

# Legislative Council

Thursday, 21 May 1987

**THE DEPUTY PRESIDENT** (Hon. D. J. Wordsworth) took the Chair at 11.00 am, and read prayers.

## ELECTORAL ACT (COMMENCEMENT OF AMENDMENTS) BILL

*Assent*

Message from the Governor received and read notifying assent to the Bill.

## EVIDENCE AMENDMENT BILL

*Second Reading*

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [11.06 am]: I move—

That the Bill be now read a second time.

The Bill proposes two separate reforms to the Evidence Act 1906. The first relates to the admissibility of documents in court proceedings and, in particular, documents produced by computer. The second provides for the taking of evidence outside Western Australia for use in court proceedings in this State. These latter provisions are part of uniform laws to be enacted by each State and the Commonwealth.

I refer firstly to the admissibility of documents. As the use of computers in the community has increased, the question of whether records produced by computers should be admitted in legal proceedings as evidence of the truth of the matters recorded has attracted increasing attention. In July 1980, the Law Reform Commission of Western Australia reported on the admissibility in court proceedings of records made by computers. The commission also reported on whether those provisions of the Evidence Act which related to the admissibility of documentary statements should be revised. The commission recommended that computer records be admissible. This Bill implements in the main the commission's recommendations.

The amendments will create a general scheme applying to documentary statements, however recorded. There will be rules for admissibility which apply equally to civil and criminal proceedings, though with an extra safeguard in relation to criminal matters.

The basis of the proposed scheme is that a documentary statement will be admissible if it is ultimately made by a person who had, or may reasonably be supposed to have had, personal knowledge of the matters dealt with in the statement. Subject to specified exceptions, that person must be called as a witness in the proceedings for the evidence of the documentary statement to be admissible.

While many more documentary statements will be admissible under these provisions, one class of documents will still be excluded. Certain documents record information which reproduces or is derived from information automatically counted, measured, recorded, or identified by a machine. The information is not ultimately supplied by any person and the admissibility of such documents is specifically dealt with.

The Bill provides for a number of ancillary matters and safeguards. These include the following—

the court will have a discretion in respect of the admission of such evidence;

documents prepared for the purpose of criminal proceedings are specifically excluded from the provisions;

matters for the court to consider in assessing the weight to be given to such evidence are specified;

the method by which documents are to be produced in evidence is dealt with. These provisions take into account the need for information to be produced in a form intelligible to the court.

There are certain provisions to which attention is particularly drawn. At present, a documentary statement may be admissible in evidence notwithstanding that the person who made the statement is not called as a witness. If that person had been called as a witness he could have been cross-examined as to the accuracy of the evidence he gave. Evidence also could have been introduced as to his credibility as a witness. The Bill introduces a new section 79E to provide for the admissibility of evidence as to the credibility of that person when he is not called as a witness.

Another new provision is contained in section 79F. Where a system is designed to keep a record of the happening of all events of a particular description—for example, a periodic payment—the absence of any record of a particular event of that description may be good evidence that the particular event did not happen. Under existing law, that evidence may not

be admissible. Proposed new section 79F clarifies the position and will make the evidence admissible.

While providing this general scheme for the admissibility of documents, the Bill updates the provisions for the proof of bankers' books by ensuring that they apply to such books when they are compiled, recorded, or stored on microfilm or by computer. Minor ancillary amendments in this area are made as well. In particular, those provisions have been extended to the other major financial institutions—building societies and credit unions—which offer like facilities to banks.

As mentioned earlier, the second major aspect of the Bill is part of a scheme of uniform law to be enacted throughout Australia for the taking of evidence on commission. Many commercial crimes have elements which occur outside the State, either elsewhere in Australia or overseas. The proper trial of such matters may depend upon the obtaining of evidence out of the State and its admissibility in court proceedings here. A similar situation may arise in civil proceedings. A number of overseas countries have procedures in place which would facilitate the taking of evidence on commission for use in proceedings in this State. However, Western Australian law does not satisfactorily provide for the taking of evidence outside the State and its admissibility in court.

An attempt was made in 1974 to remedy the situation by legislation. That amendment was not proclaimed due to the absence of uniform legislation in Australia and difficulties in making reciprocal arrangements and regulations. The problem was highlighted in a recent prosecution undertaken by the Commonwealth in this State. In that case it became clear that certain necessary evidence from abroad could not be produced in court. The Commonwealth Government has now legislated to provide for the taking of evidence overseas and the admissibility of that evidence in courts exercising federal jurisdiction. The Standing Committee of Attorneys General has recommended that each State enact legislation in the same terms to deal with matters within State jurisdiction. This amendment provides those necessary provisions.

The Bill will allow the obtaining of evidence, both oral and documentary, for use in State courts. A superior court—the Supreme Court, District Court, or Family Court of Western Australia—will be empowered in any civil or criminal proceedings before it on the application of a party to the proceedings to make an

order for the examination of a person outside the State. The court may issue letters of request to an overseas court, or order the taking of evidence outside Western Australia by commission or by the appointment of an examiner. The Supreme Court may make an order for the taking of such evidence in relation to proceedings before an inferior court upon the application of a party to those proceedings.

The use of such evidence will be subject to a number of safeguards—

the making of the order will be at the discretion of the court;

special conditions or requests relating to the taking of that evidence may be included in the order;

the court will have a further discretion as to whether to exclude any evidence so taken in the proceedings before it, notwithstanding that it is otherwise admissible; and

only evidence which would have been admissible if given or produced at the hearing of the proceedings in this State will be admissible.

Provision is also made for the making of rules of court and regulations.

As many of the above amendments are technical, I have arranged for clause notes to be distributed to members.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

## VALUATION OF LAND AMENDMENT BILL

### *Second Reading*

**HON. J. M. BERINSON** (North Central Metropolitan—Minister for Budget Management) [11.13 am]: I move—

That the Bill be now read a second time.

In 1984, both the Valuation of Land Act and the Local Government Act were amended to provide that where a local government so resolved owner-occupied residential properties could be valued on actual rental rather than a value related to that of the vacant land. These occurred in areas of high land values, but with old improvements. An inequity was created not only between comparable residences, but also between the value for local government and that adopted for water supply and sewerage rating. The purpose of the Bill is to remove this anomaly by valuing all residential properties on actual rental.

The Valuation of Land Act as currently enacted also requires that all other properties shall have a value not less than one which is related to that of the vacant land. The Bill seeks to value improved properties on actual rental while retaining the minimum basis for underdeveloped land.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Margaret McAleer.

## WILLS AMENDMENT BILL

### *Second Reading*

**HON. J. M. BERINSON** (North Central Metropolitan—Attorney General) [11.17 a.m.]: I move—

That the Bill be now read a second time.

At present the Wills Act requires that certain formalities must be complied with in order for a will to be valid. Similar provisions exist in other States of Australia and the United Kingdom. The primary purpose of the formalities is to ensure that the document is, in fact, the will of the deceased, and not merely a draft or a fraudulently prepared document. These formalities are also said to help protect against duress or undue influence, and to impress upon the testator the importance of the document.

In all jurisdictions in which the formalities exist, their very strict requirements have resulted in cases in which a document clearly intended to be a will, and made without any shadow of impropriety, has been held invalid. A Western Australian example is a case in which a husband and wife prepared wills at the same time, read and approved the contents, but inadvertently each signed the other's will. The wills were therefore not valid.

In Western Australia, about five to seven invalid wills are presented to the court each year. The actual incidence of invalid wills may be higher, as it is likely that some clearly defective wills are simply not submitted for grant of probate. In November 1985, the Law Reform Commission reported on the desirability of modifying the need for strict compliance with the formalities of the Wills Act. The commission considered two alternatives: the Queensland model of so-called "substantial compliance", and South Australian legislation which allows a court to dispense with formalities in certain circumstances.

In Queensland, if a document is in "substantial" compliance—that is, virtually complete compliance—with the formalities, the court may uphold it, if satisfied that it

expresses the testamentary intention of the testator. In South Australia, the court may allow all formalities to be dispensed with and hold a will valid if, notwithstanding the lack of formalities, the court has no reasonable doubt that the document was intended to constitute a will.

It appears that the mistakenly signed wills in the Western Australian case referred to would have been validated under the South Australian legislation, but would still fail under the Queensland provision. The commission recommended that the South Australian approach be followed. Opinion is divided within the legal profession as to the preferable course. The comments received by the commission were divergent, although most preferred the South Australian approach.

Law reform agencies also differ. For example, the New South Wales Law Reform Commission favours the South Australian approach; the United Kingdom law reform committee recommended against it; and the working party appointed by the Victorian Attorney General was divided on the issue, with a majority preferring the South Australian approach.

This Bill adopts the approach taken by South Australia, as recommended by the WA Law Reform Commission. However, because of the differing views expressed by those with expertise in this area, it is proposed to defer further discussion on the Bill until the Budget session to allow further consideration and public comment.

The provisions of the Bill are applied by clause 9 to the wills of persons dying after the amendment comes into operation and are applied not only to a new will, but also to the alteration, revocation, and revival of a will. Consequential amendments ensure that references in the Wills Act to a will "executed"—that is, signed by the testator—are also read as referring to wills validated under the new provision.

By clause 9—proposed section 34—it is provided that "a document" may be validated under this new dispensing power. The singular word would not allow a collection of notes or writings made at different times to be pieced together to make a will. It is thought that this may help to guard against hasty and ill-considered dispositions, but comment is particularly invited on this provision.

The principal safeguard against too wide an application of the power to validate a will is found in the standard of proof; in case of the making, alteration, revocation, or revival of a will, the Supreme Court must always be satisfied that "there can be no reasonable doubt" concerning the testator's intention.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

## **FAMILY COURT AMENDMENT BILL**

### *Second Reading*

Debate resumed from 30 April.

**HON. JOHN WILLIAMS** (Metropolitan) [11.20 am]: The Opposition supports this Bill. It is a Bill which perhaps from a moral point of view we would prefer not to see coming to the House. Indeed, we would prefer not to see the Family Court in existence. It is a sad reflection on the times. However, the provisions in the Bill are sensible and sound, and are based on the review made by the Attorney General in appointing Judge O'Connor to look at the anomalies and problems which have occurred in the Family Court Act since it was presented to the State.

Members who were in the House at the time will recall that the Attorney's predecessor, Hon. Ian Medcalf, was very proud of the fact that the State of Western Australia had a Family Court which was unique at the time in the way it conducted its proceedings. There are those purists who say it should never have been established separately, but I believe it fulfilled a crying need in this State.

The worthy Judge O'Connor is a man of great depth of experience in Family Court matters, and obviously the running-in, as it were, of the court, although it has been going for some years, has shown up these slight anomalies and these required amendments. The Bill deals with the definition of guardianship and irons out the anomaly of joint guardians. It proceeds to supervision of court orders, and all in all the Bill's main thrust can be described as the protection and guardianship of children.

Those who have had the miserable experience of having to attend a Family Court hearing, even as an observer, would know that the welfare of the child has always been paramount in the presiding judge's mind. It is heart-rending and pitiful to see some of the moral tugs of war that go on in the court when families split up. When the court makes a decision which

does not appeal very much to one of the parents concerned, and custody of the child is granted to the opposing party, as it were, the scenes really are heart-rending. The iron sometimes enters the soul of the defeated party, and children have been taken out of the State and hidden before being brought back at great expense.

It is only fair, right and proper that the person against whom the order is applied and who transgresses that order should pay in future for the expense of the State in searching for and bringing back the child into the jurisdiction of the court. It will make people think twice before they commit such a hasty action. The question of reimbursement to the State for bringing children back is a very important one, and the amendment in this Bill is not before time.

The other vexed question which comes before courts from time to time is that of paternity. It is only right and proper with advanced medical technology that the issue should be placed beyond all reasonable doubt. The blood tests which are referred to in the second reading speech are an essential component of this work, and again it is a welcome amendment.

There can be no criticism of the Bill as such. It is a progression on the part of society which we have to deal with whether we like it or not. The Bill should have the support of every member.

**HON. H. W. GAYFER** (Central) [11.25 am]: Most measures contained in this Bill are complementary to amendments to the Commonwealth Act of 1983, and deal with anomalies or difficulties in the functioning of the Family Court. However, there are other issues, and the first is to allow a guardian who is not a parent to appoint a successor. Secondly, there are minor amendments to cover obvious problems that are being experienced in the operation of the court.

We have been supplied by the Government with detailed clause notes, and we appreciate that, but these amendments are very complex, and I am afraid that they remain so even with the explanatory notes. However, this will sort itself out as we go along.

We in the National Party take the opportunity of again defending the number one plank in our constitution, which is the protection of the family unit. We support any legislation which will go some way towards giving the family the protection we believe it needs. We

do not want to see any legislation which further erodes the family unit; we would rather see legislation which defends a closer-knit family unit, even for a family which is on the verge of breaking up.

Family law has always been a messy area. It is apparent that it is difficult to word legislation which covers all the anomalies in the operation of family law and copes with the problems which occur in a divorce case. No law has yet been framed which can stop children being used by unscrupulous parents as part of a feud. There does not seem to be any way of stopping children being used as weapons. Certainly where spouses become violent it is taken out on the children in many cases—not all. It is also hard to stop unscrupulous family lawyers from exploiting their clients and in some cases adding venom to the cause.

The Bill addresses problems arising from the kidnapping of children by the non-custodial parent. It redefines custody and access, and contains a provision to require men to undergo proof of paternity. In general the Bill tidies up the Act, and because it does so in a sensible way, and to support Hon. John Williams' statement that it is not likely to be controversial because it endeavours to bring about what all of us in this Chamber want to see, we will support the Bill. Many people have strong views about the Family Court and may see this Bill as encroaching on the institutional arrangement of the court proper. I often think that those two courts impinge on each other.

Some realists believe that the Family Court is becoming rather top heavy. I may not be explaining myself very well, but the point I am trying to make is that as legislators we can see the absolute necessity for the Family Court and the need to revise its operation in order that it will cover a broader sphere of the problems I have enunciated.

A number of people in the community believe that the Family Court is unnecessary and that the family should not find itself in a position to seek assistance from the court. They believe that if a family does have problems the community, in general, should ignore those problems. I hope that members can understand what I am saying. Those people believe that a court should be set up for other purposes such as for deciding right against wrong.

Many people in the community would turn their back on family problems and believe that it is the family's problem only. In relation to family strife, many people say that it will never

happen to them. It could happen to them and we believe that, if it does, they will be better off as a result of this legislation.

The National Party supports the Bill.

Question put and passed.

Bill read a second time.

### *In Committee*

The Deputy Chairman of Committees (Hon. Robert Hetherington) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

**Clauses 1 to 32 put and passed.**

**Clause 33: Section 69 amended—**

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

Page 16, lines 4 to 6—To delete

(1) In proceedings with respect to the maintenance of a child under Division 4 or preliminary expenses or other expenses under Division 5, if there is in force an order in that behalf and substitute the following—

(1) Where there is in force an order under Division 4 with respect to the maintenance of a child or under Division 5 with respect to preliminary expenses or other expenses

The Chairman of Judges of the Family Court has pointed out a defect in existing section 69(1) of the Family Court Act which is repeated in new section 69(1) proposed to be inserted by clause 33. The amendment I have moved will rectify that defect.

Section 69(1) relates to the variation of orders. The difficulty with existing section 69(1) is that it appears to require that proceedings be in progress under division 4 or 5 of part III before a variation order can be made. Those divisions provide for the making of orders for the maintenance of a child and for preliminary and other expenses. In fact, it is usual for a variation order to be sought in proceedings begun specifically for that purpose under division 6.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 34 to 48 put and passed.**

**Title put and passed.**

**Bill reported, with an amendment.**

# BETTING CONTROL AMENDMENT BILL

## *Second Reading*

Debate resumed from 20 May.

**HON. GRAHAM EDWARDS** (North Metropolitan—Minister for Sport and Recreation) [11.40 am]: I thank members opposite for their support of this Bill, and I am pleased that something which has been of concern to the industry for some time is fairly close to being resolved.

The first point raised by Hon. Phil Lockyer concerned the time limit. He wanted to know whether we are looking at 24 hours or some other statutory period. The advice I have received is that this matter is probably best left to the control board to work out. They are talking about reasonable circumstances. I would like to think that should a bookie fall ill on the day of a meeting, even up to within hours of the meeting, or should some other unforeseen circumstance befall him, he would be able to put in his agent. This needs to be looked at in a commonsense way by the board.

I am pleased that Hon. Phil Lockyer noted that the board was well represented by the organisations involved in racing. These people are fairly sensible and they will be able to work these things out. Sometimes things cannot be foreseen by the Government, despite its best attempts to help the industry; but the flexibility is there and I do not see too many difficulties.

Hon. Tom McNeil raised some interesting points which had not been considered. Once again we should leave these matters for the board to determine. What we are looking at is sickness, leave and other unforeseen circumstances. I understand the thrust of Hon. Tom McNeil's question: If a bookie was fielding in Cunderdin, could he on the same day field at the trots or the dogs if he sought leave not to have to field at the Cunderdin trots, for instance?

Once again the advice I have received is that this is best left to the board to work out. It is not intended to give this provision to bookies. We are looking at circumstances like sickness, leave or unforeseen circumstances. A bookie would not be able to field at Cunderdin of an evening and have an agent fielding for him at the dogs. That is not the thrust of the Bill.

Hon. David Wordsworth asked whether bookies would be able to operate companies. That is simply not going to happen. I refer him to the particular clause which reads—

(10) A bookmaker shall not appoint more than one person to act as his agent at one and the same time.

(11) A person who is licensed to act as an agent of a bookmaker shall not—

(a) act as agent of any other bookmaker; or

(b) carry on business as a bookmaker on his own account.

(12) A person shall not act as an agent of a bookmaker unless he is licensed to do so under this Act.

So I cannot foresee any circumstance which would permit what the honourable member queried.

Hon. John Williams raised a query about the appointment of chairman. I have discussed this briefly with the Minister responsible, and she is prepared to look at it. The honourable member may care to discuss further improvements with the Minister.

I conclude by again thanking members opposite for their support, and saying that Hon. Phil Lockyer hit the nail on the head when he said that the board would well represent the organisations involved in racing. It is highly likely that there will be a greater flow of commonsense to look after the interests of those involved, including the punter.

I sympathise with Hon. Tom McNeil, who was trying to get a couple of bob on a horse about which he had some knowledge; he was thwarted by the bookies who dropped a point or two. I have been caught in exactly the same position. I have actually had my money in my hand trying to attract the bookie's attention and I have been overrun by some of the heavies. I was not referring to anyone in particular.

Hon. P. H. Lockyer: Have you ever seen the look on the bookies' faces when Laurie Connell comes on the scene?

**HON. GRAHAM EDWARDS:** It is a problem. I do not know that we could ever regulate that, except by realising that the bookies are not there to throw money away. They must be a little astute and think ahead of the market rather than work from behind. Thinking ahead generally results in better odds. I never have any difficulty in getting better odds.

I was given a horse a few weeks ago which was something like 33 to one. I went to see a bookie who was very generous. I will not mention his name: Hon. Phil Lockyer already has. When I offered my small amount at ridiculous odds he gave me even more ridiculous odds. He thought he had a sucker. Unfortunately for him the horse came in and I collected my money without saying too much.

Returning to the Bill, it is pleasing to see the support forthcoming and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

### *In Committee*

The Deputy Chairman of Committees (Hon. Garry Kelly) in the Chair; Hon. Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

#### **Clause 1: Short title—**

Hon. P. H. LOCKYER: I thank the Minister for the answers he has given. I understood that what he said would be the situation, and that it is probably sensible that the board make the decision. However, I was thinking more of the case of a bookmaker going on leave. If the bookie were sick I could accept the Minister's answer, but I wonder what arrangements would be made if a bookmaker knew in advance that he would not be there on a particular date.

However, I accept the Minister's assertion that it is best left to the board.

Hon. GRAHAM EDWARDS: I will refer those comments to the Minister and make sure that they are fed down the line so that the relevant people do take note of what the honourable member has said.

Hon. P. H. Lockyer: I thank the Minister.

Clause put and passed.

Clauses 2 to 15 put and passed.

Clause 16: Section 36 inserted—

Hon. N. F. MOORE: I want to make a few comments about this clause, which is actually a review clause. These remarks do not relate to the details of the Bill but rather to Government policy on the sort of review that is being put in place in this Act.

The Bill provides that after five years there will be a review of the operation of the Act; that at the end of five years the Minister will instigate a review having regard to those items listed in clause 16. Once the review has been completed he will prepare a report and table it

in both Houses of Parliament. While this is a step in the right direction and the Government should be commended for bringing the review clauses to many pieces of its legislation, it really is a review clause and not a sunset clause in the sense that I would like to see them introduced.

In reality this clause means that the Minister of the day will have a review done, by his department if he wishes. The review could be a whitewash of the situation that exists, and the report tabled in Parliament for the information of members. I would much rather see us reach a stage where the Parliament is given a meaningful role in the review of legislation. I believe that when the reports are tabled they ought to be debated and the Parliament ought to have some say in whether that legislation continues in operation.

So while I commend the Government in going this far, I would prefer to see sunset clauses which give the Parliament the power to make decisions about whether legislation or Government agencies will continue to exist. That is what we are about, and that is what this sort of clause is for. Therefore, while I support clause 16, I hope that as time goes by genuine sunset clauses will be included in legislation.

Hon. GRAHAM EDWARDS: I thank Hon. Norman Moore for his comments. I think he recognises that simply by having the review we have come a fair way. The thing to remember is that before we could really get into the area of a sunset clause there would have to be a review to ascertain what had been achieved. I do not know whether we will ever reach the stage of writing in sunset clauses, but perhaps it is something to which consideration should be given in future. I cannot see it evolving in the short term, but maybe it will in the long term.

Clause 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 Sport and Recreation), and passed.

# CENSORSHIP OF FILMS AMENDMENT BILL

## *Second Reading*

Debate resumed from 19 May.

**HON. P. G. PENDAL** (South Central Metropolitan) [11.58 am]: The amendment Bill before us in its simple form is to give the Minister for The Arts the power to prohibit the exhibition of "R"-rated films at any specified theatre. In particular, I understand that it gives the Minister the power to identify those drive-in theatres where "R"-rated films currently can be screened and where they can be seen from outside the confines of the theatre.

Needless to say, the Opposition supports the amendments. In saying that, I want to make some remarks and then raise one possible deficiency in what is a very short Bill.

I for one want to go on record as congratulating the member for Canning in another place for her very forthright advocacy of the need for this Bill and for her comments as to the effect of pornography on the young. It is, from my vantage point, a welcome development to see a Labor member, in this case Dr Judyth Watson, making abundantly clear what many of her colleagues in the past have failed to do; that is, to safeguard the interests of people, in this case particularly the young. That level of bipartisanship in the general question of film censorship was not extended by the current Minister on a matter of similar importance as recently as a few weeks ago.

It is relevant to quickly outline the details of that because I believe the present State Government missed a genuine opportunity for a strong bipartisan approach to the Commonwealth authorities some time ago when a loophole was discovered in a piece of Australian Capital Territory legislation, by which certain films that were prohibited around Australia by the States were in fact being supplied to those States by a mail order business in the ACT.

When that loophole was brought to my attention, I wrote to the Minister for The Arts, Hon. David Parker, acknowledging that this was not directly a question for him, since it affected an ACT ordinance, but drawing to his attention the fact that such a loophole did exist and was having an adverse effect on Western Australia. On that occasion I made an offer on behalf of the Opposition to make a bipartisan approach to the Commonwealth authorities in order to close the loophole in the ACT legislation. It

seemed to me at the time that the very offer to take the politics out of something as sensitive as film censorship ought to have been something of which the Minister would avail himself. I was a bit annoyed, to say the least, that subsequently Hon. David Parker did indeed accept my suggestion to take the matter up with the Commonwealth authorities, but did so in what I thought was a niggardly fashion, by making no response at all to that offer of bipartisanship and making the approach to the Commonwealth Minister in his own right.

It seems to me that the opportunity to show some general support in closing a loophole in the law of a Territory of Australia was lost. That sort of bipartisanship in a matter of this kind does not come along very frequently and I think the Minister may live to regret his failure to avail himself of it.

The principle at stake in this Bill, if it can be achieved by this amendment—and I have some doubts about that which I will touch on briefly in a moment—is one of ensuring that objectionable material is not foisted upon an unwilling audience.

Dr Watson, who was responsible for this amendment, pointed out in another place that in this particular instance it is not necessarily an unresponsive audience because the difficulty concerned children sitting outside—voluntarily, of course—a drive-in theatre and watching the "R"-rated film. Dr Watson used the word "inquisitive" when describing the children who would stay the evening to watch such a film being shown at a drive-in of theatre. Nonetheless, to the people who have control of those children, it is a question of that material being foisted on an unwilling community.

I use that example to mention a similar incident that was reported to me, as a local member, when some people complained of an incident at a Fremantle restaurant—an unlicensed restaurant—which was visited by a male stripper telegram. I know that subject is often the cause of mirth on the part of members here and people in the community generally. It is often seen as not being terribly objectionable, but it was an objectionable practice in this particular restaurant. I hasten to add that I am not blaming the restaurant proprietor, but it was objectionable because the complaint was lodged on behalf of four young girls who were at that restaurant, with the permission of their parents, for a school-associated function. They were confronted by a male stripper who, I am



told, stripped totally naked; the girls took exception to that and the complaint was thus lodged with me.

I took the matter up with the Minister for Racing and Gaming because she was involved in what I personally believe was a commendable campaign to try to clean up another section of that industry. I put it to the Minister that she ought to be making some effort in that regard because, like the question of film censorship, this was another occasion when an unwilling audience was having a certain standard of behaviour visited upon it. The operative word is "unwilling" and, strange as it may sound in a fairly permissive 1987, there are still, apparently, young people in our community who object not only to the fact that this occurred but that it occurred in a situation over which they had no control as to whether it should occur.

I took that up with the Minister and suggested that some sort of action—I am not quite sure what—should have been taken. The Minister then advised me that—

The Liquor Act gives me no authority to control the nature of entertainment in an unlicensed restaurant, which I assume was the case with the venue in question because of the age of the girls. It is suggested that complaints as outlined in your letter should be referred to the Commissioner of Police for investigation.

I break in here to say that I intend to do precisely that. The Minister's letter goes on—

Although I am advised that such instances are extremely rare, I have requested the Acting Director, Liquor Licensing to monitor the situation to determine if there are grounds for concern. The matter will be referred to the Commissioner of Police if the Acting Director advises that events of this type are increasing.

I thank you for bringing this matter to my attention.

I commend the Minister for what she has done and I draw that matter to the attention of the House because it has a parallel with what we are dealing with in this Bill.

I finally come to one area of concern I have about the Bill, although, as I say, the Opposition supports this legislation. The mechanism

by which this will be achieved is an insertion of a new section 12C which reads that—

the Minister may by order in writing prohibit the exhibition of the film, or, the exhibition of such films generally, in—

(a) any specified drive-in picture theatre; or

That is, one where the screen can be seen from outside the theatre. The Bill makes this clear but I may well seek some guidance from the Minister as to whether an amendment is desirable because the Bill specifically reads that the Minister may do that in writing.

When one gets to another part of the same intended insertion one sees that the order under that subsection is to be published in the *Government Gazette* or served on the exhibitor of the film at the picture theatre to which the order applies. It seems to me that perhaps the word "and" ought to have been used rather than the word "or", for a number of reasons. We are asked to pass a Bill which says that an order in writing shall be published in the *Government Gazette* or served on the exhibitor. I maintain the second part of that would constitute an order in writing because it is to be served on him. That does not apply to the first part which refers to publication in the *Government Gazette*; it is a question of "either/or". If it were done under subsection (2)(a), which refers to publication in the *Government Gazette*, it is contrary to the words contained in line 3 of the new section which says the Minister has to make an order in writing.

The second point is—and this is another argument for inserting the word "and"—that it is not sufficient to say to a drive-in theatre proprietor, "You are banned from showing "R"-rated films, and I am informing you by way of a notice in the *Government Gazette*." Not even members of Parliament spend much time reading the *Government Gazette*. The proprietor is therefore put in a position of having to read the *Government Gazette* to learn of that, should the Minister decide to use the mechanism of new section 12C (1)(a) as distinct from (1)(b).

They are the only difficulties we have with the Bill. I will pursue the point I have raised with the Minister in the Committee stage. It seems important, otherwise it will undo a large measure of what is intended by the Government. Other than that I commend Dr Watson in particular for her work in this matter, and support the Bill.

**HON. H. W. GAYFER** (Central) [12.13 pm]: The National Party supports this Bill and agrees with the comments made by Hon. Phillip Pandal. I sincerely thank him for informing me that Dr Watson, a woman, is behind this piece of legislation. In other words, it is at her behest that it has come into being.

It seems to me the wheel is turning at last. We had that magnificent stand taken recently by the Minister for Racing and Gaming, Mrs Pam Beggs. We now have another stand taken by another woman to try to protect the morals of our community. At last I am starting to think there may be a place for women in Parliament.

Hon. J. M. Berinson: How old are you now Mr Gayfer?

**Hon. H. W. GAYFER**: If anybody says I am a prude or anything like that they can come around and talk to me later and I will show how much I am not one of those people.

It is only about 15 years since there was a complaint in another place, where I happened to be sitting in those days, about some bald-headed chap—I remember it well—passionately kissing a girl at a stop sign, and it was said the police should stop that sort of thing being done in public.

Several members interjected.

**Hon. H. W. GAYFER**: At the time I had plenty of hair on my head.

It was only a little later that another impassioned speech was made in the same place which left the House aghast because four-letter words were repeated, and they are recorded in *Hansard*. I could use them here without any problem today because they are almost everyday parlance, but at the time they had been used on television and everybody was horrified. Since then we have progressed to a stage where the other night on the national FM station there were more four-letter words used in one play which was being enacted than I had heard in my life. Any child between the ages of two and 18 could have listened to that programme, and most likely did so because FM is now more popular than AM, and yet nothing is done.

One can walk into a video shop and look around to find a film one might want to take home—it would be on a classical subject for me, of course—and one can look in the shop at

what is being shown on the large screens. They portray the most violent and sexually liberated scenes one could see, yet children between two and 18 are free to walk in. We are saying in this Bill—and I agree with it—that we will stop the showing of certain “R”-rated films at drive-in theatres where it is possible for the films to be viewed by young children outside the theatre. Drive-in theatres are not very popular these days—a lot have closed—and it will not affect people in the country because I think all drive-ins have closed in those areas. In other words we will prevent any 12 year old who can climb on a roof and sit on a chimney to look at films in a drive-in from doing so. Yet that same child can walk into a video shop or turn on his FM radio and the ABC and see and hear the same things. These days people take delight in going as far as they can because, like news writers, they think it is the only way to create sensation and interest in a particular programme. Publishers think that a book which does not have a sexual act in it in the first three pages will not be read by anybody.

Hon. E. J. Charlton: That is what they think.

**Hon. H. W. GAYFER**: That is right. It is what sells the most books.

I congratulate Dr Watson as I publicly congratulated Mrs Beggs for her action in regard to strippers. I take nothing away from anybody over the introduction of this Bill; I applaud it, but we are doing too little too late. It is what has happened in the past that is wrong. These films will still be available to children up to 18 years of age because they will be in the video shops next week. That is where all these films eventually end up; that is part of the deal, and nothing can be done about it.

How will we stop drive-in theatres from showing these types of films? We can stop hard-top theatres because two to 18-year-olds are not allowed in hard-top theatres to see “R”-rated films. I know they are not allowed into hotels either, but they do go into them. Who will police it? Is this attitude pious?

I repeat: A bald-headed man kissing a girl was a terrible act to watch 15 years ago and four-letter words coming from the junk box after an Anzac Day address was also terrible. Many complaints were lodged about that being allowed to happen. Now we are trying to close the door against anybody who might be able to see a drive-in theatre screen. What is the standard for deciding what is wrong these days? I am not sure. Is it the actual sex act, the act of copulation, of which we are frightened? It can-

not be because we see it on the television every night. Are we frightened of watching violence or seeing maimed bodies? That is also on the junk box every night.

I am anxious to know what actually constitutes an "R"-rated film. How far do we go? I think the censorship board needs more women members to be appointed to it because they seem to be interested in protecting the family by excluding rot from the television.

Having got that off my chest, the National Party supports the Bill. We think it is a little late, but we applaud it. We hope sincerely that this is the turnaround to tightening up the laws that allow the showing of some of the trash that we see on our screens. We applaud the Minister for introducing this legislation because this type of legislation helps us to regain the type of society that we once had and that most of us want. We feel that not only should most of this rubbish be not available in certain places, but that it should be completely unavailable.

**HON. ROBERT HETHERINGTON** (South East Metropolitan) [12.24 pm]: I support the Bill. I also support some of the things Hon. Phillip Pendal said, particularly the remarks he made about the male stripper giving a public performance. I do not think that was proper.

Whatever one thinks of censorship and how far it should go, I do not believe that it should be gratuitously foisted on people. I believe that parents should have some control over what their children watch.

I raised this matter in this place about 10 years ago. In my electorate which was East Metropolitan Province at that time and in which I live now there is a drive-in theatre on Hale Road, Forrestfield, the screen of which can be seen from the road. I had little effect on having anything done about it then. I am pleased to see that my lower House colleague, Dr Watson, has had more influence with the Minister and has managed to have this Bill introduced. I do not think it is correct that people should be able to see these things in public. I remember another drive-in theatre at Cannington where, when one drove over a bridge, one could catch a glimpse of the film showing and if it was the wrong film it could have caused an accident. I thought that was dangerous.

Apart from that, I think the principle is important. There are some things that are generally regarded by this community as being suitable for adults only. They are quite all right in themselves but are not suitable for children.

Hon. Mick Gayfer spoke about scenes of copulation. I think that is a perfectly normal and legal pastime, but not something that I would have done when I was younger in front of my children or in front of anybody else. I think that some things are essentially private, even though they are legal and decent.

The notion that we have reached the stage where children can view "R"-rated films is wrong and I think something should be done about that. As a matter of fact, I think something should have been done when the former Federal Liberal Minister for Customs and Excise, Don Chipp—I am not attacking him—

Hon. P. G. Pendal: You supported him.

Hon. ROBERT HETHERINGTON: I did support him and I still support what he set out to do. I believe that there are films that are generally worth seeing and an adult should be able to see films that are artistically good and which have a worthwhile message but which are still not suitable for general exhibition. I have not seen many "R"-rated films. One of these days I must go and see one of the sex triples that are shown at some theatres.

Hon. H. W. Gayfer: As an educational experience?

Hon. ROBERT HETHERINGTON: Yes, but I do not think I would stay very long. I suppose, because I have not seen one, I have led a very restricted life.

I have seen three "R"-rated films that I can remember, one being *Klute*, which I thought was excellent and which I presume would be "M"-rated today. It contained four-letter words and was the story of a prostitute. It did not offend me at any stage. Another "R"-rated movie I saw was *Clockwork Orange* which offended me because the message was clear. I thought it was an excellent film but not the kind that I would have wanted my eight-year-old child to see. It was suitable only for an adult audience. The movie *The Godfather* was extremely violent, but it brought home a message.

Unfortunately, one thing we have found since easing censorship, as Hon. Mick Gayfer said, is that gradually we have moved further along in what should be permissible. I am particularly concerned about the increasing amount of violence in films such as *Rambo* that I have not seen and *Jaws* that I have not seen because I do not want to see people being eaten by sharks so I chose not to. However, I wonder what effect depicted violence has on people.

Censorship is a very delicate and important matter because it is possible, by the use of censorship, to pretend to be using it for one reason and use it for another. One thing I want to make sure we do not do is censor things that are regarded as improper to inquire into, when the inquiry would be a right and proper inquiry.

We should not censor for political reasons. I believe that no matter how one might argue that the reading of the works of Karl Marx might harm people—some people do argue about that, although it is a fairly tenuous argument—and even if it could be proved, I would not like to see the works of Marx or Lenin banned.

Hon. H. W. Gayfer: I do not agree with you.

Hon. ROBERT HETHERINGTON: I do not expect the honourable gentleman to agree with me. There are a whole range of things that should not be banned, even though we do not approve of them.

I am not prepared to force my morality onto other people. Some people believe my personal morality is a very narrow one and it may surprise some people to know that. I am not worried about a lot of things that worry people such as nudity, four-letter words, or the like. It does not concern me and I can put up with it.

We must be careful that we are not censoring for the wrong reason. I can remember when I was first a tutor in politics in 1957 and when censorship was very strong in this country. I used to make available to my students the then banned book titled *Lady Chatterley's Lover*. We would read the book and have a tutorial on whether it should be banned. Looking back on that, I felt that what I did was load the dice and I feel I would do it differently now. It was obvious to me at the time that *Lady Chatterley's Lover* should not be banned.

I believe that the message D. H. Lawrence had in this book was one of arrant nonsense. While his criticism of modern society might be right, his remedies were ludicrous. There were parts of *Lady Chatterley's Lover* that probably would have shocked some people at that time, and in the midst of the dalliance of Lady Chatterley and the gamekeeper—

Hon. H. W. Gayfer: They do it on the desk now and not in the woodshed.

Hon. ROBERT HETHERINGTON: What is wrong with the office desk as long as the doors are locked? I do not believe that the doors

should be open so that Hon. Mick Gayfer could walk in and be confronted with a view that he was not looking for.

I found some parts of *Lady Chatterley's Lover* hilarious and I could not take the message seriously. Now that the book is no longer banned, I am not sure many people read it.

I remember that at that time there were three books which had been banned, and no-one would take them very seriously today. I read them in a week. Why did I read them? It was because they were banned and I wanted to read what was in them. The end result was that I do not think I was corrupted from reading them because they were nonsense and should not have been banned.

I have read Karl Marx and I am not a Marxist. The attitudes of people can be very interesting. I remember being visited by a person who believed in censorship, and sitting on my bookshelf under the religions and myths section and side by side with Ronald Knox's version of the *Bible*—Hon. Phillip Pandal has probably read it—was Karl Marx's *Das Kapital*. I was asked whether I was a Communist because I had *Das Kapital* on my bookshelf. He did not say, "You have a copy of the *Bible*, are you a Christian?" He chose the book that he did not like. In fact, the answer was no to both questions.

Hon. H. W. Gayfer: Would your answer be no to both books?

Hon. ROBERT HETHERINGTON: Yes. It is fairly well known in this House that I am an agnostic. I am not an atheist because I do not believe in being terribly dogmatic. It does not mean that I do not want people to read the *Bible* or Karl Marx. In fact, I think they should. We should be able to read and debate these books.

Since censorship has been lifted, one of the things that has worried me are the kinds of things that one comes across in books. I came across so-called true stories in a book, *American Forum*, which were on the level of grubby bits of paper that were circulated when I was a teenager. We used to chortle about them in corners. It was just disgusting and revolting stuff and I see no reason for it being published. I do not know where one draws the line or how one censors the printed word. I am inclined not to, but it does raise problems.

When it comes to visual arts, particularly films, we have to rethink a lot of our past attitudes on censorship. When I was doing my reading from 1980 until the sexual assault legis-

lation was passed, it seemed to me that one of the things that was happening in our society was that the pornographic myths that are read in pornography were the kinds of things that were used as a model and carried out by the rapist—the notion that a woman has to be forced; the notion that a man has to be the machismo male; the notion that women have to submit. All the things one reads in cheap pornography are the models rapists take for their own actions because their lives are unsatisfactory. They try to bring excitement into their lives by acting out the pornographic myths. This worries me.

I do not know that the answer is to ban pornography, but as a feminist—I am in agreement with Dr Watson—I find that in my own party the entry of women into Parliament has been of great benefit to us all.

One thing that has concerned me is that pornography does degrade women. I am not sure about homosexual pornography because I have not seen any of it, but certainly heterosexual pornography treats women as objects and teaches males, if they are going to take the model, that they are to be unfeeling and to believe they have rights over women.

It is interesting to note that the militant feminists are looking at the whole question of pornography, and it is one which we have to look at. I am sure that pornography does not hurt a lot of people, although I have read little of it because it is not my favourite form of reading—oddly enough I can happily read books which have no explicit sex in them at all.

Pornography is not likely to harm me or many of the members who are sitting in this Chamber. I will not speak for all of them, because I do not know. We need to think about whether by changing our judgment and values it is harmful to the individual and to society.

I accept a view that has been brought out by psychologists; that is, that some people find pornography a release and it makes them less harmful in society. In other words pornography does have a therapeutic value for some people. It is a question that we must look at very carefully. We should not ban the lot. Certainly we must start where we are starting now; that is, with this legislation. We must prevent people from having unsolicited material that they find offensive. I do not use the form of words that Hon. Phil Pandal used—and which are offensive—because some things that would offend him would not offend me.

People should have the right not to have material that they find offensive gratuitously forced upon them. They should have the right, if they know what they are going to see, to see "R"-rated films. One of the problems is where to draw the line.

I am seriously concerned about the violence on television. I have looked at some programmes lately and it is quite appalling. Our society is becoming obsessed with sex and violence and this is something we could well do without. I do not know what the answer is but we need to think about it while keeping in mind in a liberal democracy the need to keep censorship to a minimum because we must be able to follow inquiries and put unpopular views before people. Many of the things that are now accepted by everybody were once unpopular views.

I once held a tutorial on John Locke. I asked some of my students whether they found some of his work nonsense and they said that indeed they did. I asked whether they found that some of it was ordinary and that they could not understand what the fuss was about, and they said they did. The things they considered to be nonsense were the things not revolutionary in their time. The thing they found normal was the notion of individual rights which was revolutionary in Locke's time. The revolutionary issues have stayed and some of the attitudes then in existence, which I would regard as wrong, have disappeared.

It is only through the dialectic of argument and putting forward new hypotheses to be opposed by other views to get a synthesis that is nearer the truth that we shall make progress. This is, of course, a scientific method to receive truths and test them.

Although I therefore believe we have to be very careful in censorship, it seems that we must stop this kind of activity which has gone on for too long and we must stop people being offended needlessly. We must think of the problems that face our society by the degrading of values and attitudes. Some of the issues about which we are talking are merely symptoms of the problem. The real problem lies in the nature of our society and exploitation of people by people. But, this is another subject which I will not go into now because if I started I would spend two hours talking about it.

I support the Bill.

Debate adjourned, on motion by Hon. Fred McKenzie.

*Sitting suspended from 12.40 to 2.30 pm*

## ACTS AMENDMENT (ELECTORAL REFORM) BILL

### *In Committee*

The Deputy Chairman of Committees (Hon. John Williams) in the Chair; Hon. J. M. Berinson (Leader of the House) in charge of the Bill.

#### Clause 1: Short title—

Hon. J. M. BERINSON: As members will be aware, comprehensive alternative packages by way of a list of amendments were put on the Notice Paper only yesterday by both the Liberal and National Parties. I indicated last night that a preliminary view of those amendments led the Government to believe that neither addressed the real problem appropriately, and neither would be acceptable as representing a reasonable move forward in the area of electoral law reform.

This matter, however, is so important and has already had invested in it so much time and energy that the Government has come to the view that it should take a little longer to consider the implications of the amendments which have been listed, and also searching out, if that is possible, any remaining area for some sort of reasonable agreement. It would be inconsistent with that to commence any constructive debate on the Bill this afternoon, and for that reason I propose now to move that progress be reported with a view to taking up the substantive debate next week.

### *Progress*

Mr Deputy Chairman, I move—

That you do now report progress and seek leave to sit again.

Hon. D. J. WORDSWORTH: The very great task performed by the Deputy Clerk and her staff in being able to put all these amendments together should be recorded. No indication was given previously that the problem was too big for the Minister to proceed. Council staff have been up since 4 o'clock this morning getting all this in order. Now the Leader of the House recognises the whole thing was too big anyway. He should have thought of that a little earlier rather than putting the staff to this strain.

Hon. G. E. MASTERS: I obviously support the move by the Leader of the House to report progress. Indeed I think in situations like this the Government should be prepared much more often than it has been in the past to re-

port progress. I admit that when I was a Minister I was as reluctant as the present Government to report progress.

Hon. J. M. Berinson: The record will show that we have actually done it quite regularly.

Hon. G. E. MASTERS: Now I am on this side of the House I recognise it was wrong.

The DEPUTY CHAIRMAN (Hon. John Williams): Order! This is a procedural motion and cannot be debated.

Hon. G. E. MASTERS: I cannot say any more?

Hon. J. M. Berinson: No, you cannot even say what you have said.

The DEPUTY CHAIRMAN: It will be deleted from the record. It is not a debatable motion.

Hon. H. W. Gayfer: It should be. You are either dealing with the Bill or you are not.

The DEPUTY CHAIRMAN: It is a procedural motion and I cannot allow debate on the matter. That does not mean that at a later stage of this sitting you cannot debate anything you like.

Hon. H. W. Gayfer: Now you know what I think about it.

Question put and passed.

## ADJOURNMENT OF THE HOUSE: ORDINARY

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [2.35 pm]: I move—

That the House do now adjourn.

### *Sittings of the House: Continuity*

HON. G. E. MASTERS (West—Leader of the Opposition) [2.36 pm]: I want to make some remarks at this time about what has been and is happening in the House. The House has been coming back for a week and then going away for a week; coming back for a week and going away for a week. The Government's business seems to be in utter chaos.

Several members interjected.

Hon. P. G. Pandal: A shambles!

Hon. G. E. MASTERS: The piece of legislation on which progress has just been reported ought to be rewritten and reintroduced in a proper way. When the debate takes place it will be an absolute and complete farce.

Hon. Graham Edwards: You will make sure of that.

Hon. G. E. MASTERS: At the end of the day nothing will be resolved except that the Government will be saying that we have tried to stop it from carrying out electoral changes.

I put it to the Government, please consider the prospect of rewriting this legislation. As I said yesterday, I would then support the second reading in its rewritten form and we could debate it properly. It is a farce. That legislation will never ever achieve anything. We will be going backwards and forwards, chopping and changing. Members will not know where they are going, and this Parliament, particularly this House, will become a laughing stock. I put it to the Minister, please rewrite that legislation and let us get on with the proper business of running this House.

Several members: Hear, hear!

#### PRISONER CATHERINE BIRNIE:

##### *Newspaper Report*

HON. GARRY KELLY (South Metropolitan) [2.38 pm]: I want to make a few comments about the front page story in yesterday's *Daily News*. I consider the article an absolute, bloody disgrace to journalism and to the *Daily News* in particular. The views and wishes and concerns of Catherine Birnie are of no interest and concern to any reasonable person in this city. The Birnies forfeited any consideration for their feelings or their yearnings to be portrayed in the newspaper, let alone on the front page. The editor and the journalist, Mr George Williams, should be ashamed of what they have done.

As for the gratuitous publication of photographs of the victims, that was unnecessary to the body of the story. To put one of them on the front page is even worse.

It seems to me that if the new management of the *Daily News* has to pander to the ghoul market to make money we should seriously consider winding up the *Daily News* rather than have this sort of thing. The editor, the management, and the journalist involved should write a front page apology, not only to the people of the State but also to the families of the victims of these two people.

There is not so little going on in the world today that we must have this sort of thing. We have a coup in Fiji, we have the Iraqis

exocetting—to coin a new verb—American ships. There are plenty of news stories around this place without using this sort of rubbish.

I do not know what the general consensus of people in this State has been on this issue, but when I first saw that article I was annoyed and angry at the *Daily News* for deciding to print that sort of rubbish in the name of journalism. This newspaper deserves to receive the censure of this House.

##### *Point of Order*

Hon. JOHN WILLIAMS: Before the House adjourns, there is the matter of question time, which has to be considered by the House.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Question time is set down for 4.00 pm, and members will not be here at 4.00 pm, so there is no point of order.

##### *Debate Resumed*

HON. J. N. CALDWELL (South) [2.42 pm]: On behalf of the National Party, I support the remarks made by Hon. Garry Kelly. I happened to know very well one of the persons murdered. She was a very well respected girl from my district. I can imagine the hate that is felt by people in my district, and possibly in Western Australia as a whole, at having something like that brought up on the front page of the *Daily News*. It is an absolute disgrace. I place on record that the National Party supports in full the comments made by Hon. Garry Kelly.

##### *Acts Amendment (Electoral Reform) Bill: Amendment Consideration*

HON. E. J. CHARLTON (Central) [2.43 pm]: I want to comment briefly on the decision on the Acts Amendment (Electoral Reform) Bill. It is a fact of life that the amendments were placed on the Notice Paper only yesterday, and members did not know what the final positions of the National Party and the Liberal Party were in relation to those amendments. If those amendments are the final, most complete decision which has been reached by the Liberal Party, it is only right that members be given time to consider them. It is a shame that members did not have all the amendments to the

Bill. I agree with the Leader of the Opposition that it would have been better had the Bill been brought back in a consolidated form.

It is unfair to say now, that members have received all these amendments, let them get on with it. It is only right that members can go

away over the weekend and know exactly where they stand, and can come back in the proper manner to debate the Bill.

Question put and passed.

*House adjourned at 2.44 pm*



## QUESTIONS ON NOTICE

### WOMEN'S INTERESTS

*Book: "Why Work with Young Women"*

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

I refer to the launch of the book *Why Work With Young Women*, and ask who were the authors of this publication and/or members of its editorial committee?

Hon. KAY HALLAHAN replied:

The authors were Suzie Omelczuk and Stephany Durack, and the editorial committee included Caron Irwin, Donna Taylor, Suzie Quixley, and Lila Carlton-Doney.

### ARTS

*Perth Entertainment Centre:  
Expressions of Interest*

138. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The Arts:

- (1) How many expressions of interest have been received for the disposal of the Perth Entertainment Centre?
- (2) How many are from—
  - (a) local interests;
  - (b) interstate interests;
  - (c) overseas interests?
- (3) What is the range of financial offers made for the centre?
- (4) When is a final decision on the matter expected?

Hon. J. M. BERINSON replied:

I am sure the member would appreciate that these questions should not be answered at this time so as not to prejudice the best commercial interests of the State.

### HOSPITAL

*Bunbury Regional: Child Care Day Centre*

144. Hon. V. J. FERRY, to the Minister for Community Services:

- (1) In regard to the new child care day centre being established at the Bunbury Regional Hospital—
  - (a) what will be the total cost of the building;

- (b) what will be the cost of furnishings and equipment;
- (c) how many children will it cater for;
- (d) how many staff will be employed and on what basis;
- (e) what scale of charges will be required of parents of children attending the centre;
- (f) from what source have funds been provided for the centre;
- (g) what will be the basis of Government funding, including subsidies, to meet operating costs?

(2) Does the Government intend to build any more day care centres in Bunbury?

(3) If so, where will they be located?

Hon. KAY HALLAHAN replied:

- (1) (a) The total cost of the building is \$297 730;
- (b) the cost of furnishings and equipment is \$17 750;
- (c) the centre will cater for 43 children;
- (d) 11 staff will be employed by the community management committee;
- (e) fees charged will be in accordance with the Commonwealth Department of Community Services fee relief scale, based on the level of assessed family income;
- (f) \$160 480 capital has been provided by the State Government; \$155 000 capital has been provided by the Commonwealth Government;
- (g) recurrent funding for the break-even operation of the centre will come from the Commonwealth Government and fees.

(2) This matter is under review.

(3) Not applicable.

## TRANSPORT

### *Taxi Licences: Metropolitan Area*

146. Hon. FRED MCKENZIE, to the Minister for Sport and Recreation representing the Minister for Transport:

- (1) How many taxi cars are currently licensed to operate in the metropolitan area of Perth?
- (2) Has the number of taxi cars operating—excluding the special provisions for the America's Cup—increased over the last 10 years?
- (3) If so, by how many?

Hon. GRAHAM EDWARDS replied:

(1) Unrestricted licences including three multi-purpose taxis	839	
Restricted area licences	7	
Private taxi car licences	22	868
	<hr/>	<hr/>

- (2) Yes.
- (3) As at 30 June 1978, the following taxi car licences were on issue—

Unrestricted licences	813	
Restricted area licences	12	
Private taxi car licences	6	831
	<hr/>	<hr/>

## TRANSPORT

### *Taxi Control Board: Monitoring*

147. Hon. FRED MCKENZIE, to the Minister for Sport and Recreation representing the Minister for Transport:

- (1) Does the Taxi Control Board monitor the availability of taxis during peak periods?
- (2) If so, does it report to the Minister the incidence of demand and delay to prospective clients?
- (3) Are any complaints received by the board over delays occurring to persons requiring taxis?
- (4) If so, how many?

Hon. GRAHAM EDWARDS replied:

- (1) Yes.
- (2) Not in specific terms, but in general terms the Taxi Control Board does keep me informed on the performance of the taxi industry in meeting the service demands.
- (3) Yes.

- (4) Seven since 31 January 1987.

## EDUCATION

### *Values Clarification Programmes*

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

- (1) Do Western Australian Government schools use the process of values clarification in their educational programme?
- (2) If so, which schools?

Hon. KAY HALLAHAN replied:

- (1) Yes. Values education is an area of interest and concern for all teachers, because values are central to the process of education. Teachers introduce processes which will help students to become more aware of their own feelings.

The social studies K-10 syllabus, for example, adopts three basic approaches to values education: awareness of feelings; clarification and analysis of values; and decision and justification. Similar approaches are espoused in the health education K-10 syllabus, home economics teachers' guides, personal and vocational education guidelines, etc.

- (2) All schools.

## TECHNICAL AND FURTHER EDUCATION

### *Funding: Cuts*

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

What effect will the Federal Government's mini-Budget have on TAFE funding in Western Australia?

Hon. KAY HALLAHAN replied:

The Federal Government contribution to the TAFE recurrent budget has been approximately 18 per cent. The effect of these changes cannot be accurately predicted at this time pending—

- (a) decisions in the next State Budget;
- (b) availability of more information on the nature of programmes, which may or may not involve

TAFE, funded via the Federal Department of Employment and Industrial Relations.

## EDUCATION

### *Social Educational Materials Project: Use*

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

- (1) Do any State Government schools use the programme, "social educational materials project"—SEMP?
- (2) If so, which schools?
- (3) Do any State Government schools use the programme, "Man: A Course of Study"—MACOS?
- (4) If so, which schools?

Hon. KAY HALLAHAN replied:

- (1) No.
- (2) No.
- (3) Yes.
- (4) Hollywood Senior High School—MACOS.

## FAMILY

### *Family Support Services Programme*

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

- (1) What is the family support services programme?
- (2) When was it established?
- (3) What are its aims?
- (4) Does it handle any State funds, or only Commonwealth money?

Hon. KAY HALLAHAN replied:

- (1) The family support programme is a joint Commonwealth-State programme.
- (2) It commenced operations with effect from 1 January 1987.
- (3) Its aims are to provide support to families so that they can provide an adequate child rearing environment.
- (4) The programme includes State and Commonwealth funds.

## ARTS DEPARTMENT

### *Relocation*

155. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The Arts:

- (1) Is the Department for the Arts to be relocated to the ground floor of the new Alexander Library building?
- (2) Were alternative premises considered?
- (3) If yes to (2), were the James Street Technical School building and the Government buildings in Museum Street considered?
- (4) If so, why were they considered unsuitable?
- (5) Was the State Library Board consulted?
- (6) Will the loss of ground floor exhibition space pose any difficulties for the cultural centre?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Yes.
- (3) Yes.
- (4) The James Street Technical School premises are designated for use by the Perth Institute of Contemporary Arts. Museum Street—the building required substantial renovation and was not considered suitable for office accommodation.  
The current location is also the cheapest in that it provides for the utilisation of an under-used Government asset.
- (5) Yes.
- (6) No.

## ARTS

### *Festival of Perth: Inquiry.*

156. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The Arts:

- (1) Has the Minister announced a public inquiry into the Festival of Perth?
- (2) If so, who is to conduct the inquiry and what are its terms of reference?
- (3) Was the University of Western Australia consulted before the Minister made his announcement and if so, what was its attitude to such an inquiry?

Hon. J. M. BERINSON replied:

- (1) No.
- (2) and (3) Not applicable.

#### EDUCATION: SPECIAL SCHOOL

##### *Carson Street: Closure*

158. Hon. P. G. PENDAL, to the Minister for Community Services representing the Minister for Lands:

Would the Minister table in the House the departmental file with reference to Cabinet's August 1986 decision relating to the closure of the Carson Street School?

Hon. KAY HALLAHAN replied:

This question has been incorrectly addressed. It has been referred to the appropriate Minister, who shall respond in writing in due course.

#### ARTS

##### *Grants and Loan Assistance: Details*

159. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The Arts:

Will the Minister provide full details of expenditure of the \$6 508 000 allocated this year by his department under "grants and loan assistance", including all grants made out of the Instant Lottery grant contribution?

Hon. J. M. BERINSON replied:

As the financial year is not yet complete, it is not possible to provide full details of all grants made at this stage. A detailed list of all grants and loan assistance will be appended to the department's annual report, following completion of the financial year.

#### ARTS DEPARTMENT

##### *Sponsorship*

161. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The Arts:

- (1) Does the Department for the Arts seek corporate and/or private sponsorship for any activities related to its responsibilities?
- (2) If so, what has been the extent of this assistance in the—
  - (a) last financial year;
  - (b) current financial year?

(3) To what extent do recipients of grants or loans themselves seek corporate and/or private funds?

(4) Is the department aware of specific amounts of such outside funding?

Hon. J. M. BERINSON replied:

- (1) No.
- (2) See answer to (1).
- (3) The extent varies widely according to the abilities of the artist or organisation to obtain corporate or private funds.
- (4) Only in the broad budgeting sense when assessing grant applications.

#### PRISONERS

##### *Mail: Censorship*

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

- (1) Does the Prisons Department have the power to censor outward mail written by prisoners?
- (2) If so, to what extent is the practice used in Western Australian prisons?
- (3) If censorship of mail is not permitted, how long has such a regulation applied?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) Section 67 (3) of the Prisons Act sets out the circumstances in which dispatch of mail may be refused.
- (3) Not applicable.

#### ARTS

##### *Grants and Loan Assistance: Accountability*

164. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for The Arts:

I refer to the \$6 508 000 in grants and loan assistance available this year from the Department for the Arts and ask what formal means of accountability or verification is demanded from recipients of these grants and loans?

Hon. J. M. BERINSON replied:

Grants made through the Department for the Arts are subject to the recipient agreeing to comply with detailed conditions of grant. Grant acquittal re-

quirements included in the conditions of grant require artistic and financial accountability. These acquittal requirements are monitored by department staff. Financial acquittal is provided in the form of financial statements covering the project funded.

## ARTS

### *Museums: Travelling Curator*

165. Hon. MARGARET McALEER, to the Leader of the House representing the Minister for The Arts:

Would the Minister advise whether the Government intends to make permanent appointments this year for a travelling curator and a travelling conservator for the WA Branch of the Museum Association of Australia?

Hon. J. M. BERINSON replied:

The matter is one for the Budget.

## TRANSPORT: BUSES

### *Bunbury: Subsidisation*

166. Hon. TOM McNEIL, to the Minister for Sport and Recreation representing the Minister for Transport:

- (1) To what extent is the South West Coach Lines being subsidised on the Bunbury City intratown service?
- (2) How does that compare with the projected subsidisation of the entire Westrail road coach routes?
- (3) Is it the Government's intention to give subsidisation on the other routes?

Hon. GRAHAM EDWARDS replied:

- (1) South West Coach Lines is not being subsidised in this regard as it is not party to the contract. The contract is with D. B. and L. B. Adams, trading as Bunbury-City Transit. For the 1987 calendar year, Government will provide a shortfall subsidy to Bunbury-City Transit amounting to \$788 063, adjusted only for any variation in Treasury interest rates.
- (2) The total subsidy associated with Westrail's road coach services network was \$1.73 million during 1985-86 and is projected to be in the order of \$0.7 million in 1986-87.

- (3) I am not aware of the routes to which the member is referring.

## EDUCATION: SCHOOL OF THE AIR

### *Kimberley: Extensions*

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

- (1) Has the Kimberley School of the Air sought funding for—
  - (a) extensions to its buildings;
  - (b) extensions to its broadcasting facilities?
- (2) Were any funds for these purposes granted, and if so, what amount was granted?
- (3) Were the funds granted sufficient to cover the work required?
- (4) If not, why not?
- (5) Are these funds still available to the Kimberley School of the Air for extensions to its buildings and broadcasting facilities?
- (6) Is it planned that extra funding will be made available so that the extensions required can be carried out to make the facilities at the Kimberley School of the Air adequate?

Hon. KAY HALLAHAN replied:

- (1) (a) and (b) Yes.
- (2) Yes; \$25 000.
- (3) No.
- (4) It was not considered that the small addition proposed warranted the cost.
- (5) No.
- (6) No. A temporary classroom will be provided, when available, to house resources. This will create space in the existing centre for additional activities.

## WILDLIFE

### *Flora: Banksia.*

168. Hon. MARK NEVILL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) How many named species of *Banksia* are there in Australia?
- (2) Which of these species are known to be present in the Esperance and Dundas Shires?

- (3) Which of the species listed in part (2) are considered rare or threatened?
- (4) What is proposed to protect those species as listed in part (3)?
- (5) Has the Wildlife Research Centre of the Department of Conservation and Land Management been involved in the national *Banksia* survey?
- (6) If so, what has been the general involvement of the Wildlife Research Centre?
- (7) How is it proposed to disseminate the Western Australian information gathered by the national *Banksia* survey?

Hon. KAY HALLAHAN replied:

(1) 72.

- (2) *Banksia baueri*—Woolly Banksia  
*Banksia baxteri*—Baxter's Banksia  
*Banksia blechnifolia*—no common name  
*Banksia coccinea*—Scarlet Banksia  
*Banksia elderiana*—Swordfish Banksia  
*Banksia laevigata*—no common name  
*Banksia lullfitzii*—no common name  
*Banksia media*—Southern Plains Banksia  
*Banksia nutans*—Nodding Banksia  
*Banksia occidentalis*—Red Swamp Banksia  
*Banksia petiolaris*—no common name  
*Banksia pilostylis*—no common name  
*Banksia pulchella*—Teasel Banksia  
*Banksia repens*—Creeping Banksia  
*Banksia speciosa*—Showy Banksia  
*Banksia violacea*—Violet Banksia.

(3) Nil.

(4) Not applicable.

(5) If the member is referring to the *Banksia Atlas* the answer is yes.

(6) The *Banksia Atlas* was developed and run by CALM's Wildlife Research Centre under grants from the Federal Government.

(7) A book will be published and should be available in late 1987 or early 1988.

## FORESTS

### *Softwood: Share-farm agreements*

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

- (1) How many softwood share-farm agreements has the Department of Conservation and Land Management presently finalised and signed with landholders?
- (2) How many hectares of actual fine plantings do these contracts cover?
- (3) How many hectares do these contracts cover in the areas of—
  - (a) Manjimup;
  - (b) Albany;
  - (c) elsewhere?

Hon. KAY HALLAHAN replied:

- (1) Seven.
- (2) 1 252 ha.
- (3) (a) 534 ha;  
 (b) 567 ha;  
 (c) 151 ha.

## FORESTS: HARDWOOD

### *Logging: Control*

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

- (1) Is it the Minister's intention that the department will take over logging operations in the State's hardwood forests?
- (2) Will the department employ its own forest operations staff—that is, fallers, etc.?
- (3) If no to (2) who will pay the forest operations staff?
- (4) If no to (2), how will the present role of the department change from its supervisory and planning role?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) No the department will be tendering these operations out to private operators.
- (3) Any additional cost to the department will be recouped from the successful log contract tenderers.

- (4) Log contractors will tender to the department rather than to individual sawmilling companies.

For the information of the member, the department currently conducts an integrated logging operation which involves contracting to private operators in its softwood plantations. The proposal in the timber strategy is that this concept be extended to the State's hardwood forests.

#### TRANSPORT: BUSES

*Midland; Greyhound Australia Pty Ltd*

175. Hon. MARGARET McALEER, to the Minister for Sport and Recreation representing the Minister for Transport:

- (1) Would the Minister advise me whether it is correct that the Midland bus service is to be taken over by Greyhound buses?
- (2) If so, have conditions been set for the number of bus services per week to Geraldton and return to Perth—
  - (a) through Three Springs;

(b) through Eneabba?

- (3) Will the present concessions to pensioners and school children still be offered?

Hon. GRAHAM EDWARDS replied:

- (1) to (3) While the member's question refers only to road coach services operated by Westrail between Perth and Geraldton, my answer is applicable to all Westrail-operated road coach services in this State.

There is no plan for any takeover of any Westrail-operated bus service by any private operator. However, later this year it is intended to call for expressions of interest from all bus operators—including Westrail—for the operation, under contract, of all or part of the existing Westrail bus service network. The focus of this proposal is to identify any opportunities for the reduction of costs of delivering existing services. It is not in any way directed at reducing either service frequencies or the availability of concessional fares on these services.