

Legislative Council

Wednesday, 31 August 1988

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

LEGISLATIVE COUNCIL

Annual Report

THE PRESIDENT: I have received a letter in the following terms -

Dear Mr President

ANNUAL REPORT OF THE LEGISLATIVE COUNCIL DEPARTMENT - 1987-88

The Financial Administration and Audit Act 1985 obliges me to inform both Houses of Parliament, as the Accountable Officer for a deemed department, the Legislative Council, of my inability to comply with the Act's requirements set out in s.62(1) as modified by Schedule 1A, Part I.

As you are aware, the heads of the parliamentary departments have experienced difficulties in complying with the requirements of the Financial Administration and Audit Act 1985 relating to the development and implementation of performance indicators.

Discussions are proceeding among the several accountable officers within Parliament, the Treasury and the Office of the Auditor General in order to overcome the difficulties which stem from the unique nature of Parliament and its administration and compliance with the Act as it stands. Further time is required before a satisfactory solution can be arrived at, and I shall keep you informed as our discussions proceed.

Yours sincerely

L.B. Marquet
Accountable Officer
Legislative Council
August 31 1988

PRESIDENT'S STATEMENT

Parliamentary Departments - Annual Reports

THE PRESIDENT: I have to inform the House that the respective Accountable Officers under the Financial Administration and Audit Act 1985 will not be presenting annual reports for 1987-88 to Parliament on behalf of the following "deemed" Parliamentary Departments - Legislative Assembly, Joint Printing Committee, Joint House Committee, and Joint Library Committee.

The honourable Speaker and I are closely examining the implications of the Financial Administration and Audit Act 1985 with respect to maintaining the clear demarcation between Government and Parliament. To this stage we are not completely satisfied that the Act together with its regulations and Treasurer's Instructions can be complied with in their entirety whilst still maintaining Parliament's proper independence from Executive control.

Mr Speaker and I are seeking further discussions on this matter with the Treasurer and until such time as we have all agreed on the proper course to take, no annual reports within the terms of the Financial Administration and Audit Act shall be presented for tabling.

CRIMINAL LAW AMENDMENT BILL*Introduction and First Reading*

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

ACTS AMENDMENT AND REPEAL (FAIR TRADING) BILL*Second Reading*

Debate resumed from 24 August.

HON G.E. MASTERS (West - Leader of the Opposition) [2.38 pm]: The Opposition supports this Bill. When introducing the Bill the Minister made great play about the Golden Aeroplane game. I must confess that I know very little about the game but I understand some people have already lost a great deal of money as a result of this pyramid type game. No argument should take place about banning that sort of game if that is happening. It was not possible for the Opposition to agree to dealing with this Bill last Thursday because the Bill not only deals with the Golden Aeroplane game but also proposes to repeal four Acts. That cannot be done lightly, which is why we needed to look at it more closely. I thank the Minister for making available to us Mr Dick Fletcher, the Executive Director of the Department of Consumer Affairs. His briefing helped us to understand that there are no real problems in the legislation.

I wonder whether the Minister will tell us why this legislation was suddenly introduced when it could have been introduced last session. I understand that there was some talk around at that time about the existence of the Golden Aeroplane game. I also understand that it was thought that it would die a natural death. It all seems a bit rushed to me and leads me to believe that there may be more to this legislation than meets the eye. Obviously there are two Acts in operation and this Bill is meant to replace the four Acts being repealed. I understand that there were difficulties with legal interpretations - one Act contained opposite views to the other, making it difficult for a proper legal interpretation to be given.

I believe when the Acts are repealed questions will arise about a large number of regulations, particularly in relation to the Clothes and Fabrics (Labelling and Sales) Act. I do not know whether the regulations relating to the fair trading legislation have been prepared and placed on the Table of the House. When the Clothes and Fabrics (Labelling and Sales) Act is repealed, the regulations attached to it will be null and void and if the regulations relating to the fair trading legislation have not been passed by this House, no regulations will apply. I believe the Government will have to move rapidly to fill that gap. If the regulations are not tabled, how will the Government cope with problems in the short term?

I support the Bill.

HON TOM McNEIL (Upper West) [2.44 pm]: The National Party supports these attempts by the Government to legislate against the Golden Aeroplane game and endorses the remarks made by the Leader of the Opposition. I know some people who have made money out of the game, but I also know many people who have lost substantial amounts of money. The smarter people got in early and built up the bank through their so called friends, bled them of their money, and got out. The idea of the game is to have everyone in the State, and in Australia, involved, until only those who come into the game last lose money. Those losses have harmed families and lifestyles. These get rich schemes never work for the latecomers. The Government will have to move quickly to repeal the four Bills covered by this legislation and introduce regulations.

I assume the Government will look at other pyramid type games and introduce regulations in relation to those. I am concerned also about chain letters and the idiots who write to people and frighten them by suggesting that, if they do not send four or five letters on to other people, they will have bad luck. Others encourage people to send money even though the amounts are smaller than those involved in the Golden Aeroplane game. It is virtually extortion and the Government has the full cooperation of the National Party in its efforts to stamp out these money making schemes.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [2.47 pm]: I thank members opposite for their support of this Bill. The Bill needed to be introduced in an advanced stage because the Golden Aeroplane game became established

very quickly when we thought we had it covered. Members may recall a case that was dealt with by the courts. Under existing legislation the action was unsuccessful. Because of that failure the game suddenly sprang up again. The loophole through which the case was lost appeared in the existing Pyramid Sales Act which refers to the purchase of goods. The Golden Aeroplane game, of course, has nothing to do with the purchase of goods but with the taking of money. Once the defeat of that case became public knowledge, the game got a hold with a few smart, shrewd con men setting the lead. The game requires people and more and more people have to be conned to enable the plane to take off and new planes to be formed. Only in that way can money be made. I know we all want it stopped because nothing about it favours a sense of fair play or justice. We had to hurry this Bill into this House because existing legislation did not cover the situation. The Bill cannot be proclaimed until the regulations are put in place. They are drafted and will need to be tabled; it is simply a matter of timing. The new legislation mirrors all of the provisions which appear in the existing Acts being repealed by it. All necessary provisions in those Acts are picked up by this Bill.

Hon Tom McNeil referred to chain letters. It is very difficult for the Government to do anything about them because of the difficulty getting at their source. Very often, we find the source is either interstate or overseas. My only advice to people is simply that on receipt of a chain letter they screw it up and throw it in the bin. I received one a couple of weeks ago from overseas. The moment I saw it was a chain letter, it went straight in the bin. That is the place to put them and that is where they should go. I think that basically answers the queries that were raised.

Once again, I thank members opposite for their support of the legislation. I thank them too for agreeing to deal with it in a fairly short time. It is pleasing for the community to see us come together and act quickly to prevent such a game being played. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon John Williams) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs) in charge of the Bill.

Clause 1: Short title -

Hon G.E. MASTERS: I listened with interest to the Minister's comments. When the Bill was introduced the Minister gave notice in the formal way and Hon Tom Helm spoke about its being a good thing and we all agreed. The next day the Minister asked us to deal with the Bill as a matter of urgency. He explained why we should do it as quickly as we could. However, the Minister was either misinformed about or misunderstood the situation. Perhaps his department misunderstood as well, because the Minister just told us that the Bill would not be proclaimed until the regulations for the Fair Trading Act were prepared.

Hon Graham Edwards: The regulations have been drafted.

Hon G.E. MASTERS: Will they be implemented immediately, or will there be some delay? If the regulations are not ready, the legislation will not be able to be used despite the urgency claimed by the Minister.

Hon Graham Edwards: The regulations have been drafted.

Hon G.E. MASTERS: If the regulations will be advertised immediately and be put into operation, that is fine. I must have misunderstood the Minister. I thought he said that they were not quite ready but would be soon. Accordingly, it seemed to me that there was not the urgency the Minister first suggested.

Hon GRAHAM EDWARDS: The matter is urgent, Mr Deputy Chairman. It is simply a matter of timing. The legislation was not forthcoming before the advent of the Golden Aeroplane game because the regulations needed to be properly drafted. That process takes time. The regulations have now been drafted and I will check out the timetable. As I understand it, I will have to table the regulations and the new legislation will be proclaimed as quickly as possible.

Clause put and passed.

Clauses 2 to 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Consumer Affairs), and transmitted to the Assembly.

ROAD TRAFFIC AMENDMENT (RANDOM BREATH TESTS) BILL

Second Reading

Debate resumed from 24 August.

HON G.E. MASTERS (West - Leader of the Opposition) [2.56 pm]: I oppose the legislation before the House.

Hon Garry Kelly: Despite what the doctors have said?

Hon G.E. MASTERS: I have not started yet. Let me make my speech; I would then be very pleased to hear that of the honourable member.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order! I make it quite clear from the outset that I will not accept interjections in this debate. It is a very important Bill and honourable members in due course will have the opportunity to put their points of view. I make that clear so that no offence will be taken when a member is called upon to comply with Standing Orders. I call the Leader of the Opposition.

Hon G.E. MASTERS: That may spoil my speech to a certain extent, Mr Deputy President.

The Government is reintroducing this legislation without offering one shred of evidence to support its arguments. No persuasive reason has been given to back up the Government's claims that the legislation is needed. None of the reasons given has persuaded me to change my mind in any way, shape or form.

Hon T.G. Butler: Tut, tut!

Hon G.E. MASTERS: Hon Tom Butler will be ruled out of order in a minute.

The only change from the previous Bill is in clause 5 with respect to a review of amendments relating to random breath tests. The clause makes provision for the Traffic Board to carry out the review. I do not think that means anything at all.

Hon Graham Edwards: It was a pretty important thing last time, because you used it as an excuse not to put the Bill through.

The DEPUTY PRESIDENT: Order! I remind the Minister of my earlier words. Everyone will get the opportunity to speak, including the Minister, who will speak in reply. I ask that no interjections be made for the benefit of those members who, like me, who will be listening to the debate very carefully.

Hon G.E. MASTERS: The only change presented in the legislation really does nothing at all. It simply means that there will be a review by the Traffic Board which will be brought to the attention of Parliament, but that will be the end of it. That is not good enough. In any event, the legislation is not acceptable and I will oppose it. It is no more and no less than an election gimmick. I draw the attention of members to the Federal Budget. I would think that no member of the Government's party would say that it was a bad Budget or that anything was wrong with it, yet Mr Keating introduced a Budget which in the main simply launched a drink more beer campaign. On the very day that the Federal Budget was introduced, the Labor Government in the other place had the cheek to introduce a Bill seeking to apply random breath testing in Western Australia. On the one hand the Federal Treasurer was encouraging us to drink more beer and on the other hand the State Government said that random breath testing needed to be introduced. That may be unbelievable but it is so. I have not heard a single Government member criticise the drink more beer campaign introduced by Mr Keating.

Hon P.G. Pental: It was utter hypocrisy.

Hon G.E. MASTERS: It was utter hypocrisy, the member is right.

Hon Fred McKenzie: If that is the argument of the Leader of the Opposition, that is why we need it.

Hon G.E. MASTERS: My argument is that there are better areas for reducing costs; for instance, the fuel levy, which would have helped everyone in Australia. That would have helped many more people than a drink beer campaign. That is sheer hypocrisy! There have already been adequate trials of random breath testing throughout Australia and there is not one ounce of information to benefit the other argument. On the contrary, the Western Australian system has proved to be the very best - not just the best in Australia, but the best in the world, and it did so without intruding on people's rights and privileges, something that the socialists on the other side have in their minds. Members opposite cannot understand, and will never understand, that the whole community does not have to be penalised just to catch a few wrongdoers. That is why they are always doing that; it is the big brother attitude and syndrome - "Let us get them all under our wing."

Hon Fred McKenzie: What has random breath testing got to do with socialists.

Hon G.E. MASTERS: I am amazed that Hon Fred McKenzie is talking that way. I am saying that it is quite wrong to infringe on people's rights and privileges in the way that the member and his party always do; they seem to think it is a way of life and it is not a way of life in Western Australia at all. In New South Wales and the other Eastern States where random breath testing applies literally millions of people have been stopped. I think you, Mr Deputy President (Hon P.H. Lockyer), in a speech in this House drew attention to a very important fact; that of every 200 people stopped in the Eastern States one is found to be positive to random breath testing. I will show that our methods, policies and procedures are far more effective than those in the Eastern States.

We see this big obsession of the socialists, the big brother will do it syndrome. I have said previously that various methods have been tried and tested in drink driving campaigns. We must look at the Western Australian performance because it is very good, indeed. As many members will recall, in 1974 Western Australia had the worst fatality rate in the world - not just in Australia, but the worst in the world. The Court Government tackled the problem and changed things completely. We ran a campaign under police Minister Ray O'Connor who, to this day, was I think the best police Minister this State has had for many years. The proof of the pudding was the end result. In 1974 there were 6.5 fatalities per 10 000 vehicles. I repeat that that was the highest and worst in the world. In 1982, when the Court Government introduced those effective measures, it was reduced to 2.75 fatalities per 10 000 vehicles, which is one of the best figures in the world today. The Liberal Party introduced section 66 of the Road Traffic Act which said that for good reasons police could stop drivers and require them to take a breath test. The words in section 66 were "for good reason". Members may or may not recall that the then Opposition, the Labor Party, and particularly Mr Burke, said that it was a disgrace and that he would never support it, and they fought it tooth and nail in the Legislative Assembly. They were hypocrites, and not dinkum in this case.

I will go on with the examples I was starting to give. In Western Australia, where there is no random breath testing, there were 280 road deaths in 1980. In 1987, seven years later, there were 213 road deaths, a decrease of 67. I know that is not good enough, but it is bringing the figure down. It has been effective when one considers the large increase in vehicles on the road. An honourable member opposite shakes his head, so let me give examples from other States where random breath testing applies. In Queensland, where there was no random breath testing between 1982 and 1987 there were 115 fewer deaths on the roads. Victoria, which, if you like, invented, or was certainly the first State to introduce random breath testing in Australia, had 657 fatalities in 1980 and in 1987 there were 693, an increase of 36 with random breath testing. In South Australia, which has random breath testing, there were 271 deaths in 1980 and 255 deaths in 1987, a decrease of 16.

Hon Graham Edwards: Whose figures are you quoting?

Hon G.E. MASTERS: These are Bureau of Statistics' figures, the same ones as used in the Legislative Assembly.

Hon Graham Edwards: They are not the ones I have.

Hon G.E. MASTERS: Then perhaps the Minister will refute them.

Hon Graham Edwards: If I do, are you prepared to review your position?

Hon G.E. MASTERS: The Minister must prove to me that his figures are right because I am telling him that none is correct. In South Australia in 1980 there were 271 deaths and in 1987, 255 deaths, a reduction of 16, but small, indeed. In Tasmania, where they have random breath testing, there was a fall from 100 to 76 deaths, so they had some success. In New South Wales, which this Government latches onto all the time claiming that it is a prize example of how good random breath testing is, there were 1 303 deaths in 1982 which reduced by 347 to 956 in 1987, a pretty good result; but I understand it is now increasing again.

Prior to 1982 the police in New South Wales had no real controls over drivers with drink problems, certainly nowhere near as strong and powerful as those in Western Australia, Victoria and other States; in other words, it was open slather, so there were bound to be dramatic improvements. However, I am telling members now the toll in that State is on the increase. Even with New South Wales showing that improvement, if one takes fatalities per million vehicles Western Australia had 245 and New South Wales 337. One can talk about the statistics saying that we can play with figures and make anything of them we like, but the fact remains that there appeared to be very good results in Western Australia as a consequence of the drives and campaigns against drink driving that have been applied over the past eight or nine years; they have really been very effective.

Talking of campaigns, in 1987 there was a Christmas campaign in Western Australia from 24 December to 21 January during which there were no fatalities. In 1986 the figure was 10. I am talking here of campaigns and saying that there was a vigorous and effective campaign carried out under present legislation and that legislation resulted in people being very careful because they were likely to get caught. There was a good educational program on the radio, television and the like and people learnt for that time, even if it was for a short time, that they should not be drinking and driving, so there were no fatalities and that was a good effort and a great credit to police at the time.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon G.E. MASTERS: I thought I had made clear the reason I am against random breath testing; because Western Australia has been more effective than anywhere else in Australia where they have random breath testing and more effective, I think, than anywhere else in the world. That is why I am opposing random breath testing, because it is unnecessary and people should not be subjected to the problems that will arise because of it. For instance, every person coming into Perth tomorrow morning, if random breath testing applied, could be stopped, or at least one in 10 of them could be stopped and told to "breathe into this machine". With a bit of luck the police would get one out of 200, if we have the same experience as other States. That is what I am arguing about, the sheer stupidity of it.

Hon John Halden: I think you are going soft on law and order.

Hon G.E. MASTERS: If there is softness in regard to law and order it is on that side of the House. Every time we say "shut someone in gaol" members opposite say, "Let them out, they are not so bad, after all." I am firm on law and order and the rights of individuals, which is more than Government members have been.

Several members interjected.

The DEPUTY PRESIDENT: Order! So that I do not lose my accustomed good humour, I would appreciate it if the member on his feet was allowed to address the Chair and other members ceased interjecting. Standing Orders allow them all night, if they wish, to make their comments.

Hon G.E. MASTERS: We simply ask why that Christmas 1987 campaign was successful. Public awareness was developed well through the media and other areas; there was a wide advertising campaign to persuade people not to drink and drive, which is very important. There was also a very strong visual presence of policemen on the road. I do not believe the police should be hiding behind bushes and around corners.

Hon T.G. Butler: That is what happens now.

Hon G.E. MASTERS: Not so much. It does happen, but not so often as it used to. Several members interjected.

Hon G.E. MASTERS: There must be a strong visual presence at all times.

Point of Order

Hon JOHN WILLIAMS: I am finding it increasingly difficult to listen to the speaker and some of the interjections, in view of the fact somebody seems to be practising dentistry outside. Would you, Mr Deputy President, enquire of the Clerks whether that noise can be abated because it is extremely irritating.

The DEPUTY PRESIDENT (Hon P.H. Lockyer) I will see what can be done about it.

Debate Resumed

Hon G.E. MASTERS: Thank you, Mr Deputy President.

There are ways and means of achieving success such as that achieved in the Christmas 1987 campaign without going to the extremes proposed by this Government. It is obvious that the campaigns which have been conducted have been very effective. Hon Tom Butler would agree that we often go together to functions, although we are on different sides of the fence. He would know as well as I do that people have a couple of drinks and then drink soda water, or they are careful and get a taxi.

Hon T.G. Butler: I have not noticed you do that.

Hon G.E. MASTERS: I do, Mr Butler. I have taken your example. I doubt there is any member of this House who has not seen the effectiveness of the drink driving campaigns. It is simply a matter of education, public awareness and penalties. The penalties are high and they frighten the living daylights out of me, as they should anyone else. Section 66 allows the police, if they see any reason to require a person to take a breath test, to do that. I emphasise "good reason". We also have to recognise there must be a concentration on driving safely and obeying the road rules. If a person is driving safely, obeying the rules of the road, causing no difficulty to pedestrians or other vehicles, why the devil should that person be tested in the vain hope that he may have had a few drinks?

Hon T.G. Butler: It happens now.

Hon G.E. MASTERS: It certainly does not happen so much now. Booze buses will be promoted.

Several members interjected.

Hon G.E. MASTERS: Members opposite and I know that it will happen because it applies in other States; thousands of vehicles will be stopped for no reason at all and the drivers asked to breathe into this machine.

Hon Graham Edwards: If it is considered they should because of their behaviour.

Hon G.E. MASTERS: People with good driving records who are driving correctly and obeying the rules of the road will be stopped.

Several members interjected.

The DEPUTY PRESIDENT: The member will assist very greatly if he directs his comments to the Chair; he will not draw those unruly interjections.

Hon G.E. MASTERS: Thank you, Mr Deputy President. To stop tens of thousands of people driving along the road while they are obeying the rules without having had a drink and asking them to breathe into a machine is quite wrong and infringes the rights and privileges of those people. As members know, I am very strong on that.

I asked the Minister for Corrective Services only a week or two ago in a private conversation, but I am sure he will not mind my repeating it, what was the situation concerning the testing of prisoners for AIDS. He said, "Where there are high risk prisoners, they will be tested, and if they refuse they will be treated as if they had AIDS." I asked, "Why do you not treat all prisoners?" He said, "We cannot infringe people's rights and privileges; we would have all sorts of bother." We have many prisoners serving long terms

in goal, and the Minister says it would infringe their rights and liberties if they were tested for AIDS; yet here we are suggesting the police stop tens of thousands of drivers who are completely innocent.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon G.E. MASTERS: Members opposite are saying we cannot do it to prisoners convicted of a crime but we can do it to people driving along the road.

Several members interjected.

Hon G.E. MASTERS: This is not a dreadful argument; it is exactly what members opposite are talking about.

Several members interjected.

Hon G.E. MASTERS: I drew the attention of the House to an article from the New South Wales Parliamentary Library taken from the *Daily Mirror* of 16 December 1985, and it needs to be quoted again because it talks about the random breath test campaign not working in New South Wales. It reads -

HIGHWAY patrol officers carrying out random breath tests are ignoring minor traffic offences in order to fill a quota, according to a senior police officer.

The officer said police had been forced to "turn a blind eye to offences such as speeding because of stringent restrictions imposed on them".

Hon Garry Kelly: Is it going to happen here?

Hon G.E. MASTERS: There is a risk and a strong likelihood it will happen here.

Several members interjected.

The DEPUTY PRESIDENT: Order! I remind Hon Tom Butler that while I understand the member on his feet is drawing interjections, this constant carrying on is not assisting this debate. If the honourable member on his feet directs his remarks to the Chair he will have the full protection of the Chair.

Hon G.E. MASTERS: Thank you, Mr Deputy President; I appreciate that protection. This article shows how bad random breath testing is in New South Wales. It demonstrates clearly these things can get well and truly out of hand. If the Police Commissioner of the day decides this sort of campaign should be conducted, so be it. We are told that the Government does not direct the Police Commissioner. I put it to members that is exactly what will occur, and we will have these booze buses and blitzes. In New South Wales millions of people are inconvenienced.

Let me again draw attention to an interdepartmental investigation of road safety in February 1981, during our time in Government. The committee, under the chairmanship of Mr R.J. Chapman, Deputy Chief Executive Officer of the Road Traffic Authority, was assisted by Mr J.B. Boulton, Executive Director, National Safety Council; Dr R.M. Porter, Director, Alcohol and Drug Authority; Superintendent P.D. Liddlelow, Road Traffic Authority; C.M. Saunders, Research Officer, Road Traffic Authority; and Mr I.M. Vodanovich, Chief Probation and Parole Officer, Probation and Parole Services. One would think that committee would be able to study and consider this matter with a clear mind. The recommendation was -

It is recommended that random breath testing legislation is not introduced.

Existing legislation gives an enforcement officer power to test any driver who has been involved in a traffic accident; committed a breach of the traffic laws; or whom the patrolman has reasonable grounds to believe has any alcohol in his body. This legislation gives wide powers to patrolmen to test drivers for alcohol.

It goes on, but I will not quote it all. However, what they are saying is that our system is adequate and effective.

Hon John Halden: When was that?

Hon G.E. MASTERS: 1981.

Hon John Halden: It is irrelevant then. Things change over time.

Hon G.E. MASTERS: If that is the case, in October 1983 the Minister, then Mr Carr, quoted that reference and said, "As far as I am concerned the drink driving law and the road traffic law in Western Australia are adequate and random breath testing in Western Australia is unnecessary." I can read out the answer to the question because that is what he said in so many words.

Recently I read an article in the *Daily Mirror*, a United Kingdom Sunday paper. The article is dated 24 July 1988, so I hope it is late enough for Hon John Halden. The article was written by David Hughes and is headed "Random breath test 'won't work'". It reads in part as follows -

It concludes that the spot checks now being demanded by Britain's chief constables would be "a waste of police time" and supports the line taken by Peter Bottomley, the road safety minister, who is opposing random testing.

It goes on to say -

A key part of the success, Bottomley claims, is the targeting by police of breath tests. He said at the moment about 120,000 over-the-limit drivers are detained by police every year out of 300,000 who are tested - a success rate of about 38%.

Evidence from other countries suggests that random testing picks up one over-the-limit driver for every 200 tested. "That would mean random testing 24m drivers a year to achieve the kind of results we have now," Bottomley said.

What he is saying is that the testing methods which we use now are effective and the hit rate is very good because the police stop motorists when they have good reason. If they see someone coming out of a pub, and they know his car has been in front of the pub for three or four hours, or if they see someone driving erratically down the road, they will stop that person. However, to stop someone driving quietly from his home in Bunbury to Perth or going from Perth to Kalamunda and to say to him, "Excuse me, sir, breathe into this bag" is insulting, quite wrong and unnecessary. The police will not get the same results.

Hon John Halden: How do you know that?

Hon G.E. MASTERS: I have just given the House the facts and figures which suggest that is right. If the Minister wants to produce other figures, he may do so but I believe the area we should canvass, and the objectives we should have, concern our need to educate people to show more care - not to drink when they drive -

Hon John Halden: Why should we do that?

Hon G.E. MASTERS: Because this is unnecessary. Why should Hon Robert Hetherington be stopped on his way from his lovely home in Forrestfield, without having had a drink, to be told by a policeman, "Breathe into this bag"?

Hon Robert Hetherington: It happened to my son the other night.

Hon G.E. MASTERS: I say that it is wrong and, respectfully, that perhaps Hon Robert Hetherington and other members of his party may oppose this legislation but they are cautioned and have to do as they are told.

Hon Graham Edwards: Let us test that later.

Hon G.E. MASTERS: The Minister does not mean that some of his members will cross the floor. The Minister must be joking.

Several members interjected.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order!

Hon G.E. MASTERS: If the Government were dinkum about dealing with the drinking problem it would use some of the fuel levy extracted from the Australian public - and in particular from the Western Australian public, where we have the highest fuel levies in Australia - to improve roads and conditions. If the Government did that, it would be doing the right thing because it holds that fuel levy money as a matter of trust. It was intended to be used on the roads.

Hon John Halden interjected.

Hon G.E. MASTERS: Malcolm Fraser thought up the idea of the bicentennial road project.

Hon John Halden: He thought up the petrol tax.

Hon G.E. MASTERS: The Government gets around \$100 million from the fuel levy in Western Australia; half of that is being used to bail out Transperth when it should be placed into the road system, particularly the country roads. Country shires are bleeding now because they do not have enough money to look after their roads. The Government is saying, "You can't have it because we intend putting it to other purposes." Every time motorists fill up their cars the Government is extracting money to get itself out of its problems and to gamble on the stock market, for buying non-existent petrochemical developments and bailing out political mates.

Hon S.M. Piantadosi: You don't really like that.

The DEPUTY PRESIDENT: Order!

Hon G.E. MASTERS: I oppose the legislation. The facts and the figures of the case prove that our method in Western Australia is the most effective. We can improve our method simply by spending more money on education and on road improvements. We certainly will not improve it by introducing random breath testing; it may get worse. However, whether or not it does become worse the facts of the case are that Western Australia has a very proud record and we should continue along our existing line rather than change direction because it will do no good at all except to inconvenience tens, if not hundreds, of thousands of motorists every day.

I oppose the legislation.

HON ROBERT HETHERINGTON (South East Metropolitan) [3.25 pm]: I never cease to be amazed at the arguments put up on this matter by the Leader of the Opposition. If he put up arguments I could understand, or which seemed to make sense to me, I might be convinced by what he says, but he seems to be saying that random breath testing, if introduced, will replace all the things that the police are doing now.

Of course that is nonsense. Nobody is claiming that random breath testing will suddenly make all the difference in the world and by itself will change people's behaviour on the roads. It is just one thing among many that we might do. The honourable gentleman talked about how there will be road blocks and innocent people will be pulled up and forced to take a breath test. At present we go through the hypocrisy of people being pulled up on the roads - people who are driving and doing no harm at all and who have not obviously infringed the law. This happened to my son on Manning road on Saturday night. The people pulled up may not be carrying their licence or something else may be wrong and so they are asked to blow into a bag, which my son did. He had not been drinking very much and he was allowed to go on his merry way. He told me that the police were tremendously polite and it did not really put him out all that much, but it was a nuisance. That happens now. If the honourable gentleman believes what he says, then we should get rid of those kinds of roadblocks too because they are doing the very things he says he does not believe should happen. Therefore, it seems to me that his argument reeks of hypocrisy and I do not really know what his argument is about.

All we are saying is that the police should have the power to require any person at any time, without accusing him or her of anything, or going through the elaborate pretence of looking for something else, to get a sample of breath. The police are not accusing them of anything; they are just saying, "Give us a sample of breath and if there is nothing wrong, if you are below .08, you can go on your way." I cannot see why this proposal is different in principle from what happens now, except that it does away with the hypocrisy of what we do now. However, so many things that were done by the previous Government tended to reek of this slight hypocritical attitude - "We will not introduce a real law; we will go halfway there and say, 'Look how much better we are than anybody else'."

Hon G.E. Masters: It has worked very well.

Hon ROBERT HETHERINGTON: It has improved things, yes.

Hon G.E. Masters: It has worked better than anywhere else in Australia.

Hon ROBERT HETHERINGTON: I see no evidence of that. If one throws across the floor of the House the fact that when they use road tests in New South Wales one in every 200 motorists is found to be under the influence, perhaps it is working.

Hon G.E. Masters: You are not considering the UK analysis. There they say it is quite impossible to get the hit rate anywhere near a proper hit rate.

The DEPUTY PRESIDENT: Order!

Hon ROBERT HETHERINGTON: I listened very carefully to the honourable gentleman's speech. I am glad he now has some arguments which he did not seem to have before. Perhaps I should sit down and let him have another go so I can hear some arguments. However, I doubt whether you, Mr Deputy President, would allow me to do that, although I would be quite happy to if the rules of the House allowed it. There are all sorts of arguments that can be made for and against this question. My argument could be turned against me. I am reminded of the person who went along the streets of New York clicking his fingers. When asked why he did that he replied, "To keep the tigers away." When he was told there were no tigers in New York, he said, "It works, doesn't it?" Whether random breath testing works or not depends on a whole range of things and we have to look into it. It does not follow that we have the right to introduce random breath testing or that the police will operate in the same way as they operate in other States. I believe that random breath testing would be a minor extension of what happens in Western Australia now. I do not believe the police would act in any way different except they would not be held up by the pretence of inspecting vehicles; they could stop people and ask them to provide a sample of their breath. Whether it would be a deterrent or not is arguable.

I can give anecdotal evidence in support of my case. I met a gentleman in New South Wales who said that once it was introduced there he stopped drinking at night when he was driving. When I am in South Australia I do not drink. I do not drink at any time all that heavily, but I am very careful there.

Hon G.E. Masters: Aren't you careful here?

Hon ROBERT HETHERINGTON: Yes, but I am even more careful there.

Hon T.G. Butler: South Australian beer is not much good anyway.

Hon ROBERT HETHERINGTON: That is one of the problems. South Australian beer does not do anybody any good.

Hon D.K. Dans: Tell me the beer that does?

Hon ROBERT HETHERINGTON: The police need road blocks to save time and allow them to process people more easily. The evidence I have is that that would support their campaign to deter people from drinking and driving so they are not a danger on the roads. That is all I am suggesting.

Hon D.K. Dans: There is no way that we could measure how many people it deterred.

Hon ROBERT HETHERINGTON: That is right. We cannot use raw statistics from New South Wales, Victoria and South Australia. Sydney and Melbourne have more people crammed into a small space than we have in Perth. It seems to me that driving there is very difficult anyway. I have never driven there because I do not think I would be game; it is very dangerous.

Hon D.K. Dans: Sydney is a very easy place to drive in.

Hon ROBERT HETHERINGTON: I will take Hon Des Dans' word for it. However, I would not like to drive there. If I drove in Sydney I would not drink at all. I may find it is quite easy to drive there and become over confident. Perhaps the drivers are better there, I do not know; perhaps they become over confident. I believe we are doing a great deal and have done a great deal to reduce the road toll. However, it is still far too high; we have to do more. I believe that, if what the police do at present is a deterrent, and it is, we should increase their methods of catching people. If I go to a restaurant, I measure how much I drink just in case I run into a road patrol. I presume I would do exactly the same if random breath testing were introduced.

Hon G.E. Masters: How much are you allowed to drink?

Hon ROBERT HETHERINGTON: I am told that a person can get away with drinking two-thirds of a bottle of white wine over a period. I think that is too much, so I generally drink half a bottle over a period. If I want to drink more, I stay at home.

Hon Fred McKenzie: Or grab a cab.

Hon ROBERT HETHERINGTON: Yes.

I do not understand the arguments against random breath testing.

Hon Garry Kelly: There is none.

Hon ROBERT HETHERINGTON: If what is being done now is helpful in deterring people from drinking and driving, more should be done. The police should be able to put up road blocks and make people give samples of their breath. At the moment they can stop cars for traffic infringements, but more needs to be done. It would be more efficient if they were able to pull over people and ask them to give a sample of their breath and combine that with all the other things they are doing to educate the public. If the member's argument was that if random breath testing were introduced, the police would stop doing all the things they do now, I would argue against its introduction. However, I do not believe that would happen; it would be ridiculous if it did. Of course the police will continue with their campaigns to educate the public and of course they will continue with all of the things they are doing now.

I believe, as the member believes, that the sight of police on the roads is the greatest deterrent. There should be more patrol cars. If we could afford them, they would be the best deterrent. If, when I am driving on the road, I see a solemn procession of cars not exceeding the speed limit, I invariably see a police car at the procession's head. I have been interested to find that, even when a police car is going slower than the speed limit, that procession of cars stays behind it. Once or twice I have said, "Let's stick to the law and pass the police car." Fortunately my speedometer was working properly and I passed without being stopped. People become perturbed when they see a patrol car on the road. I am sure that, if the member was in Government, not only would he give us 1 000 more police immediately, but he would also give us more patrol cars which would go a long way to solving our problems. We have to increase the number of police as our Government is doing. If we drove in the knowledge that, no matter how slowly we are driving and how properly we are behaving - people do drive more slowly if they have been drinking - the police could pull us up, I am sure that would stop many of us drinking and driving.

A sample of one's breath is not much to give. It involves a couple of minutes of one's time and a big puff. Unfortunately, if a person is like somebody I know who cannot blow up a balloon, and cannot provide the necessary breath, he is in trouble. However, that would not worry any politician.

Random breath testing would be a step forward in helping to solve the road trauma problem that we are facing. I do not think anybody would deny that it is a great problem. The road trauma people from the medical profession have shown me what happens to people when they are involved in accidents. I have been shown what happens to young men who go over the handlebars of their motorbikes. It is pretty horrifying. We should be trying to stop that.

We have all sorts of rights, but, to a certain extent, those rights are relative. One of our great rights is our right to life. If, in order to preserve life, we inconvenience people with random breath testing, I believe that is a minor infringement of our liberty and is worth it. I do not know how many lives would be saved or how many people would be deterred from drinking and driving than are being deterred at present. I know that, under our present system, not enough people are being deterred from drinking and driving because a high proportion of people who are losing their lives on our roads have alcohol in their blood.

Hon G.E. Masters: Quite a number of people won't give a damn, whatever the law is.

Hon ROBERT HETHERINGTON: I know that. I do not know what we can do about those people, but we have to try to bring some sense to them.

Hon W.N. Stretch: More police patrols on the road is the only way.

Hon ROBERT HETHERINGTON: If we have more policemen on the road, and more policemen who are allowed to stop people to randomly breath test them, perhaps between the two we might do even better.

Hon W.N. Stretch: To give them a breath test you have to catch them first.

Hon ROBERT HETHERINGTON: We are aware of that. The odd thing is that people trot out the argument, with which we all agree; we want more policemen on the road. Of course

we do; we want as many as we can get. We want to educate people - of course we do - as much as we can. Nobody is disagreeing with that. The only disagreement is about whether we should add another factor, that is, the right of the police randomly to stop people. What would worry me would be not so much the road blocks, but the fact that a policeman can pull up any old person and say, "Breathe into the bag." That would be a deterrent, and might catch the odd one or two. It is not necessary to have road blocks.

Hon W.N. Stretch: One in 200, if you are lucky. Great stuff!

Hon ROBERT HETHERINGTON: That figure applies in certain places where things are done in a different way.

Hon Garry Kelly: It is the possibility of being caught.

Hon W.N. Stretch interjected.

Hon ROBERT HETHERINGTON: If people see others being pulled up, they might be further deterred. I am not terribly interested in seeing how many people we can catch; I am interested in seeing how many people we can stop. I am not interested in proving that we are tough on criminals by throwing them into gaol - people seem to think I am soft on criminals - I am interested, as far as we can, in stopping people committing crimes. I do not want people on our roads who are a danger. I do not want to be run into by a drunken driver. I do not want my grandchildren to be in danger from drunken drivers, or my sons, my daughter, my cousins, my uncles, or my aunts. I do not even want the Leader of the Opposition to be endangered by drunken driving.

Hon G.E. Masters: What do you mean, "not even"?

Hon ROBERT HETHERINGTON: It is good to have the Leader of the Opposition in his place, for various reasons. I want to do everything we can to stop people drinking excessively and driving. I believe, as do doctors, people involved with road trauma groups, and the police, that if we introduce random breath testing it will be another factor - another step, another help - in the process. For that reason, I support the Bill.

I do not think it is any argument against the measure to say that other things would also be good deterrents, because I support them too. I believe we should do everything we possibly can. If it turned out that the police in Western Australia - I believe they will not - were ignoring other infringements on the road in order to play around with their breath testing machines, I would be the first to get up in this Parliament, criticise their behaviour, and try to change the law. Then the Leader of the Opposition and I would be as one. As it is, my agreement is with the Minister who has introduced this Bill, and to say that it is an electoral matter is nonsense.

Hon Graham Edwards: Absolutely.

Hon ROBERT HETHERINGTON: We have introduced it time and time again, and after the next election we will introduce it again and again if it has not been passed. Eventually we hope that people -

Hon G.E. Masters: Private members' Bill.

Hon ROBERT HETHERINGTON: We hope that the Opposition will not have a majority on the other side of the House after the next election, and then the problem will be solved.

Hon G.E. Masters interjected.

Hon ROBERT HETHERINGTON: We hope that commonsense will eventually prevail on this issue, and I hope it will prevail on a whole range of other things.

Talking about testing for alcohol and testing for AIDS in the same breath is ludicrous and unbelievable. AIDS is a pandemic. It is something which will not necessarily show up in a person who is infected. A whole range of things apply to AIDS which do not apply to drunken driving.

Sitting suspended from 3.45 to 4.00 pm

Hon ROBERT HETHERINGTON: The testing for samples of breath for road trauma is quite different from testing for AIDS, and they should not be compared. It is my intention, if I get back in time and the Budget is still going, to spend some time on the question of testing for AIDS, which I think is a very important question that we should discuss. It is one that I do not want to discuss now, except to suggest that it is a red herring in this debate.

Hon G.E. Masters: I was deadly serious about it.

Hon ROBERT HETHERINGTON: I think the Leader of the Opposition is wrong; it is comparing unlike with unlike, not comparing like with like. Just because the word "test" is the same does not mean that the kinds of tests being held are the same. It is even possible to argue the testing being done for AIDS in gaols is not in the best interests of people.

Hon G.E. Masters: I am saying if one test in principle is wrong then so is the other.

Hon ROBERT HETHERINGTON: That is debatable. I repeat, and I am getting bored with saying this, that the Leader of the Opposition can hear what I say and if he believes that testing in principle is wrong then he should be moving to change the law and particularly the law that his Government introduced, which should be expunged from the Statute book because it allows the testing of people who have committed no particular crime, or have done something that does not indicate that they have possibly been drinking too much; in other words, let him sort out his arguments. I suppose that one either believes it is likely to be a deterrent or believes it will not. I would not think the arguments I use to the Leader of the Opposition would change his mind, but I cannot see the validity of any of the arguments he has used and cannot see a reason to change my mind.

I repeat that all the things he believes we should do I believe we should do. I believe that the behaviour of the police so far as road trauma is concerned in Western Australia is quite good; I believe that the things they are doing need to be done. I believe we could do more if we had more money and more police but it is difficult, even if we have the money, to get enough police; that is something that takes time. All I am saying is that I believe all the things that the Leader of the Opposition says should be done should be done; I agree with him fully and wholeheartedly and hope that that does not disturb him unduly. However, to agree with him is not to argue that we should not do this one extra thing in the hope that it will deter some more people and save some lives.

For those reasons I support the Bill wholeheartedly and that has nothing to do with whether we have been to Caucus; as a matter of fact, there was no debate in Caucus on this matter, we just all accepted that the Bill was a good thing. I support the Bill and hope that the honourable gentleman might, before the day is out, change his mind.

HON H.W. GAYFER (Central) [4.05 pm]: I have listened to the arguments put forward by Robert Hetherington and can say that they are almost tedious repetition of arguments he has put forward at other times. Certainly, they waxed no different, and certainly the examples and phraseology used, except for his brief discourse on AIDS, followed the same course as the speech he made at a previous time on a similar measure. I do not intend to follow that path and by tedious repetition repeat what I have said in other years and many years before on the subject of random breath testing.

I have not been swayed that there is any validity whatever in the previous speaker's argument to cause me to change my mind, either. Of course, if he is criticising the Leader of the Opposition for a lack of validity in his argument then surely, if the cap fits, he should wear it because he equally is not persuasive in his arguments to me. For that purpose, I think I have indicated that I have not departed one iota from my previous stand; that I will oppose random breath testing as long as I am in this place. The Government will say, "Fortunately, you will not be here next year," but they will not be here next year, anyway, so that makes no difference.

The honourable gentleman who just resumed his seat expounded at great length that the powers of the police are already there for them to stop vehicles and do what they like. However, nothing should be done in our society, in my opinion, unless somebody has reasonable grounds to believe it is necessary. The basis of any rights of any individual in this country, whether it be in relation to telephone tapping or anything else, should be that there is reasonable ground to believe an offence is occurring. Apart from that, it is a sheer invasion of the rights of the individual that a trumped up excuse should be used at any time to circumvent the edict that reasonable grounds should be there to believe that a prosecution could be implemented. We do not stop everybody on the road or walking on the sidewalk to ascertain whether they are carrying illegal revolvers, knives, or anything like that, to prevent somebody committing murder. Recently figures appeared in the Press on suicides and on murder and were enough to make one realise that we should possibly be doing just that,

stopping people on the sidewalks to see whether they have knives or murder weapons on them.

Hon Tom Helm: Or drivers' licences?

Hon H.W. GAYFER: Okay, do it for everything, but we have a right to believe that we will not be stopped and examined at any time - and particularly, in relation to the member who just interjected, to see if we would pass a sanity test. I believe that we are carrying this too far when we talk of invoking random breath testing. The honourable member who just resumed his seat said it may not mean that a multitude of cars would be stopped and that a police car could be driving down the road and pick a driver and say, "Pull over. I want to test your breath." It is a sheer invasion of the rights of the individual.

Hon Robert Hetherington: What if he says, "Pull over, I want to see your licence," as he can at the moment?

Hon H.W. GAYFER: Two wrongs can never make a right. If he believes a person is not carrying his licence, and he has reasonable grounds to be sure that the person is not carrying a licence, he should have the right to pull him over, but not until that time is reached. That is my interpretation of the law which I agreed to when it was first implemented many years ago. We agreed to certain things, but I have never agreed to any alteration from that point. That is the position in a nutshell. I do not believe the people I represent would want me to vote any differently from the way I am voting. I am speaking about the majority of the people.

Hon John Halden: God help them!

Hon H.W. GAYFER: God help the member too! If we follow the member's belief in the Almighty, we will receive no help at all. I believe the voters in my electorate, or by far the vast majority of them, believe that I should continue to oppose random breath testing; have no fear about that. If this legislation is passed tonight, it will be as a result of influence on other members, but I believe I am representing the people who put me here properly, and I believe I am right in opposing this measure.

Hon Garry Kelly: But you have not asked them.

Hon H.W. GAYFER: As far as the rights of the individual are concerned, I cannot align myself to believing that in the country towns, where the main road comes in at one end and out the other, we should suffer the problems with random breath testing which will occur when this legislation is brought in. I can well imagine the indignation the people in the area I represent would feel - the member opposite can speak for his own electors if he thinks they would be more comfortable with it - if they were asked to wait in a queue while the solitary policeman went down the line with a bag asking them to breathe into it. He might be waiting outside the bowling club, the tennis club, the golf club, the football club, or any other club on a Sunday night when somebody may have been in there. It is the one day in the week people can go to town and join their friends and have a beer. Men and women, teetotallers and those who enjoy a drink, must all suffer this indignity and be told to blow in the bag. There will be no escaping and no stopping the use of the law, if this measure is passed. Even the dignity of a total abstainer will not be preserved. This is what upsets me.

I have heard allegations of Nazism and fascism - I have been accused of both in my time - but I have never seen anything tending more along the lines of being remotely like Nazi, fascist, or communist ways than we are hearing from the opposite side.

Hon T.G. Butler: Now you are stretching a long bow.

Hon H.W. GAYFER: I am not stretching a long bow at all. In the member's heart he does not believe in this, but because it is expected of him as leader of the ALP he will vote for it. But we are different. We can make up our own minds to vote whichever way we think right, and the only way to vote is the way we believe the majority of the people we represent want us to vote. It is as clear and simple as that. I have no intention of allowing my vote to allow the stopping of vehicles to take place any more than I would allow people to be apprehended on a sidewalk to see if they are about to commit suicide, or rape, or to see if they are carrying some murder weapon or something like that, and that is the way we are about to go with the freedom of the individual in this place. If this is put to the vote, or if it is introduced again before the end of the session or in any other way, I will continue to oppose it because I do not believe in it.

HON JOHN WILLIAMS (Metropolitan) [4.16 pm]: I am opposed to random breath testing. This is the third occasion on which I have risen to speak about this measure. I suppose if one is unequivocal about it one is applauded. I have listened with interest to the arguments put up today, as I have to the arguments put up in the past. I ignore completely the hype in the media yesterday which attempted to influence members on how to exercise their vote. When we look at road traffic accidents we must find a reason for them, and the popular reason is that they are drink-related.

Hon Garry Kelly: You disagree with that, do you?

Hon JOHN WILLIAMS: Yes, absolutely, and I will tell members why in a moment. Some may be drink-related, but let me give the member the example of a party of four coming down the street and coming to a very dark corner. They were doing no more than 20 kilometres an hour. A shadowy figure steps off the pavement, the car hits him, and he is killed. This is not fiction, it is fact. I can produce the facts for the member. The pedestrian was killed and the four people were rushed to the police station and given breathalyser tests. The breathalyser tests showed zero for all four of them, but at the post mortem the corpse showed 0.132. This was an alcohol-related accident, and it went into the statistics as an alcohol-caused accident; nothing to do with the driver, nothing to do with his passengers being under the influence, but the pedestrian was under the influence. That is one of the figures which creeps into these statistics.

Number two: In the whole of my time here I have never seen anything but glossy magazines produced by the Main Roads Department saying what wonderful roads we have in Western Australia, and how marvellously they are constructed. I will give two examples, and they will be two metropolitan examples. Every night I have the habit of travelling home via the West Perth subway. Until demolition of a building took place some time ago, just before the approach to the subway there were crash barrier rails which were being replaced every three weeks. Hon Mick Gayfer would know why. Today they have managed to get round it by ridging the road. Do not tell me that that is good road engineering. On Saturday night I was out with friends in the electorate of the Minister for Consumer Affairs. We were going to a certain country club for dinner.

Hon Graham Edwards: I know it well.

Hon JOHN WILLIAMS: I was driving; it was well lit, and I turned right but I found I had to be cautious because I could not see the cars coming over the hill until the last 10 metres. There were no lights and there was nothing indicating what was coming.

Hon B.L. Jones: You would see even less if you were drunk.

Hon JOHN WILLIAMS: I will tell Hon Beryl Jones how much less one would see, drunk or not. Hon Beryl Jones would have needed the ability, drunk or sober, to see through a solid road. If she has that, she has better X-ray vision than I have.

Hon Graham Edwards: You are talking about Karrinyup?

Hon JOHN WILLIAMS: Yes. It is a terrible spot, and it needs good road engineering.

Let me remind members of an argument I presented to this House in 1972 about the safety of roads in Western Australia. The excrescences which are mounted on pavements carrying power lines and telephone lines are the easiest things to build, but they are not the cheapest. Members may have read in the paper yesterday that some fellow was killed. He was riding a motorcycle, came round the corner - fast, slow, or in a skid, who knows? - and because of the restraining cable holding the pole up, his motor bike crashed and his leg was severed. He died, and so did his pillion passenger. We do not think about the other things which I drew to the attention of the House last week and will do so again. It is possible for a person who has been declared blind to get a driving licence in this State. What are we doing about that? I am talking about a person who suffers from tunnel vision, a person who has no peripheral vision whatsoever. However, if such a person goes into the corridor at the traffic branch and is able to read the eye chart - which some of them are able to do - the applicant passes and is able to do the test for a learner's permit in order to learn to drive. What regulation do we have in place - apart from those dealing with epilepsy - which deals with people who suffer from other conditions that may make them a risk on the roads? I would say to the ophthalmologists and doctors of this State that they should put pressure on the Government to make sure that when a person gets into a car that person is physically fit enough to drive that vehicle.

The Minister handling this Bill would know that adaptations can be made to cars for disabled people when it is obvious they are disabled, but what about the hidden conditions, the conditions which do not come to light? It is not just alcohol which causes road accidents and death. I emphasise that. The public will not get anything new from this legislation. The Bill says that when one is pulled up, one will be directed to another place. All of my colleagues, including yourself, Mr Deputy President, go from time to time on official business, whether it be representing a Minister or the Leader of the Opposition, or whether attending some function in one's own right. Generally speaking we make sure we have plenty of time to get to the place. Under this Bill we can be pulled over and asked to wait our turn for whatever place it is. That means that we are going to be inconvenienced. Hon Mick Gayfer has said that this to him is an infringement of his civil liberties. We have been assured that there will be no booze buses in this legislation, so I wonder where this "other" place is.

I want to point out a couple more deficiencies in the legislation. One is concerned with the pocket alcometers, which the officers present to drivers; drivers blow into them and they register. Any smart lawyer - and they have not done this to my knowledge in this State for ages - will say, "Was that alcometer accurately calibrated before the officer took it out on duty?" The lawyer could then ask whether there is a certificate to that effect because that is the law in other parts of the world. The idea is that they test the driver on the small alcometer and then they test him on a big breathalyser which is calibrated and which is assured of an accurate reading. We have failed to look at this question. When one is pulled up for speeding offences in the United Kingdom, the drivers of every police car on the road which is used for stopping speedsters have to present a certificate in court that a certain speedometer was properly calibrated that morning. They have to have an independent certificate signed by a person saying that it was calibrated, as it was called in those days, "over the mile distance". We are going to open a can of worms because the courts will say, "Well, that is all right. Perhaps the meter was inaccurate, but when you got onto the big one, it was all right." There is something wrong there.

If the machinery could be set up to calibrate it, all well and good, but the police will have to produce a certificate in court to say that the alcometer used on a person that day was accurate. I have said this before and I will say it again: I do not claim it as a credit, but the organisation I headed between 1972 and 1976 - the Alcohol and Drug Authority - introduced the first alcometer into this State. We tried several and the best we could get came from the UK. Even then we were not too sure that it was accurate enough for our purposes. For medical purposes it was accurate, but do not forget that people will be taken to a court of law as a result of this test. That is why there is built into the law a little bit of tolerance in respect of alcometer tests. I have it on good authority that when one blows into an alcometer and it comes to exactly 0.08, no charge will be pressed because the law gives that little tolerance to the alcometer. For all fellow sufferers who wear dentures, I suggest that before they take their test they remove their dentures because alcohol adheres to plastic and the reading could be higher than they expected. There are ways and means. I have a responsibility, as does Hon Mick Gayfer and other people in this Chamber, towards the people I represent. I think the Leader of the Opposition's figures should have been looked at before and listened to with some respect. There is no proof that random breath testing will reduce road injuries and deaths. It will act as a deterrent; that I will not deny. However, when we argue and refer to other States and conditions, and other circumstances, then of necessity we have to come back to this Chamber because it is the only one with which I am concerned. I am concerned with the Metropolitan Province I represent; and, overall, listening to all of the members who spoke, we must do what is best for the community.

The Government is absolutely convinced that the moment we have random breath testing quite a large proportion of road deaths will cease. I do not share that view. I have yet to hear evidence which says it is absolute. In New South Wales they calculate a figure by determining that when they have arrested someone who has proved to be under the influence of alcohol, they have saved a life. He has not killed anybody; he has been pulled up, but has saved a life! They do not refer to what would have happened if the fellow had ploughed into a shopping centre and killed 10 people. They actually claim in their statistics that his arrest saved a life.

The ease with which people acquire driving licences in this State and other States is appalling. Were I given the power - I never will be - to redraft licensing legislation, I would

take that responsibility out of the hands of the police and set up an examining panel under the Minister for Transport. I have known many competent drivers in the United Kingdom who have failed tests on no less than four occasions and have failed. I can remember one person coming to me absolutely fuming because he failed a test when he was parked on a hill. The driving instructor got out and placed an empty match box behind his wheel, re-entered the car and told him to drive away. Of course, he crushed the empty match box and failed his test. The controls on the issuing of drivers' licences in a small island where there are more people and cars than here are very tight. It should be necessary for people to be properly trained before they get their licences.

I have placed on notice a simple amendment. Hon Garry Kelly, who has had far more experience than I in the scientific experimental field, will understand my amendment. I wish to set up some form of control. I have suggested that random breath testing go through an experimental phase for one year from the date of its proclamation. The Government can carry out measurements or tests of its success or otherwise in that 12 months and then return to the Parliament and tell it whether it worked or whether it did not work. We should have some scientific basis for allowing it to continue. We should carry out those tests openly and honestly and let the public know what we are doing.

I have spoken with several of my colleagues about my amendment and with my leaders in this place and in another place. I am in the happy position of being able to make up my own mind on this matter. I do not care about the arguments that have raged through this Parliament on the last three occasions this matter was discussed. I believe we have reached a stalemate. I will therefore exercise my right as an individual to vote as I wish. I will cop the odium of my fellow members; I do not mind. If the Government is willing to accept the amendment, it will get my vote. I am serious about this. I am not vote catching because I am not standing for re-election. If the Government is prepared to measure the success of the legislation for the next 12 months, I will cross the floor and vote with it. It will not give me heartburn because I have done it before. It is not easy for me to take this action after I have vehemently opposed random breath testing in the past. However, if the Minister is not prepared to accept the amendment I will vote with my colleagues. Some of the things to be considered when measuring the success or otherwise of random breath testing are whether it impinges on people's rights, whether it saves lives, and whether the experiment was conducted with complete neutrality. We should then know whether the Government has done a good job or whether the Opposition was right. I am prepared to appear at the Bar of the House and apologise if I am wrong. If I am right I expect to meet Government members around the corridors. I will not go home that night because I would expect to have my car marked.

I have never been more serious in my life about anything. I have taken a long time to arrive at this point. I make my offer with sincerity and with no apology to my colleagues. They would not accept it because they believe it is my right to vote as I wish.

With those thoughts, I leave the Minister to decide the fate of the Bill.

HON TOM McNEIL (Upper West) [4.36 pm]: I, like other members of the National Party, have always strongly opposed this legislation for the reasons previously stated when similar legislation was before this House. I agree with some things that Hon Robert Hetherington said, and also with points raised by Hon Mick Gayfer and Hon John Williams. We are in a real dilemma because we will never know how effective in reducing the road toll are the current controls on roads. The police have a de facto right to stop drivers and inspect their drivers' licences. While doing that they attempt to find out whether the driver has been drinking; we all know that is the reason for stopping the driver. Perhaps, while checking the licences they will find the driver has committed misdemeanours or they will find people they have been looking for.

Last week in Geraldton I was given cause for concern because it came to my notice mid week that there had been a death on the Great Northern Highway in the heart of Geraldton and I had not heard anything on the radio about it. We have a publication in Geraldton that passes for a newspaper. If one wanted news, one would not read that publication. The fatality occurred on a Saturday afternoon about 2.00 pm or 2.30 pm. A young mother was driving on Great Northern Highway in the direction of Carnarvon and attempted to turn right at the intersection of Great Northern Highway and Fourth Street. She had her indicator on,

but gave way to a Land Rover coming in the opposite direction. A young fellow came over the hill under the observation of the police and crashed into the back of her car, pushing it into the path of the Land Rover, and killing her. She had six children. I do not have a copy of the police report yet. I understand that the article appeared in the newspaper on Thursday of the following week. The newspaper is issued only on Tuesdays, Wednesdays, Thursdays and Fridays. It did not appear in the Tuesday or Wednesday edition because those editions were more concerned with Gordon Garrett, the Greenough Shire President, and the case against Glen Bone, the drinking shire clerk. We did not read about that young mother until the Thursday edition, but we knew everything that had happened to Glen Bone, even whether he shifted his glasses on his nose at a particular time to signify that he was drunk at a council meeting. The reporting of that information took up to three pages of the newspaper. Hon Margaret McAleer would probably know that just as well as I do. In the guise of news, it displayed a contempt for the people of Geraldton that was absolutely sacrilegious. I am concerned that people may not have known about the fatality that occurred in the heart of town had they not picked it up from the news bulletin that night. People would certainly have known about it on the next Thursday. I have seen a lot of death notices in the Geraldton newspaper, but on the Tuesday, Wednesday, and Thursday of that week this young mother received the most significant number I have ever seen. As I said, I do not have the police report, but I understand that the young fellow involved has been charged. The accident was seen by the police themselves. I am not in a position to say whether drinking was involved.

Like Hon Bob Hetherington, I consider that I am representing the best interests of my constituents by adopting a certain attitude. I would venture to say that the attitude of country members is that legislation such as that which has been proposed with respect to random breath testing disadvantages more people in the country than in the metropolitan area. As my colleague, Hon Mick Gayfer, has said, country people do not have public transport by which to travel to work or to social functions as do those in the metropolitan area. In a country town everyone would be caught if the police put road blocks at each end of the town. Anyone who had been drinking would be caught. I have always believed that many people drink and drive. We know them. It would probably be fair to say that everyone in this room at some time or another would have been guilty of such an offence. Responsible people would generally curtail their bad driving habits so as to be more careful than they might otherwise be. They would also watch very carefully for flashing blue lights and take the streets that they thought the police would not be in. We have all done that. The proposed legislation would be draconian in view of the ramifications for country people. It would be most inconvenient for a person who lived between 15 and 20 miles out of town to have to be driven to or from his job because random breath testing was introduced.

Hon John Williams has proposed an amendment to the legislation. I will be interested to see how the Government reacts to it. I take no notice of the loud mouth screamers like Wilson Tuckey who go into print saying that the National Party has sold out to the Government and that if we support random breath testing we will have sold out country people. With all due respect to Mr Williams, I hope that he will contact Mr Tuckey and let him know that his amendment was moved in the interests of trying to improve the conditions within Western Australia. There is no need to accuse the National Party of selling out to the Government.

My family and I were very deeply moved by the death of Mrs Scarpuzza. Any measures that can be taken to prevent another such fatality must be given due consideration. We will not know whether random breath testing would achieve the desired result unless it is given a trial. It will be interesting to see what the Government does with the amendment of Hon John Williams. I cannot speak for other members of the National Party, who are not here. Members have heard from Hon Mick Gayfer. He could not be moved with a ton of dynamite. I believe that we are all concerned about the problem, but we must take into consideration the effect of the proposed legislation. We do not know what is happening as a result of increased police presence on the roads. We are never going to know. If in 12 months the figures have not improved and RBT has been put in place, we may know whether the deterrent of checking drivers' licences has worked. I will not signal how I will vote on the legislation. I would like to hear the rest of the debate and then form an opinion.

HON A.A. LEWIS (Lower Central) [4.45 pm]: I think that random breath testing has not proved itself and will never prove itself. I am sorry that we have not heard more speakers from the Australian Labor Party. I am sorry that it appears that they have been gagged and

so we cannot have more information in support of random breath testing. I found Hon Robert Hetherington's speech extremely good. It proved absolutely the case against RBT; without doubt it proved that RBT was not necessary.

Hon Garry Kelly: Oh, rubbish! Come on!

Hon A.A. LEWIS: I will quote a few phrases.

Hon John Halden: They will be out of context.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order! There is far too much audible conversation. It is even challenging the honourable member on his feet.

Hon A.A. LEWIS: I am very sorry, Sir, that anybody should think to challenge me!

Mr Hetherington said that his son had been pulled up by the police. I do not think that anybody would argue with that. That is at random, surely. Mr Hetherington said that it was a nuisance. It is happening now and I am sure that it will continue to happen.

Hon Fred McKenzie interjected.

Hon A.A. LEWIS: Mr McKenzie is a very good friend of mine and I am sure that his leader would not like him to interject on me. He should leave that to the louts in the back row.

The DEPUTY PRESIDENT: Order!

Hon T.G. Butler: Fancy being called a lout by a lout!

The DEPUTY PRESIDENT: Order! The honourable member will address the Chair.

Hon A.A. LEWIS: I am talking directly to you and facing you, Sir. I am not talking to anybody else. I might be making comments about them, but I am not talking to them.

The ALP is pretty good, is it not, Sir? Can you remember, Mr Deputy President, the outbursts put on by the Premier, the abuse that was hurled at the then Attorney General and Leader of the House, Ian Medcalf, about prostitution?

Hon John Halden: Is that relevant?

Hon A.A. LEWIS: It is as relevant as most of the comments the member makes. However, the ALP has shied away from that. It thought it could get publicity from random breath testing. It will certainly get it. It will get all the publicity it wants. Mr Hetherington put it in a nutshell when he spoke about clicking fingers and keeping the tigers away. Actually, Mr Hetherington gave the wrong answer. The Government has the tiger by the tail.

Hon Garry Kelly: The tiger in the tank?

Hon A.A. LEWIS: No, that comes before RBT. Mr Gayfer is worried about the tiger that has gone from Claremont. Claremont has no chance of winning the grand final.

Point of Order

Hon GRAHAM EDWARDS: Mr Deputy President, we are dealing with a very serious subject in random breath testing. We are not dealing with a frivolous attitude to football, or tigers, or anything as nonsensical as that.

The DEPUTY PRESIDENT: Order! I ask the honourable member who has the call to be somewhat less colourful and confine his remarks to the Road Traffic Amendment (Random Breath Tests) Bill.

Debate Resumed

Hon A.A. LEWIS: Definitely, Sir. I was only following the lead given by other speakers in straying a little, but if the Minister gets so temperamental that he cannot follow, then let me just go on. There are two members, Mr Gayfer and I, who have driven more kilometres than one or the other of us would have a record of. We were discussing this at afternoon tea.

Several members interjected.

Hon A.A. LEWIS: I would not think Hon Mark Nevill would go within a bull's roar of driving as far as Mr Gayfer or myself.

Hon Garry Kelly interjected.

Hon A.A. LEWIS: Mr Kelly's interjection about whether I was above or below 0.08 is doing

exactly what the Minister complained about in his point of order. However, I will continue talking about numbers of kilometres driven. Mr Gayfer and I were discussing this matter at afternoon tea and thought we would have a conservative look at what we have done over the past 30 years. We have driven over 2.5 million kilometres, which is a lot of driving. If random breath testing had been in train over that time -

Hon T.G. Butler: You would have done a lot less.

The DEPUTY PRESIDENT (Hon P.H. Lockyer): Order! If Hon Tom Helm will take his seat, or stop his conversation for the moment, I will point out that I will accept no more interjections if they stoop to this level. We should return to this very serious debate. I must remind members that the backs of chairs are not places for having conversations over, and if they want to have such conversations then they should do so elsewhere or outside. Members should please accept that this is a serious Bill.

Hon A.A. LEWIS: I do not know the percentage of times a person would be stopped in that 2.5 million kilometres, but it would be a fair number with random breath testing. I have been pulled over in every country, pretty well, that I have driven in for various reasons: the United States, Great Britain, Italy, France, and, most importantly, Ireland. I remember being pulled over in California in what I guess was a line for random breath testing of 60 vehicles in a lay-by. I was racing to get a plane. I said very politely, as is my wont, to one of the officers - and there were about 14 of them concentrated in one spot - "Look, could you check us first because I am trying to catch an aeroplane." I was told where to go.

I am sure that the Western Australia Police Force would do that but those blokes would not - "You are number 58 in the queue; you can stay there whatever your personal circumstances." I think that could happen here. I have read in tonight's paper that the Government is suggesting that pubs open for longer on Sundays - just when we are dealing with the random breath test Bill. I do not know what happened when the legislation for two sessions on Sundays was introduced. I think they were of an hour apiece when we brought them in first, I think in 1973. That two-hour session, and I think being able to buy half a dozen bottles of beer to take home, was not a bad idea.

Hon Garry Kelly: It was only two.

Hon A.A. LEWIS: It was two before 1973, which was increased to unlimited. On one hand we are making alcohol more available. The Government obviously believes that it needs random breath testing or it would not have brought this Bill forward three times legally and tried to bring it forward once illegally. I must say that no matter what Bill is passed, it will have an effect on the responsible citizens in our community who will obey the law whether it be in relation to alcohol-related offences or anything else. It has been proven worldwide that the irresponsible element will drive without a licence, or under the influence of alcohol, no matter what is done. A survey done in the Federal Parliament, I think, showed that number as seven per cent; one can put up the price of booze or give them the booze, take their licence away, fine them, gaol them, or do what you like, they will still drink and drive.

Despite my complete and utter abhorrence of the idea of random breath testing I go along with Hon John Williams. You know, Mr Deputy President, how much I have commented in this place and in other places about random breath testing. I do not think it will work. I wonder whether Hon John Williams has been fair to himself with his figure of one year and whether two years may have been better because random breath testing always has an effect on responsible citizens for the first six months. That is a decision that the Parliament has to make in 12 months. In 12 months the Parliament meets and decides whether random breath testing has done the job. If the Government is dinkum in relation to this matter it will agree to the amendment of Hon John Williams and we will be able to try it and then it will be up to the Parliament next year to decide whether that trial should continue.

Despite my abhorrence of random breath testing, I believe that the amendment of Hon John Williams should be given a go and I hope that the Government accepts the offer, which could not be given by anybody in Government because they would not be allowed to do what we do in the conservative parties on conscience issues as they are all told how to vote, and they know that. It will not affect me politically any longer, but at least we are giving the Government a chance to try its scheme for 12 months.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.59 pm]: I thank members for their contributions to this debate. I feel much better, having

listened to the last three or four speakers, than I did after listening to the first one or two speakers. I feel much more optimistic about the chances of this State having the opportunity, for the first time, to trial random breath testing. I will deal later in more depth with the amendment proposed by Hon John Williams, and I will certainly deal with the suggestion made by Hon A.A. Lewis.

[Questions taken.]

Hon GRAHAM EDWARDS: I am much more optimistic about the chances of success of the random breath testing legislation on this occasion, and certainly much more optimistic towards the end of the second reading debate than I was when that debate began today. Members opposite must recognise that this is not simply an electoral gimmick as has been suggested. This is about the third time we have brought this Bill to this House, and we bring it forward in the belief that if random breath testing is given the opportunity to proceed it will have an effect on the number of deaths that occur on our roads.

I was rather surprised to hear the Leader of the Opposition say that he felt that the present situation was an effective one, one he endorsed. The present situation is one where, until 21 August 1988, 139 people have been killed on Western Australian roads. Of that figure, 51 - or 35 per cent - of those road deaths were drink related. In view of the point Hon John Williams made, I will break down that figure further by saying 46 of those drivers were intoxicated and five were under .08, so the figure is quite significant. In view of those figures, I am surprised to hear anyone say he feels the current situation is one that is effective or one that could be endorsed.

In view of the number of quotations by Hon Gordon Masters, some outdated and irrelevant, I would like now to quote a few statistics in order to update the House with current and relevant thinking. First, the *Warren Blackwood Times* of 27 April 1988 ran an article headed "Random breath test support" which reads -

The Royal Automobile Club of WA strongly supports the Government in its efforts to have Random Breath Testing introduced in this State.

RAC chief executive, David West, said that there was wide public support for the introduction of RBT which would clearly save lives on our roads.

He said that experience with RBT in other States had shown that a sustained drop of 20% in road deaths and a significant reduction in accident injuries can be achieved with the introduction of this very effective weapon against drink driving.

Mr West said that last year when the Government announced it would introduce RBT legislation, the RAC had circulated a paper to all political parties to make known its support for RBT and had provided statistical evidence to show that RBT had been extremely effective in States where it is in operation.

He said all other States except Queensland had already introduced this measure.

Mr West said that one of the arguments put forward by some of those opposing RBT is that this State already has a low road toll relative to other States.

This argument fails to acknowledge the factors which favour this State in the reduction of road deaths and accidents, such as the road system, lower traffic density, weather, visibility of Police, etc. It also fails to recognise that as more than 40% of road deaths and road accidents are alcohol related, the road toll and the number of accidents can be further reduced by the introduction of RBT.

This should surely be our objective.

Mr West said that he hoped that those who currently opposed RBT would reconsider their position, enabling the Government to take this positive step to save more lives that might otherwise be lost on our roads.

Consideration of the views of other people in our community is important. Those people have been involved in this debate but are not members of this House or the other place. Mr President, often people on opposing sides of an argument use statistics or quote articles out of context in a way that might support a particular side of the argument. From that point of view, it is important that we give consideration to those opinions that come from within the community but outside this Parliament.

I refer members to another article titled "Death and injuries on the road: Critical issues for legislation and law enforcement" by Mr R. Homel and Mr P. Wilson of the Australian Institute of Criminology. Those two gentlemen said the following -

There is increasing evidence that RBT in NSW has actually achieved what many thought impossible - a permanent deterrent effect, . . .

That is something that flies in the face of statistics or arguments put forward from the other side of this House earlier when it was suggested that in 1985 random breath testing in New South Wales was seen to be ineffective. I repeat, as at 1987, these two gentlemen dealing with death and injuries on the road made a statement that there was increasing evidence that random breath testing in New South Wales had actually achieved what many thought impossible.

Hon G.E. Masters: What about Victoria?

Hon GRAHAM EDWARDS: The Leader of the Opposition quoted New South Wales statistics. I am simply returning an argument.

Hon G.E. Masters: I quoted Victorian figures as well.

Hon GRAHAM EDWARDS: Of course, we could go on ad infinitum. Before taking a vote, we need to take into consideration arguments that have been put in the broader Western Australian and Australian communities. I now refer members to newsletter No 3 of "Road Safety Trends" of the Police Department's research and statistics section which reads as follows -

Police Strategy Using Random Road-checks

Road-checks (or R.B.T.) is a major drink driving general deterrence strategy in use throughout Australia. Emphasis should be placed on high profile operations at nights, and throughout week-ends. Also, operations should target major alcohol centres such as hotels, taverns and clubs.

That is the current police view of random breath testing. A further view is found in newsletter No 4 of "Road Safety Trends" as follows -

Police Strategy Using Random Road-checks

The random breath testing (RBT) experience in New South Wales (NSW) has been unique, both within Australia and internationally. There is mounting evidence to suggest that the law is not only effective in reducing alcohol-related fatalities, but that the effects are permanent.

Further on, the newsletter reads -

This result suggests that not only did RBT not decline in effectiveness in the first year, its effectiveness intensified.

I refer members to a recent Press release by Police Commissioner Brian Bull which reads -

Police Commissioner Brian Bull has called on all West Australians to support the latest move to introduce random breath testing to this State.

His comments follow the introduction of legislation today by Police Minister Ian Taylor as the Government makes another attempt to get the Road Traffic Act amendments through the Parliament.

'I believe that the use of road blocks by police is both an effective enforcement and deterrent measure against drinking driving -- that is a view which is shared by the Government' Mr Bull said.

'Because we don't have the necessary laws, my police officers have been made to suffer attacks on the legality of what is a life saving operation.

'Because of these attacks, the Government has decided to define the police powers to stop vehicles for the sole purpose of requiring drivers to undergo a preliminary breath test. Hopefully, this should end the attacks.

'I make it clear that the power is not a new one and has been exercised for many years for licence and vehicle inspections', Mr Bull said.

The Commissioner said that the WA law would not be fettered by unnecessary conditions as it is in some other States. There would not be a requirement for every driver stopped to be subjected to a test.

I think that is a very important statement which should calm the fears that some people have about massive queues and delays. The Press release continues -

'The aim is to catch the drinking driver and also impose as little inconvenience as possible to the innocent majority.

This flexibility is an important feature of the legislation. We do not intend conducting the 'booze bus' system which is operated in some other States,' Mr Bull said.

The police will be able to conduct random breath testing at any time or place and this will allow them to target specific locations where drinking is occurring.

'I refute those critics who say random breath testing is an infringement of civil liberties. To the contrary -- it allows people to exercise their rights without being exposed to the dangers of being maimed or killed by an irresponsible few.

'Research clearly shows that in 1986, the licence check system saved 31 lives last year and reduced the night time casualty rate by 13 per cent. The measure has had a dramatic effect in cutting the road toll and reducing the level of drink driving in other States where it has been introduced.

'If random breath testing in Western Australia saves one life or even one hour of suffering for an accident victim then it will be worth the effort.

If the Police Force is to succeed in deterring the drinking driver they must have the capacity to create an expectation that if the people do drink and drive they will be apprehended.

The last document from which I will quote is a letter from the Royal Australasian College of Surgeons which is addressed to the Premier and is dated 10 January 1988. It reads as follows -

The Western Australian State Committee of the Royal Australasian College of Surgeons has carefully considered the proposed legislation on random breath testing for motor vehicle drivers in this State.

The Committee is aware of some of the difficulties involved in the implementation of such legislation and of the reservations raised by a number of groups and individuals within the community about it.

However, the Royal Australasian College of Surgeons is only too well aware of the large scale loss of life due to the combination of alcohol and driving on our roads. In addition the College recognises that mortality is only part of the problem. The majority of people involved in such accidents are not killed but a large number of them sustain injuries which cause prolonged disability, some of which is permanent. The paraplegics and quadriplegics, the major head injury patients and the permanently maimed are tragic reminders of the extent of the problem.

Our Committee commends the Government's legislation. It is aware of the statistical evidence from the Eastern States and from overseas supporting such a measure. The subsequent level of deterrents and reduced accident rates rather than the numbers of convictions will of course be the prime objective of the legislation and it will take many years to fully assess its success.

The matter is urgent and further delay, in our opinion, is not acceptable. The College offers its encouragement and support.

I reiterate what I said earlier in response to the Leader of the Opposition who made the statement that the legislation before the House is some sort of electoral Bill. That is simply not the case and it would be totally irresponsible of this Government not to respond to those very credible and senior people in our community who have urged it to take this step. Indeed, the fact that it is supported by the Commissioner of Police and it is something that the police want in their armoury to help them conduct this war against road deaths and

accidents related to drink driving is another reason that we, as a responsible Government, and this House, as a responsible House, should support this Bill.

I will deal briefly with some of the points raised by members during the second reading debate. I do not intend to dwell too much on those matters raised by Hon Mick Gayfer. I understand his position: It is one of complete opposition to what the Government is doing. It is fine for members to come into this House and talk about rights. I believe, and the statistics back me up, that the rights in this instance are being abused. It is true that with every right goes a responsibility and it is evident, in view of those statistics from which I have quoted, that the right of people to drive on Western Australian roads is not being met, in every instance, with responsibility. It is because of the irresponsible few that we have to take this action.

I compliment both Hon Bob Hetherington and Hon Tom McNeil for their contribution to this debate. I think Hon Bob Hetherington hit the nail on the head when he said that what this legislation is about is to stop, as much as we possibly can, people from drinking excessively and driving.

I refer now to the amendment proposed by Hon John Williams. The Government wants random breath testing in this State to assist the Police Force. It would prefer that random breath testing be in place for a number of years. Certainly, if there were to be a trial period, the Government would like it to be two years because the experience in States where it has been introduced has been that the major benefit from random breath testing became evident about 18 months after the introduction of such a law. I feel that 12 months does not give us enough time; and during the course of the Committee debate I will argue for that period to be extended to at least two years. I guess it could be 18 months to ensure we have the flexibility and sufficient time to enable the Government to fully trial random breath testing. However, if I am unable to gain support for increasing that period from 12 months to 18 months or two years, the Government will certainly accept the proposed 12 months.

I again thank members for their contribution to this debate. I also thank the members who have indicated support for it and I am sure that all members will realise that random breath testing will be a very important means of combating road deaths and road accidents in Western Australia.

I commend the Bill to the House.

Question put and a division taken with the following result -

Ayes (14)

Hon J.M. Berinson	Hon Kay Hallahan	Hon Garry Kelly	Hon John Williams
Hon T.G. Butler	Hon Tom Helm	Hon A.A. Lewis	Hon Fred McKenzie
Hon Graham Edwards	Hon Robert Hetherington	Hon Tom McNeil	(Teller)
Hon John Halden	Hon B.L. Jones	Hon Mark Nevill	

Noes (9)

Hon Max Evans	Hon N.F. Moore	Hon Margaret McAleer
Hon H.W. Gayfer	Hon P.G. Pandal	(Teller)
Hon P.H. Lockyer	Hon W.N. Stretch	
Hon G.E. Masters	Hon D.J. Wordsworth	

Pairs

Ayes	Noes
Hon Tom Stephens	Hon C.J. Bell
Hon J.M. Brown	Hon Barry House
Hon Doug Wenn	Hon Neil Oliver
Hon D.K. Dans	Hon J.N. Caldwell
Hon S.M. Piantadosi	Hon E.J. Charlton

Question thus passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon P.H. Lockyer) in the Chair; Hon Graham Edwards (Minister for Consumer Affairs) in charge of the Bill.

Clause 1: Short title -

Hon TOM McNEIL: The only point I want to make at this stage is that if the Government is fair dinkum about this measure designed to educate people about the dangers of drink driving and to take away the driving licences of those caught drink driving, it is necessary to look at the penalties being handed out. In a number of instances people lose their licences and by making the right approaches to the right people and appearing before a court, in no time their driver's licences are returned to them. The last time this matter was debated I referred to a young lass who had stolen a vehicle and contravened all sorts of traffic rules; she was sentenced to nine or 12 months in prison and her licence was revoked for two years. I queried whether the cancellation period of that licence would be during her term in prison and whether her licence would be returned to her immediately upon her release. That example illustrates the point that if an attempt is to be made to educate people, under the threat of their losing their licences, the penalties must be sufficiently severe to be a deterrent. Everybody knows the rules, but I do not think the penalties are strong enough. The Government must ensure that if people are caught drink driving they lose their driver's licences for a significant period. That will make it tough on all of us, but if this measure is to be given a fair trial, the penalties must be significant enough to be a threat.

We are taking into consideration the earnest request of the police for the power to carry out these breathalyser tests. I voted the way I did as a result of that request. I also took note of the approaches made by the Australian Medical Association and its great concern about the carnage on the road and the effect on the many people suffering in hospitals for lengthy periods, quite apart from the families of those who lose their lives. I have had a brief discussion with Hon John Williams who will be presenting an amendment. At this stage I repeat that we should make it difficult for those people who are caught drink driving.

Hon G.E. MASTERS: I make no bones about it; I am strongly opposed to random breath testing and I will continue to express that opposition. During the debate comments were made about people being inconvenienced, the possibility of booze buses and the like. The Government said that was not the intention of the police, but I am not sure that it can direct the police in that regard. We have reached the stage at which it appears that random breath testing will be given a trial and I would be distressed if it were drawn to my attention that large numbers of the public were stopped, such as happens in New South Wales where one million or more people have been stopped in one year. That would be a great inconvenience to the public and it would be totally unfair. On a number of occasions the Government has said that it does not intend to use booze buses or to legislate to stop drivers on the road. If the end result of this trial period is not an improvement in road accident figures, I hope the members who are in this place next year will take note. I urge the Government to persuade the police to comply with the wish of the members of this Chamber - it has been expressed by members on both sides - that police presence on the roads should be far more visible. I subscribe to the belief that the presence of police cars and motorbikes on the road, rather than hiding around corners, will have a far greater effect than anything else. A strong educational program is necessary. The program set out over the last two or three years, if applied, would have had a far greater effect than would random breath testing.

The DEPUTY CHAIRMAN (Hon P.H. Lockyer): I have allowed the debate to continue, although members should have been discussing the short title. I understand the importance of this Bill, but I ask members to deal with the clause before the Committee.

Hon G.E. MASTERS: I am strongly and violently opposed to random breath testing and the Government will be hard pressed to persuade me that it is the right way to go. The Opposition does not want this Bill and the public do not want it; however, random breath testing will be given a trial period. I urge the Government and the police to make sure that they do not overreact with this additional power. I also urge the Government to continue with the educational programs because at the end of the day they will be far more effective than this new program.

Hon GRAHAM EDWARDS: To deal first with the point about the need for increased

penalties, the Chamber would be aware that in a Bill which went through this place recently we increased penalties in the order of 25 per cent, and that was seen to be an important part of the whole thrust of trying to make people think more seriously about the types of offences they might be committing, and to think more seriously about the penalties that go hand in hand with those offences. That thrust was in line with a general move to increase the deterrents that are available.

I would like again to point out to the Leader of the Opposition what was said in part of the telex I received from the Commissioner of Police, Mr Bull, where he stated -

"The aim is to catch the drinking driver and also impose as little inconvenience as possible to the innocent majority. This flexibility is an important feature of the legislation. We do not intend conducting the "booze bus" system which is operated in some other States . . ."

Hon G.E. Masters: That is fair enough, and we want that on record two or three times.

Hon GRAHAM EDWARDS: That is already on record once, and I am happy to put it on record as many times as required.

Hon A.A. LEWIS: The Minister goes within a hair's breadth of losing me with his repetitious quoting of the Commissioner of Police. The Bill is before the Chamber. We are the people making the decision on it. Some of the things being talked about by the Commissioner of Police cannot be borne out by fact, as I said in my speech. I do not believe we will catch the perennial drinking drivers with random breath testing or anything else. The Commissioner of Police should be left out of this. The role of this Chamber is to pass the laws, which are then implemented by the Commissioner of Police. I have been horrified at the lengths to which the commissioner has been used by this Government, and the Minister is driving a wedge between his own forces by continuing to quote from telexes such as this.

Hon GRAHAM EDWARDS: I do not know how I can possibly convey to the Chamber an answer that has been asked of me without referring to this telex. We have just heard the Leader of the Opposition seek some information. I quoted from this telex from the commissioner in order to give him that information. In doing so, it would appear that I offended Mr Lewis. All I am trying to do is put to rest the argument that a vast amount of inconvenience will be caused and that we will need to have these booze buses. If the Chamber is not prepared to take my word for it, then it should at least take the word of the chief police officer in this State.

Hon A.A. LEWIS: The Minister has missed my point. We are the people passing the laws; the Commissioner of Police implements them. What the commissioner thinks or does not think does not influence me. I will make my decisions on my knowledge and not on the knowledge of the commissioner. If I want to get the advice of the commissioner or somebody else from the Police Department, I will ask for it. I believe this business of quoting the words of the head of a department is to quote from Caesar to Caesar. If the Minister wants to continue to stonewall this Bill, let him do so at his own peril.

Clause put and passed.

Clause 2: Commencement -

Hon JOHN WILLIAMS: I move -

Page 1, line 6 - To add after "2." the expression "(1)".

Page 1, after line 7 - To add the following -

(2) Subsection (1) and (1aa) of the principal Act as enacted by section 4 of this Act, shall cease to operate at the expiration of 1 year from the commencement of this Act.

The DEPUTY CHAIRMAN (Hon P.H. Lockyer): Part (a) of the amendment is consequential upon part (b) of the amendment. It is just an insertion by the Clerk and is not a substantive section of the clause. If part (b) of the amendment were defeated, part (a) would become inoperative.

Hon JOHN WILLIAMS: In moving this amendment I took as my guide the Bill, and I have to quote clause 5(1) -

... as soon as is practicable after the expiration of one year from the commencement of section 4.

It appears that a review would have been conducted after a period of one year, and the Minister has said he would prefer to have a period of two years. I can see as a reason for that the setting up of an independent body, which may comprise not just the people mentioned there but also the Road Trauma Committee or the Royal Automobile Club Safety Committee, so it would appear that the Minister already has this three quarters in place. I do not want to be too dogmatic about this, and I am prepared to offer the Minister a period of 18 months, which I believe would be a satisfactory time. If the Minister would accept 18 months, I would be prepared to change my proposed amendment to substitute for "1 year" the words "18 months".

Hon GRAHAM EDWARDS: I believe that 18 months would be a more flexible and workable time frame than 12 months. The important thing is that we give ourselves enough time to allow random breath testing to operate and to fully measure its effectiveness, and a period of 18 months will give us that opportunity. I am happy to accept 18 months.

Hon JOHN WILLIAMS: If we commence the period of 18 months from the time that the Bill is to be proclaimed, we will have it in operation for two very important periods, one of which is Christmas, which is the peak time for drink driving. I seek leave to withdraw that part of my second amendment which says "1 year" and to substitute "18 months".

Leave granted.

The DEPUTY CHAIRMAN (Hon P.H. Lockyer): The amendment before the Chair is -

Page 1, after line 7 - To add the following -

(2) Subsection (1) and (1aa) of the principal Act as enacted by section 4 of this Act shall cease to operate at the expiration of 18 months from the commencement of this Act.

Hon H.W. GAYFER: I am opposed to the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Sitting suspended from 6.00 to 7.30 pm

Clauses 3 to 5 put and passed.

Title put and passed.

Bill reported, with amendments.

SOIL AND LAND CONSERVATION AMENDMENT BILL

Receipt and First Reading

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

Second Reading

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [7.34 pm]: I move -

That the Bill be now read a second time.

Land degradation is clearly a serious problem in Western Australia. It encompasses salinity, wind and water erosion, soil structure decline, compaction and vegetation decline. Of these, salinity alone is estimated to cost \$44.2 million per annum in lost agricultural production. Costs are also incurred through loss of amenity, habitat and water supplies. Industrial and domestic consumers of water also suffer through the effect of salinity accelerating the depreciation of plant and equipment. The Government has taken the problem of land degradation seriously and each year it has increased the Budget allocation for land management problems that lead to land degradation in Western Australia. In 1987-88 a total of \$7.2 million was allocated to this work, including new programs directed into areas such as the control of an excessively high flow of nutrients into south coast estuaries, including

Princess Royal and Oyster Harbours and Wilson Inlet, leading to massive water weed problems. Despite the commitment of Government in this area of responsibility, it is clear that the thrust of its efforts must be increased. Accordingly, we have reviewed our programs dealing with land degradation and at the same time reviewed the suitability of existing legislation. While the 1982 amendments to the Act went a long way towards tackling land degradation, it is clear that some recent trends and developments need further support. Hence the Government believes it is necessary to amend the Soil and Land Conservation Act. The amendments included in the Bill are dealt with in five areas -

1. The title "soil conservation district" is to become "land conservation district".
2. Soil Conservation District Advisory Committees will be known as Land Conservation Committees, with increased powers and responsibilities.
3. Soil conservation notices will be registered as a memorial on the title of land, to ensure that a notice remains effective during and after land transfer.
4. Procedures required for the Declaration of Soil Conservation Districts, their committees and subsequent appointment of members will be streamlined.
5. Administrative arrangements and titles reflecting recent changes made to the structure and function of some Government departments are recognised.

It is appropriate to deal with each of these areas separately.

Land conservation districts: When the Soil and Land Conservation Act was amended in 1982 it provided increased regulatory powers for the Commissioner of Soil Conservation to deal with people misusing the land resource. However, it is believed that regulatory powers are very unlikely to solve general land use problems. Rather, community and land user involvement in developing and adopting land management systems is more likely to reduce and overcome land degradation. Soil conservation districts have been readily accepted by farmers and other land users in Western Australia. Indeed Western Australia has led the rest of the nation and we are now seeing most of the other States move in this direction, focusing their attack on land degradation at the community level.

In Western Australia more than 90 soil conservation districts have been established, or are in the process of being established, at the request and initiative of land users. This represents about 40 per cent of rural land users, covering 80 per cent of pastoral land and 40 per cent of agricultural land. In particular, the role and activities of soil conservation districts in pastoral areas have been outstanding. Soil conservation district committees are becoming more involved in a broad range of land use matters. For example, they provide advice to various Government departments, such as the Mines Department, the Department of Conservation and Land Management and the Environmental Protection Authority. Accordingly, it is important to recognise this broad role and to retitle the soil conservation districts so that they become land conservation districts.

District committees: The initial work done in the land conservation districts has had a significant effect in encouraging farmers to become involved in land degradation problems, and to work together to develop solutions. Activities have been coordinated and assisted by the establishment of Soil Conservation District Advisory Committees in each district. These committees comprise representatives of local land users, producer organisations, local government and Government agencies. The present legislation restricts the activities of district advisory committees to providing advice to the Commissioner of Soil Conservation or to the Minister. However, many of the districts have acted in an executive rather than an advisory role to achieve the significant impact that they have had in the last six years. Although ultra vires, this has been encouraged by the commissioner, who has formally delegated many of his functions and roles to the advisory committees. The Government strongly believes that a successful solution to the national problem of land degradation will be best achieved by more appropriate management systems; systems that are stable in the long term and at least as profitable as those that are presently being used. The solutions may differ widely between districts and between regions. Accordingly, this Bill seeks to retitle district advisory committees as land conservation committees. In addition, the Bill describes a range of executive functions for the committees and confers powers necessary to enable them to perform these functions. In addition, the amendments will give the committees legal protection in the activities they are undertaking.

Registration of a soil conservation notice: Soil conservation notices are an important restraining tool where a land user intends to clear an area of land that will result in a severe degradation hazard. At present, there is no mechanism for soil conservation notices to be transferred to a new owner or occupier of a property. However, particularly in cases where clearing restrictions are defined in a notice, this may be essential. Accordingly, the amendments give effect to a procedure whereby a soil conservation notice can be registered on the title of land. In addition, there is a requirement for the owner or occupier on whom a soil conservation notice has been issued to pass information contained in that notice to subsequent owners or occupiers. The registering of a memorial on title will require some administrative changes to the procedures associated with the issuing of a soil conservation notice. It is intended to ensure that, in future, the intent of a notice is drawn to the attention of both the owner and the occupier where both may be affected by the effect of a notice.

Administrative procedures: When amendments to the Soil and Land Conservation Act were proclaimed in 1982, it was envisaged that no more than a dozen or so districts would be operational in the State by now. However, this is quite clearly not the case because more than 90 districts are in place or being formed. Land users have found conservation districts a very useful framework to assist them in tackling their land degradation problems. While it is intended that the Governor, by Order-in-Council, will continue to establish a soil conservation district, it is proposed that the Minister will establish district committees and appoint members to those committees.

Nomenclature and administrative arrangements: Since 1982 there have been changes in the roles and functions of some Government departments. The opportunity has been taken in the Bill to make appropriate amendments to the Act. For example, the Department of Lands and Surveys and the Office of the Surveyor General no longer exist. Similarly, the Department of Conservation and Environment and the Forests Department have been renamed. The Bill proposes that the permanent head of the Department of Agriculture shall be called the Chief Executive Officer. Also, the title of the Primary Industry Association has been replaced with the Western Australian Farmers Federation.

In conclusion, the amendments will assist land users and the Government to tackle more effectively the problem of land degradation.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

COMMUNITY CORRECTIONS CENTRES BILL ACTS AMENDMENT (COMMUNITY CORRECTIONS CENTRES) BILL

Cognate Debate

On motion by Hon J.M. Berinson (Minister for Corrective Services) resolved -

That leave be granted to debate the Bills cognately.

Second Readings

Debate resumed from 22 June.

HON G.E. MASTERS (West - Leader of the Opposition) [7.44 pm]: The Opposition supports both Bills, subject to amendment. The legislation proposes the setting up of community corrections centres. I understand that they include any place that may be proclaimed as such by the Minister and those centres will not be residential. Apparently prisoners will be required to report to the centres and attend lectures. I hope the Minister will explain to me exactly where these centres will be located, what sort of money will be spent on them, and what facilities will be provided at the centres. The corrections centres will be administered by the Chief Executive Officer of the Department of Corrective Services. Is the Chief Executive Officer Mr Ian Hill?

Hon J.M. Berinson: Yes.

Hon G.E. MASTERS: He is directly under the control of the Minister. However, each centre will be controlled by a supervisor and officers will be appointed to work in these centres. Volunteers will also work in them under certain circumstances and will be

specifically selected. The purpose of the scheme is to provide an alternative other than prison for fine defaulters and will allow the Parole Board to approve of prisoners to be released to those centres for employment purposes and additional participation programs.

Fines are imposed by courts because they are considered more appropriate than prison. It is unfortunate that many people cannot afford to pay those fines and often end up in prison anyway, which often makes their situation worse. This legislation gives the courts the power to impose an alternative. An example of that could be a destitute person who has been fined for an offence, but is being looked after by the Salvation Army and has been given a job. If he does not pay that fine, he will be arrested and sent to prison. However, he may be doing a good job and something useful by working himself out of his difficulties. The alternative to prison is in the hands of the court. If it decides that the alternative to prison is better, that will apply.

Hon J.M. Berinson: The court will only comment on this sort of issue where it is the view of the court that the community corrections centres order should not apply; otherwise it will apply automatically.

Hon G.E. MASTERS: Yes, it is largely in the hands of the court.

Hon J.M. Berinson: Completely.

Hon G.E. MASTERS: I have read the 1986-87 Department of Corrective Services Report and was interested to read that the cost of keeping a person in prison for a year averages out at a bit more than \$38 000. The cost to the community of large numbers of people being sent to prison for non payment of fines is enormous and undesirable. The alternative, in most cases, will be acceptable. As I understand it, the work and development order will require the person under the order to devote 14 hours a week to a specific program, with a minimum of eight hours of unpaid community work. That is voluntary; it is unpaid. It would usually mean the inclusion of a weekend day.

Hon J.M. Berinson: It is unpaid, but it is not really voluntary.

Hon G.E. MASTERS: It is voluntary in the sense that the offender subject to the order will have to sign and agree to the conditions.

The 14 hours will consist of a minimum of eight hours of unpaid community work, usually on a weekend, and six hours maximum of a treatment program. I presume that someone who is addicted to drugs or alcohol would attend some sort of therapy program. I ask the Minister: If treatment is not administered, can those six hours as a maximum be added on to the eight hours' community work? In other words, can a person for whom therapy or treatment is not to be given be told that he may have to do 12 hours' unpaid community work rather than eight hours?

Hon J.M. Berinson: In general, that would be right, but there is a midway point as well; that is, some people may not be undergoing treatment, but may be undergoing educational work or skills training with a view to encouraging their employment.

Hon G.E. MASTERS: The Minister is making his speech in reply already, but that is fine.

In addition to the proposed program for fine defaulters, it is proposed to have a community based work release program. It is proposed to change the work release schemes which were introduced by a Liberal Government from institution based schemes to community based schemes. Again, the legislation is quite complex so I have some difficulty in understanding exactly how it works. Although I make mention of it now, I will have more detailed queries about it during the Committee stage. At present, people on work release schemes carry out their work during the day and are required to go back to prison at night. Under the proposed scheme, such people will be able to report to the correction centres and stay home at night. It is argued that this would serve as a transitional period for those who have served substantial prison terms. It is obvious that people who have served fairly long terms in prison have difficulty adjusting to life outside the prison and there is a resistance in the community to them. Quite often they fall by the wayside. The proposed system is well supported in other parts of the world, which is one of the reasons that I have no objection to it. I understand that the Victorian experience is quite good, although they have some problems. This legislation is an improvement on the Victorian legislation. This proposal is intended to allow prisoners who have served substantial terms of imprisonment to be absorbed in the work force once

again and to become involved with their families. It may be possible for them to earn money to keep their families, which would be preferable to the State's keeping them and to their languishing in gaol.

The Parole Board will have the final say about whether these prisoners are allowed to go out in the community under these schemes. The board has access to reports from various people. In addition, the chief executive officer, in this case Mr Ian Hill, also makes up his mind about whether these people are suitable for this type of release. It really comes down to being his decision. I would think that his decision would have a strong bearing on whether the Parole Board agreed or not. The Minister gave me the opportunity to be briefed by Mr Ian Hill and another gentleman. Mr Hill led me to believe that that would be the case. I appreciated that briefing.

People who may be released under the scheme need to have served not less than 12 months of a gaol sentence and they cannot be released more than six months prior to the time that they would have been eligible for parole. Again, I have some difficulty in following this through. For example, I have received phone calls from people who are obviously involved in the system and who quite often do not give their names. They believe that under this system it would be possible for a person who received a six year term of imprisonment to be out of gaol within 18 months. I find it hard to see how that is possible, but that is what I have been told by people who may have some knowledge of the system. It would obviously be of concern to me and my party if people who had been sentenced to a six year term of imprisonment for a quite serious crime were released after serving 18 months or less of their sentence. I know that the Parole Board considers the applications of such people carefully, but there has been strong criticism of the Parole Board at different times. People have considered that certain prisoners have been released well before they should have been. I suppose we only read about those people who break their parole and offend again. However, it is perhaps a justifiable criticism that the Parole Board is not as careful and cautious as it should be. It seems that if a person who has been given a six year sentence is released in 18 months or less it would be going a shade too far. Our briefing with Mr Hill suggested that it quite often would be only a few months prior to their being eligible for parole, so again it is a matter of judgment. I would like the Minister either to make some inquiries or to give me an assurance that what I am saying is not true.

I said earlier that the work and release orders were voluntarily undertaken. I was not really suggesting that the offender had much choice, merely that he was able to accept the order by signing a declaration accepting all the conditions; that is, the work times and the like. If he breaches the conditions, he would be returned to gaol. If a work release order is suspended by the chief executive officer, the offender has to go back to gaol. If he is suspended for more than one month, it is reported to the Parole Board which may cancel the arrangement altogether and the person is then returned to prison. I understand that to be the case, but again the Minister may give me some sort of assurance along those lines.

I understand that if a person is sentenced to six months' gaol he will be required to work 14 hours a week for that six months. In other words, for every seven days' gaol, he will have a 14 hour work commitment. Once again, he would be required to report regularly to the community correction centre. I ask the Minister whether, in view of the comments I have made about my fear of long term prisoners being allowed out of gaol very early, he can assure us that only prisoners who are considered to be of minimum risk to the community will be released. That is important because he would know as I know that many people in the community are deeply concerned about those whom we could only call thugs and very dangerous people being released before what would be considered by many a reasonable time. As I understand it, people under strict security life imprisonment cannot be released under these schemes without the authority of the Executive Council with the Governor's approval, thus Cabinet approval. Can the Minister assure me that people such as Edwards, a double murderer who at one time sought early release, would not be released for community based work? Would a person like Edwards be able to get out under these working arrangements, serving under the direction of community direction centres and their supervisors? Is Edwards a strict security life prisoner?

Hon J.M. Berinson: Are you referring to someone under strict security?

Hon G.E. MASTERS: He murdered two young people when on parole.

Hon J.M. Berinson: As you know, a prisoner under strict security life imprisonment cannot be considered for release until after 20 years when it is open, on recommendation of the Parole Board, to release him.

Hon G.E. MASTERS: But he would not be released before 20 years?

Hon J.M. Berinson: No.

Hon G.E. MASTERS: Strict custody also requires the Governor's approval. Would that apply to those people serving under strict custody? They would all need approval from the Governor. Strict conditions are to be imposed and if there is a breach of the order, a breach of the commitment, then they go back to gaol. The Minister has said that there will be a two year review clause and provision for a report to the Parliament at that time. I have made reference to amendments on the Notice Paper. Once again, it is important that the review, the report to Parliament, should contain all the relevant information, bearing in mind there would be a number of people who may have breached the conditions of the arrangement, which may in fact fail. I hope that it does not, because the intent is good. However, there may be weaknesses, so it is important that the report to Parliament is detailed and gives a frank report on what is being done and what is happening, with a view to Parliament changing the legislation if necessary.

It is a fact that already work release programs are in operation and working effectively in most cases, although it is quite obvious that some people will break the faith shown in them and fail to take advantage of their chances, but in the main it is an initiative we encourage. I have already said the proposals are successful to a certain extent in Victoria and in other parts of the world. I only hope that the same success is achieved in Western Australia. These are complex pieces of legislation and I have glossed over a lot of what is involved because I have gone into detail with my own party members. We have had the benefit of a fairly detailed briefing from the Minister's officers and instead of going to great lengths during the second reading debate I will take the opportunity to ask questions and move my amendment in the Committee stage.

HON J.M. BERINSON (North Central Metropolitan - Minister for Corrective Services) [8.04 pm]: I thank the Leader of the Opposition for his indication of support for these two Bills and for his helpful summary and review of the provisions of this new legislation. The honourable member is right in saying that the legislation is complex in some respects, but he has summarised correctly the purposes and the system proposed for the community correction centres and these, I believe, are relatively straight forward. I do not think I need elaborate on a number of the matters he has raised as we can deal with them in the Committee stage.

In response to his first question about the number of centres, where they are and how much they are to cost, I do not have that detail with me, except to say that it is initially proposed on a phase-in basis to establish four such centres in the metropolitan area. One of them will be in the building of the present West Perth release centre and that is a property already owned by the Government and used, as its name indicates, for work release prisoners. There is an allocation in this Budget of around \$300 000 or \$400 000 for the repair and minor modification of that building. From memory, that mainly goes to its need to have substantial roofing done. The other three areas are in different parts of the metropolitan area. I am happy to provide more detailed information on their actual sites. Those are not properties, as far as I am aware, that are owned by the Government but are being taken on a lease basis for general community correction purposes.

I think for the moment I should limit myself to a discussion of the amendments circulated by the Leader of the Opposition. In general, I think it is fair to say that these are designed to have a full review and report made on the new system after two years and to ensure that specific reference in a detailed way to the work of these centres should be included in the annual reports of the Department of Corrective Services. I have listed amendments in my name which I believe meet the requirements of the honourable member. The only reason for going to different terminology is with a view to ensuring some sort of standard - I cannot think of the word.

Hon G.E. Masters: That is not like you.

Hon J.M. BERINSON: Uniformity. It is a slight shock to the system to have the Leader of

the Opposition agreeing with our proposal as uncritically as he did. I am unaccustomed to that and it has probably thrown me off in a way that his more critical periods do not achieve. In any event, we are looking to uniformity with our general standards of drafting and I draw attention to the fact that in one respect, and for the same purpose, it is proposed in my amendment that the report should be the responsibility of the Minister rather than the executive director. I hope that neither of these changes involves any difficulty for the Leader of the Opposition because I can assure him that they are intended to do no more than achieve his aims and are simply looking to the ordinary forms of our parliamentary draftsman.

I also draw attention to the fact that I have listed an additional amendment to clause 19 with a view to clarifying one small matter which could be left uncertain in the absence of the amendment; that is independent of any of the issues raised by the Leader of the Opposition. As he has said, these are intended to be non residential centres. Mr Masters was also correct in pointing to the fact that we are not being all that novel in the system that we are proposing, and that we do have the benefit of some accumulated experience in Victoria. I again confirm, as I have done on other occasions both in this House and in public, that all reports and all the experience from Victoria supports the view that this is a direction well worth taking.

I commend the Bill to the House.

The PRESIDENT: The procedure will be that I will submit Order of the Day No 3 to be considered as to whether the House wishes to give it a second reading. That Bill will then go into Committee and be dealt with, if it is the desire of the Leader of the House it be dealt with then. After dealing with Order of the Day No 3 we will immediately put up Order of the Day No 4 for consideration as to whether it be read a second time. The question is now whether Order of the Day No 3, Community Corrections Centres Bill, be read a second time.

Questions put and passed.

Bills read a second time.

Community Corrections Centres Bill

Committee

The Deputy Chairman of Committees (Hon Robert Hetherington) in the Chair; Hon J.M. Berinson (Minister for Corrective Services) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Proclamation of community corrections centres -

Hon G.E. MASTERS: The Minister answered part of my question when I raised the issue of community correction centres, what form they would take and where they would be. My understanding is that he said there would initially be four centres, all in the metropolitan area. Could he give an indication of the time period envisaged before there is a move to some of the country areas? As I understand his comments, those people who are fined in the courts in the metropolitan area will be able to "enjoy" the new arrangements, whereas people in Bunbury, Carnarvon, Geraldton and Kalgoorlie will have no option but to pay the fine or go to prison. There is obviously an interest in some of the major country centres that this measure be introduced as quickly as possible - and also in the prison system. Those who are serving prison sentences and have their homes in country towns - and there must be many hundreds of those as well - will have to stay in gaol because they will not be able to come out and report to the community correction centres in their home towns for the simple reason that there will be none there. If no great expense is involved, is there an intention to get these things going as soon as possible, at least in the larger country towns?

Hon J.M. BERINSON: The aim naturally is to extend the availability of these centres throughout the State as quickly as possible. Our rough timetable is to achieve a State wide service within about two years of the opening of the metropolitan centres. I can only guess at this stage, but I believe that our first country centres should be available within about 12 months. That would be on the basis of wanting to gain some experience of the system in areas where it is easiest to apply, and also to use those first facilities for the appropriate training of the officers who will be in charge of this community-based work.

Hon G.E. Masters: Will you have to take on quite a number of staff to do that?

Hon J.M. BERINSON: I am hopeful that that will not be the case. We already have a substantial probation and parole service, and it will be that same service which will participate in what is a wider community-based program. Nonetheless staff and resources will be available. To the extent that they involve us in cost we can take comfort from Mr Masters' own analysis, which has led us to believe that if we can adequately and appropriately deal with offenders in this way, we will restrain the growth of prisons as such, and that involves a real bargain.

Hon G.E. MASTERS: The Minister raised the issue which I was going to leave until the next Bill, but I think it is relevant to correction centre management and staffing. He mentioned the use of probation officers who would obviously be heavily involved. I have no names or other details, but my understanding is that a number of probation officers are very concerned with the new arrangements and the pressures which will be applied to their service. They say that at the moment they are fully extended. If that is the case, and if the Minister is saying that the probation officers can adequately meet the new demands -

Hon J.M. Berinson: No, I am not saying that; I am talking about the probation and parole service.

Hon G.E. MASTERS: Anyway, I am bringing in the number of probation officers and the work they are doing at the moment and the pressures they are under. I question whether those same officers will be able to undertake the additional tasks put before them. It has been suggested that the workload could double. The Minister and I know if that is the case more probation officers will have to be engaged, and there will be a need to assess the situation with a view to increasing the numbers of those people. We do not want to place undue strain on or damage the work they do, because they provide an excellent service. The courts and those involved understand this and they depend very much on the work they do. They do a magnificent job under a great deal of pressure. If there is a need to increase the number of officers in the area there would be no complaint from the Opposition.

Hon J.M. BERINSON: I may have given the wrong impression, and I am sorry if I did. There is no question of expecting probation officers dealing with whatever their workload is to take on new work which the community correction system will involve. I meant nothing more than that the probation and parole service as such would undertake that work, and to the extent that additional staffing will be required, that has to be provided. I cannot be too definite about it, but I have an impression, which I shall be happy to check later, that the initial additional staffing requirements of the correction centres are roughly matched by the reduction of staff involved in the discontinuance of the West Perth facility as a work release centre. The work release centre is, for formal purposes, a prison. It is for open security prisoners, obviously, and seeks to enable them to go into the community to find and accept work. However, because of its prison status it is manned by prison officers. The new centres would not be manned by prison officers, but by officers of the community corrections section of the Department of Corrective Services.

Clause put and passed.

Clause 5: Departmental report as to centres -

Hon G.E. MASTERS: I have an amendment on the Notice Paper, and the Minister for Corrective Services has indicated that he also has an amendment which will achieve the same objective. They are numbered (a) and (b) respectively on the Notice Paper. I will not move my amendment, but I would like assurances from the Minister. He will note that my amendment is much lengthier than his. His words, if I am permitted to speak to his amendment as well as my own, are to introduce the words "community corrections centres and programs and other operations". I have been more specific in talking about particular programs, disciplinary offences and other details. I imagine the Minister intends, in his briefer amendment, to cover all the items to which I have referred in my lengthier amendment. If that is the case, I am happy to accept his amendment and will not move mine, but I would like his assurance in *Hansard* and then I will be satisfied.

Hon J.M. BERINSON: I am happy to give that assurance. I think the Leader of the Opposition referred earlier to last year's report of the Department of Corrective Services.

Hon G.E. Masters: Yes.

Hon J.M. BERINSON: It may still have been the Prisons Department then.

Hon G.E. Masters: Corrective Services.

Hon J.M. BERINSON: I am sure he will confirm that the annual report of the department is very detailed and includes substantial and important statistical information.

Hon G.E. Masters: And no glossy photographs.

Hon J.M. BERINSON: No glossy photographs, but a lot of important information. I am quite certain it would be the intention of the executive director to go into the same detail in relation to community correction centres and programs. In any event, I am happy to give the Leader of the Opposition an assurance that that will be pursued. Having done that, I move -

Page 3, line 11 - To insert after "operations of" the following -

community corrections centres and programs and other operations of

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 6 to 10 put and passed.

Clause 11: Volunteers -

Hon G.E. MASTERS: Clause 11(1) says -

The chief executive officer may by instrument authorise a person to work as an unpaid volunteer at a community corrections centre.

I have already mentioned that people in correction centres may have received substantial prison sentences and may have records of violence, and although the idea of unpaid volunteers is good, a great deal of care needs to be taken as to who should be taken on as an unpaid volunteer, what experience they have and, particularly, the areas in which they will be used. I would like the Minister's assurance in this respect. Unpaid volunteers obviously have, somehow or other, to be covered for insurance, workers' compensation, and the like. They may be volunteers, but they may also be beaten up at some time or another. Could the Minister clarify the position?

Hon J.M. BERINSON: Firstly, if there is anyone in the community corrections centre with the inclination to beat anyone up, a grievous error has been made in agreeing that he should be at the community corrections centre.

Hon G.E. Masters: It has happened before.

Hon J.M. BERINSON: In relation to the reference to volunteers, the system has always had the benefit to some extent of people prepared to work in a voluntary capacity. Community service orders, especially in outlying areas, would probably not be possible unless volunteers were prepared to participate in that work. More recently the department has had a very encouraging response to its invitations to members of the public in the metropolitan area to engage in voluntary assistance with the work of the parole service. Those volunteers assist offenders on their release with such matters as the location of housing, assistance with work, and generally helping to overcome the early difficulties of released offenders, especially those who have no family support. The alternative has often been the return of those offenders to the sort of company which caused the problem in the first place. The availability of volunteers who are prepared to help avoid such repetition is valued.

The other type of service one envisages here - and I do not want to be too definite about it before it actually happens - is the service provided by, for example, members of Alcoholics Anonymous. Those members could be invited in for the purpose of assisting offenders with drink related problems. There are other groups of that nature which are able to offer important services. In some cases people may be prepared to provide tutoring services in a voluntary capacity, although many of those are paid.

As I have mentioned tutoring services at this stage, I will take the opportunity to elaborate on one of my interjections to the Leader of the Opposition when he was asking about the sort of programs that might be conducted on the weeknight section of the program. Literacy remains a very serious problem for many offenders; improving their level of literacy is regarded as a real contribution to the effort to help them out of the cycle of offending. As a

result, though it may seem a small measure and does not come into either punishment or treatment, it is well worth doing. Quite heavy emphasis is placed on the systems of literacy within the prison education system itself. So those are the sorts of situations that are being looked to. To the extent that ordinary sorts of workers' compensation cover and protection of that sort is concerned, that would be provided in the ordinary course of events.

Clause put and passed.

Clause 12 put and passed.

Clause 13: Conditions applicable to offenders -

Hon G.E. MASTERS: Subclause (a) states that an offender must report to a community corrections officer within 72 hours of his release from prison. Is not that rather a long time? I would have thought that with modern transport in three days someone could skip the country let alone skip the State. What is the reason for the length of time, bearing in mind the person released may be in prison in his home town or close to it?

Hon J.M. BERINSON: Among other considerations is the possibility that the offender is released from a prison and it might take some time for him to return to wherever he has to take up residence.

Hon G.E. Masters: If the offender is released from Fremantle Gaol he may be travelling to Kalgoorlie.

Hon J.M. BERINSON: That is correct.

Hon G.E. MASTERS: Subclause (g) provides for offenders to submit to a test for alcohol or drug abuse. Is it intended that AIDS testing be undertaken?

Hon J.M. BERINSON: No. We have to recognise the very great distinction between service under a community corrections centre order and imprisonment. Offenders who are in the community corrections centres are literally living in the community. There are no special factors applying in that circumstance that would not apply to anyone living anywhere else in the community. As I have indicated earlier, these are not residential centres, and whatever reasons might give cause for concern about the need for AIDS testing in prison, they simply do not apply here.

Clause put and passed.

Clauses 14 to 18 put and passed.

Clause 19: Access to community corrections centres -

Hon J.M. BERINSON: I move -

Page 9, line 28 - To delete "and stated in the authority".

This is a simple amendment. The problem with the original terminology is that it could involve some implication that the supervisors' authority needs to be in writing; that is not proposed, nor is it necessary. That would create a great deal of unnecessary bureaucratic form filling for supervisors to authorise everybody who is entitled to enter such a centre to do that in writing and to list conditions. On many occasions this will involve nothing more than a supervisor saying that it is all right to go in but not to do this or that. The amendment is to avoid any implication that the authorisation referred to might need to be in writing.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 20 to 25 put and passed.

Clause 26: Immunity from liability -

Hon G.E. MASTERS: I may not move my amendment unless I receive the nod or right comment from the Minister. I propose to make sure that two years after this proposed section comes into operation the chief executive officer would prepare a report to the Minister, and the Minister would put that report to the House within six months of the expiry of the two year period. So within two and a half years the Minister would table that report. The chief executive officer would be the proper person to prepare the report for the Minister. I know that the Minister proposes to move an amendment which says the Minister would carry out a review of the operation.

The DEPUTY CHAIRMAN (Hon Robert Hetherington): Order! I should not have allowed the Leader of the Opposition to go on. New clauses should be discussed later.

Hon J.M. BERINSON: I will not comment on the subject matter. I wish to clarify how this clause operates. Can you say, Mr Deputy Chairman, whether we will proceed until we get to the end of the Bill, introduce a new review clause, and all the clauses now in the Bill from clause 26 onwards would be automatically renumbered.

The DEPUTY CHAIRMAN: Yes, that is so.

Clause put and passed.

Clauses 27 to 29 put and passed.

New clause 26 -

Hon G.E. MASTERS: I have already explained the background to my amendment. The Minister has a further amendment on the Notice Paper which states that the Minister shall carry out a review of the operation and effectiveness of this Bill when it becomes an Act. I do not know why he proposes that change.

Hon J.M. Berinson: I enjoy responsibility.

Hon G.E. MASTERS: If I were in the Minister's position, I would also prefer the insertion of the word "Minister". I would like the Minister to explain that it is surely not a selfish reason and that he has a very good reason that does not include his desire to take full control of the department.

Hon J.M. BERINSON: In case anyone should believe that I was doing other than attempting a weak joke in claiming an ambition to have this responsibility, I want to stress that the change from "executive officer" in Hon Gordon Master's proposed amendment to "Minister" in my proposed amendment is wholly on the advice of Parliamentary Counsel who points out that this is the invariable form for pinpointing the responsibility for reviews of this nature. Of course, the detail has to be provided by the executive officer. There is no question of the Minister undertaking a personal inquiry or inspection of these centres and programs for the purpose of providing this report. It is simply a matter of the Minister accepting responsibility for the report which would be prepared in the normal way by the senior departmental officers.

Hon G.E. Masters: I will accept the Minister's amendment if he moves it.

Hon J.M. BERINSON: I move -

Page 13, after line 1 - To insert the following clause -

Review

26. (1) The Minister shall carry out a review of the operation and effectiveness of this Act after the Act has been in operation for 2 years and shall prepare a report based on that review.

(2) The Minister shall, within 6 months of the expiry of the period of 2 years referred to in subsection (1), cause the Minister's report to be laid before each House of Parliament."

New clause put and passed.

Title put and passed.

Bill reported, with amendments.

Acts Amendment (Community Corrections Centres) Bill

Committee

The Deputy Chairman of Committees (Hon Robert Hetherington) in the Chair; Hon J.M. Berinson (Minister for Corrective Services) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Part IIIB inserted -

Hon G.E. MASTERS: I have not had a chance to read the Minister's proposed amendment.

However, I raise a question which refers to the latter part of the clause and comes after that part of the clause which will be affected by the Minister's proposed amendment. I ask the Minister to deal with his amendment because it is my understanding that we cannot go backwards.

Hon J.M. BERINSON: This amendment is simply to correct a drafting error. The Community Corrections Centres Act 1988 is referred to in the Bill and the proper reference should be Acts Amendment (Imprisonment and Parole) Act 1987. I move -

Page 3, line 24 - To delete "*Community Corrections Centres Act 1988*" and substitute the following -

Acts Amendment (Imprisonment and Parole) Act 1987.

Amendment put and passed.

Hon G.E. MASTERS: During the second reading debate I expressed concern about the Parole Board deciding to release prisoners who may not be a minimum risk. It was mentioned that a certain person who was serving a strict security sentence murdered on two occasions while he was on bail. Unfortunately, that sort of thing happens. I raise the issue as a matter of importance, particularly as we are entering into a new system with work release orders which may enable people to be released from prison earlier than otherwise expected.

Reference is made in clause 5(3) to the release of certain people in strict custody and safe custody, and those undergoing strict security life imprisonment. Those people, for example, will be released only under this work release order system with the authority of the Governor; that is, Executive Council. The decisions will not be made by the Parliament, so I guess it depends on the attitude of the Government of the day. It is fair to say that the present Labor Government will probably be more lenient than a Liberal Party Government would be in this area. I want on the record a firm indication from the Minister that every care will be taken, and that the Parole Board will be discouraged from releasing those people who are a risk to the community. We should not get too slack about these things, and at times I believe we are. It is a matter of an assurance that care will be taken and that the Minister understands the concern of members of this side of the Chamber about what could happen if the wrong people were released.

Hon J.M. BERINSON: The Leader of the Opposition again raises a serious question, but I suggest that it is misdirected in this case. Taking the circumstances of strict security life imprisonment, which is at the top of the pyramid of terrible offences, the question will not be whether it is safe to have a person admitted to the community centres program, but whether that person should be released at all. It is only after that decision is made that it becomes relevant to consider whether the prisoner should be required to also serve a period in a community corrections centre. In the ordinary course of events, one would expect that a prisoner who has been held for as long as 20 years would not be released directly into the community unconditionally. Almost invariably it will be necessary to involve that person in a resocialisation program; that is the case even with prisoners who serve much lesser periods than 20 years, and I imagine it would invariably be a requirement with a person who has been institutionalised for that longer period.

Again, to discuss the general system, the normal process is that the resocialisation program takes a prisoner through the various degrees of security within the prison system, he then has a period on work release, and is then released on parole. None of that would happen in the case of the strict security life imprisonment situation before the end of the 20 years. That is because the Parole Board cannot even consider the position of such a prisoner before the expiry of 20 years. It is only after that period has expired, after the Parole Board has recommended the release of that person, and after that recommendation has been adopted and implemented by Cabinet through Executive Council, that the question of the nature of the resocialisation program - which, as I have indicated, would probably include correction centres - would arise.

I have gone into some length on this because it is an important question, but the starting point is not whether a person guilty of such a serious offence should go to the community correction centres; the real question is whether he should be released at all.

Hon G.E. MASTERS: I now refer to clause 5(5)(b). Under the provisions of this clause a prisoner can be released under the work release program because he says he wants to look for

work. What sort of control will be placed on that person? He could appear to be looking for work but not get anywhere; in other words, he is not genuinely looking for work. In such a case, at what stage would a decision be made that the person was not dinkum and that he should go back to prison? Some discipline and control must be exerted because otherwise prisoners could play the fool. I am sure the objective is to help these people to obtain gainful employment, to earn money to keep their families, thus saving the community time and money, and to adjust to the community once more. I would appreciate the Minister's comments on those difficulties.

Hon J.M. BERINSON: The position is much the same as with the present work release centre where there is close supervision of prisoners and they are required to report in detail on the efforts they are making and the results of those efforts. Among the other elements of the community correction centre program - when I say other, I mean in addition to the actual work and program of it - is the requirement to report three times a week. On each of these occasions a community corrections officer as part of his duties would ensure that this search for work was going on. I should also point out that, unlike the fine defaulters, a work release prisoner can be required to do other work; for example, voluntary community work that has been organised in much the same way as CSO work is organised. In other words, his status is different from that of the fine defaulter because he is a prisoner and is still serving part of his sentence during this period of work release.

Clause, as amended, put and passed.

Clauses 6 to 9 put and passed.

Title put and passed.

Bill reported, with an amendment.

ELECTORAL AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it had disagreed to the amendments made by the Council.

OFFENDERS PROBATION AND PAROLE AMENDMENT BILL

Second Reading

Debate resumed from 25 August.

HON JOHN WILLIAMS (Metropolitan) [9.03 pm]: This is a very simple Bill. Since the Offenders Probation and Parole Act was earlier amended, we now have an extra three members appointed by the Governor to serve on the Parole Board of WA. Each one of those members has a deputy already nominated. This Bill seeks for the three additional members to also have nominated deputies who could act in their absence. The Opposition agrees with this amendment, and in so doing mentions that a tremendous amount of work under the new legislation now in place will fall on the Parole Board, and it is necessary that there be a continuity of members to serve on that board. As members know, this House has this evening been inflicted with the influenza virus, and several of our members had to go home to bed. We are not immune from such things, and neither are the members of the Parole Board, so it seems sensible that the Governor's nominees should have deputies appointed to them.

Hon P.G. Pental: I hope you are not going to suggest that they find deputies for us. They might find they can do without us.

Hon JOHN WILLIAMS: That is a question for the year 2112 as far as I am concerned. The Opposition supports this Bill. There is already in the Bill the safeguard that, should the deputies prove to be unsatisfactory, they can be removed at any time.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Minister for Corrective Services), and transmitted to the Assembly.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [9.06 pm]: I move -

That the House do now adjourn.

Question on Notice - Answer

HON N.F. MOORE (Lower North) [9.07 pm]: I will not delay the House for more than one or two moments but I want to express my dissatisfaction at an answer to a question I received. Before the House resumed I asked a question on notice of the Minister for Education. The question contained 69 parts, and it resulted from my in-depth analysis of the Labor Party's electoral platform on education prior to the last election. The 69 questions were asked in order to ascertain which promises the Government has not met in terms of its education policy. I could have asked 69 single questions over a period of a couple of weeks, but instead I thought I would ask them all in one hit so that the officer whose job it would be to prepare the answers would be able to go directly to the document and write yes or no in respect of the answers.

The answer I have received from the Minister says that this is an extraordinary parliamentary question. I believe any sort of question is entitled to be asked. She says that the aim of questions on notice is to provide detailed answers in as short a time as possible to facilitate the functions of Parliament. I would have thought the aim of questions on notice was to get a Minister to give an answer in a public forum, called the Parliament. Parliament is a place where members can ask questions of Ministers, and if the Ministers do not answer these questions, or fob off members in their answers, that becomes a public piece of information. Parliament is a public forum for people to ask questions, and the public then know whether the question has been answered. That in my view is the intention of questions on notice in Parliament, and it is not simply a forum for asking very short questions. The Minister talks in her answer about the usual celerity of the Government in answering questions. I had to get a dictionary to find out what celerity means. I am sure other members will know. The dictionary told me that celerity refers to haste - to the speed at which the Government answers questions.

Hon T.G. Butler: You are the Opposition spokesman for education, and you did not know that.

Hon N.F. MOORE: Perhaps the member could spell it for me and I would know whether he knows what he is talking about.

Members who ask questions in Parliament will know that there is no great celerity attached to the way in which Government members answer questions. In fact, we often wait for a long time before we receive an answer. I am disappointed, and I raise the matter in the adjournment debate because the Minister should have indicated that she would answer the questions publicly but that this would take a couple of weeks, and she would provide an answer in a couple of weeks. That would not have upset me at all.

Hon Tom Stephens: She has been having such a good time in her portfolio career that you should not be too critical of her.

Hon N.F. MOORE: She is premiership material, as Mr Dowding told us today, and I am sure that has upset Mr Parker and Mr Taylor and a few others who have also got similar ambitions.

Hon Tom Stephens: We have fantastic talent on our side.

Hon P.G. Pandal: It is a pity it is going to be all wasted - down the gurgler!

Hon N.F. MOORE: I conclude by saying I have asked a question which is a genuine question designed to find out what the Government has done in education, bearing in mind it made a string of promises, some of which I know have not been kept. It is incumbent on the Minister to answer questions like this in Parliament, where the answers should be given.

Question put and passed.

House adjourned at 9.10 pm.

QUESTIONS ON NOTICE

RURAL AREAS - RURAL VALUATION AND RATING SYSTEM

Alterations

231. Hon A.A. LEWIS to the Leader of the House representing the Premier:

- (1) Is it the intention of the Government to alter the present rural valuation and rating system?
- (2) If so, in what manner?

Hon J.M. BERINSON replied:

- (1) There has been no Government consideration of any alternative system.
- (2) Not applicable.

CONSERVATION AND LAND MANAGEMENT,

DEPARTMENT OF - WEEDS

Pest Control - Costs

240. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) What amount of money was expended in the last three financial years on the control and eradication of declared weeds and pests in -
 - (a) forest areas; and
 - (b) national parks?
- (2) Who carried out this work?

Hon KAY HALLAHAN replied:

- (1) Expenditure by the Department of Conservation and Land Management to control and eradicate declared weeds and pests is as follows -

Financial Year	Forest Areas \$'000	National Parks and Nature Reserves \$'000
1987-88	223	98
1986-87	282	38
1985-86	308	32

- (2) The Department of Conservation and Land Management, Agriculture Protection Board and private contractors.

PORTS - BUNBURY

Free Port

253. Hon A.A. LEWIS to the Leader of the House representing the Premier:

- (1) Is it the intention of the Government to obtain the Commonwealth Government's approval to make Bunbury a free port?
- (2) If so, when?

Hon J.M. BERINSON replied:

- (1) Not at this time.
- (2) Not applicable.

CONSERVATION AND LAND MANAGEMENT,

DEPARTMENT OF - RESERVES

Road and Stream Reserves - Cutting

258. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) What areas of previous road and stream reserves have been cut already and where are they located?
- (2) How many more of these reserves is it planned to cut?

Hon KAY HALLAHAN replied:

- (1) Your question implies that some road, river and stream zones have been cancelled. This is not the case.
- (2) See my answer to your question 81. No clearfelling is planned; thinning of regrowth forest will be undertaken as is normal practice.

CONSERVATION AND LAND MANAGEMENT,
DEPARTMENT OF - RESERVES
Fire Buffers

259. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) What areas of previous fire buffers have been cut and where are they located?
- (2) How many more of these buffers is it intended to cut?

Hon KAY HALLAHAN replied:

- (1) No specific cutting records are kept of areas which were previously buffers.
- (2) In the long run all buffers will be cut. The actual timing will depend on how quickly the adjoining regrowth reaches a stage where it can be safely burnt, in a prescribed manner, to replace the old buffer.

CONSERVATION AND LAND MANAGEMENT,
DEPARTMENT OF - RESERVES
Road Reserves - Uncut

261. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

Has the department any plans to reduce the width of road reserves left uncut under present plans?

Hon KAY HALLAHAN replied:

The Department of Conservation and Land Management will be formulating a proposal to vary the width of road, river and stream zones but to maintain the current total area of such zones by protecting additional streams. The proposal will be put to the EPA over the next 12 months.

CONSERVATION AND LAND MANAGEMENT,
DEPARTMENT OF - TREE PLANTING
Pine - Globulus

264. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) How many hectares of pine and globulus have been planted over the last five years by the department on -
 - (a) Crown land;
 - (b) private land?
- (2) Of the amount planted in (1)(b), how much is on land purchased by the Government and how much is on a share farm basis?

Hon KAY HALLAHAN replied:

(1)-(2)

Details of 1988 planting are not yet available. Figures are for pine only, as eucalyptus globulus was not planted prior to 1988.

CROWN LAND

PRIVATE LAND

		Purchased by Government	Sharefarming
ha		ha	ha
1987	1 181	996	1 104
1986	892	1 124	-
1985	1 768	521	-
1984	2 280	254	-
1983	2 207	-	-

SAWMILLING INDUSTRY

Softwood Sawmills - Capacity

280. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

What is the estimated capacity of the three softwood saw mills announced by the Minister with respect to -

- (a) Western Pine Associates; and
- (b) Bunnings Forest Products?

Hon KAY HALLAHAN replied:

- (a) Western Pine Associates - 100 000 m cubed; and
- (b) Bunnings - Mundijong - 70 000 m cubed; and
Southern - 100 000 m cubed.

The three mills will also use private softwood sources.

LOCAL GOVERNMENT - CALM SERVICES

Tree Planting - Consultations

304. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Are local authorities consulted by CALM officers when globulus or pines are planted on cleared farmland in their local authority area?
- (2) If so, have all local authorities agreed to the plantings?

Hon KAY HALLAHAN replied:

- (1)-(2)
Yes.

COMMUNITY SERVICES, DEPARTMENT OF -
INTERPRETATION CENTRES

305. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

Further to my question 238 of 24 August, where are the interpretation centres situated?

Hon KAY HALLAHAN replied:

I refer the member to my answer to question 238 of 24 August 1988.

NATIONAL PARKS AND RESERVES - HAWKE BLOCK

306. Hon A.A. LEWIS to the Minister for Community Services representing the Minister for Conservation and Land Management:

Further to my question 262 of 24 August, regarding the creation of all or part of Hawke block as a national park, what parts of Hawke block are being covered?

Hon KAY HALLAHAN replied:

The northern portion adjacent to the Warren National Park is proposed to become a national park.

HOMEWEST - FLATS
Albert Street, South Perth

309. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Housing:

I refer to the Homeswest purchase earlier this year of a privately owned block of units/flats in Albert Street, South Perth, and ask -

- (1) What was the purchase price?
- (2) How many units/flats are involved?
- (3) What was the average rental being paid prior to the purchase?
- (4) What is the average rental now being paid?
- (5) Is it correct that some tenants are now paying as little as \$20 a week, when previously tenants had been happy to pay the market rental of about \$80 a week?
- (6) What number of tenants were in the building prior to the purchase?
- (7) How many of these are still in the building?

Hon KAY HALLAHAN replied:

- (1) \$380 000.
- (2) Eleven units.
- (3) It is understood that an average rental of \$81 per unit was being charged.
- (4) As most current tenants are social security beneficiaries, they are being charged rebated rental circa \$28.44 with some single tenants paying less.
- (5) Tenants are paying the rent applicable to their income according to Homeswest eligibility criteria.
- (6) It is understood that nine units were occupied.
- (7) Five of the original tenants.

FIRE BRIGADES - VOLUNTARY ORGANISATIONS
Rockingham-Kwinana Area - Fire Station Plans

315. Hon P.G. PENDAL to the Minister for Consumer Affairs representing the Minister for Police and Emergency Services:

- (1) Is it correct that the Rockingham-Kwinana areas are currently serviced by a volunteer fire brigade?
- (2) In light of the number of industrial operations in these areas, what plans are there for the establishment of a full time fire station?

Hon GRAHAM EDWARDS replied:

- (1) The Rockingham-Kwinana area is serviced by a volunteer brigade as well as permanent fire fighting services from the metropolitan area and private services located with private industry in the area.
- (2) This matter is currently being examined.

COMMUNITY SERVICES, DEPARTMENT FOR - HISTORIC DOCUMENTS
Western Australia - Inquiries

319. Hon P.G. PENDAL to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Is it correct that a series of historic maps and plans produced and/or used by earlier Western Australian explorers have been disposed of by the Minister's department?
- (2) If so, will she supply a list of all such maps, plans and any other documents involved?

- (3) Have any inquiries been instituted to ascertain -
- who purchased the historic documents; and
 - how these priceless pieces of the State's heritage can be repatriated to WA?
- (4) If no to (3), will she say why?

Hon KAY HALLAHAN replied:

- (1) No.
- (2)-(4) Not applicable.

QUESTIONS WITHOUT NOTICE

HOUSING INDUSTRY ASSOCIATION *Housing Indemnity Scheme - Builders' Support*

140. Hon G.E. MASTERS to the Minister for Consumer Affairs:

- (1) Is the Minister aware - I am sure he would be - of the Housing Industry Association's housing indemnity scheme?
- (2) If yes, is he aware that the scheme is achieving tremendous success and is rapidly gaining the support of a high percentage of builders? I think only one or two builders, including a major home builder, are not supporting the scheme.
- (3) Does he support or approve of the Builders Registration Board in what appears to be its bid to introduce a similar scheme and to make it compulsory? The Builders Registration Board, which is financed and supported by the building industry, is seeking to take over an indemnity scheme which would destroy, or certainly undermine, the HIA scheme. This seems to me to be wrong, and I ask the Minister to give an assurance to the House that he will be supporting the HIA, which is an industry group, rather than encouraging the Builders Registration Board to introduce a competitive scheme.

Hon GRAHAM EDWARDS replied:

(1)-(3)

I am aware of the housing indemnity scheme to which the member referred. I am aware also that there is currently discussion taking place within the industry as to the effectiveness of the coverage of that scheme. Some sections of the industry, particularly those in the HIA, argue that their scheme is an excellent one and the only one that we in this State have any need for. Other sections of the industry argue that another scheme should be introduced, or there should be a greater coverage to ensure that every consumer who enters into a building contract has indemnity coverage. I have not yet taken on board all the arguments. We are currently reviewing some of them. At the appropriate time, I will make the appropriate decision.

HOUSING INDUSTRY ASSOCIATION *Housing Indemnity Scheme - Builders Registration Board*

141. Hon G.E. MASTERS to the Minister for Consumer Affairs:

I take note of the Minister's answer, and I make the point that the Housing Industry Association is not worried about competition; it is worried about the Builders Registration Board introducing a compulsory scheme -

The PRESIDENT: Order! I remind honourable members that question time is a time in which members ask questions. It is acceptable for questions to have some brief preface in order to outline the basis on which they are to be framed, but I have noticed during the last few question times that members are tending to make rather long speeches outlining the merits or otherwise of some particular

proposal, and eventually getting around to asking a question. I was on the verge of stopping the Leader of the Opposition when he asked his first question, but he got out the question a second before I was able to do so. I repeat that a short explanatory comment to get to the basis of the question is acceptable, but an argument in favour of a point of view is not acceptable.

Hon G.E. MASTERS: I did not intend to go too far in that respect. I do not think the matter is very controversial. I was taking the time to explain it for the interest of the House, and more particularly to lead up to the reason for my next question.

- (1) Would the Minister and the Government oppose or at least look very carefully at any proposal put to them by the Builders Registration Board which would introduce a compulsory indemnity scheme to be run by that board, thereby destroying a scheme which is operating and has been proven to be successful?
- (2) If the Minister has any doubts, would he give even more careful consideration if there were an assurance from the HIA that its indemnity scheme could be changed to the satisfaction of the Government, rather than being destroyed altogether? I would like that scheme to proceed rather than having the Builders Registration Board becoming involved in a scheme when it should not be doing so.

Hon GRAHAM EDWARDS replied:

(1)-(2)

I find the question a bit difficult. I am not in a position where I need to answer the question because to do so would set a precedent for another question of this kind to follow on tomorrow, and so on, until we turn question time into a kite flying exercise when a person wants to raise a fear or -

Hon P.G. Pendal: That is the President's job, not yours.

Hon GRAHAM EDWARDS: It is not Mr Pendal's job, and I suggest that he keep out of it. I will answer the question without his help. To get back to the question and to the point that I thought I should have been given the opportunity to make, without Mr Pendal's help, I am appalled that the HIA, with whom I have had a number of meetings, should suddenly discover that it has to conduct its business with the Government through the medium of question time in the Legislative Council.

Hon G.E. Masters: That is not what has happened.

Hon GRAHAM EDWARDS: I have had a very good relationship with the HIA and I have discussed this matter openly and frankly, as I always do with any section of any industry with which I am dealing. I would attach a great deal of caution and careful consideration to this question because it is one that needs to be dealt with in that manner. By the same token, I am in a position where I find the need to consult with more sections of the industry than just the HIA. There are a number of responsible and good organisations within the building industry. My position is that I will listen to all points of view, and at the appropriate time I will make the appropriate decision, having taken into account all of those points of view.

REFERENDUM - PENDAL, HON P.G.

Dowding, Hon Peter - Sticker Removal

142. Hon P.G. PENDAL to the Leader of the House:

- (1) Is he aware that the Premier asked me to remove from my electoral office in Como a series of no stickers relating to the referendum?
- (2) Will he request the Premier to similarly seek the removal from a Government office on the seventh floor of the May Holman building in St Georges Terrace, a yes sticker which is attached to the front door of the Salaries and Allowances Tribunal?

Hon J.M. BERINSON replied:

- (1) My only knowledge of the first part of the question is Mr Masters' statement in the House yesterday. I accept that as being accurate, and I have nothing further to say on that.
- (2) I find it difficult to see how it comes within my ministerial authority to convey messages to the Premier on generalised questions of this sort. Nonetheless, I have no objection to drawing the Premier's attention to the fact that Mr Pandal raised the matter at this stage.

STATE GOVERNMENT BUDGETS- YOUTH DROP IN CENTRES

Allocation

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

I draw the Minister's attention to the Budget statement which contains provision for a further 10 youth drop in centres, and to the capital works allocation for 1988-89 for youth drop in centres of only \$37 000, and ask if one can get 10 youth drop in centres for a capital cost of \$37 000?

Hon KAY HALLAHAN replied:

I do not know of any way to get 10 drop in centres for a capital cost of \$37 000 and I do not think that is what is indicated in the Budget papers. The allocation for 10 drop in centres referred to concerns funding for staff, and the other matter concerns capital works, as the member has indicated. The two allocations are for different expenditure and are not comparable in the way the member has drawn that conclusion.

YOUTH DROP IN CENTRES

Facilities

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

What facilities will be used to provide these 10 drop in centres if no capital expenditure is planned?

Hon KAY HALLAHAN replied:

Drop in centres are located in a variety of accommodations and the funding of most of them incorporates a component for rental of premises. Many of them are not in purpose built centres at all. Some are provided by local government bodies or church bodies, and some rent premises for their activities.

REFERENDUM - PENDAL, HON P.G.

Dowding, Hon Peter - Sticker Removal

145. Hon P.G. PENDAL to the Leader of the House:

Supplementary to the matter I previously raised, will he accept my assurance that I do not mind if he does not convey my message to the Premier, at least until Monday, by which time the "No" messages will have been taken down?

Hon Kay Hallahan: What sort of question is that?

Hon P.G. PENDAL: I am just making the point, sister, just making the point. It was your silly Premier who wrote the letter.

The PRESIDENT: Order! That question was not a question and I have ignored it.

GRIMWADE TOWNSHIP - SPORT AND RECREATION, DEPARTMENT OF

Report

146. Hon W.N. STRETCH to the Minister for Sport and Recreation:

The Minister will no doubt recall my earlier question about the Grimwade settlement. Has the report by the Department of Sport and Recreation into the Grimwade settlement been completed?

Hon GRAHAM EDWARDS replied:

I have not seen the report although I understand that its compilation was to be completed by the end of July. I will contact the department and ask what stage it has reached, and will advise the member as soon as I am in a position to do so. I will attempt to expedite the matter because of the member's interest in it and because of the situation at Grimwade.

GRIMWADE TOWNSHIP - HOUSES

Removal

147. Hon W.N. STRETCH to the Minister for Sport and Recreation:

- (1) Is the Minister aware that another house has been removed from Grimwade despite the general agreement that no more houses would be shifted from that settlement until the report was completed and received?
- (2) Would he please follow up this matter and find out what is happening; otherwise by the time the report is finished there will be no more houses left to make investigations about?

Hon GRAHAM EDWARDS replied:

(1)-(2)

As I understand it, the situation at Grimwade is not one that is under my ministerial control. If that house has been removed, it would be appropriate for the member to contact the relevant department or Minister directly. If he has difficulty in doing that I would be only too happy to assist him, but I feel the inquiry should come from him in the first instance.

GRIMWADE TOWNSHIP

Accommodation

148. Hon W.N. STRETCH to the Minister for Sport and Recreation:

Would the Minister also follow the matter up, because it has some ramifications -

The PRESIDENT: Order! There is a stranger in the President's Gallery. She is not permitted to write in the President's Gallery. Certainly she is not permitted to speak across the Bar of this Chamber. I would advise her that, prior to taking a place in the President's Gallery in future, she receive an invitation to do so, and receive that invitation only after she has received the rules associated with sitting there.

Hon W.N. STRETCH: Because of the holding of the next very exciting King's Cup regatta on the Wellington Weir at Collie and consequent difficulties we could face in accommodation, would the Minister be able to follow up the question of the Grimwade accommodation? In that context the matter has a certain relationship to his own portfolio and ministerial negotiation could be of advantage to all of us.

Hon GRAHAM EDWARDS replied:

Once again, I would be only too happy to do that and to respond to those matters that rest within my responsibility. Certainly the question of accommodation is one that is being canvassed and pursued quite vigorously by the subcommittee which has been established by the committee responsible for organising that event. However, I would see that as being secondary to the initial concern raised by the member.

In relation to the house that was moved, the quickest and most expeditious way to have that matter addressed is for the member to raise it personally with the Minister concerned. I will certainly pursue and expedite the other aspects directly connected with my own portfolio.

ATTORNEY GENERAL - MINISTERIAL RESPONSIBILITY
Incorporation Procedures - Dental Practices

149. Hon W.N. STRETCH to the Attorney General:

Is the Attorney's office responsible for the incorporation procedures for organisations such as dental professionals?

Hon J.M. BERINSON replied:

If the honourable member is referring to the Associations Incorporation Act, the answer is yes.

ATTORNEY GENERAL - DENTAL PRACTICES
Incorporation Application

150. Hon W.N. STRETCH to the Attorney General:

Supplementary to my previous question, has the Attorney yet received an application for incorporation on behalf of the dental professionals? By way of explanation, they were told that legislation would be introduced this session to allow that to happen and they are becoming a little anxious that time is running out for them.

Hon J.M. BERINSON replied:

That is a different question, if I understand it correctly. I think what the honourable member is referring to is the interest by various professional groups in incorporating for purposes of Commonwealth income tax or superannuation arrangements.

Hon W.N. Stretch: Correct.

Hon J.M. BERINSON: That, as I understand it, is certainly not a matter which comes within the Associations Incorporation Act and I am therefore not at all sure that it is a matter that would have been referred to me. I will check to see whether in my other role relating to the Companies Code there might be some relevance in their approach to my responsibilities. I can only say from memory that I cannot recall it.

Hon W.N. Stretch: I would be obliged if you would follow that up.

The PRESIDENT: Order! That question should go on the Notice Paper.
