Lewis	Hon D.J. Wordsworth
Hon P.H. Lockyer	Hon Margaret McAleer *(Teller)*

Noes (14)

Hon J.M. Berinson	Hon Tom Helm
Hon J.M. Brown	Hon Garry Kelly
Hon T.G. Butler	Hon Mark Nevill
Hon D.K. Dans	Hon S.M. Piantadosi
Hon Graham Edwards	Hon Tom Stephens
Hon John Halden	Hon Doug Wenn
Hon Kay Hallahan	Hon Fred McKenzie *(Teller)*

Pairs

Ayes	Noes
Hon John Williams	Hon Robert Hetherington
Hon W.N. Stretch	Hon B.L. Jones

Amendment thus negatived.

Hon J.N. CALDWELL: I do not propose to move my amendments (G) and (H).

Clause put and passed.

Clauses 10 and 11 put and passed.

Clause 12: Notice of decision of censor --

Hon J.N. CALDWELL: I will not move amendments (I) and (J).

Clause put and passed.

Clause 13: Application for review of decision --

Hon J.N. CALDWELL: I move an amendment --

Page 8, lines 22 to 25 -- To delete the lines and substitute the following --

respect of a video tape or advertisement, any person

This amendment put forward by the National Party takes the place of a previous amendment moved by Hon Phillip Pendal, and it is perhaps more appropriate than his. Hon Phillip Pendal's amendment was defeated; but I feel sure that the Leader of the House will regard this as a good amendment because it will give the right to any person to appeal against the classification of a video.

We argued at some length on clause 4 as to whether this right should be afforded to every person who watches videos. To prevent people making frivolous appeals, it was suggested that a fee would be payable before making an appeal, the amount to be set by regulation. I did not receive an assurance from the Leader of the House but I did receive a word from him that he thought this amendment was slightly better than that moved by the Liberal Party and he would probably be more agreeable to this amendment, if he were agreeable to any. This took place some time in July. I appeal to his good sense and hope that he will consider this amendment to be quite appropriate.

Hon P.G. PENDAL: I will support the amendment moved by Hon John Caldwell. It is true that this amendment is similar to that which I moved on clause 4, and which was defeated. I will not repeat all those arguments, except to say that if the right of a person to appeal against a decision of a public servant is not included in legislation, that legislation is deficient. It is not revolutionary these days. It is only 15 years since almost every administrative decision of Government became capable of being overturned as a result of the creation of the office of the Ombudsman. To some extent at least this amendment, which is similar to that I moved

earlier in the debate, seeks to give the same right of appeal to ordinary individuals in relation to video classifications, and I support it.

Hon J.M. BERINSON: In a sense the question raised by this amendment is similar to that debated on Mr Pendal's proposed amendment to clause 4. Both propositions raise the problem of unrestricted access to the review process. We are dealing with an area where the Government believes that access of that kind is not workable.

A moment ago we heard of a petition with 1 750 signatures. That is a useful indication of the degree of interest which censorship can arouse, and of the sheer administrative difficulties which could emerge from the sort of unrestricted access which the proposed amendment would produce. I do not believe that setting a fee is the answer to this problem. If the fee is large enough to act as a deterrent, it would tend to go against the object of the exercise. If it were not enough to be a deterrent, then nothing would be achieved in any event.

In clause 13 is a provision whereby two parties can seek a review of the censor's determination. One is the applicant -- the owner or promoter of the video. Further consideration of that right is irrelevant for present purposes. The other automatic right to seek a review resides in the Minister. This Bill seeks to continue the present situation; namely, that offended persons or complainants have open access to the Minister, and depending on the weight of their submissions, the Minister exercises his right to seek the censor's review.

That raises the contribution of the political process to the position where the responsibility of the Minister in charge is involved. It would be not only a brave but a not very sensible Minister who, in the face of substantial public concern, would decline to make a reference to the censor for the purposes set out in this clause. Ministers have always referred contentious issues to the censor, and no doubt they will continue to do so. This clause provides some sort of sieving process for the censor; he is not left open to unlimited and unrestrained requests, but to requests which have had the advantage of proper consideration at ministerial level.

Another factor which should be kept in mind here is that clause 13 does not exhaust the powers of the Minister. Clause 13 enables him to seek a review by the censor of the classification being made. But if at the end of the day the Minister remains unsatisfied with the result of the review, he has, under clause 17, an overriding ministerial control. In an appropriate case he can override the decision which the censor has made, either as a result of his first consideration or as a result of any subsequent review.

All in all, the structure proposed by this Bill is adequate to ensure that any complainant in the public has the opportunity to have his complaint considered by the Minister himself, and he can thereafter either secure a reference by the Minister to the censor, or achieve direct ministerial control. That framework is adequate for the purpose. For that reason the Government opposes this proposed amendment.

Hon J.N. CALDWELL: I draw the attention of the Leader of the House to page 9, line 10.

Hon J.M. Berinson: The applicant is the owner or the promoter of the video.

Hon J.N. CALDWELL: I would have thought that the Government would jump at the idea of a prescribed fee, because it seems to have trumped up a lot of prescribed fees in order to raise revenue.

Hon J.M. Berinson: I thought we were showing commendable restraint. That is what the economists are saying.

Hon J.N. CALDWELL: The Government will be gaining some benefit from applying to have a video looked at by the censor. I have had several complaints from members of the public. People have appealed to the Minister on previous occasions, but no action has been taken. These people are being frustrated, and that is why this amendment has been proposed.

Hon P.G. PENDAL: Members will observe, if they bother to read clause 13, that the right of appeal is to be vested in two people - the Minister, and the owner. I raised the point on clause 4, and it is applicable here: If the person who applied for the original classification is not happy with the classification awarded to the video, he has a right of appeal; but if the consumer is not happy he has no right of appeal. That is a lopsided way of running things. It

has happened now and it will happen again. People -- for example, consumers -- may want to appeal in order to have a classification increased, and producers also may want to apply for a classification to be reduced.

That was the argument of Stanley Kubrick, the film producer, that I used a week or so ago. He said the film censor had given a certain classification -- I think it was "R" -- under Australian film censorship law, which effectively is a Commonwealth-State thing, and that made him angry because it would remove tens of thousands of Australians who he hoped would flock to see the film. But the censor said it would be classified "R", so this bloke had under Commonwealth law -- indeed, as he will have under State law for videos -- the right of appeal to say, "Your decision, Mr Censor, has been too severe." The consumer groups are merely seeking to have the same right to put to the censor that the classification has been not too severe but too lenient. That is something I think has escaped the notice of the Leader of the House. Certainly it has escaped the notice of the Ministers who comprise the Ministerial Council and who approved this draft Bill as far back as 1983.

The second thing I want to say is that it is curious to hear the Leader of the House claiming that unrestricted access is not workable. Unrestricted access to the appeal mechanism in this State by Hon John Caldwell in clause 13 or by me in clause 4 is simply not workable, in the view of the Leader of the House. He keeps repeating that, I presume in the mistaken notion that if he says something often enough people will accept it as a fact. But there is no such qualified appeal mechanism to do with the Ombudsman, or a whole range of other administrative Acts of the Government. Members should have a look at the Commonwealth freedom of information legislation, or some of the State Statutes to do with freedom of access to information held by the Government.

I make that point again in the hope that somehow, some day, it will sneak through to the consciousness of members of the Government that it is fundamentally unfair that we are being confronted with an appeal mechanism that favours one side of this argument and is to the detriment of people on the other side of the argument. I again signify my support for the amendment.

Amendment put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before appointing the tellers, I cast my vote with the Ayes.

Division resulted as follows --

Ayes (14)

Hon C.J. Bell	Hon G.E. Masters
Hon J.N. Caldwell	Hon Tom McNeil
Hon E.J. Charlton	Hon N.F. Moore
Hon Max Evans	Hon Neil Oliver
Hon H.W. Gayfer	Hon P.G. Pendal
Hon A.A. Lewis	Hon D.J. Wordsworth
Hon P.H. Lockyer	Hon Margaret McAleer *(Teller)*

Noes (14)

Hon J.M. Berinson	Hon Tom Helm
Hon J.M. Brown	Hon Garry Kelly
Hon T.G. Butler	Hon Mark Nevill
Hon D.K. Dans	Hon S.M. Piantadosi
Hon Graham Edwards	Hon Tom Stephens
Hon John Halden	Hon Doug Wenn
Hon Kay Hallahan	Hon Fred McKenzie *(Teller)*

Pairs

Ayes	Noes
Hon John Williams	Hon Robert Hetherington
Hon W.N. Stretch	Hon B.L. Jones

Amendment thus negatived.

Clause put and passed.

Clauses 14 to 17 put and passed.

Clause 18: Retention of video tapes by censor --

Hon J.N. CALDWELL: I move an amendment --

Page 12, lines 23 to 26 -- To delete paragraph (b).

This amendment is particularly important because, when a video is given to the appeal censor and the censor has finished with it, even if it has been classified "X" or banned, it is to be returned to the applicant. I would like the Minister to clarify that, because if it is a prohibited tape the legislation would cause this person to commit an offence and therefore he would be subject to a very severe fine for possession of it. We think it would be much better if this part of the clause were completely removed or that it provide that the tape concerned be destroyed or kept by the appeal censor.

Hon P.G. PENDAL: The members of the Opposition would be interested to hear the response of the Leader of the House relating to the point raised by the previous speaker.

I raise a separate point relating to clause 18(a) which says that the videotape would be retained by the censor or the appeal censor, as the case may be. My question to the Leader of the House is, what is the meaning of the word "retain" in this context? The provision for a tape to be destroyed makes sense in the case of an "X"-rated film which has an outright ban, as distinct from something which is given an "R"-rating. I cannot see the point in retaining material that is never, in the words of the censor, to see the light of day. It seems to me that word maybe incorrectly placed in the Bill.

I am aware that we are talking about Australia-wide legislation. It underlines our problem if we want to amend the Bill where we can genuinely see shortcomings and are then told we would destroy the uniform nature of the Bill if we took that line. I seek clarification on the word "retain".

Hon J.M. BERINSON: I cannot go beyond the actual terms of the Bill which require that videos in this category be retained rather than destroyed. I may be wrong about that and there may be a practice to the contrary, but I am not in a position to say more than that. I would be prepared to seek further information and advise the member subsequently.

As to the word "retain", if the words of the provision are applied literally no harm can follow from that. It is not as though the censor would make tapes available for any improper purpose. If the member is saying it would perhaps be better to specify that the censor should have the ability to destroy the material, I cannot think of any real objection to that.

This amendment, however, relates to Mr Caldwell's proposal to delete subclause (b). This is put in as an alternative to the provision in clause 18(a) allowing the censor to retain the material, and provides circumstances under which he may -- I emphasise may -- return the material to an applicant, but only where the censor is satisfied that the material will forthwith be disposed of in such a manner as the censor or appeal censor, as the case may be, directs. The censor has expressed the view that he should be left with that flexibility and this is reflected, as I understand it, in all the legislation which has been implemented elsewhere. As I understand it, the only two conditions that are likely to be applied if the censor returns material, are either that there should be an agreement about its destruction by the applicant, or an agreement by the applicant to return the material, perhaps, to a source overseas where it would not be subject to the same restrictions which apply here.

In either event I am advised that in practice the Commonwealth censor retains the material. He does not in practice return it. He has suggested his preference for some continued flexibility with respect to his ability to return the material under these safeguards, where he considers it appropriate to do so.

Hon J.N. CALDWELL: I hope that the appeal censor will retain those videotapes, because clause 30 says that a person shall not keep or have possession of any unclassified videos. He would be committing an offence if he took that video back. The video should be destroyed if it is one that people do not want to see -- if it is not classified or if it is an "X"-rated video.

Hon P.G. PENDAL: I would like to comment on the Leader of the House's explanation of why we use the word "retain". It is admirable to admit one does not know something, and the Leader of the House has done that. However, advice is immediately available to him, but it would seem that neither he nor his assistant from the department knows the answer. In those circumstances it is not unreasonable for progress to be reported, at least on that clause, for this Chamber to be given a reason why those videos should be retained, as distinct from being destroyed. We are being asked to vote blindly on this, particularly when the Leader of the House cannot enlighten us on this point, which I think should be clarified before we vote on it.

Amendment put and negatived.

Clause put and passed.

Clauses 19 to 32 put and passed.

Clause 33: Prohibition of exhibition of certain video tapes in presence of minors --

Hon J.N. CALDWELL: I move an amendment --

Page 19, line 22 -- To insert after (1) --

Unless he is a parent or guardian of the minor,

This amendment seeks to protect minors. Videos with "R" classification are rather horrendous nowadays, and in this amendment we are trying to point out that people should not show such videos to children. We have placed the emphasis on the parent or guardian and taken out the reference to "in any public place or a school". I would like to give one example in which parents may employ a baby-sitter who brings an "R"-classified video into the home. The children may watch the video and when the parents come home they find to their dismay the children have seen the "R"-rated video, or worse. No offence is committed, and we are trying to deal with that situation. We are trying to clear up something which is prevalent in today's society. This clause needs tidying up.

Hon P.G. PENDAL: I confess this is one of the amendments by Hon John Caldwell that I cannot understand. Given the example he just gave, it seems to me that this amendment could actually do the opposite to what he sets out to achieve. I am not saying it does; I am saying I cannot follow it. He wants to insert in the first line of this clause the words, "Unless he is a parent or guardian of the minor", a person shall not exhibit "R" videos to a young person. Put around the other way, it seems to say that if one is a parent or guardian one can show offensive material to a minor.

Hon J.M. Berinson: It has to be the same minor. The fact that you are a parent does not authorise you to show it to any minor. The clause says "the minor".

Hon P.G. PENDAL: I am still trying to work my way through that. I am not sure what the Leader of the House has said. Certainly Hon John Caldwell has not said it. Is he saying one cannot show that sort of material to a minor, if one is a parent or guardian, if it is not one's own child? I have real difficulty with this, and I will hold up the clause until I understand what Mr Caldwell means. I have been inclined to have the Opposition support his amendments so far, but I cannot follow what he is getting at here.

Hon J.N. CALDWELL: It states quite plainly that unless a person is a parent or guardian of a minor he shall not exhibit an "R" video tape. It is putting the emphasis back on the parent or guardian and saying that they are the only people who can show such video tapes legally to a minor.

Hon P.G. Pendal: You are confirming my worst fear. Are you saying a parent or guardian can show that material to a minor? Are you saying that one has to be a parent or guardian to do that?

Hon J.N. CALDWELL: I think that would be the private right of a parent or guardian. In this clause we are trying to protect children from other people. Further on the Bill says it is a defence to prove that the defendant took all such steps as were reasonable in the circumstances to avoid being guilty. It offers a way out for such people. It comes down to the moral issue of what parents and guardians are all about. They are the people who bring up

children and they have the right to show their children what they want in their homes. We are putting that in to tidy up this clause.

Hon A.A. LEWIS: I ask Mr Caldwell whether he has any figures on how many people who are not parents or guardians show these videos to juveniles so that we can understand why he is pushing the point. I do not want parents and guardians to be showing their children such videos, but what sort of proportion of people outside the family unit are showing them to juveniles?

Hon J.N. Caldwell: I have no figures.

Hon P.G. PENDAL: I thank Hon John Caldwell for a partial explanation which makes me think that the clause amended along the lines he wants would be weaker. I may be having a mental block about this, but it seems to me his argument that parents have the right to determine these matters is in itself ultimately a very highly civil libertarian view of the world, and there are many people in this community who would take that view, but it seems inconsistent with the line of argument put by the member who I doubt would describe himself as a civil libertarian. Therefore, I cannot see the point in wanting, if you like, to protect the right of parents. After all, even the Government, of which I am very critical in respect of some parts of this Bill, is not seeking to entrench in law a parent's rights to show children "R"-rated material, for example. Even the Government by virtue of clause 33(1) is not suggesting that parents ought to have as a parental right the right to show their children "R"-rated material. That is not what this clause is about.

Hon J.M. Berinson: It does preclude it.

Hon P.G. PENDAL: No, it does not preclude it. My point is that Hon John Caldwell's amendment will not only not preclude it, but also it will spell it out. If a parent or guardian wants to show his children this sort of material he is free to do so. That may be a valid argument for some people, but it will defeat the purpose of this Bill. Why have a Bill to classify videos? This Bill is not seeking to protect the adults in the community. I suggest that this Bill is seeking to protect the children in the community, yet, unless I am failing to understand the point of his amendment, the inclusion of Hon John Caldwell's amendment would seem to undermine that. If I do not receive a better explanation of his amendment, I intend to vote against it.

[Questions taken.]

Hon J.N. CALDWELL: I refer to Hon P.G. Pendal's query regarding why we should give the right to parents or guardians to allow minors to view "R"-rated or unclassified videos.

Returning to the actual clause, as it now stands, a person shall not exhibit such videos in a public place, or school, which means these are the places where the videos are not to be shown. It also means the videos may be exhibited in every private home in Western Australia, including unclassified material or "X"-rated material. It is not an offence to show these videos in any private home in Western Australia, and we are trying to eliminate that situation by amendment. Members should realise that we should make it legal somewhere to allow the showing of "R"-rated video material. The responsibility in respect of minors should be given to parents or guardians. I believe there is no better person than an irate parent or guardian, who feels the family has been subjected to obscene material, to undertake this responsibility.

The point is important and will definitely make the material less obvious in the community if we put that responsibility back where it belongs.

Hon P.G. PENDAL: The mysteries of clause 33 continue to escape me because Hon J.N. Caldwell talks about "private homes". So far as I can see we are not debating this point. We are talking about exhibiting videos in a public place or a school, and I take that to mean -- and perhaps the Leader of the House could comment on this -- the Government proposed clause will cover the situation regarding what was called a generation ago a "blue movie" night.

It seems perfectly straightforward to me a person shall not exhibit in a public place or school an "R" videotape "if a minor who has attained the age of two years is present". I am not sure

why we have qualified it further. Of course, it might not be a public place, but it seems to be a perfectly clear intention to which I have no objection at all. Complications are raised by Hon J.N. Caldwell's amendment, in that he is still talking about a public place or school, whether or not he means to talk about a private home -- which is a separate argument.

Hon J.N. Caldwell now says: "Unless he is a parent or guardian of the minor, a person shall not exhibit in a public place or school an "R" video tape if a minor is present." If that is not

the intention, I continue to miss the point of not only the member's amendment but also of the Government's original proposal.

Hon J.M. BERINSON: I am not sure why Hon P.G. Pendal has any difficulty with the Government's proposal.

Hon P.G. Pendal: I do not. Perhaps the Leader of the House could tell me what the Government proposal is. I am being thrown by what Hon J.N. Caldwell believes it is.

Hon J.M. BERINSON: I think the Government's proposal is what Mr Pendal thinks the Government proposal is. Where there seems to be some confusion in Hon P.G. Pendal's mind is that he is dealing with this amendment in isolation from the next amendment that Hon J.N. Caldwell has listed. I understand Hon J.N. Caldwell wants to put in words relating to parents and guardians at this point with a view to his next amendment to deal with the words "in a public place or a school". I think that would have the effect of applying his proposal to all places, including homes. It is not really my job to explain what Hon J.N. Caldwell is proposing, but I think that is the position.

If it is, we are still left with some difficulties as to the realities and practicalities of enforcing a provision, especially one carrying penalties as severe as $4 000 or 12 months' imprisonment for the ordinary sort of home showing that one could contemplate. That raises difficulties of a different order from those that are raised by a viewing in a public place or school where we can reasonably look to some commercial motive for what is going on.

For the moment, however, I content myself with trying to make peace between Hon P.G. Pendal and Hon J.N. Caldwell.

Hon P.G. PENDAL: Blessed are the peacemakers, for they shall have no peace.

Allow me to revert back to clause 26 which relates to what we are dealing with here. I repeat, I do not have difficulty with the Government's clause; I only have difficulty with the Government's clause if I take Hon J.N. Caldwell's explanation at face value. I understood one of his points was: If parents want to let their kids see these videos in the privacy of their own home, that is their business. It surprises me to hear that argument from Hon J.N. Caldwell. It is being suggested that it is okay for children to watch these videos if parental approval is given. However, clause 26 deals with the provision of "R"-rated videotapes to minors without the consent of a parent or guardian. In that case, the person doing the giving is the owner or the operator of a video shop. I believe that the same principle applies to clause 33.

Notwithstanding what has been said by the Leader of the House, I cannot see how we can bring in a classification system designed to protect the young but then allow an exemption from prosecution if a person giving the video is the parent or guardian as stated in Mr Caldwell's amendment. Unless the amendment can be clarified further, I intend to oppose it.

Hon J.N. CALDWELL: I agree with Hon Phillip Pendal that minors should not be given or sold an "R"-rated or unclassified videotape. However, under this legislation any adult person can show a minor a videotape of that type in the privacy of their home at any time. This amendment seeks to prevent that.

Hon P.G. Pendal: Doesn't clause 26 prevent them from doing that?

Hon J.N. CALDWELL: Not as I read it. However, I believe I have demonstrated that the clause should be tidied up by the passage of this amendment. Parents should be able to determine exactly what their children should or should not see.

Amendment put and negatived.

Clause put and passed.

Clauses 34 to 46 put and passed.

Clause 47: Forfeiture of video tapes, etc., on conviction --

Hon J.M. BERINSON: I move an amendment --

> Page 26, lines 5 to 14 -- To delete subclause (1) and substitute the following subclause --
>
> > (1) Where a person is convicted of an offence against this Act constituted by a contravention of section 23, 25, 28, 29, 32 or 37 the court by which the conviction is recorded may order that there shall be forfeited to the Crown such video tapes specified in the order as were, at the time of the commission of the offence, in the possession or apparently under the control of the person.

As a result of an amendment to clause 37 which was passed in the other place, it is necessary to amend clause 47. The original clause 37 related to the "copying of certain video tapes". This was deleted in the other place and replaced with a clause prohibiting the possession of extreme videotapes such as those containing child pornography and bestiality.

Paragraph (b) of clause 47 currently provides for the forfeiture of equipment used for the copying of unapproved videotapes. Now that it is intended for it to be an offence to possess unapproved videotapes and the copying clause has been deleted, the forfeiture of equipment used for copying is no longer applicable.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 48 put and passed.

Clause 49: Classification of certain video tapes --

Hon P.G. PENDAL: I understand that the complaints in the past have come about as a result of the ability of certain people to circumvent the Australia-wide system by mail orders out of the Australian Capital Territory. Of course, clause 49 refers to the ACT ordinance. What is the latest information about that circumvention continuing by way of the mail order system? Does this clause deal with that circumvention? If that circumvention continues, it seems that this legislation is really ineffective as it applies to places outside the ACT.

Hon J.M. BERINSON: I should perhaps first explain that clause 49 provides for video tapes and advertisements classified under the ACT classification and publications ordinances before the day on which the proposed Act is proclaimed to come into operation to be deemed to be classified video tapes under the proposed Act excepting "X"-rated video tapes which will be unclassified video tapes.

The problem to which Hon Phillip Pendal refers is in fact still in place and it continues to be a matter of concern to the State Government. The State Minister has approached the Commonwealth Attorney General seeking his assistance to overcome this by relevant changes to the ACT legislation, but so far as I understand that approach has not yet been responded to.

Hon P.G. PENDAL: I thank the Leader of the House for that information. It is often a point of confusion to many people because we are dealing with a loophole not in Commonwealth law but in the law of the ACT Legislative Assembly and its failure to plug that loophole. I wonder whether it is very appropriate for the Commonwealth to be approached by the Minister for The Arts in this State because effectively the Commonwealth is not in control. We are talking about the local Legislative Assembly and it seems that the whole of this video classification issue can come unstuck if the ACT Legislative Assembly is the odd one out.

More than anything else, it has been at the heart of the complaints by people who have approached me over many months that the position remains whereby the mail order business is thriving out of the ACT while those people virtually thumb their noses at the Commonwealth and State laws anywhere around the country. It does not make much sense to be torturing ourselves with this legislation if part of the agreement -- that is, with the

ACT -- has not been achieved. Perhaps the Leader of the House should convey to the Minister for The Arts that maybe we have approached it in the wrong way by going to the Commonwealth rather than directly to the ACT Legislative Assembly.

Hon J.M. BERINSON: I am quite happy to take back this part of the discussion for the further attention of the Minister. However, I understand that the Ministerial Council which deals with censorship matters has the Commonwealth Attorney General present representing the ACT. In those circumstances I do not think there is any question of the issue not having reached the appropriate body. Nonetheless I will ensure that these matters are again drawn to the State Minister's attention.

Hon J.N. CALDWELL: I thank the Leader of the House for making those few comments. It has been ably demonstrated by some of the National Party's amendments that we are afraid of these videos coming from other States. If the Bill remains in its present form, this will enable that to continue unless other States and the Commonwealth repair the damage they are doing.

Clause put and passed.

Clauses 50 to 54 put and passed.

New clause 29A --

Hon J.N. CALDWELL: I move --

Page 17, after line 36 -- To insert a new clause 29A --

Display of video tapes classified as "R" restricted

29A. A person shall not display, for the purposes of sale, a video tape that has a classification of "R", except in a restricted area.

Penalty: $500 in the case of a corporation, and $100 in any other case.

Clause 3 of the Bill was amended to provide an area to be set aside in video shops for the display of "R"-classified videos. If that provision is not complied with, a penalty should be imposed on the shop owner.

Sitting suspended from 5.58 to 7.30 pm

Hon J.M. BERINSON: Hon. John Caldwell is right in saying that this proposed new clause would be consistent with the amendment to the definition section which the Committee carried at an earlier stage of debate. On the other hand, as members will recall, the Government was opposed to that amendment to clause 3. The arguments that were brought up in opposition to that amendment apply with even greater force --

Hon H.W. Gayfer: I did not hear what Hon John Caldwell was saying. Did he say he was opposed to clause 3?

Hon J.M. BERINSON: Yes, and I was saying that the arguments that were advanced in opposition to the amendment to clause 3 apply with even greater force to this proposed new clause 29A.

Hon H.W. Gayfer: This Chamber agreed to clause 3 being amended.

Hon J.M. BERINSON: Yes; there is no doubt about that. However, that on its own does not lead to any necessary conclusion that clause 29A ought to be inserted. The real problem in this area of suggesting restricted areas of display is directed to avoiding the supply of these restricted videos to minors. The restricted area does not assure that result at all; that result can only be assured at the point of distribution -- that is, at the point where the booking out is made -- and that is fully secured by other parts of the Bill which have already been agreed to.

Hon H.W. Gayfer: Agreed to under duress.

Hon J.M. BERINSON: If new clause 29A ought not to be adopted, as the Government would argue, it would be true to say, as Hon John Caldwell has suggested, that we would be left with a definition in clause 3 which would have nothing to operate on. However, that is the lesser of the two evils, and that is a situation which the Government could move to avoid if it became necessary, as it would do when the Bill goes back to the Assembly. The

Government maintains its opposition on clause 3, and for the reasons that were then outlined, I would urge the Committee to vote against this amendment.

Hon J.N. CALDWELL: As I understood it, the Leader of the House has conceded that in clause 3 we have a restricted area, and I believe it is an offence if that restricted area is not adhered to.

Hon J.M. Berinson: That is only a definition; it has no effect.

Hon J.N. CALDWELL: It may be a definition, but it is there, and there is a place, as far as I am concerned, in that particular clause where "R"-rated videos should be placed. It comes into question that if they are not included in that area, there is no offence; it is not anything. I believe that clause 29A has to be in place because it creates a misdemeanour on the part of a video shop owner if he permits those videos to be in an area other than that restricted area. There should be some obligation on the owner to put everything in its proper place.

New clause put and a division called for.

Bells rung and the Committee divided.

The CHAIRMAN: Before the tellers tell I cast my vote with the Ayes.

Division resulted as follows --

Ayes (13)

Hon C.J. Bell	Hon G.E. Masters
Hon J.N. Caldwell	Hon N.F. Moore
Hon E.J. Charlton	Hon Neil Oliver
Hon Max Evans	Hon P.G. Pendal
Hon H.W. Gayfer	Hon D.J. Wordsworth
Hon A.A. Lewis	Hon Margaret McAleer
Hon P.H. Lockyer	*(Teller)*

Noes (12)

Hon J.M. Berinson	Hon Garry Kelly
Hon T.G. Butler	Hon Mark Nevill
Hon Graham Edwards	Hon S.M. Piantadosi
Hon John Halden	Hon Tom Stephens
Hon Kay Hallahan	Hon Doug Wenn
Hon Tom Helm	Hon Fred McKenzie *(Teller)*

Pairs

Ayes	Noes
Hon John Williams	Hon D.K. Dans
Hon W.N. Stretch	Hon B.L. Jones
Hon Tom McNeil	Hon J.M. Brown

New clause thus passed.

Title put and passed.

As to Report

Bill reported, with amendments.

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [7.41 pm]: I move --

> That consideration of the report be made an Order of the Day for the next sitting of the House.

HON H.W. GAYFER (Central) [7.42 pm]: Mr President, I am not satisfied that the Bill should proceed any further than it has already.

The PRESIDENT: Order! Order! I have not put the question yet. The motion that has been moved, which I have yet to put, is that the report be made an Order of the Day for the next sitting of the House, and I am about to put that question.

The question is, that consideration of the report be made an Order of the Day for the next sitting of the House.

Now the honourable member can speak only on whether or not that motion should be agreed to.

Hon H.W. GAYFER: That is exactly what I am about to do. I do not believe that the Bill has been discussed properly in Committee. I believe the submissions put forward by the Opposition have not been considered properly and therefore I believe that the Bill should go no further in its consideration.

Question put and a division taken with the following result --

Ayes (15)

Hon J.M. Berinson	Hon A.A. Lewis
Hon T.G. Butler	Hon Mark Nevill
Hon Graham Edwards	Hon P.G. Pendal
Hon John Halden	Hon S.M. Piantadosi
Hon Kay Hallahan	Hon Tom Stephens
Hon Tom Helm	Hon Doug Wenn
Hon Robert Hetherington	Hon Fred McKenzie *(Teller)*
Hon Garry Kelly	

Noes (11)

Hon C.J. Bell	Hon G.E. Masters
Hon J.N. Caldwell	Hon N.F. Moore
Hon E.J. Charlton	Hon Neil Oliver
Hon Max Evans	Hon D.J. Wordsworth
Hon H.W. Gayfer	Hon Margaret McAleer *(Teller)*
Hon P.H. Lockyer	

Pairs

Ayes	Noes
Hon D.K. Dans	Hon John Williams
Hon B.L. Jones	Hon W.N. Stretch
Hon J.M. Brown	Hon Tom McNeil

Question thus passed.

ROAD TRAFFIC AMENDMENT BILL (No 2)

Receipt and First Reading

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

Second Reading

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [7.46 pm]: I move --

> That the Bill be now read a second time.

An amendment to section 66 of the Act will facilitate the introduction of an efficient form of random breath-testing in this State. Under the existing section 66(1) of the Road Traffic Act 1974-1982 police are empowered to require a motorist to submit a sample of breath for analysis if a member of the Police Force believes on reasonable grounds that --

> (a) a person was the driver or person in charge of a motor vehicle the presence of which occasioned, or of which the use was an immediate or proximate cause of, personal injury or damage to property; or
>
> (b) a person has, while driving a motor vehicle, committed an offence against this Act of which the driving of a motor vehicle is an element; or
>
> (c) a person, while driving or attempting to drive a motor vehicle had alcohol, or alcohol or drugs, in his body.

The existing power is very extensive. Indeed, it is difficult to imagine a driving incident of interest to police which is not covered.

Police in this State have practised what may be described as a de facto form of random

testing of motorists by relying on a power to stop motorists for motor driver's licence checks and then lawfully requiring certain motorists to provide a sample of breath for preliminary analysis. It is the view of the Commissioner of Police that this approach to enforcement of drink-driving laws is effective.

The amendment will have the effect of empowering police to stop any motorist for the express purpose of requiring a sample of breath for analysis, without qualification, and facilitates the efficient use by police of the roadblock technique. Under the proposed amendment, motorists can be stopped at random at a roadblock. However, to minimise inconvenience to the general public and to economise on the use of resources, not all motorists stopped will be tested.

The system will maximise the number of motorists whose condition when driving can come under close police scrutiny. It will be left to the individual police officer to make a decision as to who will be tested, a decision that will no doubt be based on the officer's intuition, observation of, and conversation with, motorists who have been stopped. In this way, as little inconvenience as is reasonably possible will be endured by the innocent majority and greater time will be available for vehicles to be stopped and drink-drivers detected. It is considered that this amendment will enhance road safety.

The Bill also seeks to facilitate the introduction into use of a modern type of breath analysing machine known as the "Draeger Alcotest 7110". These machines are much quicker and easier to use than the existing machines and are free of operator error. They also produce a print-out of the analysis result. The machines are self-testing and consequently their use is outside the scope of the present Road Traffic Act which provides that a breath analysis operator must determine that breath analysing equipment is in proper working order after each analysis is made. The new machines indicate that they are in proper working order by the production of a print-out; if a machine malfunctions or is interfered with in some way it will not produce a print-out. Introduction of these machines will substantially speed up the process of testing motorists' breath samples.

The third matter dealt with in the Bill is the removal of an anomaly. In 1982 the Road Traffic Act was amended by the insertion of section 64A which created an offence for a probationary driver's licence holder to drive while having a blood alcohol content of 0.02 per cent or more.

It has been found that the provisions of section 70 of the Road Traffic Act, which provides for the giving of certain evidence and enables certain formal matters to be established on a prima facie basis by production in court of prescribed certificates, do not extend to section 64A of the Road Traffic Act. This Bill seeks to rectify that situation by allowing certificates to be tendered for 0.02 per cent offences in the same way as these may be tendered for driving under the influence and 0.08 per cent offences.

The Bill also seeks to rectify another matter of evidence. At present when a person undergoes a breath test the Act provides that a certificate signed by the Director of the Government Chemical Laboratories may be produced in court to establish on a prima facie basis that the breath analysis operator is competent to conduct the test. However, in cases where a person refused to undergo a breath test and is charged accordingly, the certificate cannot be produced in court unless the Director of the Government Chemical Laboratories is called to give evidence that the signature on the certificate is his.

The consequence is that the Director of the Government Chemical Laboratories has been obliged to travel throughout the State simply to give direct oral evidence that he signed a certificate. Instances have also occurred where the now retired Director has attended courts in relation to those certificates signed by him. The Bill removes an anomalous distinction which serves no practical purpose.

The final matter addressed by the Bill is that of amendment of the definition of "moped" contained in section 5(1) of the Road Traffic Act. At present in order for a motor cycle to be termed a moped, it must meet three criteria. It must have an engine having a piston displacement of 50 millilitres or less, must be capable of being propelled as a pedal cycle and its design speed must be not more than 60 kilometres per hour.

The Bill seeks to remove the present requirement that the machine be capable of being propelled by pedals as the modern conception of a moped is that it is merely a low-powered motor cycle, whether fitted with pedals or not. To enable drafting of uniform Australian design rules in respect of mopeds, the Vehicle Standards Advisory Committee has requested that the definition of moped in our Act be amended in this way. The local effect of this change will be that 16-year-old persons will be able to ride low-powered motor cycles which were not previously defined as mopeds. It is not considered that this should cause any danger as the performance and handling capabilities of these low-powered machines are similar to those of the traditional moped.

I commend the Bill to the House.

Point of Order

Hon H.W. GAYFER: Mr President, I seek your advice. Having been convicted under section 66 of the Road Traffic Act, could it now be said that I have a pecuniary interest if I speak to the Bill in the future?

The PRESIDENT: No.

Second Reading Resumed

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

GAMING COMMISSION BILL

Receipt and First Reading

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

Second Reading

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [7.55 pm]: I move --

That the Bill be now read a second time.

This Bill provides for a rationalisation of the gaming laws of this State into a composite gaming Act and incorporates the majority of the recommendations of the report of the committee appointed to inquire into and report upon gaming in Western Australia.

The report stated that the existing gaming laws contained many anomalies with consequential problems associated with their enforcement and identified some forms of gaming which are innocuous, widely practised and should be permitted without legal restraint. The report also identified other forms of gaming which the committee found were so popular that they should be permitted but regulated and controlled for the general good of society.

A number of reports including that of the gambling Royal Commission of 1974, recommended that it should not be unlawful for non-profit organisations to indulge in social "soft" gaming for the purposes of fundraising. It also recommended the establishment of a body "capable of handling all of the new liberalised areas of gaming as well as some of the existing legal and supposedly legal gaming currently being conducted." This Bill is a reflection of that recommendation and attempts to amalgamate under one body all gaming with the exception of Lotto, Instant and standard lotteries, which remain with the Lotteries Commission. The Bill also allows for social gaming without legal restraint and other forms of gaming under a permit system.

The Bill deals with gaming and betting connected with gaming but does not include betting related to horse and greyhound racing, which are covered by the Betting Control Act 1954 and the Totalisator Agency Board Betting Act 1960.

The Bill creates a four-person Gaming Commission comprising the Executive Director, Office of Racing and Gaming, the Chairman of the Lotteries Commission, an existing member of the Casino Control Committee and a person appointed on the recommendation of the Minister. Its composition reflects the administrative responsibility for the Bill, and some of the activities and functions that are placed under its authority.

The Bill provides that, as far as practicable, the commission will be self-funding. The revenue derived from the administration and enforcement of the Act will be sufficient to provide for its operating costs. The duties of the commission are to administer the law relating to gaming and betting; to keep under review the conduct, provision, use and location of gaming and betting facilities; to formulate and implement policies for the scrutiny, control and regulation of gaming and betting taking into consideration the requirements and interest of the community as a whole; and to advise the Minister on any matter relating to gaming and betting.

In the exercise of these duties the commission will be assisted by:

Authorised officers who are appointed under the Public Service Act and attached to the Office of Racing and Gaming;

where appropriate, by local authorities under powers delegated by the commission; and

police officers.

It is proposed that the commission will liaise closely with the Commissioner of Police to ensure the proper regulation and monitoring of gaming in the State.

As part of the enforcement provisions, this Bill provides for an infringement notice for any offence or class of offence. However, any person so charged has the right to have the matter determined by a court of law.

Part IV of the Bill deals with the penalties relating to common gaming houses, unlawful gaming and cheating and reflects existing provisions in the Police Act dealing with unlawful gaming. Part V of the Bill provides for the lawful conduct of certain types of gaming provided it is authorised by a gaming permit, it takes place on approved premises and does not contravene any of the conditions imposed by the permit. All gaming permits may be amended or revoked by the commission. However, there is a right of appeal to the Minister against the amendment or revocation. The commission will maintain a register of approved persons and premises to enable applications to be processed and permits issued without the need for further checking.

The gaming report paid particular attention to the problems associated with social gambling and stated that "there should be no prohibition on citizens being able to relate socially with one another by wagering on the outcome of some forms of innocuous activities, such as certain games of cards, where the stake may be . . . the purchase of the next round of drinks or a sum of money . . . social spontaneous gaming has always been a normal and harmless form of leisure activity to a greater or lesser degree, particularly for people from certain ethnic backgrounds who play their own traditional games as part of their social interaction."

Clause 64 of the Bill covers this area of social gambling and provides that any gambling which is spontaneous -- even though it may occur regularly -- is not promoted and for which no charge is made shall be considered social gambling and shall not be considered unlawful. No permit is required for such gambling. Clauses 65 to 79 deal with soccer football pools. This is substantially the same as the Soccer Football Pools Act of 1984. This Act is currently administered by the Office of Racing and Gaming and as there have been no changes, I do not propose to expand on this part of the Bill.

Clauses 80 to 83 deal with permitted two-up. This is basically the same as the Race Meetings (Two-up Gaming) Act 1985. However, there is one important difference: Whereas the present Act permits the conduct of two-up only after race meetings, this Bill provides for the issue of a permit to conduct two-up anywhere in the State outside a radius of 200 kilometres of the Burswood Island Casino, provided that the game is not conducted for the purposes of private gain. Provision has been made to allow the commission, in certain circumstances, to issue a permit where in the opinion of the commission the recreational and social aspects of the proposed game is the principal objective.

Clauses 84 to 93 deal with gaming machines, equipment and its operations. The Bill makes unlawful the use of machines commonly known as poker machines, fruit machines or roulette machines or any other similar machine. The commission may, in the public interest

and by proclamation, prohibit the use of gaming equipment of a kind which it considers undesirable.

In reviewing existing gaming legislation in Western Australia, the report recommended that the regulation and control of existing bingo should be the responsibility of the proposed new body. The Bill proposes the issue of permits for the conduct of bingo. There are three types of permits:

A function permit which is issued for a particular function on a specified day;

a permit for a period not exceeding six months -- this permit does not specify the dates on which play is to be conducted, available only to senior citizens or pensioners and charitable organisations who wish to conduct bingo regularly without specific dates; and

a permit of a continuing nature which is issued for a period not exceeding 12 months and where the days and times of play are specified.

Responsibility for minor lotteries and raffles has been transferred to the Gaming Commission and clauses 101 to 109 of the Bill give effect to these recommendations.

The Bill authorises the conduct of several types of lotteries:

A small private lottery for which no permit is required, provided that the whole proceeds are devoted to the prizes, the lottery is not advertised and it is sold to persons who work or reside at the same place or are members -- or guests -- of a body not connected with gaming, betting or lotteries; for example, an office sweep on horse races;

a standard lottery for which a permit is required, but which is not run for private gain or any commercial undertaking; and

a lottery of a continuing nature in support of religious or charitable purposes or the promotion of social welfare including sports, cultural or public recreational activities.

Minor fundraising activities such as guessing competitions, number games, raffles, chocolate wheels, if conducted to raise money for the community or any cultural or charitable organisation, shall be lawful without a permit. A maximum limit will be prescribed by regulation.

Generally, the Bill is aimed at regulating and controlling, but at the same time liberalising some of the archaic gaming laws which will result in many benefits to the community at large, including:

Opportunities for sporting and other bona fide non-profit clubs and organisations to engage in fundraising activities;

the proper scrutiny and control of approved premises and persons engaged in gaming activities;

the ability of ethnic people and others who regard gaming as a normal part of their way of life, to play their traditional games lawfully; and

a more effective and permanent control of illegal gaming.

I commend the Bill to the House.

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

MOTOR VEHICLE DRIVERS INSTRUCTORS AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [8.05 pm]: I move --

That the Bill be now read a second time.

As part of its financial management programme the Government instigated a review of judicial fines, fees, and infringement penalties that are brought to account through Crown Law Department revenue. The proposals contained in this Bill reflect some of the findings of that review.

The provisions of this Bill will increase the maximum penalties for breaches of the Motor Vehicle Drivers Instructors Act and allow for increases in penalties for breaches of regulations made under that Act by 500 per cent. The present penalties have not been increased since the inception of the Act in 1963; they are outdated and require amendment to ensure that they remain an effective deterrent.

I commend the Bill to the House.

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

FIREARMS AMENDMENT BILL

Second Reading

Debate resumed from 8 September.

HON MARGARET McALEER (Upper West) [8.06 pm]: This Bill seeks to do exactly what the Minister said it would in his second reading speech, namely increase the maximum financial penalties for breaches of the Firearms Act. Since the parent Firearms Act was passed in 1973 there have been a number of amendments for various purposes. These include the prohibition of undesirable firearms and amendments which have facilitated the bringing in by visiting sports clubs of rifles and other guns to participate in sports in this State. This is probably the first Bill solely concerned with the increase of financial penalties.

One could conclude from that that the Government is satisfied with the Firearms Act in its present state. However, the Minister for Police and Emergency Services in another place has indicated that the Firearms Act has been under review for a considerable time, and a further Bill will be drafted, although not for some time. He added that the Commissioner of Police was satisfied that the Act was strong enough as it stood. This seems to be a very long gestation period for foreshadowed amendments, especially considering that a review of the Firearms Act was carried out in 1981 by Mr Oliver Dixon, who recommended extensive amendments. The Minister in charge of the Bill in this place might care to comment on this when he replies. When Mr Oliver Dixon reviewed the Firearms Act, he noted a considerable number of sections which required amendment, including the interpretation, the licensing section, appeals, and training and administration. While these amendments may not have strengthened the Act, they would have streamlined it to make it more administratively effective.

I admit that no-one in the former Government took these amendments forward, and no-one in this Government has up until now. I do not think that further delay in amending the Act can be caused by the recent initiative on the part of the Minister for Police and Emergency Services in urging other State Ministers to consider uniform legislation. Our Minister for Police and Emergency Services has said that his purpose in doing that is to bring other States' firearms legislation up to the same standard as that of Western Australia. For that reason it is probably even more important that we get our house in order as far as firearms legislation is concerned.

Ever since the Firearms Act was framed it has been clear, from debates both then and subsequently, that there has been a push in some quarters for uniform firearms legislation. One move has come from sporting associations. Their interest is that licensing in some other States easily lends itself to the acquisition of more weapons of a number and type which would benefit those associations.

The other push comes from the police who have been aware that no matter how well firearms in this State are registered, licensed and identified a weak spot exists in that they can be brought in from other States where the requirements of licensing or conditions of obtaining them are often far less onerous than in this State, and in some cases practically non-existent.

The shadow Minister for Police and Emergency Services, Mr George Cash, in discussing uniform legislation has cautioned against ignoring the differences which exist between the States and the varying conditions between, for example, Western Australia and Victoria which is far more densely populated. He has suggested that uniformity would possibly not suit Western Australia in any degree. While allowing this, I think it must be said there is obviously a case, if not for uniform legislation, at least for some degree of uniformity and certainly for some coordination in the legislation of the various States, and I think it is a good move for the Minister to take up the matter with other State Ministers in order to get some degree of uniformity in the firearms legislation or to institute cooperation and coordination between the administrations in the various States. The whole firearms scene should be tightened throughout Australia for the benefit of all States, not just Western Australia.

In the meantime, this Bill provides for increases in penalties. Mostly it does so by doubling the present amount, but on occasions by varying the proportion of the increases, and presumably that is to alter the emphasis given to that particular offence. An example can be found in section 19(3) of the Act where a person knowingly possessing a firearm as a curio or collector's piece without a licence commits an offence. The fine has been raised from $40 to $60, whereas in section 23(j) a person who carries a firearm on or over land used for primary production without the knowledge and consent of the owner or occupier faces a fine which has been upgraded from $20 to $100 -- quite a significant difference. I am very sympathetic to this particular increase because in my experience people who carry a firearm over farming land generally do so with the intention of shooting, and there is no more disconcerting experience than being in a paddock, especially a bush paddock or a hilly one, and hearing shots close by and sometimes feeling the bullet is whistling past. Anything that leads to less of that sort of thing is welcome. While one may query whether fines, upgraded or not, will deter anyone from committing an offence maliciously or with criminal intent, I believe fines do deter people from committing offences from carelessness or sheer irresponsibility, always provided they know such an offence exists. Apart from the fact that I am sure a lot of people who carry firearms over farming properties without permission do not realise they are committing an offence, I notice also that it is an offence to point a weapon at someone. All people who are well brought up with firearms know this must not be done, but I doubt very much whether anybody knows that it is actually an offence and punishable by a fine. The penalties which relate to prison, whether in addition to or as an alternative to a fine, remain unchanged, but it is appropriate to upgrade fines from time to time, and the Opposition supports this Bill.

HON J.N. CALDWELL (South) [8.15 pm]: This Bill deals almost entirely with increased penalties for firearm offences, and although every law-abiding citizen in the community applauds measures of this type which will reduce the appalling incidence of gun-related accidents and incidents, I do not think this Bill does anything to rectify or come to grips with some of those crimes, and that is unfortunate. In Western Australia there are approximately 113 000 licensed firearm holders and of those about 10 000 belong to sporting associations. I confess I belong to one of those groups, and I believe they do a marvellous job in teaching people how to use firearms with great control. This leaves 103 000 people under police licensing, and I feel they are the ones who are creating the problems. I guess there are no problems with 90 000-odd among them, but there are always a few who like to shoot at road signs. One often finds beer cans which have been thrown up and have bullet holes through them or are blown to pieces. Those are the types of people to whom we should be giving our attention.

In Western Australia we possibly have some of the most stringent laws as far as rifles are concerned. Unfortunately, other States across our borders do not, and that is where the problem arises. It causes quite a bit of black marketing of rifles across the border, and it would be wonderful if all States adopted some uniformity in gun laws. I do not know why this cannot be achieved. One of the biggest factors in gun-related crimes is that they are caused through people not knowing how to use the weapons and wanting to practice on something or, unfortunately, somebody. It is a fact that people feel the urge to go out and practice with a rifle by shooting at something. If we could come to some agreement so that these people could be given practice or were forced to go to sporting clubs to carry out a series of approved shots, they would invariably become better firearm holders. Those people

could then let off steam and fire a number of shots from their rifles as well as learn some responsibility. This is what is lacking in the community of firearm holders at the moment. We are in favour of increased penalties but I am sure the Government could go much further with the laws relating to guns.

HON D.J. WORDSWORTH (South) [8.19 pm]: This Bill comes as a result, I believe, of public pressure following a spate of crimes carried out with firearms, firstly in the north west of this State where campers in some isolated places were murdered by a person who went berserk with a firearm. In that case he came from another country and was able to buy a firearm in another State.

Hon Graham Edwards: Queensland!

Hon D.J. WORDSWORTH: It is good to see that the States have got together and decided to do something about uniform gun laws.

Because this Bill relates only to fines and nothing else, it indicates that perhaps the police and the Government of this State are happy with the Bill. I do not know whether it necessarily satisfies public concerns; I am not sure that the Government will ever cut out the sorts of crimes about which the public are concerned. Unfortunately, people who really want to commit a crime can get hold of any firearm they want. Admittedly, at times people can go berserk with licensed firearms in a Rambo-type operation and shoot 15 people.

Clause 8 seeks to increase the fine from $200 to $300 where "a person who knowingly permits possession of any firearm or ammunition to be taken by another person where there are reasonable grounds for believing that he knows, or ought to know, that the other person is intoxicated or excited by reason of his being under the influence of alcohol or drugs, or alcohol and drugs, or that the other person is of unsound mind, commits an offence." I am pleased to know that an extra $100 will change all that! An amount of $100 is hardly likely to change anything.

Hon Graham Edwards: Are you going to amend that to increase the fine?

Hon D.J. WORDSWORTH: This legislation is a very small bandaid. It is ridiculous to suggest that because a person who supplies or permits the possession of any firearm or ammunition will not be fined $200 but will be fined $300, this will be more of a deterrent. The Government believes it has brought this legislation back to this House with the best amendments it can suggest! I wonder whether it has come up with very much at all or whether the public can be reassured of their security from reading this Bill.

Hon Graham Edwards: We have the best gun laws in Australia.

Hon D.J. WORDSWORTH: I think we have, too.

The Bill permits the police to do everything and anything it wants. It is like so much of our other legislation. While I was Minister for Lands, the department was loath to change the Land Act because it could fix anything under the provisions of that Act. It knew how to fine people and what clause to use to do anything it wanted. This legislation, as I said, permits the police to use any action they consider necessary and is therefore a good Act on their part. Unfortunately, Australians are feeling less and less secure and are feeling more strongly about people being allowed to carry firearms. At one stage it was considered to be very much a part of our lifestyle, particularly if we lived on the land, to be able to carry a firearm. Gradually the public have begun to understand that is not a freedom that should be given to everyone.

People who travel around Australia are concerned about being attacked while on their holiday trips. Many city people take their caravans and camp on river banks on isolated stations in the north west. Legally, they are entitled to take a 0.410 calibre firearm with them. That is as lethal a weapon as one can get at 20 or 30 yards. I guess that, even with these gun laws, there will be provision for people to take some armament with them when they camp in isolated places.

Like other members, I am willing to support the legislation. However, I feel it will hardly satisfy the people who are so concerned about the types of crimes that are occurring increasingly in this State.

Debate adjourned, on motion by Hon Fred McKenzie.

ASSOCIATIONS INCORPORATION BILL

Second Reading

Debate resumed from 8 September.

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [8.24 pm]: I thank the Opposition for the general support previously expressed by Hon Max Evans for this Bill. Both Mr Evans and I have referred to submissions that have been made, especially by the Law Society of WA. They were very comprehensive and positive and, as members will have noted on the Notice Paper, both Mr Evans and I have listed a substantial number of amendments to the legislation. Given the range of those amendments and the fact that they come down to fairly close detail in some respects, I suggest it would be better to leave our further comments on the Bill until the Committee stage. For the moment, I content myself with again expressing my thanks for the general support that has been offered for this Bill and I commend it to the House.

Question put and passed.

Bill read a second time.

ACTS AMENDMENT (LEGAL PRACTITIONERS, COSTS AND TAXATION) BILL

Second Reading

Debate resumed from 24 June.

HON MAX EVANS (Metropolitan) [8.28 pm]: The Attorney General already has to bring a number of amendments to his own legislation which I believe could have been inserted prior to the legislation being introduced into this place if further consultations had been carried out with lawyers. I accept that a number of amendments have been inserted. My predecessor, Hon Ian Medcalf, set up a committee in 1980 to inquire into legal costs. That committee reported in 1983. I believe that we should be looking at ways of applying fewer regulations, not more.

The marketplace should find its own level. Today we have downtown lawyers who, with specialised staff, have high overheads; and we also have suburban and country lawyers who are working for a common fee. The Attorney General may be in a position to assure me that the proposed independent body to consider the manner in which legal professional costs should be fixed and reviewed from time to time will establish different fees for different levels of expertise. I will be interested to hear his comments.

The Law Society of Western Australia has made the following comment not only to the Opposition, but also to the Attorney General, about this legislation --

> I should also inform you that the Society, at its General Meeting resolved that:-
>
> (a) it opposed the Bill in principle
>
> (b) it affirmed its position that legal practitioners should be entitled to charge such costs as were appropriate fair and reasonable, subject to the client being entitled to tax any bill of costs received.
>
> Those resolutions reflect the view that there is no justification for regulating legal costs. No other profession is so regulated.
>
> Recognising that this view is not one shared by the Government, the aim of our submission is to achieve a costs fixing process which is acceptable to the legal profession.

I support the Law Society in its view that this Bill should be opposed in principle. There should be no further regulation of fixing costs and the marketplace should determine the charges. As the Law Society said, the client has the ability to have the fee taxed if he has any queries on it. A leading barrister advised me that his view is that the Bill should be opposed in principle and a city lawyer urged me to vote against the Bill.

Hon J.M. Berinson: Why?

Hon MAX EVANS: These people believe the cost fixing structure should be determined in the marketplace, as occurs in most other professions. Doctors who choose to work under Medicare or Medibank are controlled by a fixed cost structure, but other doctors can determine their own cost structure.

Hon J.M. Berinson: You read out a proviso to that -- that clients should be able to tax their costs.

Hon MAX EVANS: That is the comment of the Law Society.

Hon J.M. Berinson: That is right. If there is no scale of cost, what are you going to tax them against?

Hon MAX EVANS: The courts should be able to say that it is a fair charge for the work done. That would be a better way of doing it. A taxing officer should be in a position to say that is the rate for the service rendered irrespective of the type of work that had been done. The point the Law Society is making is that it could lead to certain anomalies.

Hon J.M. Berinson: The scales very often leave a range of charges for the taxing officer to consider. I really cannot imagine what a taxing officer would use as a standard if the scales are not there.

Hon MAX EVANS: We will wait and see what will happen if this legislation is passed and whether the fees determined by the committee proposed to be set up to determine the costing are too regimented . It will be interesting to have a cost fixing structure of a profession included in legislation. Years ago when the trade practices legislation was introduced the Institute of Chartered Accountants in Australia, of which I am a member, decided that it could not set a cost-fixing structure for fees for its members. The members had to determine their own charges because it would appear to be collusion, within the profession, to fix charges by a governing body. To this day that institute does not fix the rate of charges for chartered accountants.

In his second reading speech, the Attorney General, quite rightly, referred to the various scales of costs relating to different types of legal work. So there should be. There should be a different scale of costs according to the magnitude of the problem and the amount of money being dealt with. The Attorney General said --

> Most, but not all, courts have their own scale of costs. The Supreme Court scales, which apply to proceedings both in that court and in the District Court, are fixed by the judges in the Supreme Court. The Local Court scale of costs is fixed in rules which are made by the Governor.

I can see the problem with which the Attorney General is faced -- there are various rates and there should be some consistency which is what the Clarkson committee recommended in 1983. Times are different now in the legal profession and the type of work undertaken determines the cost of the service. The decision by the accounting profession to get away from a fixed rate to be set by the institute was probably made for the wrong reason, but it resulted in the right decision being made. It made its decision because of the trade practices legislation, but the result has been that the various accounting firms have found their own level of charges.

The Attorney General also said --

> A practitioner may not sue to recover costs from a client until a signed bill of costs has been served on the client. If the bill is not itemised, the client can require an itemised bill.

This applies in other professions, including lawyers. The Attorney General continued --

> If the client is not satisfied with the itemised bill, it can be "taxed" or reviewed by an officer of the Supreme Court.

Someone said to me at lunch today that we should get rid of the word "taxed" from this legislation because it has the wrong connotation. I am advised that the law profession has

understood the meaning of this word for all time, but the rest of the community when reading the word "taxed" at the bottom of an invoice would run a mile.

Hon J.M. Berinson: Fringe benefits.

Hon MAX EVANS: It might cost more -- that might be a good reason for not using the word "taxed". The word "taxed" is an anachronism.

The Clarkson committee was set up in 1980, and it brought down its recommendations in 1983. It has taken four years for this legislation to be brought before the Parliament. The Attorney General probably has a very good reason for this delay. I often wonder why, when a committee makes recommendations, it takes so long for the Government to act. A good example of this is the Associations Incorporation Bill with which there are many problems.

The Clarkson committee recommended fixing scales of costs in respect of all legal services other than Supreme and District Court scales. In respect of those courts it was suggested that recommendations would be made by the committee to the judges. The Attorney General said in his second reading speech that the major thrust of the Clarkson committee's recommendations was to expand and modify the proposed arrangements in a number of ways.

Legal practitioners are worried that the rules set out by the committee state that the chairman should be a person who has had eight years in private practice, but who is not necessarily in practice. I share that view. An amendment to the Bill provides for a judge who has spent eight years in practice to be appointed as the chairman. The profession is of the opinion that the person who chairs that committee should be actively in practice.

I know that several years ago in my accounting firm we had trouble with a client and the famous chartered accountant, John Gunn, said to my senior partner, Mr Hendry, "You should let your younger partners fix the fee because they know what the current day costs are for themselves and their families." In the same way, legal practitioners who are in practice know the cost of running a legal practice. They know the cost of rent, rates, taxes, secretarial services, and the salaries which are required to compete against the merchant banks. They are aware of the huge cost of running a modern office today. A judge who was on the bench for 20 years may talk of fees of $150 per hour, but a legal practitioner may be of the opinion that in the days when the judge was on the bench if he made $150 a week he was doing well. The judge would not know the salaries that are being paid to staff today.

The Attorney General should give serious consideration to the Law Society's request. The Government has made an amendment to this legislation in respect of judges. The Law Society is of the opinion that a judge is out of touch with today's reality, and the chairman of this proposed committee should be in tune with current day costs. After all, he has a casting vote if such a situation arises and he must understand those costs. If a costing committee is set up, justice must be done to the profession.

The Attorney General's second reading speech states that the cost of the committee will be met by the Government. I have not received a complaint from the Law Society in that regard, but, as a taxpayer, I have a complaint. It is just another committee set up by this Government, the cost of which will be met by the taxpayers.

It is proposed that the committee will consider the basis of fixing costs through the use of scales rather than time costs or some other method; and this should be looked at in the future. It is quite right, particularly when one considers that since 1983 there would have been a far greater move within the law profession to charge on a time cost basis rather than a flat rate. I have been advised that many legal firms found that their overheads were increasing and they were not recovering sufficient costs on the old basis of charges. They had to look at their overall cost structure -- the cost of borrowing money to set up their office, their debtors, and the work in progress -- and they increased their fees. The only way they could assess their performance was on a time basis -- a rate per hour -- and we all know that some lawyers may charge a flat rate according to the value of the document. Not all work is costed like that.

We commend the Government on deleting the reference to wage fixing principles, which was a considerable worry to the legal profession. It was a worry and I query why it was put in in the first place. Many of the costs are out of line with wages; rents over a period of 15 years have increased approximately 700 per cent; rates and taxes have increased; and the salaries

paid to retain good staff are much higher than those indicated by the CPI figures. They appreciate that the reference to wage fixing principles has been removed.

The Attorney General's speech also stated the following --

> Once a determination is made, the Bill provides that either House of Parliament may disallow but not amend the determination.

I understand that has also been deleted. They believe that once a determination has been made by the committee, it should be brought into force.

There was a recommendation that the time in which a request for an itemised bill of costs could be made should be extended from one month to three months. The initial Bill increased that period to 42 days, and that has now been brought back to 30 days. Further time was allowed to have the bill taxed, 42 days was recommended, and that has now been changed to 30 days -- that is, retaining the status quo in the existing legislation.

There is a most unusual provision in the Bill which members of the profession do not like, and I agree with them. The second reading speech states --

> The Bill also provides in proposed section 65(3) that the practitioners should include in each bill of costs a notice of the client's right to require an itemised bill, and of the right to require taxation.

The members of the profession feel that people know that they can complain about a fee if they want to and it is not necessary to put that information on an invoice. The Bill provides that practitioners shall include in each bill of costs a notice of the client's right to require an itemised bill and to require the account to be taxed. This automatically gives the client the impression that he has 60 days' free credit; that is, he can ask for an itemised account within 30 days and then have another 30 days before he needs to pay the account. I put it to the House that it will considerably increase the cost of legal services. If a large legal firm has work in progress and debtors, which can easily involve $200 000-$300 00 on 30-day terms, and half of that is extended to 60 days, it will need work in progress, further capital of $100 000-$200 000 in that business, or an overdraft, to finance the delay in payment of clients' accounts.

This is a most unfair situation and the Attorney General should give a lucid explanation for including this provision. No other business or profession has such a query on its invoices. It can be compared to selling cigarettes with the warning on them, "Smoking is a health hazard." The notice is like warning the clients that they may wish to query the account. I do not know why it has been introduced in a Bill in Western Australia. It is as though the Government were saying that the Law Society has been ripping off the public in Western Australia. That is a most unfair implication. We all know of complaints about certain sections of the Law Society in New South Wales; but during my 30-odd years' professional life in Western Australia, and during the Attorney General's professional period as a lawyer, I am sure we have not heard of bad cases of people finding it necessary to have their bills taxed only to discover that they had been overcharged, with the bill subsequently being reduced. It is most unfair to the profession to require this information on the invoice.

Hon J.M. Berinson: You are aware that the right to have an itemised bill and the right to have the bill eventually taxed is just taken into this Bill from the existing provisions of the Legal Practitioners Act? Do you have any problems with that?

Hon MAX EVANS: No.

Hon J.M. Berinson: If there is such a right, why not tell people that they have it?

Hon MAX EVANS: They believe it is encouraging people to delay payment of their bills. Many people no longer include on their accounts 30-day, 60-day, or 90-day terms because people are inclined to take the longer period and wait 90 days before payment. This provision puts doubts in people's minds about the fee charged, which is unfair because basically the law firms in this city have served Western Australians well and I do not believe they have been ripping people off.

The cost of running a law firm or any professional firm would increase considerably if credit

were extended by 30 days. Firms would need to raise several hundred thousand dollars extra capital to keep the practice running, which requires a great deal of saving and after-tax income or a further loan. In professional life it is very hard to develop capital in a firm. That is the reason for requesting that these words be deleted.

I do not think the Attorney referred to proposed section 37 regarding the handling of cheques in his second reading speech. A major amendment has been made regarding the handling of cheques coming in and going out of the firm. This is also an unnecessary imposition on the profession. The Bill requires that where a practitioner receives a cheque which is not made out to the person or department for whom it is intended, he must go back to the client and obtain written directions. It also states that he shall cause an adequate record of the transaction to be made and retain that record and, where applicable, that direction for at least seven years. It is ridiculous to be expected to retain all those bits and pieces of paper in a filing system, including endorsed cheques, for seven years. The practice has been to forward endorsed cheques.

Settlement agents and real estate firms receive cheques and endorse them for payment to third parties. Will they be required to get written directions from clients for cheques which

are not made out as required? It is an unnecessary imposition on the legal profession which will be involved in extra costs to handle the bits of paper. They have handled this situation before and I am not aware of cases of fraud or slip-ups in this area. Perhaps the Attorney General can cite dozens of cases referred to his department where cheques have been lost and no records have been kept. If that has happened, let us have legislation to prevent it in the future; but we should not impose this requirement on a profession which has served the public well. Law firms receive cheques, endorse them, and deal with them adequately without going back to the client and getting written directions. A time factor is involved, they want to get on with the job and clean it up.

I understand that the Attorney General was not sure about the first draft of the Bill, and that he has approved amendments to it. We ask the Attorney to take a closer look at this wording to see what it has achieved. If one or two things may have gone wrong in the past, let us not put impositions on a profession that is doing a good job. Too often regulations are made which impede business and make it more difficult for the honest hard workers. Such regulations never stop the bad people; they just continue. It would be difficult to find the people who were doing the wrong thing until years later in the event that their records were checked. I am not sure what circumstances would bring about the need to search such documents within seven years. People in the profession will need a filing system geared up to store and trace records for that period. I do not think it is necessary to keep records in respect of contracts of sale for seven years, but perhaps it is.

Hon J.M. Berinson: They have to keep them now for seven years.

Hon MAX EVANS: Yes, but keeping them for that purpose is completely unnecessary and a waste of time. I support the views of the legal profession that we do not need this further regulation. There is no good reason for it. The Law Society commends its amendments to the Attorney General and in line with his amendments, hopes they can come to some agreement. The Law Society is a very respectable body, the Attorney General has given it a good hearing to date and I hope that it will get a further hearing particularly with regard to the matter of whether the chairman of the committee should be a practitioner currently in private practice who understands the ramifications of a business and law firm; the deletion of the wording on the invoice; and the need for the extra paperwork in respect of cheques received and passed to a third party.

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [8.50 pm]: This Bill was introduced in the last session of the Parliament and held over for public comment. On the basis of submissions which have since been received, the Government has agreed to a number of amendments to be moved in the Committee stage, and these have been listed.

Pursuant to proposed section 58M, the Legal Costs Committee will consist of six members, with an equal number of lawyers and non-lawyers. To meet the position on any occasion that the committee is evenly divided, it is proposed that the Bill be amended to provide that

the chairman have a casting vote. It is also proposed that section 58M be amended to enable the appointment of a serving or retired Supreme Court or District Court judge as chairman of the committee.

When making its determinations on new costs scales, the Costs Committee will no doubt take into account a wide range of considerations. Proposed section 58Z directs attention to only two such matters, namely a general order of the Western Australian Industrial Relations Commission giving effect to a national wage decision, and the commission's then current principles of wage fixation. It is clear from the terms of the section that these two specified guidelines are not intended to be exclusive. Nonetheless the Law Society of Western Australia has submitted that section 58Z should be deleted because it could lead the committee to focus solely or excessively on only one aspect of the costs of legal practice -- that is, movements in wages. That, of course, is not the intention of the provision, and would be contrary to the task which the committee is being established to perform. Its perspective is intended to be much broader.

In particular it is not intended that the committee should necessarily accept current scales of costs as establishing an appropriate base against which future adjustments should be made, whether by reference to movements in wages, the CPI, or any other such measure. Rather it should start from first principles to determine what is fair and reasonable remuneration, having regard to more general considerations. It has now been the case for many years that increases in the scale have proceeded on an assumption that the base is correct and that the only real question is the nature of the updating mechanism. That may well be right, but it ought to be questioned.

Among the factors which might be considered in that context are the increased income produced by a combination of progressive or sliding scales of fees and inflation, and the contribution of technology to reducing office production costs and to increasing the efficiency and cost-effectiveness of time spent on legal research and preparation. A broader approach of this kind should ensure that the committee's determinations are appropriate to prevailing economic and organisational conditions.

To avoid any possibility that section 58Z might lead the committee to view its function more narrowly than intended, it is therefore proposed to implement the Law Society's submission that section 58Z be deleted from the Bill. This, of course, is not to suggest that matters pertaining to wage fixation principles are to be regarded as irrelevant to the committee's deliberations. The effect of the amendment is simply to allow the committee to give such weight to this and all other relevant matters as the committee itself regards as appropriate.

Given the importance of this matter to the general purpose of the legislation, I believe it advisable to specify that these comments in relation to proposed section 58Z are intended to attract the application of section 19 of the Interpretation Act. It has, I think correctly, been suggested that the power given in section 58A(4) to the Houses of Parliament to disallow a determination regulating the remuneration of lawyers would impose on the legal profession a limitation which does not apply to general wages or to other professions in the community.

I note in passing that the Supreme Court scale is in fact currently subject to this allowance in the manner proposed. However, the Government has accepted the reasonableness of the argument that this provision should be deleted, and I have listed an amendment to that effect.

Section 65 proposes a period of 42 days in which a client, after receiving a lump sum bill of costs from a lawyer, can request an itemised bill of costs. After receiving an itemised bill, section 66 proposes that the client have 42 days in which he may notify his lawyer of his intention to have that bill taxed in the Supreme Court.

The Law Society has suggested that the combined effect of those provisions creates too long a time during which clients may be able to avoid payment of their legal costs. The present period is 30 days in each case, and amendments will be moved to sections 65 and 66 to maintain that position. Acceptance of the shorter period is to be understood in the context of the taxing officer's power in section 68A(d) to extend the 30-day time limit, and the new requirement in section 65(3) that there be a notice on bills of costs drawing attention to these provisions.

There has been some argument against the notice requirements on the basis of fears that they could generate a flood of unjustified requests by lawyers' clients to have bills of costs taxed in the Supreme Court. A deterrent to such an outcome is the taxing officer's discretion pursuant to section 69 of the Act to decide whether the lawyer or the client should pay the costs in respect of the taxation process. This discretion is normally exercised in such a way that unless the taxing officer substantially reduces the bill of costs, the lawyer is awarded costs against his client in respect of the preparation of the bill and attendance before the taxing officer.

I refer finally to amendments proposed to clause 37A. They are designed to meet a concern expressed by the Barristers Board, but to do so in a way which minimises the impact on legal practices so far as that is possible.

The Barristers Board was concerned with two methods of dealing with cheques. In one case cheques were made payable to the practitioner but were endorsed over by the practitioner to some other person intended by the client to be the ultimate beneficiary. This practice increased with the introduction of financial institutions duty and avoided the trust account provisions of the Legal Practitioners Act. It was lawful for a practitioner to endorse over a cheque, provided there was a specific direction from the client or other person from whom the funds were received. However, as such a direction did not need to be in writing, and no record was required to be kept, there was obviously scope for abuse and for disputes as to what the client's instructions had actually been. This type of cheque was dealt with by rule 95A made by the Barristers Board in 1984. However, that rule was thought to require some clarification and refinement. It is also desirable that its effectiveness should be put beyond doubt.

The second type of cheque which occasionally caused concern was a cheque payable to a third party which was sent to a practitioner. It was therefore thought desirable by the board that some record should be kept of the receipt and disposition of such cheques. Under the proposed amendment in respect of cheques payable to the practitioner but intended to be endorsed over to some other person, there must in future be a written direction as to the intended use of the cheque. It is made clear that any writing which clearly indicates the manner in which the cheque is to be dealt with is capable of constituting a written direction, so that no specific form is required.

It is also provided that where a cheque must be dealt with as a matter of urgency -- for example, because of an undertaking or a court order that a sum be paid within a limited time -- the practitioner may deal with the cheque without prior written authority. In that case, however, he must send to the client written notice of his intention to do so.

Cheques made out to a party other than the practitioner will not require a written direction as the drawing of the cheque in favour of a named party is itself a clear indication of the client's intentions. However, a written record of the transaction must be kept and retained. Where a cheque is paid into the practitioner's trust account, the provision of section 37A will not apply.

The provisions of clause 37A, together with existing provisions dealing with trust moneys, are intended to ensure that it will be possible either to trace all transactions involving money received by a practitioner for the benefit of some other person, or to deal with the practitioner for the default if he fails to do so. The majority of competent practitioners already keep records of money received and disposed of, so that these provisions should not cause undue inconvenience to them. To the extent that they do cause some inconvenience, the public interest in ensuring that money can be easily traced and that disputes do not arise as to the disposition of money is seen as outweighing that minor consideration. That, as I understand it, has been and remains the position of the Barristers Board.

I refer now to some additional comments made by Hon Max Evans, starting with his reference to the virtues of looking for less regulation and leaving such matters to the marketplace. The fact is that despite the longstanding, indeed historic, availability of established scales of costs, there has always been a substantial capacity in this area to leave the question of legal costs to the marketplace. This recourse to the marketplace has been achieved in the past by the right of lawyers and clients to contract out of the scales, and I

stress to the House that this capacity to contract out is fully maintained by the present Bill.

As to the position which would arise were there to be no scale of costs, one has to turn to a number of difficult and almost insoluble problems. The Law Society's own resolution -- which Hon Max Evans conveyed to the House -- reserves a capacity to tax costs in case of dispute. However, in the absence of scales, the taxation officers would be called upon on a completely ad hoc basis to make a series of what can only be regarded as Solomonic judgments. Unless the taxing masters create a de facto scale of costs for their own reference, no case would have a standard against which judgments might be set. The value of the scale of costs is to give the taxing masters a maximum, but not a minimum, level against which their judgments should be made.

Another important area in respect of the application of scales of costs which would not be provided for at all in their absence arises from the fact that even allowing for the contracting-out provisions of the Legal Practitioners Act, the scales still have an important role in so-called party-party costs. Costs can be levied on two bases: The first is the so-called solicitor-client costs or solicitor-party costs, where a client and his lawyer can agree between themselves on costs outside the scales.

A second situation of party-party costs arises where an order has been made against one party to a dispute that he should pay the costs of the other. The most common example of that is in the ordinary case of litigation, where in the usual course of events the losing party will be ordered to meet the costs of the successful party. It would be difficult, and in many cases oppressive, to apply an order that one party shall pay the other party's costs on the basis of those latter costs having been left at large or to be agreed between the successful party and his solicitor. One does not have to exercise the imagination too far to realise how much further that would put at detriment parties who are in any event often cautioned against litigation simply because of the risk of costs.

Scales of costs have a particular application in that position, and for all the arguments I have heard so far that scales should be disposed of altogether -- and in my view they still represent only a minority view of the attitude of the legal profession -- I have not been presented with a suggestion as to how these two particular circumstances to which I have referred might be met if we did go the full deregulatory route.

This Bill has attracted a number of amendments, both from the Government and the Opposition. I make no apology for the fact that I have listed a series of amendments. The process that we followed was to introduce this legislation before the recess, with a view to allowing maximum public input. We have taken careful and serious note of the submissions that have been made, and a large proportion of them, if not all, are reflected in the amendments which I have listed. Those amendments and the other matters referred to by Hon Max Evans can be best left to the Committee stage of discussion, and I hope that stage will be able to proceed tomorrow. In the meantime, I commend this second reading to the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE: ORDINARY

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [9.08 pm]: I move --

That the House do now adjourn.

Emu Farm: Chick Auction

HON MARGARET McALEER (Upper West) [9.09 pm]: Before the House adjourns, I claim the attention of members for a matter which concerns some of my constituents. Tomorrow at 9.30 am there is to be an auction of emu chicks on behalf of the Ngangganawili Community of Wiluna under the aegis of the Department of Agriculture. I believe that 500 emu chicks will be offered, and each buyer must offer for 100 chicks and may pay at least $200 per bird, if that is what is agreed between the Ngangganawili Community and the

auctioneer, according to the answer to the question that I asked, which I received today.

Transport of the chicks from Wiluna by the successful buyers will be the responsibility of the buyer and at his cost and risk. Other conditions for successful application for the licences include guarantee of credit of, I think, $250 000 to ensure that the emus can be maintained suitably in succeeding years, and proof of availability of this credit must be presented tomorrow before the auction. Successful buyers will then be granted a licence for emu farming. There are 22 applicants and 500 birds; to be successful an applicant is required to have 100 birds. That means there can be only five successful applicants out of 22 tomorrow. As a consolation, if that is what one should call it, the Ngangganawili community may have more emu chicks to offer next year.

This extraordinary arrangement was made known to the 22 applicants only last Thursdaya or Friday. The people who spoke to me were completely taken aback and in consternation. The costs and high risks which this arrangement poses to the applicants, a number of whom are farmers seeking to diversify their medium-sized operations, do seem to be ridiculous.

I realise there have been difficulties in trying to arrange for emu farming to commence, and these difficulties are in respect of conservation interests, but this seems to be an attempt to create an artificially small source of supply which can benefit only the Ngangganawili community, and that only immediately. While it can be claimed that as a pioneer of the industry the community deserves to reap the reward of being a pioneer, it will not benefit in the long run if a reasonably sized industry cannot be established in order to create a market for the product.

This has happened in spite of the good intentions of the Minister for Agriculture and the work done by committees set up to consider how to establish an emu farming industry -- committees on which I believe the Western Australian Farmers Federation was not represented although it was itself representing the interests of the applicants. I believe this is a very bad beginning for a possible new industry and a number of the applicants feel that the sale should not proceed tomorrow and that further consideration should be given to obtaining a reasonable if limited supply of emus from the wild -- emus which, I might add, are now destroyed ad lib.

I realise it is very late, but the applicants who have spoken to me have asked that I make a plea that the sale not proceed; and if it does proceed, that still further consideration be given to trying to establish this industry on a more rational and reasonable basis, and that consideration be given to all those applicants who have been faced, at the very last moment and over a weekend, with the need to find large sources of credit and to make up their minds whether indeed they should engage in this very speculative enterprise tomorrow.

Australian Labor Party: Branch
Stacking Allegations

HON T.G. BUTLER (North East Metropolitan) [9.14 pm]: Mr President, I apologise for rising at this point but I do so to put the record straight. The need to do that was brought about by the fact that last Tuesday Hon Phil Pendal, probably embarrassed because of the fact that his role in the branch stacking in the Liberal Party had been exposed --

Hon P.G. Pendal: Don't tell lies.

Hon T.G. BUTLER: We will get down to who is telling lies in a minute. Hon Phil Pendal lashed out in a rather uncontrolled fashion and made an outrageous and scurrilous attack on the Secretary of the Australian Telecommunications Employees Association by claiming that he, Mr Nick Clark, was facing a charge in the Australian Labor Party for stacking an Australian Labor Party branch. Mr Pendal knows full well that that is a gross distortion of the truth.

Hon P.G. Pendal: Like your comments were. In fact, they were lies.

Hon T.G. BUTLER: So the honourable member does not deny that it was a gross distortion of the truth?

Hon P.G. Pendal: Yes, I do.

The PRESIDENT: Order!

Hon T.G. BUTLER: So the member does deny it. He referred to the fact that it had been reported. The only report that did appear concerning Mr Nick Clark appeared in the *Sunday Times* on 6 September, and I recommend that report to the honourable member because it does not anywhere refer to the fact that Mr Nick Clark had been accused or was being charged within the Australian Labor Party for stacking a Labor Party branch.

Hon P.G. Pendal: I know all about it, you hypocrite.

Hon T.G. BUTLER: The honourable member knows it to be the truth, and if he claims to know Nick Clark, as he says he does, he would know Mr Clark is a committed person.

Hon P.G. Pendal: He is a top line bloke -- better than you.

Hon T.G. BUTLER: He is committed to his union and his political party, to the rules of his political party, and to the rules of his union, and would not in any way attempt to bend them, which is a practice the honourable member seems to indulge in and to enjoy.

Mr President, I rose merely to put the record straight and to correct the situation that appeared to be arising, whereby Mr Pendal could get away with such a scurrilous attack on an individual who cannot answer him.

Hon P.G. Pendal: You are like all little fellows.

Hon T.G. BUTLER: If Hon Phillip Pendal is so certain that he has not lied, I ask him to go and say those things outside.

Hon P.G. Pendal: If you say outside what you said about me last week. You are an unmitigated liar.

Withdrawal of Remark

The PRESIDENT: Order! The honourable member cannot use that term and I ask him to withdraw it.

Hon P.G. PENDAL: Even if it is the truth?

The PRESIDENT: The member has to withdraw it.

Hon P.G. PENDAL: I cannot, because he told lies.

The PRESIDENT: I am asking the member to withdraw. He member cannot use that language and he knows it. If he wants to make those sorts of comments there is an appropriate way of moving a motion to put those comments into effect. The member cannot do it in the way in which he has, and I am asking him to withdraw.

Hon P.G. PENDAL: I am sorry, Mr President, I cannot withdraw the fact that he is telling, and has told, lies in this House and continues to get away with it.

The PRESIDENT: The honourable member is placing me in a position of having to insist that he withdraw the comment. It is out of order in this Parliament and every other Parliament for a member to call another member a liar. If the honourable member persists, he is going to be the subject of an action which I particularly do not want to take.

Hon P.G. PENDAL: In deference to you, I withdraw, Mr President.

Debate Resumed

The PRESIDENT: I call Hon Tom Butler and ask him to moderate his approach to putting the record straight, as he suggested, and to refrain from some of the outbursts he has embarked on.

Hon T.G. BUTLER: Thank you, Mr President. I accept your advice and just say that I would not have made any sort of outburst had it not been provoked. The fact is that Mr Pendal has made an outrageous attack on Mr Clark under privilege.

Hon N.F. Moore: You did that to Mr Pendal -- you made an outrageous attack on him under privilege.

Hon T.G. BUTLER: But I point out to Hon Norman Moore that Mr Pendal also had the

opportunity in the adjournment debate to respond, and he took advantage of it.

Hon N.F. Moore interjected.

Hon T.G. BUTLER: Let us all grow up.

Hon N.F. Moore: That is a very good suggestion.

The PRESIDENT: Order! I will not allow this debate to degenerate into a slanging match between Hon Tom Butler and any other member. The honourable member knows that the correct procedure when making comments in this Chamber is to address his comments to the Chair. I recommend that Hon Tom Butler does that and that he desists from playing personalities in the course of his comments. I have no intention of endeavouring to prevent Hon Tom Butler making the comments he wishes to make; however, unless he uses that opportunity with discretion, I will unfortunately have to intervene.

Hon T.G. BUTLER: I accept your advice, Mr President, but once again I point out that the comments I made were solicited.

Several members interjected.

Hon T.G. BUTLER: I will round off my speech now because I believe I have made my point. I believe that Hon Phillip Pendal owes Mr Nick Clark an apology.

Kickett Family: Contribution

HON E.J. CHARLTON (Central) [9.21 pm]: On a totally different subject and in what I hope is a more positive vein I would speak of something which is more important to the people of Western Australia than what we have been hearing of late.

I would like to comment on a family that I think has made a tremendous and outstanding contribution both to their local community and to football. I refer to the Kickett family of Tammin. I thought I would bring to the attention of the House something of the background of Derek Kickett and his family in view of what happened yesterday and the tremendous compliment paid not only to Derek but also to Mark Watson and others associated with the sportsmanship which took place. I have known the Kickett family all their lives; that is, Derek Kickett and his younger brothers. One of the brothers will be playing in the leading side on Saturday and his younger brother will play in the reserves. Larry Kickett, the other member of the family, coaches the thirds and there is another member of the Kickett family in that team. All the male members of the Kickett family played junior football and they are all very respected citizens of Tammin. Derek Kickett not only achieved what he did last night but also was the first Aborigine to win the "fairest and best" in the Avon Football Association and also in the Avon Football Club. That is a unique record. His father played with outstanding success for that town and in competition.

I thought I would relate something of the background of this family to the House. I am certain that all the people in our area are very proud of the Kickett family for their contribution to sport, not only to the town of Tammin but to the entire district as well.

Australian Labor Party: Branch Stacking Allegations

HON G.E. MASTERS (West -- Leader of the Opposition) [9.24 pm]: I just wanted to make reference to the comments made by Hon Tom Butler. I think those comments were an abuse of the adjournment debate and I am very sad to see that happen.

Hon Tom Butler made a personal attack on Hon Phil Pendal last week and when Hon Phil Pendal responded, Hon Tom Butler did not seem to like it. I think it is unfortunate that we should reach this stage. It was a rather pathetic effort from a member who is a big timer in his party and in the trade union movement. He now finds himself in a much tougher environment where he is nothing more than a pathetic little figure.

Several members interjected.

Hon G.E. MASTERS: He is a member of the most politically corrupt Government in Australia, without one ounce of integrity in his body. I am sorry that he should see fit to adopt the tone he did today and I thought I would respond accordingly.

Hon T.G. Butler interjected.

The PRESIDENT: Order!

Question put and passed.

House adjourned at 9.25 pm

QUESTIONS ON NOTICE

LOCAL GOVERNMENT: COUNCILS

Road Grants: Notification

292. Hon H.W. GAYFER, to the Minister for Sport and Recreation representing the Minister for Transport:

(1) Is it correct that shire councils have not yet been notified of their specific road grants and statutory road grants for the 1987-88 financial year?

(2) If not, why the uncommon and unreasonable delay?

(3) If they have been allocated the grants, what are the allocations in each category for the following shires --

Beverley	Trayning
Brookton	Westonia
Northam	Wongan-Ballidu
Northam Town	Wyalkatchem
Pingelly	Yilgarn
York	Bruce Rock
Cunderdin	Corrigin
Dalwallinu	Kellerberrin
Dowerin	Kondinin
Goomalling	Kulin
Koorda	Merredin
Mt Marshall	Narembeen
Mukinbudin	Quairading
Nungarin	Wickepin
Tammin?	

(4) If they have not been allocated the grants, when is it proposed that this will be remedied, especially as a lot of the specific grant works are done and in some cases completed already without reimbursement?

Hon GRAHAM EDWARDS replied:

(1) and (2) Although exact details of Commonwealth funding are still not known, I have authorised notification to shire councils of proposed specific grants based on estimates of likely funding. Letters advising shire councils of their allocations were posted on 7 and 8 September 1987.

Statutory grants are based on Commonwealth funding and still have to be determined. However, pro rata monthly payments based on 1986-87 grants less 5.17 per cent have been made to councils in July and August. A further payment for the month of September will be made shortly.

Councils are being advised that there may be a need to amend grant allocations when exact details of Commonwealth funding for 1987-88 are known.

(3) Specific and routine maintenance grants

Subject to the qualification that allocations may need to be amended, the specific grant and routine maintenance allocations are as follows --

Local Government Authority	Specific Grant $	Routine Maintenance $
Beverley	201 900	21 550
Brookton	50 900	10 720
Northam	76 200	16 960
Northam Town	-	-

Local Government Authority	Specific Grant $	Routine Maintenance $
Pingelly	71 600	21 390
York	145 300	17 070
Cunderdin	99 400	27 670
Dalwallinu	161 300	48 790
Dowerin	89 900	26 520
Goomalling	67 500	14 060
Koorda	98 200	30 680
Mt Marshall	83 800	42 670
Mukinbudin	51 000	26 060
Nungarin	51 000	10 280
Tammin	84 400	14 660
Trayning	52 000	21 110
Westonia	53 200	18 330
Wongan-Ballidu	222 000	45 480
Wyalkatchem	55 300	19 350
Yilgarn	313 700	59 030
Bruce Rock	65 900	30 940
Corrigin	64 800	33 830
Kellerberrin	84 400	26 500
Kondinin	90 900	28 600
Kulin	85 400	45 920
Merredin	68 600	31 330
Narembeen	135 300	43 370
Quairading	130 700	25 970
Wickepin	98 200	26 820

Statutory grants

Monthly payments based on 1986-87 payments less 5.17 per cent are being made to councils. Total amount of statutory grants will be determined when exact details of Commonwealth funding for 1987-88 are known.

(4) Answered by (1) to (3).

FORESTS

Central Forest Region Draft Management Plan

296. Hon W.N. STRETCH, to the Minister for Community Services representing the Minister for Conservation and Land Management:

With reference to the departmental "Central Forest Region Draft Management Plan" of April 1987, would the Minister --

(a) set out the legislative steps necessary to change the tenure of the parcels of land identified on page 41 as Nos 58 to 69 inclusive -- situated within the Shire of Boyup Brook -- from their present status to that proposed under this management plan;

(b) ensure that a mutually acceptable area of the above land is set aside to provide adequate gravel supplies for the Shire of Boyup Brook's road construction requirements?

Hon KAY HALLAHAN replied:

(a) The only legislative steps involving the Department of Conservation and Land Management relate to areas 63-69 inclusive. These areas are proposed to be dedicated as State forest in accordance with the Conservation and Land Management Act;

(b) a submission by the Shire of Boyup Brook on this matter is presently being considered by the Department of Conservation and Land Management.

ABORIGINAL AFFAIRS: MISSION LANDS

Mr Gus Bottrill: Report

298. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Aboriginal Affairs:

(1) Has a Mr Gus Bottrill been commissioned to report on any aspects of mission lands in WA?

(2) If so, what is the nature of his inquiry?

(3) Who commissioned it?

(4) When is he due to report?

(5) If he has reported, will the document be made public?

(6) If so, when?

Hon KAY HALLAHAN replied:

(1) Yes.

(2) The terms of reference on the inquiry were to investigate and report on --

(a) Which mission lands were granted or acquired for Aboriginal purposes;

(b) what has been the subsequent history of those lands and their current status;

(c) which Aboriginal groups have interests in and/or need for those lands;

(d) in what way those interests and/or needs can best be met, with an emphasis on --

(i) the fostering of Aboriginal self-management and community development;

(ii) security of tenure and the provision of basic services;

(iii) the provision of an economic base;

(e) any measures which may be necessary to improve the management of and level of skills in communities to ensure self-management and community development on the lands question;

(f) any principles arrived at from the study which may be of general application to Aboriginal communities.

(3) The Western Australian Minister for Aboriginal Affairs.

(4) and (5) Mr Bottrill has reported to the Minister for Aboriginal Affairs, who is currently considering the report. The matter of distribution of the report has not yet been determined.

(6) Not applicable.

ROTTNEST ISLAND

Cottages: Renovations

300. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Tourism:

(1) Has finance yet been found for the renovations of cottages E, J, and H at Thompson Bay, on Rottnest Island?

(2) If not, what steps are currently being taken to find financiers for the restoration work?

Hon GRAHAM EDWARDS replied:

(1) No.

(2) No further steps will be taken until after the summer season. These cottages have been now booked out until the end of Easter 1988.

BREAD

Country Prices

302. Hon D.J. WORDSWORTH, to the Minister for Community Services representing the Minister for Consumer Affairs:

(1) Is the price of bread controlled in this State?

(2) Is the Minister aware that last month the price of a loaf of German Rye in Albany rose from $1.24 to $1.35?

(3) Could the Minister give the reason for this rise?

(4) Have packaging regulations changed to bring about this rise?

(5) What has been the increase in cost of a standard loaf over the last four years?

Hon KAY HALLAHAN replied:

(1) to (4) No.

(5) The average cost of a 680g standard white sliced milk loaf in Perth was 80 cents in February 1982 and is now $1.15.

QUESTIONS WITHOUT NOTICE

TEACHERS CREDIT SOCIETY

Attorney General: Concerns

129. Hon G.E. MASTERS, to the Attorney General:

(1) When he became aware of the reports to the Corporate Affairs Department of concerns about the operations of the Teachers Credit Society earlier this year, did he convey those concerns to the Treasurer, Cabinet, or any other member of the Government?

(2) If not, what action did he take?

Hon J.M. BERINSON replied:

(1) and (2) The Leader of the Opposition is referring to events which did not occur. I was not made aware of any problem with the credit society as a result of any approach to the Corporate Affairs Department.

PRISONER: ARCHIE BUTTERLY

Parole Board Decision

130. Hon P.G. PENDAL, to the Minister for Corrective Services:

Is he satisfied with the Parole Board's decision not to take action against Archie Butterly following his conviction for assault at Albany?

Hon J.M. BERINSON replied:

Firstly, I have a very high regard for the members of the Parole Board in the exercise of very difficult duties and judgments that they are called on to perform on behalf of the community.

Secondly, I regard it as essential that the independence of the board's judgments in these matters be preserved. It follows from both of those that I have nothing to say against its decision on either this or any other matter.

PRISONER: ARCHIE BUTTERLY

Parole Board Decision

131. Hon P.G. PENDAL, to the Minister for Corrective Services:

(1) Notwithstanding the Minister's respect for the independence of the board, did he inquire of the board why it felt that no further action was necessary despite Butterly's conviction for manslaughter, armed robbery, bank robbery, attempted prison escape, possession of an unlicensed firearm, assault and threatening behaviour?

(2) Does he agree with the Police Union that parole and imprisonment are being governed by lack of accommodation rather than the seriousness of the crime?

(3) If not, will he say how much more serious a list of crimes must be before a person loses his right to parole?

Hon J.M. BERINSON replied:

(1) No.

(2) No.

(3) This part of the question has not been put in a form which is amenable to a reply of any nature.

METROPOLITAN MARKETS

City Site: Sale

132. Hon H.W. GAYFER, to the Minister for Sport and Recreation representing the Minister for Agriculture:

(1) Has the metropolitan market site been sold?

(2) If so, to whom?

(3) At what price?

(4) Under what conditions?

(5) How many separate propositions were under consideration when finally the sale by private treaty was made?

(6) Was the successful purchaser one of four who originally tendered when tenders for purchase were called early in July?

Hon GRAHAM EDWARDS replied:

(1) to (6) The Minister for Agriculture is expected to make a formal announcement on these matters next Monday.

PRISON OFFICERS

Badges

133. Hon P.G. PENDAL, to the Minister for Corrective Services:

(1) Is it correct that two officers from the Department of Corrective Services are currently flying around the State of Western Australia removing Prison Department badges from prison officers' uniforms and replacing them with Department of Corrective Services badges?

(2) If so, what is the cost of this exercise?

(3) Will he investigate why officers cannot remove and sew on their new badges?

Hon J.M. BERINSON replied:

(1) to (3) I really do my best to keep in touch with the detailed activities of my department, but I confess that my interest does not extend to the sort of area to which Hon P.G. Pendal has referred.

The position is that following the change from the Prisons Department to the Department of Corrective Services it has become necessary to change the badges

formerly worn by prison officers. I have no knowledge of the detailed way in which this change has been implemented.

Frankly, I would not regard it as a matter worth pursuing. However, if the honourable member wants to put a further question on notice, I would be happy to make inquiries for him.

PAROLE BOARD

Decisions: Ministerial Interference

134. Hon A.A. LEWIS, to the Minister for Corrective Services:

Supplementary to his answer to the question raised by Hon Phil Pendal, does his answer mean that in no instance will he interfere with the decision of the Parole Board.

Hon J.M. BERINSON replied:

Except in the case where the Parole Board acts in an advisory capacity, I have no authority to interfere with the decision of the Parole Board.

Hon P.G. Pendal: You should change the Act.

PAROLE BOARD

Advisory Role

135. Hon A.A. LEWIS, to the Minister for Corrective Services:

To whom does the Parole Board act as an adviser?

Hon J.M. BERINSON replied:

The Parole Board acts as an adviser to the Minister for Corrective Services in those areas where the Offenders Probation and Parole Act requires it to act as an adviser. In other areas the Parole Board acts on its own authority.

PRISONER: ARCHIE BUTTERLY

Parole Board Decision

136. Hon A.A. LEWIS, to the Minister for Corrective Services:

In the Butterly case there is no doubt that the Parole Board acted on its own volition and the Minister has nothing to say. It is not advising the Minister in that particular case.

The PRESIDENT: If it is a question, the Minister may answer it. I am not sure whether it was a question or a statement.

Hon J.M. BERINSON replied:

A question on any individual person would have to be put on notice. I am not prepared to rely on my memory for the detail of the situation in which individuals are involved.

Hon A.A. Lewis: In answer to Hon Phil Pendal you were relying on your memory.

Hon P.G. Pendal: You said you had nothing to do with it. How could you remember it?

Hon. A.A. Lewis: That is about your mentality. We are talking about criminals.

Hon J.M. BERINSON: I said there are two categories of situations. One is that the Parole Board provides recommendations to me; the other is that the Parole Board acts on its own authority. I am not prepared to rely on my memory of individual cases to say here, without notice, into which category any particular prisoner or parolee falls.

Hon. A.A. Lewis: In a serious case like this!

Hon J.M. BERINSON: In any case.

Hon A.A. Lewis: You are a joke; you are a disgrace.

Hon J.M. BERINSON: If the member had the remotest idea of the number of files and the number of individuals who come to my attention, he would not regard it as remarkable that I should show some caution in relying on my memory. If the honourable member is genuinely interested in pursuing the detail that he is after, he has a very simple recourse.

WA FOOTBALL LEAGUE

Sandover Medal Presentation

137. Hon E.J. CHARLTON, to the Minister for Sport and Recreation:

With the apparent decline of football in this State this year, which is obviously having a great effect in creating worries not only for the sport as a whole but also for the players involved, has the Minister considered taking up the matter which came to a head last night with the Sandover Medal in relation to what the league did in association with the Kickett case, and is the Minister considering taking up discussions with the league?

Hon GRAHAM EDWARDS replied:

I am not really clear about the question. I assume the member is talking about the fact that the person who recorded the highest number of votes in the Sandover Medal was not awarded that medal because during the course of the season he had been reported and suspended, and he was disqualified. I do not know that the Government should be involved in such a situation, and I do not think that situation can be attached to the fact that in the member's opinion, there seems to be a decline in football this year.

I would think that many words will be written and said about what happened last night. For example, there are reports in tonight's paper where two previous footballers, both with high profiles, have different opinions about what happened. John Todd is reported as slamming the situation, and seeking a change. On the other hand, Barry Cable supports the situation and says that the rules are well and truly established and every footballer is aware of the ramifications of being suspended when it comes to the Sandover Medal count.

I certainly sympathise with the person who received the greatest number of votes, but he was not awarded the medal because of his suspension. However, I do not know that I should offer an opinion beyond that.

CRIME: JUVENILES

Minimum Age

138. Hon N.F. MOORE, to the Minister for Community Services:

I draw the Minister's attention to a recent announcement about changes to the Children's Court. Included in that announcement was advice that the age of responsibility for juvenile crimes was to be increased from seven to 10 years. Will the Minister explain why this decision was taken?

Hon KAY HALLAHAN replied:

That decision was taken as a result of looking at what other States in Australia were doing in regard to the age of criminal responsibility. I am advised that all other States have the age of 10 years. In fact, some countries in Europe have an age of 12, and others have an age higher than that.

The decision was made to standardise with the other States in Australia, with a view to parental responsibility under the age of 10 years. If the honourable member is concerned about behaviour which would come in under that 10-year age, the parents would be held responsible, which I think reinforces the whole question of children being under the care of parents at that age. This particular aspect of the proposed change has been generally well accepted. Most people do accept that it is difficult to

make children under the age of 10 responsible for their behaviour when they should be getting fairly firm guidance from their parents or some other carer.

CHILDREN'S COURT

Minimum Age

139. Hon N.F. MOORE, to the Minister for Community Services:

Is it the Government's intention to lower the age at which offenders are dealt with in the Children's Court, and if so, what changes are proposed?

Hon KAY HALLAHAN replied:

No, it is not the intention to lower the age. The age will remain 18 years, from which time a person will move to the adult court. However, the change in relation to adults being heard in the Children's Court is that no adults will be heard in the Children's Court; they will be heard in the adult court. In some cases at present where there is an offence against a child, an adult is heard in the Children's Court, with a lesser penalty applying, but that will no longer be the case when those changes go through.

TEACHERS CREDIT SOCIETY

Corporate Affairs Department: Investigation

140. Hon G.E. MASTERS, to the Attorney General:

Has the Attorney General as a Minister at any time asked the Corporate Affairs Department to investigate the activities of the Teachers Credit Society, and if so, when was that request made?

Hon J.M. BERINSON replied:

To the best of my recollection, no.

CHILDREN'S COURT

Construction

141. Hon N.F. MOORE, to the Minister for Community Services:

When is it expected that construction of the new Children's Court will commence, and where is it to be located?

Hon KAY HALLAHAN replied:

I would have to ask for that question to be placed on notice.

Hon N.F. Moore: It is in the Budget.

Hon KAY HALLAHAN: It is in an advanced stage of consideration and finalisation, but if the member would like to put the question on notice, I would be happy to get the information for him.

Hon N.F. Moore: I thought you would like to know it was in the Budget.

Hon KAY HALLAHAN: I know that. If the member wants to know the commencement date, I will get that for him.

TEACHERS CREDIT SOCIETY

Rural and Industries Bank: Indemnity

142. Hon MAX EVANS, to the Minister for Budget Management:

In view of the magnitude of the money involved, could the Minister advise us of the form of extended indemnity which the Government has given to the R & I Bank in respect of the debt of the Teachers Credit Society?

Hon J.M. BERINSON replied:

This is not a question within my area of authority, and the member would have to put the question on notice.

HEALTH: DISABLED PERSONS

Association for the Blind: Funding

143. Hon A.A. LEWIS, to the Minister for Budget Management:

In his letter to the Association for the Blind, the Minister said --

> While acknowledging the value of the Association's activities to the community, the Government is simply unable to agree to continue special funding contributions for a service which is contributing to the liquidity problems of your organisation.
>
> I therefore regret that the special State funding assistance provided in 1986-87 through the Library Board will not be available in 1987-88.

The fact that this organisation is spending $471 950 a year would seem to me to indicate that it was not really in a parlous state. Would the Minister explain why the Association for the Blind, which includes the Braille Society, the Foundation for Print Handicapped, the Guide Dogs for the Blind, and the Society for Talking Books, should be denied the State grant of $50 000?

Hon J.M. BERINSON replied:

I have to rely on memory, but I think I am correct in saying that the Government has for many years made an annual contribution to the Association for the Blind, and it has continued that practice this year. There is a provision, from memory, for that association in this year's Budget, although I do not have the figures immediately to hand.

The honourable member is referring to a special grant that was made last year towards the association's library costs; and that was made in addition to the usual contribution, and was made without commitment to a special addition being continued in future years. That is all that has happened in this present case. The general support to the association continues; the particular special contribution that was made last year has not been continued and is not regarded as a continuing commitment from Government finances.

HEALTH: DISABLED PERSONS

Association for the Blind: Funding

144. Hon A.A. LEWIS, to the Minister for Budget Management:

Am I to assume from the Minister's answer that he does not believe that the talking book service, the State library and regional library connection, the magazine service, the braille service, the service department and the volunteers of this association are not worth this Government's support?

Hon J.M. BERINSON replied:

That is not the conclusion to be drawn at all. As I have stated, the position is that the Government in the general area of the association's activities is fully maintaining its support. None of the conclusions the member is implying can properly be drawn from what has been done.

HEALTH: DISABLED PERSONS

Association for the Blind: Funding

145. Hon A.A. LEWIS, to the Minister for Budget Management:

I would direct a further question to the Minister for Budget Management. Can I assume that any further approach by this portion of the association will be looked on with favour by the Minister for Budget Management?

Hon J.M. BERINSON replied:

That is a ridiculous question and the member ought really to show some restraint in the way in which he pushes it. What he is essentially saying is, "If I ask you again, will you say yes?" At the end of a Budget process, innumerable applications have to

be considered and some of them are not accepted. I can tell the honourable member that serious submissions from all manner of organisations doing important work in the community are seriously considered. They were all seriously considered in the course of the Budget deliberations, and in future years they will be seriously considered again. However, I am certainly not in a position to indicate what the result in respect of any future approach might be.

HEALTH: DISABLED PERSONS

Association for the Blind: Funding

146. Hon A.A. LEWIS, to the Minister for Budget Management:

I ask the Minister for Budget Management whether he would accept another submission from this part of the Association for the Blind for talking books straightaway so that it can be reconsidered?

Hon J.M. BERINSON replied:

Any organisation can make any submission at any time. Any such submissions are of course considered, but that has to be in a realistic context where organisations which have failed in their applications in the Budget cannot really expect a significantly different decision within a few weeks thereafter.

AMERICA'S CUP

Budget Allocation

147. Hon N.F. MOORE, to the Minister for Budget Management:

In the light of the Minister's answer to Hon. A.A. Lewis' questions, can the Minister please advise the House why it is necessary in the 1987-88 Budget, under Item 92 under the heading "Miscellaneous Services", to allocate $841 000 to be spent on the America's Cup this year?

Hon J.M. BERINSON replied:

If the member would like to place that question on notice, I will obtain the detail.

WILDLIFE: EMU FARM

Breeding Stock

148. Hon MARGARET McALEER, to the Minister for Sport and Recreation representing the Minister for Agriculture:

I desire to ask the Minister for Sport and Recreation representing the Minister for Agriculture a number of questions of which I have given notice.

(1) What is the purpose of restricting emu breeding stock to chicks supplied by the Ngangganawili Community Inc?

(2) Is it correct that at least one pastoral property has or had a permit to supply the Ngangganawili Community with emus caught in the bush?

(3) What is the reason for restricting the source of emu breeding stock to chicks bred in captivity?

(4) Is the price of $200 per emu chick, which the Ngangganawili people expect, an upset price?

(5) What exactly is meant by the sentence, "The Department of Agriculture will guarantee the integrity of the initial purchase until the chicks are nine months old"?

(6) What number of breeding pairs are likely to occur among the 100 chicks required to be purchased before a licence can be issued, and at what age can the sex of the emu chick be determined?

(7) Will a licence be issued if a number of the purchased chicks die in transit or shortly after delivery?

Hon GRAHAM EDWARDS replied:

(1) The purpose is to prevent capture from the wild of a protected species. These licences are to be based on captively-bred birds only. The Ngangganawili Community has the only supply of captively-bred birds.

(2) No. Dromaius Enterprises has the only other licence in Western Australia to farm emus. It also has a separate licence to capture a limited number of birds from the wild to build up its breeding stock to a viable level.

(3) This is in accordance with conservation principles laid down by the appropriate State and Commonwealth authorities and in accordance with legislative requirements.

(4) This is a matter to be decided between the Ngangganawili people and the auctioneer.

(5) The department will regularly inspect the chicks on the newly licensed properties to ensure that no stock is introduced from the wild. They will be tagged to verify their identity before leaving Wiluna, and then they will be tagged permanently at nine months of age.

(6) One hundred chicks should guarantee 40 to 50 breeding pairs. Licences will be issued to purchase at least 100 chicks regardless of the ultimate sex distribution after 12 months of age.

(7) Yes, but if the chicks die no licence will be issued to replace them from the wild.

SPORT AND RECREATION

Superdrome: Extensions

149. Hon MAX EVANS, to the Minister for Sport and Recreation:

I have been advised by another Minister that the cost of extensions to the Superdrome will be $1.5 million. Could the Minister advise the cost justification as well as ongoing costs within the Budget?

Hon GRAHAM EDWARDS replied:

I think the member is referring to the function centre and the cafeteria area of the sports centre.

SPORT AND RECREATION

Superdrome: Extensions

150. Hon MAX EVANS, to the Minister for Sport and Recreation:

I had been advised by the Minister that a contract had been let for $1.2 million or $1.4 million. I ask now what is the cost justification and the ongoing costs per year?

Hon GRAHAM EDWARDS replied:

It is not a cost escalation. The amount is to install the function centre and cafeteria area.

SPORT AND RECREATION

Superdrome: Extensions

151. Hon MAX EVANS, to the Minister for Sport and Recreation:

If this amount is for the function centre, what will be the cost? I cannot see it running at a profit. I can see considerable ongoing costs. I would have thought if $1.2 million was saved on capital costs, a lot more could be saved on operating costs and the Minister for Budget Management would be very pleased.

Hon GRAHAM EDWARDS replied:

The amount is an integral part of the whole concept of this exciting world-class facility. I do not have the exact figure, but it is less than the figure quoted by Hon

Max Evans. If the member would put the question on notice, I will give him the exact figure.