Legislative Council

Tuesday, 5 August 1980

The DEPUTY PRESIDENT (the Hon. V. J. Ferry) took the Chair at 4.30 p.m., and read prayers.

PRESIDENT OF THE LEGISLATIVE COUNCIL

Absence

THE DEPUTY PRESIDENT (the Hon. V. J. Ferry): In occupying the Chair today I do so in the capacity of the Deputy President, and I advise that the President (the Hon. Clive Griffiths) is at present indisposed and is recuperating in hospital.

I am sure all members join with me in wishing him a speedy recovery to good health.

QUESTIONS

Questions were taken at this stage.

DEPUTY CHAIRMEN OF COMMITTEES

Election

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.02 p.m.]: I move, without notice—

That, in accordance with Standing Order 35, the following members be elected to act as Deputy Chairmen of Committees for the present session: the Hon. R. J. L. Williams, the Hon. T. Knight and the Hon. R. Hetherington.

Members will appreciate the obvious need for this requirement to be attended to as a matter of urgency in view of the absence of the President due to ill-health.

Question put and passed.

COMMITTEES FOR THE SESSION

Election

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.04 p.m.]: I understand there is a need for one of the committees to hold a meeting as early as possible and I have therefore been requested to place the matter before the House for early consideration by members. Therefore, I move, without notice—

That, in accordance with Standing Order 38, the following members be elected for the present session—

(a) Standing Orders Committee—the Hon. R. J. L. Williams, the Hon. T. Knight and the Hon. R. Hetherington;
(b) Library Committee—the Hon. W. R. Withers and the Hon. R. Hetherington;
(c) House Committee—the Hon. A. A. Lewis, the Hon. R. J. L. Williams, the Hon. L. D. Elliott and the Hon. R. T. Leeson;
(d) Printing Committee—the Hon. H. W. Gayfer and the Hon. F. E. McKenzie.

Question put and passed.

PARLIAMENTARY SUPERANNUATION FUND

Appointment of Trustees

On the motion by the Hon. I. G. Medcalf (Leader of the House), resolved—

That, pursuant to the provisions of the Parliamentary Superannuation Act, 1970-1976, the Legislative Council hereby appoints the Hon. V. J. Ferry and the Hon. N. E. Baxter, to be Trustees of the Parliamentary Superannuation Fund.

ADDRESS-IN-REPLY: SECOND DAY

Motion

Debate resumed from the 31 July.

THE HON. P. M. DOWDING (North) [5.08 p.m.]: I wish to address some remarks to this House and I shall preface them by expressing to my electors my thanks for placing their trust in me and electing me to this Parliament. I am certainly very proud to represent the north of the State as one of its members of parliament. I have a firm interest in all affecting the north.

Some issues which affect that area also affect the rest of the State and indeed the whole country, and I wish to address some remarks to those issues, or at least to one of them. I propose to observe the traditions of this House and speak

in a non-controversial manner, but I wish to speak on a most important subject which we would all profess to have dear to our hearts. That subject is democracy.

The Right Hon. Lord Hailsham of Marylebone, who was formerly Quinton Hogg, spoke at the Sir Robert Menzies Oration in 1978. Those people who are skilled in the art of ranking people as left wing or right wing would be unlikely to place Lord Hailsham in the same category as myself; however, I am happy to adopt some of his remarks in relation to the essence of democracy. He drew a distinction between two types of democracy.

Lord Hailsham said that the first asserts the right of the bare majority to do what it will; that it is proper for a majority to impose on the entire community whatever structures or laws it pleases, guided only by what it concedes to be the general good.

He then proposed that the second denied that right. He said it asserts that minorities and individuals have rights and interests which cannot be overidden by the majority, however large, and he went on to claim that all government, whether popular or authoritarian, is subject to inherent limitations which it can ignore only at its peril. He went on to adopt the second democratic definition as the one of a true democracy.

The point he made was that the essence of a democracy is an acknowledgment of the rights of individuals and the rights of minority groups where the beliefs held by the minority or the individuals do not coincide with the beliefs, interests, or views of the majority.

This issue is of the utmost importance, both in my electorate and in the wider Australian context. Of course, it is very relevant in a number of particular areas and I shall refer firstly to the freedom of assembly.

This freedom has been defended in various works as an ancient and basic right. In the Supreme Court of the United States in the case of Hague *v* CIO, Mr Justice Roberts said—

> Wherever title of streets and parks may rest they have immemorially been held in trust for the use of the public and time out of mind have been used for purposes of assembly, communicating thoughts between citizens and discussing public questions. Such use of streets and public places has from ancient times been part of the privileges, immunities, rights and liberties of citizens.

It is conceded that the rights of assembly are not absolute, but are subordinate to other principles that guide the community. This is reflected in international laws such as the International Covenant on Civil and Political Rights, to which, incidentally, Australia is not a party. Article 21 reads as follows—

> The right of peaceful assembly shall be recognised. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, for the protection of public health or morals or the protection of the rights and freedoms of others.

This is reflected further in article 20 of the Universal Declaration of Human Rights which states, "Everyone has the right to freedom of peaceful assembly and association."

It is important to us in this State and, indeed, in the Commonwealth of Australia to note that there is no constitutional or legislative protection given to the right of peaceful and lawful assembly. This contrasts dramatically with constitutions of other countries, including the Constitution of the United States of America and, perhaps less well known, the Constitution of Denmark. Section 79 of the latter Constitution states as follows—

> Citizens shall without previous permission be at liberty to assemble unarmed. The police shall be entitled to be present at public meetings. Open air meetings may be prohibited when it is feared that they may constitute a danger to the public peace.

I am prepared to concede that mere constitutional enactment does not ensure freedom of expression or freedom of assembly; nevertheless, I would urge that there needs to be a clear statutory recognition in every democratic country of the rights of assembly, of freedom of speech, and of all the democratic rights that are important in a democracy.

The debate becomes somewhat clouded when one moves to consider the limits to the exercise of these rights. I remind members of the international covenant which defines the limits to that freedom as being those which are necessary to democratic society in the interests of national security, public safety, or public order. The emphasis is on the word "necessary".

For a very detailed academic work on this subject, I would refer to the joint Nobel Prize winner (Mr F. A. Hayek) who stated—

> The ultimate justification of the confirmative power to coerce (and I interpolate here to coerce in the sense of preventing the freedom of gathering) is that

> such a power is required if a viable order is to be maintained and that all, therefore, have an interest in the existence of such a power. But this justification does not extend further than the need.

Again, it is an emphasis on the need to ensure the protection of society.

Need is not synonymous with mere inconvenience; need is not synonymous with temporary inconvenience; and need is not synonymous with inconvenience to traffic patterns or other movements of people. It is an essential protection in democracy that legislation, rules, and powers to coerce should protect a minority and protect the right of that minority peacefully and publicly to express its views.

If outside the provisions of the controversial Police Act one looks at the Western Australian position on unlawful assembly, one finds in the Criminial Code a number of sections which amply cover the position, and sections 62 to 65 make provision for limits to the freedom of assembly.

Section 62 provides that when three or more persons, with intent to carry out some common purpose assemble in such a manner, or being assembled, conduct themselves in such a manner as to cause persons in the neighbourhood to fear, on reasonable grounds, that the persons so assembled will tumultuously disturb the peace or will by such assembly needlessly and without any reasonable occasion provoke other persons tumultuously to disturb the peace, they are an unlawful assembly.

The emphasis in that expression of an offence is, of course, the fear upon reasonable grounds as to the likely result of the gathering.

The Criminal Code then goes on to provide that when an assembly becomes unlawful the persons there gathered are guilty of a misdemeanour. When the unlawful assembly begins to act tumultuously, it is called a riot and the offence is again a misdemeanour, with increased penalties. When persons remain after the proclamation of a riot and the order to disperse has been given, the offence of remaining is serious and carries a penalty of 14 years.

It is clear that in those provisions ample protection is provided for a community and that they take account of the need that a democratic society has to protect itself. However, it is difficult to justify any further provisions which seek to interfere with the right of public or private assembly, particularly when that legislation inhibits any impromptu, peaceful assembly, and, secondly, it proscribes as unlawful conduct any peaceful assembly without prior permission having been obtained. This is a situation which might be compared usefully with the United Kingdom from whence we regard ourselves as drawing much of our legal inspiration and our statutory material. In 1936 in the United Kingdom an Act was passed which provided for certain conduct in relation to public processions. I might say that normally one would expect that conduct which proscribes processions or inhibits processions might be more forcefully expressed and more limited than Statutes which are merely designed to prevent the gathering of three or more persons in a public place without a procession.

Under the United Kingdom Public Order Act of 1936 the Parliament of Westminster allowed the situation of public processions and proscribed in the laws those processions only if the police powers were insufficient to prevent a serious public disorder; then only on the motion of the chief police officer of the district; then only with the approval of the local authority; and then only with the approval of the Secretary of State. At all times the situation is subject to judicial review.

It is worth while reflecting for a moment that in 1936 in England there was serious public disorder. Mosley's men were marching in the area, and in Germany there was a rise of Naziism. No doubt in the minds of English Westminster parliamentarians was a very real concern that the fabric of society was being threatened by these processions; but the responsibility of the true democratic country was to introduce those provisions which are in marked contrast to the laws of this land.

In this land the police powers to ban public assembly or procession are absolute. There is no judicial control of those powers and the powers are very much limited compared with those provided in the English legislation under which such assemblies and processions can be banned only if the police powers are insufficient to prevent serious public disorder.

In this State we have the provision in legislation that "public nuisance" is a ground for the banning of an assembly or a procession. An obstruction that is too great or too prolonged in the view of the relevant officer of police is a ground also. As I have said such provisions do not have any judicial review. It is my respectful submission that the real danger to democracy in this State is that there is a move afoot to inhibit the rights of a minority to express its point of view.

Mr Justice Hope, before he took on that judicial office, in a booklet called *The Right of Peaceful Assembly* stated—

> There should be positive rights, including those to distribute pamphlets and to hold public meetings and restrictions on those rights should be whittled down to a minimum.

He favoured a system of controlled processions and meetings attained by advance notification, but, as in the United Kingdom, the onus would be on the police to justify any prohibition.

In making my submissions, I recognise that there is a great responsibility resting on those who seek to exercise the freedoms, and I acknowledge that the need to protect and respect the rights of peaceful assembly and procession rests on those exercising it, as it does on those seeking to control it. However, with respect I say that the current views exemplified by amendments to Statutes in this State can do nothing to assist in the adoption of the necessary fundamental approach to the existence of those rights.

This is not a trivial or unimportant matter and I believe it represents the essence of a democratic system.

I raise these matters in my speech to this House in the Address-in-Reply debate particularly because of the remarks made by the Hon. John Williams when he moved the Address-in-Reply. With all due respect to his desire to place those who disagree with the majority in the category of criminals or persons worthy of disapprobation, those comments smack more of policies one might expect perhaps from the USSR or Mr Brezhnev or Mr Kosygin, than a democratic Government, and I strongly disapprove of them.

THE HON. P. G. PENDAL (South-East Metropolitan) [5.24 p.m.]: In speaking in this House for the first time I do so with a deep sense of pride, tempered with a sense of responsibility; but also with a sense of gratitude to the people of South-East Metropolitan Province who have sent me here. I hope that in the six years I have ahead of me as their representative here, I will discharge my responsibilities to their advantage and to my honour.

It seems customary, or perhaps even obligatory, for a member of this Parliament of my political persuation to speak at some time during his life here on the time-honoured subject of Commonwealth-State relations. I consciously made it the subject of my maiden speech to underscore its importance in my own thinking. However, I would like to feel that in discussing the matter here today I am not merely raising the problems, for they have been raised and canvassed on many occasions in past years. Rather, it is my intention to put forward what I believe to be some of the concrete solutions to certain of the problems facing the federation of Australia right now.

In my estimation, the state of the federation, which is now 80 years old, is one of serious disarray. Again, in my estimation, that position is likely to deteriorate unless some fairly fundamental changes are made. Without those fundamental changes, and without their being made quickly and effectively, the federation is bound to collapse within a generation.

I begin with the simple premise that such a collapse would be both antidemocratic and, indeed, anti-Australian. I base that assertion on the historical fact that it was the Australian people, by democratic action, who voted in favour of a federation. Simply put, the Australian people voted to have legitimately the best of both worlds; that is, they sought to gain a national identity by permitting a central Government to discharge those functions which could best be done centrally or nationally, while at the same time they—that is, the Australian people—voted to have the State exercise those existing and future functions which could be best discharged on a State-by-State basis.

One does not need to be a constitutional genius to know that almost immediately after its creation the federation began to develop along lines which were quite contrary to the wishes expressed by the voters.

One of the best commentaries in this regard comes from the authors of *Federalism in Canada and Australia: the Early Years*. At page 289 they state:

> Within 14 years of their creation both the Canadian and Australian federations had actually moved significantly away in practice from the apportioning of powers and responsibilities between the centre and the units that had been arranged by the countries' respective fathers. Yet in neither case had the formal constitution of the two sister federations been markedly altered.

That breach of faith—and I believe it does amount to that—with the Australian people is as apparent today as it was when those words were written. Ironically the breach of faith implied in that comment may well provide the mechanism for a healthier federation in the years ahead, for if earlier Governments were responsible for a swing away from a proper apportioning of powers without constitutional amendments, then it stands to reason that a swing back to a true federation also can be achieved without constitutional change.

If there is any merit in the proposition of which I speak, a few fundamental pieces of current thinking must be altered. It has been pointed out by Professor Geoffrey Sawer in *The Australian Constitution*, at page 34, that the founding fathers—

> intended to create what has come to be called a "co-ordinate" Federal system, in which the two sets of authorities—central and regional—would act independently of each other in relation to topics so defined as to reduce to a minimum the possibility of overlap or collision.

I suggest that is also part of the kernel of the problem. Indeed, we have become obsessed in recent years with talk of so-called co-operative federalism. I, for one, reject the theory of co-operative federalism simply because, apart from being a contradiction in terms, it is no more than an excuse for Federal and State Governments each to have a finger in the same pie. The very purpose of a federation and of a proper apportioning of constitutional powers is to guarantee that the Commonwealth and the States keep their fingers in their own respective pies, and that in itself would reduce to a minimum any overlap or duplication. Only in the gray areas should there ever be any need to work on a co-operative basis, but these areas, I submit, are far fewer than most people, even the constitutional lawyers, would be prepared to admit.

I come therefore to the very genesis of my argument, and my suggested solution: the need to institute in Australia what might be described as a constitutional trade-off—that is, a trade-off of powers between the Commonwealth and the States. I am proposing a fundamental and far-reaching change by way of trade-off along the following four lines, and I stress that they are not exhaustive and that each would need to be taken in concert with adequate financial arrangements—

(1) That the States entirely vacate the field of industrial relations, and in return the Commonwealth entirely vacate all involvement in education, including tertiary education.

(2) That the States entirely vacate the field of social welfare, and in return the Commonwealth entirely vacate the field of environmental protection.

(3) That the States entirely vacate the field of State emergency services and allow them to become the responsibility of a civil division of the Australian Army, and in return the Commonwealth entirely vacate all involvement in apprenticeship, trade training, and training support schemes.

(4) That the States entirely vacate such areas as meat inspection at export works, and in return the Commonwealth entirely vacate the field of road funding and priority listing.

In other words, I am suggesting we get rid of duplication, that we get out of each other's hair and, for better or worse, have a situation where one or the other level of government exercises full authority in a specified area.

Let me stress that in the case of industrial relations I am not implying that the Commonwealth Government can exercise this function better than the States can. My suggestion here is based on the belief that only by a two-way trade-off of the type to which I have referred, with the exchange of powers along the lines I suggest, will we ever show good faith to the Commonwealth and to other Governments, and they in turn to us in wanting to achieve a proper apportioning of powers.

The vacation by the States of social welfare matters makes sense simply because the Commonwealth already handles a large proportion of the welfare market. The suggestion that the State Emergency Service become a civil division of the Australian Army in no way implies that the present Western Australian State Emergency Service is in some way deficient. Indeed, the contrary is the case. It is a highly professional and efficient service, but for the purpose of a meaningful trade-off I believe it could well be transferred to Commonwealth control, especially as the Commonwealth already has a national disasters apparatus working out of Canberra. The transfer of meat inspection functions to one Government or the other also makes sense, in that it will immediately cut out the unnecessary duplication which places an extra financial burden initially on producers and ultimately on consumers.

On the other side of the coin, it makes sense for the Commonwealth entirely to vacate the field of education. It was never intended that the Commonwealth should become involved in that field to the extent it has. Even today, when so much attention is focused on Commonwealth education funding—as though, incidentally, it is the last gasp in education funding—the fact

remains that the Government of Western Australia funds 65 per cent of all forms of education in Western Australia and the Commonwealth funds the remaining 35 per cent. The State Government provides the lion's share—83 per cent—of all primary and secondary education funding in Western Australia. There is simply no valid reason for the Commonwealth being involved in this or any other education field.

The original Constitution never at any time envisaged Commonwealth involvement in the environment. Indeed, it was intended that unspecified powers such as those relating to the environment be reserved for the States alone. Only the improper use of the Commonwealth's export licensing powers has allowed the Commonwealth to become involved to the extent it has. Apprenticeship and trade training matters are clearly for the States themselves to handle. Invariably they involve regional needs for particular industries which become hamstrung because of the joint involvement of Commonwealth and State authorities.

Road funding has become today a joint responsibility of the Commonwealth and the States. It may come as a surprise to most members to know that in the last five years Western Australia, in common with the other States, has been picking up an increasing share of the tab, to the point where in 1979-80 the State will contribute $62.64 million and the Commonwealth $69 million for road funding in Western Australia. The States can and should be responsible for the entire road funding and priority determination, and this could be achieved with a change in the funding mechanism.

I do not propose to deal here with the accompanying problem of a reallocation of revenues among State Governments. However, it is sufficient at this time to say that while pay-roll tax eventually must be abolished or at least substantially reduced, it must never be done at the expense of falling deeper and deeper into the clutches of the Commonwealth Treasury. Perhaps in time the introduction in Australia of the consumer type taxes which are widely and, I think, equitably used in the United States will be the best form of replacement. I do not see as being viable the proposal that the States exercise their so-called option to impose an income tax surcharge over and above the present personal income tax levels. That proposition is about as farcical as is that of a person being mugged in the street, stripped and beaten, left to perish, and then having a second party come along to extract a final measure of satisfaction by kneeing him in the back.

I make the point that, after the Commonwealth extracts its very hefty personal income tax from a citizen, that citizen has no capacity to pay an extra surcharge to a State Government. Yet, it needs to be borne in mind that it is the State Governments which are recognised as providing all the fundamental services to Australian citizens. That is borne out by a comment of Martyn Forrest in *The Organisation of Government in Western Australia*, in which he says—

> The State Government is involved in almost every aspect of the daily life of the citizen of Western Australia. It meets his domestic energy needs, fluoridates his water, monitors the air he breathes, controls the trading hours of the stores in which he shops, licenses the hotels he patronizes, provides the roads and railways upon which he travels, markets the milk he drinks, owns most of the agencies through which he gambles, regulates the tradesmen he employs, builds and staffs the schools which most of his children attend and, of course, administers the law by which he is bound.

A vital principle is at stake in this for the Commonwealth Parliament itself. There can be no dispute that the Commonwealth has and must always have the sole responsibility for such matters as foreign affairs and defence policy. It stands to reason, therefore, that the Commonwealth Parliament and its members have enough weighty problems before them in those matters alone and in other distinctly Commonwealth matters to leave the internal government of Australia to the Governments and Parliaments of the States. Heaven only knows that international relations, diplomacy, and defence require the full-time attention of Commonwealth parliamentarians.

The effect of what I am saying is that in the long term Australia, by the means I have just described, could develop into an informal confederation, which, indeed, many of our founding fathers themselves advocated. The position would then be reached where the distinctly external functions of Australia and its place in the world would be handled exclusively by the Commonwealth Parliament, and the internal domestic needs of the nation would be handled exclusively by the States. As a matter of sheer business efficiency and common sense, the proposition has to be attractive.

In conclusion, I make the point that it is often lamented by both conservative and radical political elements that our Constitution is a moribund document, a legal strait jacket, and a

barrier to our economic and social advancement. It was never intended as such. Indeed, changes in its intent have occurred other than by means of referendum. That in itself means that all the the proposals I have outlined are capable of achievement without the need to alter the Australian Constitution.

If Australia is to continue seriously as a true federation, it must act quickly to accommodate the demands of the Australian people, who showed in 1900 and who have shown repeatedly since then that they regard a system of separate powers as the most democratic and efficient means of governing Australia. All that remains now is for us to keep faith with Australians and bring about the reality of an apportioning of those powers.

Debate adjourned, on motion by the Hon. A. A. Lewis.

ADMINISTRATION ACT AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill to amend the Administration Act is a measure to enable country solicitors to file probate applications in the Supreme Court by post.

Under the existing provisions of the Administration Act, 1903 and the Non-contentious Probate Rules of 1967, it is not possible for country solicitors to file probate applications by post. They must arrange for an agent within the City of Perth to personally file any application.

The proposed amendment will enable judges of the Supreme Court to amend the Non-contentious Probate Rules to facilitate this new procedure. This will enable an address for service of notices and process to be given anywhere in the State.

The proposals have the support of the Chief Justice and have been approved by the joint costs rules and practice committee of the Law Society of Western Australia.

It is considered that the new arrangement will speed up the processing of documents and reduce costs for country people.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

House adjourned at 5.47 p.m.

QUESTIONS ON NOTICE

PRISONS

Imprisonment Rate: Inquiry

1. The Hon. P. M. DOWDING, to the Minister representing the Chief Secretary:

   (1) Is the Minister aware that in or about 1972 a report prepared by Mrs Dorothy Parker on the criminality of Aborigines in Western Australia, was submitted to the then Minister for Community Welfare?

   (2) Does the Minister accept that the subject of this report and its contents are or may be relevant, or of assistance to, the current inquiry into the rate of imprisonment in Western Australia?

   (3) Will the Minister seek the release of this report to the inquiry?

   The Hon. G. E. MASTERS replied:

   (1) Yes.

   (2) The report's content relates to material gathered up to 1971, and is considered of marginal relevance to the current inquiry. The decision not to release the report when completed was made by the Government of the day, headed by the Hon. John Tonkin, MLA.

   (3) No.

FUEL AND ENERGY: NATURAL GAS

Future Market in South-west

2. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

   (1) Is the report on the future market for natural gas in the south-west carried out by P A Consulting Services Pty. Ltd., referred to in a report in *The West Australian* of the 11th January, 1980, available for public reference?

   (2) If not, will the Minister explain why?

   The Hon. I. G. MEDCALF replied:

   (1) No.

   (2) The document contains commercial information which is the property of the State Energy Commission and is intended for use by that organisation in its planning and marketing activities associated with North-West Shelf gas. However, selected summaries of the information are being made available in various commission documents from time to time. It should be noted that this is only one source of information from which the commission derives information on the future market for natural gas.

CRIMINAL INJURIES (COMPENSATION) ACT

Maximum Payment: Increase

3. The Hon. J. M. BERINSON, to the Attorney General:

   (1) Does the Government propose to update the maximum amount now payable pursuant to the Criminal Injuries (Compensation) Act?

   (2) If so, when?

   (3) If not, why not?

   The Hon. I. G. MEDCALF replied:

   (1) to (3) The amount payable pursuant to the Criminal Injuries (Compensation) Act is at present under review.

SUPERANNUATION

Widows: Remarriage

4. The Hon. F. E. McKENZIE, to the Minister representing the Treasurer:

   (1) Does the widow of a State Government superannuee lose her superannuation pension if she remarries?

   (2) Does the widow of a Commonwealth Government superannuee lose her superannuation pension if she remarries?

   (3) (a) If there exists a discrimination insofar as the widow of the State Government superannuee is concerned, does the Government intend to take steps to rectify this matter; and

   (b) if so, when?

The Hon. I. G. MEDCALF replied:

(1) Yes, except that where the former marriage has occurred prior to the retirement of the superannuee and the remarriage of his widow takes place after she attains age 55, her pension continues.

(2) No.

(3) (a) and (b) The Government considers that the existing Western Australian provision is a reasonable one, having regard for the need to exercise responsibility in the use of taxpayers' funds.
It is relevant to note that in corresponding circumstances in all other States, except South Australia, the widow's pension is lost upon remarriage at any age.

COURTS

Defendants' Costs

5. The Hon. J. M. BERINSON, to the Attorney General:

(1) In each year since 1973, what has been the cost to Consolidated Revenue of orders pursuant to the Official Prosecutions (Defendants' Costs) Act?

(2) Has any recent consideration been given by the Government to an extension of the Act to trials at first instance in the District Court and Supreme Court?

(3) If "Yes" to (2), with what result?

(4) If "No" to (2), will the Minister now initiate such consideration?

The Hon. I. G. MEDCALF replied:

(1) The Official Prosecutions (Defendants' Costs) Act came into operation on the 25th January, 1974. Payments from the Consolidated Revenue Fund since then were—

	$
1973-74	2 966
1974-75	30 257
1975-76	36 314
1976-77	50 154
1977-78	40 473
1978-79	47 288
1979-80	72 321
Total since commencement	$279 773

(2) and (3) Yes, the matter is presently receiving consideration.

(4) Not applicable.

SHOPPING

Centres: Approvals and Rejections

6. The Hon. J. M. BERINSON, to the Minister representing the Minister for Urban Development and Town Planning:

(1) When was the retail shopping consultative committee of the Metropolitan Region Planning Authority formed?

(2) In each year since that date—

(a) how often has the committee met;

(b) how many shopping centres in the metropolitan area of a floor area in excess of—

(i) 1 000 square metres;
(ii) 5 000 square metres; and
(iii) 10 000 square metres;

were approved, and how many in each category were rejected by the Metropolitan Region Planning Authority; and

(c) what was the—

(i) number; and
(ii) total;

floor area of shops for which approval was granted by local authorities without reference to the Metropolitan Region Planning Authority?

The Hon. I. G. MEDCALF replied:

(1) The 29th January, 1975.

(2) (a) Since that date the retail shopping consultative committee has met the following number of times—

1975	16
1976	3
1977	3
1978	0
1979	3
1980	1

Since the policy was adopted in December, 1976, the retail shopping consultative committee has met less frequently.

(b) (i) 1 000 sq. metres to 5 000 sq. metres—

	Approvals	Rejections
1975	3	1
1976	7	1
1977	2	1
1978	2	0
1979	4	1
1980	1	0

(ii) 5 000 sq. metres to 10 000 sq. metres—

	Approvals	Rejections
1975	0	1
1976	2	1
1977	1	0
1978	0	0
1979	0	0
1980	1	0

Since 1977 the Metropolitan Region Planning Authority has relinquished control of all shopping centres below 9 500 sq. metres in areas other than those abutting a regional road.

(iii) Above 10 000 sq. metres—

	Approvals	Rejections
1975	0	0
1976	0	0
1977	3	1
1978	0	1
1979	0	1
1980	0	0

Some shopping centre proposals that have received approval have not been constructed.

Some proposals that were rejected by the MRPA were later approved on appeal.

Extensions to existing centres are not included in the above information.

(c) This information is not available.

SHOPPING

Centres: Proliferation

7. The Hon. J. M. BERINSON, to the Minister representing the Minister for Urban Development and Town Planning:

(1) Has the Minister's attention been drawn to a call by the Independent Retailers' Association for a halt to the building of new shops pending a review of the retail shopping policy?

(2) In view of the potential for chaos in the continued proliferation of shopping centre developments, will the Minister—

(a) undertake an early review as requested; and

(b) consider measures to temporarily restrain further developments until the findings of the review can be considered?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) (a) The retail shopping policy provides a basis for rational planning of a retail structure for the metropolitan region. Since adoption of the policy, the local authorities have been preparing retail structure plans for their areas for co-ordination by district planning committees and the MRPA. This work has been substantially completed and the authority has relinquished control of development for centres less than 9 500 square metres to the local authorities. Since 1977, no centres of more than 10 000 square metres have been approved by the authority. The objective of the policy has therefore been met.

(b) As indicated in (a), no major centres have been approved by the authority since 1977. The retail shopping policy has been based upon area requirements and not upon individual retail outlets. Control of individual retail outlets within shopping centres is not a matter that has been considered by the authority and its advisory committees to be within the scope of its administration. Restriction of development would impose unnecessary hardship in areas where retail facilities are either inadequate or non-existent, especially where urban development has recently commenced. Applications for development are first considered by local authorities and it is open to them to refuse or recommend refusal if retail facilities within the area are considered to be adequate.

QUESTIONS WITHOUT NOTICE

CAPITAL PUNISHMENT AND LIFE SENTENCES

Legislation

2. The Hon. J. M. BERINSON, to the Attorney General:

(1) What is the anticipated timetable for the Government's proposed legislation on security life imprisonment?

(2) Is it the Government's intention to wait on the enactment of the legislation before making its decision on outstanding death sentences?

The Hon. I. G. MEDCALF replied:

(1) and (2) No decision has been made on either of the matters referred to.

CAPITAL PUNISHMENT AND LIFE SENTENCES

Legislation

3. The Hon. J. M. BERINSON, to the Attorney General:

Could the Attorney General please qualify what is meant to be understood from that answer? Is he saying that no decision has been made on the proposed legislation about which reports have appeared in today's Press, or is he saying no decision has been made on the timetable of the legislation only?

The Hon. I. G. MEDCALF replied:

I understood the question to refer to the timetable and that is what I was answering.