Legislative Council

Thursday, 6 November 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

BILLS (3): INTRODUCTION AND FIRST READING

1. Justices Amendment Bill.

   Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

2. Reserves Bill.

3. Land Amendment Bill (No. 2).

   Bills introduced, on motions by the Hon. D. J. Wordsworth (Minister for Lands), and read a first time.

ELECTORAL AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [2.43 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make provision in the Electoral Act to recognise that any action whatsoever which attacks the physical or mental ability or capacity of an elector so as to prevent or render that person incapable of voting at an election, will be a punishable offence. Under the proposed new section 187A, it will be immaterial that such action by a person fails to achieve its purpose.

Members will recall that in the aftermath of the election for the electorate of Kimberley this year, allegations were made that certain persons had attempted to undermine the ability of Aboriginal electors to cast their votes at that election.

The events have come to be referred to as the "Turkey Creek incident" and are no doubt well known to all members.

The police investigation which followed the incident disclosed that whilst the facts were fairly well established, no breach of the law had taken place and no action to prosecute was possible.

The police view was confirmed by a separate assessment made by the Attorney General.

In the light of this development, the Government decided that the deficiency in the law should be remedied, and that is what this Bill seeks to do.

I commend the Bill to the House.

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

METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [2.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to amend the Metropolitan Region Town Planning Scheme Act 1959-79 by inserting a new section 17A, amending section 28, and substituting a new section 33D for sections 33D and 33E which are to be repealed.

In accordance with the provisions of the principal Act, the term of tenure of members appointed to the Metropolitan Region Planning Authority has expired by effluxion of time on the expiration of a period of two years commencing on the day notice of the inaugural appointments were published in the *Government Gazette*, that being 8 April 1960.

Subsequent appointments to the Metropolitan Region Planning Authority, including the chairman, members, and deputy members, have normally been made for a period of two years, commencing on 8 April of every second year.

Over the years there have been occasions where Metropolitan Region Planning Authority members representing local authorities have not been successful at the local government elections, which are held in May of each year. As a result, by the terms of the Act, they have ceased to be eligible to remain members of the Metropolitan Region Planning Authority.

The procedures are such that it takes some time before any appointments can be made to fill such vacancies. In fact, lapses of two to three months before a vacancy is filled have not been uncommon.

In 1980, for example, the representative of the group "C" district planning committee did not re-nominate for the May 1980 local government

elections, even though he was re-appointed to the authority in April 1980.

As a consequence, group "C" district planning committee was without a member on the authority for several months.

Whilst there are deputy members to act in the absence of the member, it has happened that a member and his deputy have not re-nominated, or one has not been successful and/or the other did not re-nominate.

The proposed new section is designed to overcome the existing problem by specifying that the terms of office of the persons most recently appointed to each of the respective offices of members of the Metropolitan Region Planning Authority before the coming into operation of the amending Act shall expire by effluxion of time on 31 August 1982, instead of 7 April 1982, as would presently be the case. After 31 August 1982, the anniversary date for appointments/re-appointments will become 1 September of every second year.

This will ensure continuity of local authority representation for a longer period—at least September-May—instead of the present shorter period—possibly only April-May. In this way members or deputy members will have at least eight months before the next local government elections can result in loss of membership.

A validation clause is included to validate any act, matter, or thing which was done under or for the purposes of the Act, by any member or purported member of the Metropolitan Region Planning Authority before the coming into operation of the amending Act.

The need for this clause is brought about because of doubts about the strict compliance with formalities specified in the Act in the appointment of members.

The Metropolitan Region Town Planning Scheme Act currently provides that no contract made or expenditure incurred in respect of any one work by the authority, the consideration or cost of which exceeds $25 000, shall be made or incurred unless approved in writing by the Minister.

The original amount which required ministerial consent was $10 000 and this was subsequently changed to $25 000 in 1973.

Having regard to the increase in land values in the metropolitan region since 1973, it is considered appropriate that the amount of expenditure requiring ministerial approval be increased and the Bill provides that the sum be $100 000.

In 1963, when the metropolitan region scheme was first made it included a scheme map of 28 sheets, hand-coloured and presented on a Bonne projection at a scale of 40 chains to one inch as to 26 of the map sheets. The remaining two sheets, which refer to the central areas of Perth and Fremantle respectively, are presented at a scale of 10 chains to an inch.

Since that time, the scheme has been amended extensively and has changed as a result thereof from a set of maps showing generalised proposals into a document, which within the limits of the projection and scale is as accurate as possible.

Of recent years the major road system has been progressively refined by amendment, each amendment being based on large-scale dimensioned land requirement plans which have formed the supporting documents at the time of public exhibition.

Since metrication all mapping in Australia has been presented at metric scales on the Australian Map Grid (AMG) projection.

One advantage of this is that mapping at any given metric scale can be reduced or enlarged to any other desired scale. Thus, information on, say, a 1:2000 scale map on the AMG base can be reduced photographically to 1:25000 scale and traced directly on to a map at the smaller scale without problems of distortion. The same process is not possible in the case of a map at 1:2000 scale on the AMG base and a map at 40 chains to the inch on a Bonne projection.

For the reasons stated above, the Metropolitan Region Planning Authority now wishes to present the scheme at a scale of 1:25000 on the AMG and to consolidate therein all those amendments which have been made since the scheme was first promulgated. It is anticipated that the scheme will continue to be subject to a process of review and amendment which will necessitate its consolidation every few years.

As mentioned above, the scheme in its statutory form consists of a map comprising a number of coloured map sheets.

At present, the only convenient method of preparing coloured maps which may have to be modified several times between their initial adoption by the Metropolitan Region Planning Authority and final approval by the Governor, is hand-colouring. In a few years other convenient methods of colouring maps may be developed.

Unfortunately, therefore, the form in which the scheme maps are prepared is not yet suitable for the kind of reprint contemplated by last year's amendment of the Act. To rectify this problem it is necessary to amend the Act so that all

references to printing and reprinting of statutory plans are replaced by provisions to enable the use of hand-made documents.

Printed representations of the metropolitan region scheme will continue to be available to the public, but it is not intended that they will have statutory status, because of the new technology which would not allow reproduction of an approved amendment within a reasonable time.

In summary, the primary objectives of this part of the legislation are—

to enable the metropolitan region scheme to be consolidated as at any convenient date, past or future;

to enable the presentation of the metropolitan region scheme at a scale of 1:25000 but so as not to preclude additional scheme maps at other metric scales if this is necessary to show in detail how land is affected by the scheme;

to enable amendments to be shown at 1:25000 or at other scales, such as 1:2000, if this is necessary, to show in detail how land is affected—in practice, a 1:2000 scale amendment plan would contain a 1:25000 locality map as an insert;

to provide for the metropolitan region scheme once consolidated, to be updated from time to time; this should allow for individual map sheets to be consolidated separately from the rest of the scheme because they are the ones subject to more numerous amendments than the others;

to enable those amendments which may occur after the date of first consolidation of the metropolitan region scheme, and which are shown on the Bonne projection at a scale of 40 chains to 1 inch, to be included in the scheme and shown in the second consolidation; and

to validate any variation between the metropolitan region scheme as shown in the Bonne projection and the scheme as shown in the AMG projection, which variation is due only to the difference in these projections and not due to any change in cadastral boundaries.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

COAL MINE WORKERS (PENSIONS) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [2.55 p.m.]: I move—

That the Bill be now read a second time.

The principal Act which this Bill proposes to amend relates to the pension scheme for coalminers in Western Australia.

The original Act was introduced in 1943, so that coalminers could be paid a fortnightly pension from the age of 60 years, as compulsory retirement at that age had already been agreed to. The Act also allowed pensions for injured coalminers and dependants of deceased miners.

The original legislation in this State was modelled on the New South Wales Act and continued in step with New South Wales coalmine pension provisions until some three years ago. At that time, an agreement was reached between the New South Wales parties to pay future pensions as a lump sum in lieu of the then present fortnightly scheme.

It was further agreed that existing pensioners were to continue to receive fortnightly payments, but that these payments were to be adjusted in accordance with movements of the "loaderman" rate of pay instead of the half-yearly adjustment of social security pensions.

A further provision in the New South Wales scheme was the inclusion of a "deeming" clause, whereby a pensioner is "deemed" to be in receipt of a commercial pension when he reaches the required age or qualification, even though he may not actually receive it because of excess income.

Contributions were also indexed to the "loaderman" rate of pay and therefore kept in step with benefits. To finance the change to lump-sum payments, the New South Wales legislation set down a levy on each person in the industry, indexed to the "loaderman" rate, payable by the collieries, and totally allowable as a cost in winning coal.

The lump-sum scheme advanced by five years the fund's liabilities and would have caused liquidity problems if the special short-term levy had not been introduced.

Prior to these changes the New South Wales Government had made an annual subsidy to the

scheme. This was phased out over a three-year period.

The collieries and unions have negotiated an agreement to introduce lump-sum benefits into the Western Australian coalmining industry.

This Bill is therefore based on that agreement and seeks to bring the pension conditions of Western Australian coalminers into line with their New South Wales counterparts, while at the same time correcting problem areas in the New South Wales application.

The PRESIDENT: Order! I would like honourable members to tone down their private conversations, as some members are indicating they cannot hear the Leader of the House.

The Hon. I. G. MEDCALF: The first, and most likely the most important of these changes, is the provision of a compassionate or hardship clause to cover pensioners who could be adversely affected by the application of the "deeming" clause.

It is proposed also to extend the short-term levy to 10 years so as not to impose a prohibitive burden on the cost of winning coal. The basis, for the Western Australian levy as at 1 August 1980, is then—

> $11.70 per man per week as bridging finance for the lump-sum scheme;
>
> 80c per man per week to phase out the Government contributions; and
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> $4.53 per man per week to adjust the collieries' contribution rate to three times that of the worker, as in New South Wales. The Western Australian ratio had previously been 3.75:1.

The Bill proposes that 1 December 1979 be set down as the commencing date for lump-sum payments, and that they be indexed from that date, while the contribution and fortnightly pension rates be tied to the known composite miner rate on 1 August 1980. The composite miner rate is the local equivalent of the New South Wales "loaderman's" rate.

The special short levy and the 3:1 ratio for collieries will be applied from the first full pay period in October 1980, and the "deeming" clause will apply from the coming into effect of this legislation.

I commend the Bill to the House.

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

BANANA INDUSTRY COMPENSATION TRUST FUND AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and returned to the Assembly with an amendment.

COMPANY TAKE-OVERS AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [3.00 p.m.]: I move—

That the Bill be now read a second time.

The Company Take-overs Act 1979 contains a sunset provision that it will continue in operation until 31 December 1980, and no longer. The Act was brought into operation as an interim measure pending the adoption of the Companies (Acquisition of Shares) Code under the National Companies and Securities Industry Co-operative Scheme, which was then expected to take effect as from 1 January 1981.

At the time when the Act was debated in this Parliament, it was anticipated that the State Application of Laws Bill adopting the Commonwealth Companies (Acquisition of Shares) Act in the form of a State code could have been dealt with during this sitting.

Although the Commonwealth Parliament duly passed the Companies (Acquisition of Shares) Act it has not been brought into operation because the Ministerial Council decided that it and other parts of the scheme legislation needed further attention to make the scheme workable as a whole.

A Bill to amend the Companies (Acquisition of Shares) Act was introduced into the last sitting of the Federal Parliament but was not passed before that Parliament was prorogued. This Bill will now need to be reintroduced into the new Federal Parliament. In the circumstances, the Ministerial Council decided at a meeting last Friday that the various State Application of Laws Bills should be deferred until the Commonwealth amending Bill had become law.

As the State Government considers it essential for the Company Take-overs Act 1979, as it operates in Western Australia, to continue in force after 31 December 1980, the Bill now before the House will repeal section 61 and amend section 60 to remove the sunset provision.

The Company Take-overs Act is to be extended without reference to a date because that will achieve uniformity with the position adopted in Queensland and South Australia, which also have

introduced interim takeover laws; and it also avoids the question of coming back to the Parliament should there be any further untoward delays involving the Commonwealth legislation and, in consequence, the text of the code to be adopted by the States.

It is intended that the Company Take-overs Act will be set aside and cease to have effect when the code to implement the national scheme is applied in this State by an application of laws Bill to be introduced, probably in the next session.

I would emphasise that the Government is still committed to adopting the Commonwealth Companies (Acquisition of Shares) Act—when amended as above set out—in the form of a State code as part of the national scheme as soon as that becomes possible.

I commend the Bill to the House.

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

ELECTORAL AMENDMENT BILL (No. 2)

Second Reading

THE HON. PETER DOWDING (North) [3.03 p.m.]: I move—

That the Bill be now read a second time.

This Bill is intended to effect three changes to the Electoral Act. The first change proposed, as far as the witnessing of enrolment cards is concerned, is to return to the situation that existed prior to the Government's successful attempt to restrict the classes of people who may be witnesses.

I suggest to honourable members opposite that there are compelling reasons for returning to the old situation. The first is that there was not one skerrick of evidence presented to his Honour Judge Kay upon whose authority the Government relied in making this change. There was not one skerrick of evidence other than the hearsay comment of an admitted racist which established that people had been enrolled without understanding the nature of their enrolment. That is to the extent that they did not understand they had in fact enrolled for elections.

It is interesting to note that the reasons advanced for limiting the potential class of witnesses to a claim for enrolment were that there had to be some sort of protection offered to people who might otherwise find themselves being manipulated. Firstly, there is no suggestion in the Act that the person who witnesses the enrolment card need have any understanding of what it is about or, secondly, explain that understanding, such as it may be, to the aspiring elector.

There is no obligation on the police officer, or the clerk of the court, or the justice of the peace, to tell the aspiring elector what it is all about. There is no obligation on that person to do other than satisfy himself as to the truth of the matter set forth on the card. Therefore, the section of the Act is a sham; and at the time it was passed, the Government knew it was sham.

It was never intended by the Government that the section do anything but inhibit people from seeking to become enrolled. The fact it is a sham is shown by the answer to the question asked by my honourable colleague, Howard Olney, on 29 October 1980. On page 2753 of *Hansard*, the Hon. Gordon Masters admitted on behalf of the Minister that no check is made on the effectiveness or otherwise, or even the truth or otherwise, of the matters indicated on the card. There is not even any check to see whether the qualification of the witness is right. That is an indication not of the Electoral Department not doing its duty, but simply of the fact that this provision in the Act was never required.

If it is the case that the witness is intended to interrogate the aspiring elector, and to ask him his understanding of enrolment procedures, his understanding of electoral procedures, and his understanding of the political situation, in my submission that would be an unlawful inquiry and one which the witness was neither obliged nor entitled to make. In fact, it does not act as any sort of protection to anybody. It certainly does not act as any sort of protection for the electoral system.

If there was a need to ensure that witnesses to enrolment cards were real people, perhaps the electoral enrolment card could be enlarged to enable an elector to give his home address, and perhaps his work address or his occupation. Presently, it is a well-known fact, and one has only to examine the electoral enrolment cards that go through the electoral office to confirm it, that the material is quite often illegible, and quite often incomplete. However, the electoral card is admitted, and the person becomes enrolled.

That is ludicrous, and it shows up the *mala fides* of the Government in introducing that amendment to the Electoral Act in the first place. The people who are entitled to take declarations, which carry severe penalties for misstating the facts, are not the persons entitled to witness enrolment cards. A commissioner for declarations, a public servant, a school teacher, a postmaster—none of those people is authorised under the Electoral Act to witness enrolment cards. Neither is a solicitor; neither is a

commissioner for affidavits; neither is a notary public—

The Hon. P. G. Pendal: Especially a solicitor.

The Hon. PETER DOWDING: I am sorry the Hon. Phillip Pendal makes such a comment about solicitors, because that comment applies equally to the Attorney General.

The first question is: Is the person who witnesses a card a person? It does not matter whether he is a school teacher, a private citizen, or a police officer.

The second question is: Does the elector understand what he is doing? The point I make is, there is no obligation on the witness to inquire into that fact. I challenge the member to dispute there is no right for the witness to inquire into that. The witness is not there to make inquiries as to the level of understanding of the political system or the facility with the English language of the person seeking enrolment.

The Hon. P. G. Pendal: Whose responsibility should it be?

The Hon. PETER DOWDING: I am saying it should not be anybody's responsibility to make inquiries of an elector as to his understanding of the political system. If members step out into their electorates they will find, as I found recently, they will be asked how they went at the last election. Such people are referring to the Federal election. In fact, we went very well in that election. However, such comments should not disqualify people from being enrolled properly. I would regard it as an attack on democracy if this Government sought to impose some sort of IQ test or to gauge the understanding or knowledge of electoral procedures of the person seeking enrolment.

That point I make is that it does not matter which argument one uses to support the proposition, there is simply no justification for the fact that the witnesses are a very restricted class of people. Indeed, they are more restricted than people entitled to take internationally-recognised oaths or, for that matter, declarations in this State.

In my view, this provision was introduced in an attempt to disfranchise the Aboriginal voter in line with the policy adopted by Government members and supporters in 1977. However, the Government has not disfranchised the Aboriginal voter to the same extent as it has disadvantaged a large number of people in my electorate who do not have ready access to a police station or who may not wish to go to a police station. Those are the people most disadvantaged by this position.

The Hon. G. C. MacKinnon: Mr Dowding—

The Hon. PETER DOWDING: It is my view that it is those people who ought not to be inconvenienced, who ought not to be put in the position of seeking to define—

The Hon. G. C. MacKinnon: Mr Dowding—

Several members interjected.

The PRESIDENT: Order! I ask members to cease their interjections while the member is explaining the Bill which is being presented to the House.

Point of Order

The Hon. G. C. MacKINNON: I apologise for my interjections, but as you, Sir, have said, Mr Dowding is in fact introducing a Bill and explaining it to the House. However, I thought he was making a speech about the situation with regard to the electoral position in his electorate.

The PRESIDENT: Order! The member has no right to rise with that sort of inquiry.

Debate Resumed

The Hon. PETER DOWDING: I appreciate the member's embarrassment that this sort of material is being raised again; but, nevertheless, if he can restrain himself until later, he will have heard the full explanation for this Bill.

I repeat the proposition that it is illogical to suggest that restricting the class of witnesses protects anybody. It does not protect the system, it does not protect the enrollees, and it does not protect democracy. It simply acts as an irritant to people who wish to become enrolled.

The Hon. P. G. Pendal: You are right. It should not have to happen.

The Hon. PETER DOWDING: I shall answer the Hon. Phillip Pendal's pathetic interjection. There is simply no evidence to support his contention. He has never been able to produce any evidence nor has his party been able to do so despite the expenditure of large sums of money to engage a very senior barrister and a solicitor in one of the largest legal firms in the State. Members opposite have never been able to obtain one skerrick of evidence to support the pathetic proposition suggested by the Hon. Phil Pendal.

Several members interjected.

The PRESIDENT: Order! If members cease their interjections, perhaps the member could proceed in a more subdued manner.

The Hon. PETER DOWDING: I trust you, Sir, will forgive my raised voice, but one becomes tired of the pathetic plaints of members like the Hon. Phil Pendal and others sitting on the

Government benches. Despite two golden opportunities which cost the Liberal Party and its supporters thousands of dollars, they have never been able to come up with a skerrick of evidence to support the proposition put forward by the Hon. Phil Pendal.

The Hon. P. G. Pendal: Was there any schooling in how to vote by the Labor Party? There was schooling all right. There is evidence of it.

The Hon. PETER DOWDING: Let us analyse that. It is a measure of the contempt in which the Hon. Phil Pendal and members opposite hold Aboriginal people who are illiterate because if they had the slightest concern—

The Hon. R. J. L. Williams: I ask you not to associate me with contempt for Aborigines.

The Hon. PETER DOWDING: The Hon. Mr Williams belongs to a party which has exhibited its contempt for the Aboriginal people.

The Hon. Neil Oliver: That is a disgusting remark.

The Hon. P. H. Lockyer: You are a racist.

The Hon. PETER DOWDING: Because Aborigines have decided there is no joy in voting for the party of members opposite, they have started voting for our party.

The Hon. P. H. Lockyer: You manipulate them!

Point of Order

The Hon. PETER DOWDING: I ask for a withdrawal of that remark.

The PRESIDENT: I ask the member to withdraw the remark.

The Hon. P. H. LOCKYER: In respect to you, Sir, I withdraw it.

Debate Resumed

The Hon. PETER DOWDING: It is pathetic for members opposite to suggest Aboriginal people have been schooled in how to vote as if there is something wrong with that. If someone tells me he has no facility with reading and writing and he is nervous about the election, because he is terrified Liberal Party scrutineers will do as they did in 1977, as the judge of the Court of Disputed Returns found—

The Hon. P. H. Lockyer: For which you were a lawyer.

The Hon. P. G. Pendal: Answer me a question.

The Hon. PETER DOWDING: The Liberal Party turned one of the polling booths into a place with an atmosphere more reminiscent of a police court.

The Hon. P. G. Pendal: Answer me a question.

The Hon. PETER DOWDING: Why does not the Hon. Phil Pendal listen?

The PRESIDENT: Order! Members must understand that, during the course of this session of Parliament, I have been very tolerant towards those who have arrived recently. My patience has been extended to the absolute extreme and I can give every member an absolute assurance that, notwithstanding whether or not he agrees or is happy with the comments made by another member, whilst I am in the Chair all members will listen in silence and take the opportunity provided to them at a later stage to refute any of the comments made by the member making the speech.

The Hon. D. K. Dans: Very sound advice.

The Hon. PETER DOWDING: One can understand the hysterics we have seen from the Hon. Phil Pendal because he is not prepared to listen to the truth.

The Hon. P. G. Pendal: Do not provoke me again.

The Hon. PETER DOWDING: The truth is that, in the Court of Disputed Returns the Liberal Party went down screaming and it cost the party a great deal of money. The same situation occurred with my predecessor.

Point of Order

The Hon. G. C. MacKINNON: The member is straying from the explanation of a Bill he is supposed to be introducing.

The Hon. P. H. Lockyer: And being deliberately provocative.

The Hon. G. C. MacKINNON: I do not need any assistance in making my point of order. The member is straying onto all sorts of extraneous matters, which is an unusual situation, bearing in mind the experience we have had listening to the explanations from the Ministry on the introduction of Bills.

The PRESIDENT: Order! I agree with the member the method of introducing this particular Bill is somewhat unique. Normally a member has a prepared explanation as to the reasons for introducing a Bill. However, I know of no requirement in our Standing Orders that suggests a member has to adopt this particular approach. Therefore, I feel there is certainly no reason that I should ask the member to adopt the form normally used.

However, I agree with the Hon. Graham MacKinnon to the extent that the member is perhaps going further than is necessary to explain the contents of this Bill and I recommend, in his own interests, that he temper his comments and quickly get to the point, which is why he is introducing the Bill.

Debate Resumed

The Hon. PETER DOWDING: I accept the comment that section 42 as it stands at the moment is designed according to the wishes of the people who desire to give its explanation. No protection is necessary and if in 1977 the Hon. Phillip Pendal had put his money where his mouth was he could have attempted to have his party prove some of its allegations that protection is necessary.

My predecessor was given an opportunity to prove the allegations that he had made and they were that Aboriginal people had been misused. He was given an opportunity to do that before a jury in this State, but he did not seek to take advantage of that opportunity. He did not seek to persuade a jury that what he had said was true. I suggest that he knew as we all know, that there was not one iota of substance in the allegations.

Several members interjected.

The PRESIDENT: Order!

The Hon. PETER DOWDING: The Hon. Phillip Pendal would no doubt know that section 42 as it stands does not give protection to anyone. However, I suggest that protection is not necessary.

Point of Order

The Hon. NEIL OLIVER: I rise on a point of order, Sir, because I believe that we are introducing a Bill and it appears the member is debating the Bill.

The PRESIDENT: That is not a point of order.

Debate Resumed

The Hon. PETER DOWDING: We can now see squirms from the members on the other side of the House.

The Hon. P. G. Pendal: We are feeling embarrassed for you.

The Hon. PETER DOWDING: Clause 2(b) of my Bill has a necessary amendment—

The PRESIDENT: Order! I will warn the next person who interjects during the course of this introductory speech, after which will follow something that has not occurred since I have been the President in this place. I ask members to bear that in mind.

The Hon. PETER DOWDING: I have apologised to the Leader of the House for not having a prepared second reading speech. This is so because of the meteoric rise of my Bill on the notice paper. I say that with no discourtesy to the Leader of the House.

Clause 3 of my Bill intends to change a provision which was introduced in 1962. Members will no doubt be aware that during the early part of 1962 Aboriginal people were not recorded as citizens and therefore they were not recorded as having the right to vote. In 1962 history was made in that in accordance with moves which were made by the Commonwealth, an amendment was made to the Electoral Act thus paving the way for Aborigines to vote.

The Hon. G. C. MacKinnon: That is not really true.

The Hon. PETER DOWDING: The honourable member who interjects should read the debates of 1962 because he will note that a Mr Court, the then Minister for Industrial Development, was concerned to enfranchise Aborigines. The suggestion was made at that time that since the Aboriginal people—

The Hon. G. C. MacKinnon interjected.

Point of Order

The Hon. H. W. OLNEY: Mr President, what is the strength of the warning which you gave when you said that the next interjector will be named? I understood you to say that the next person who interjected would be named.

The PRESIDENT: I did not say that at all.

Debate Resumed

The Hon. PETER DOWDING: The honourable member who interjected (the Hon. Graham MacKinnon) might know that it was a demeaning and degrading step for Aboriginal people to have to effectively—

Several members interjected.

The PRESIDENT: I am warning the Hon. Graham MacKinnon that he has extended my patience to the limit, he knows better than anyone else that he ought to refrain from interjecting. I certainly do not wish to take that any further.

The Hon. PETER DOWDING: The Hon. Graham MacKinnon no doubt has never been close enough to the realities to understand.

Points of Order

The Hon. G. C. MacKINNON: I rise to object to a comment from a boy who is still wet behind the ears and who says things like that. If it means I am to be thrown out for that sort of statement then I do not mind.

The PRESIDENT: If the honourable member asks for the comments to be withdrawn—

The Hon. G. C. MacKINNON: I do so ask.

The PRESIDENT: That is what the honourable member has to do when he rises. He should not make a speech about it and if the honourable member indicates to the House that he takes objection to those comments I will then ask the honourable member to withdraw them. I ask the member to withdraw that comment.

The Hon. PETER DOWDING: I withdraw the comment. If it is offensive to be out of touch with reality then it is offensive to be called a boy who is still wet behind the ears.

The PRESIDENT: The honourable member seeks withdrawal of that comment. I ask the Hon. Graham MacKinnon to withdraw it and having complied or otherwise with my request I will then proceed to my next stage. I ask the honourable member to withdraw that comment.

The Hon. G. C. MacKINNON: I withdraw my comment.

The PRESIDENT: I wish to say to all members that I am disturbed at the trend which is presenting itself in this House this afternoon. During the course of this session I mentioned that in my view, some members—and I have been tolerant because of the fact that many of them were newly elected to this place—have been prepared to interject on speakers to an extent that has not been the case previously in this House. I believe this session has advanced sufficiently for members to have learned that no matter how often a member disagrees with the comments made by another member, that member is entitled to make his comments.

As a result of constant interjecting, members are tending to say things that are objectionable to other members. Half the requests to withdraw statements would not have to be made if there were only one speaker at a time. At least, he would be the only person of whom such a request could be made.

I do not intend to tolerate being placed under this sort of pressure by any member and if a member wishes to see me exercise the provisions of the Standing Orders then I am perfectly capable of doing so. Surely, it would need to be done only as a result of a deliberate attempt by a member to have me exercise that move.

I certainly do not think that any member of this Chamber would embark on such a course. I therefore ask the Hon. Peter Dowding to confine his remarks to an explanation of what is in the Bill which is before the House and ask if he would moderate his language and the terminology he is using so that he does not induce interjections to which he took objection recently.

Debate Resumed

The Hon. PETER DOWDING: I acknowledge your comments, Mr President. It is very difficult to prevent people like the Hon. Phillip Pendal getting excited over specific areas when there is such a gulf between us in terms of our regard for other people in this State.

Point of Order

The Hon. G. C. MacKINNON: On behalf of the Hon. Phillip Pendal, I take a point of order in regard to the inference that Mr Pendal has no regard for other people.

The PRESIDENT: What were the words?

The Hon. G. C. MacKINNON: The honourable member will tell you the words.

The PRESIDENT: Order! I would like you to tell me. I did not hear them.

The Hon. G. C. MacKINNON: Sorry, Sir. I thought he was about to stand up. The words were that the Hon. Phillip Pendal did not have the same consideration for other people as did the Hon. Peter Dowding, and he referred to the gulf between them.

The PRESIDENT: Order! I ask the Hon. Peter Dowding to withdraw those comments that made that inference about the Hon. Phillip Pendal. If he wants to continue his explanation of this Bill I ask him to moderate his language.

The Hon. PETER DOWDING: I made no inference about the Hon. Phillip Pendal except that we have a different regard for people in this State.

The PRESIDENT: A member has taken objection to that, and I am asking you to withdraw it. If the Hon. Peter Dowding does not want to withdraw it, he can simply say so and we will proceed to the next stage.

The Hon. PETER DOWDING: I do not want to delay the House. I withdraw the words.

Debate Resumed

The Hon. PETER DOWDING: I make the point that there is a very great difference between my view of the rights and privileges of Aboriginal people and the view of the Hon. Phillip Pendal.

The PRESIDENT: Order! I ask the honourable member to sit down. I think that comment is out of order because it makes an inference you have no right to make.

The Hon. PETER DOWDING: I withdraw it then, Mr President.

Point of Order

The Hon. J. M. BERINSON: Mr President, I rise on a point of order. I appreciate your concern to keep the proceedings of this Chamber on an even keel. On the other hand, there has to be some limit to the extent to which members are restricted in their ability to express themselves. With respect, Sir, I put to you the provisions of Standing Order No. 87 which, so far as I can see, provide the major guidance to the Presiding Officer concerning the extent to which he can call on members to moderate their language.

The PRESIDENT: What is your point of order?

The Hon. J. M. BERINSON: My point of order is that it is not enough for a member to object to the use of words, but, in order that the Presiding Officer might call for a withdrawal, he must consider the words to be objectionable and unparliamentary. Now, with great respect, I put to you that these words "objectionable and unparliamentary" are the subject of clear expressions of precedent which are available in May's *Parliamentary Practice*, Odgers' *Senate Practice*, and elsewhere.

The PRESIDENT: I have heard the member's explanation, and I would say this to him: The President's role is not only to interpret Standing Order No. 87, but also to interpret Standing Order No. 64. If the honourable member wants to take objection to the ruling I have given, then he is perfectly at liberty to do so. I do not intend to permit this House to get out of order. I believe in the interests of maintaining order in this Chamber it was absolutely essential that I took the stand I did in regard to those words. The Hon. Peter Dowding has my complete protection to introduce this Bill. However, if he wants to test my ability to control this Chamber, or if anybody else wants to test it, we might as well get to the point reasonably early this afternoon. In the meantime, if he is prepared to continue without making these offensive—in the eyes of other members—comments, I am prepared to let him proceed.

The Hon. PETER DOWDING: So that the debate may eventually be concluded, I have indicated to you already that I withdraw the words. With due respect, Mr President, surely it is open to me to refer to other members in this House even though such reference may at times displease them or they may at times take objection to such reference, if the reference is not unparliamentary nor in any way as referred to in Standing Order No. 87. I simply put to you, Sir, that the Hon. Phillip Pendal has interjected in a way that suggests to this House and to you, I think, Mr President, that he takes a different view of the rights and liberties of Aboriginal people than I do. That is all I put. I take it no further than that. We hold different points of view, and I would have thought the Aboriginal people who have been criticised for going along to ask how to cast a vote would equally take exception to the remarks of the Hon. Phillip Pendal.

Debate Resumed

The Hon. PETER DOWDING: Subsection (5) of section 45 of the Act, as presently constituted, makes it voluntary for people of Aboriginal descent to become enrolled. It is clear that that provision was introduced in 1962 in relation to events happening in the Commonwealth. For the 150 years before that Aboriginal people had not been permitted to vote without going through the degrading ceremony of seeking to throw off their Aboriginality. These people were to be permitted to become accustomed to the rights being granted to them.

It is my submission to the House that 18 years having passed during which that right has been voluntary, there is now no justification for there being a difference between the enrolment requirements of Aboriginal people and those of people of non-Aboriginal descent.

If there is any need for a demonstration of compulsory enrolment in a largely Aboriginal community, one has to look only at the Northern Territory where there is a vastly larger proportion of Aboriginal voters than in this State. In terms of the amount of contact the Aboriginal people in the Northern Territory have had with European society, in many cases it has been less than the amount of contact the majority of Aboriginal people in this State have had with European society.

In the Northern Territory it has become compulsory for all people, regardless of their race, who fulfil the other eligibility requirements, to become enrolled. I appreciate that members opposite may find that a difficult proposition to

accept, having regard for the fact that in 1962 members opposite were vigorous in their condemnation of moves to enlarge the franchise for this House. It was not until 1965 that the wives of property owners were given the right to vote for members of this House. That is an indication of the way in which members opposite move in relation to the rest of the community. Particularly in regard to section 45, it is now time that all persons of Aboriginal descent were required to enrol. It is fair to say that in the past the Hon. Bill Withers has supported this proposition. It is not the Aborigines in far-flung areas with small contact with the European Australian community who have not taken the opportunity to become enrolled; it is a very large number of urbanised people of Aboriginal descent who have chosen not to become enrolled. In my view there is sufficient evidence to support the amendment to section 45(5).

Clause 4 of this Bill is proposed because in recent years we have seen a series of prosecutions laid quite improperly under this Act. There is no doubt that the complaints about postal voting in the Kimberley at the last election were completely and utterly ill-founded, and there has been no evidence to suggest that there had been a breach of the Act.

Acting upon the most obscure and stupid—if I may use the strong expression at the risk of offending members opposite—interpretation of the Electoral Act, a series of complaints were lodged; people were arrested. One man was arrested in the early hours of the morning in his home town and carted off to prison. Another case involved a young lady with a baby. As the baby had not been weaned, the mother and baby were incarcerated in the lockup.

It is the view of the Opposition that before prosecutions of an essentially political nature—even if they are not politically motivated they are necessarily politically charged—are made for offences under the Electoral Act, it is proper that somebody should take the political responsibility for the institution of those charges. Had the Attorney General's law officers been consulted on the proposed charges and the question of the proper interpretation of the Electoral Act been checked, I am content no prosecutions would have been launched.

In respect of proposed new section 206A, the Opposition suggests that the responsibility for the step of instituting proceedings should be that of the Minister; he should take the ultimate responsibility firstly to ensure that the charges laid under the Electoral Act are not instituted for the purpose of harassment and, secondly, if they are, clear political responsibility is accepted for that step.

Proposed section 207 contained in clause 5 is simply following the necessity for an amendment, following upon the amendment to section 42 provided for in clause 2 of the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife).

Sitting suspended from 3.45 to 4.00 p.m.

QUESTIONS

Questions were taken at this stage.

RECORDING OF PROCEEDINGS BILL

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

The CHAIRMAN: Before we proceed, I wish to make an announcement regarding clause 21. I have asked the Clerks to alter the word "delegation" to "delegate" on page 14, line 7.

Clauses 1 to 4 put and passed.

Clause 5: Interpretation—

The Hon. J. M. BERINSON: I wish to mention a couple of matters arising from this clause, and I think it might suit the convenience of the Committee if I were to deal with them separately in order to allow the Attorney General to respond to each of them in turn. I draw attention in the first place to the definition of the terms "District Court" and "Family Court". It will be noticed at several points in the Bill reference is made to a group of bodies, including the Supreme Court, the Family Court, and the District Court.

On first reading, it is strange that the definition clause refers to two out of the three bodies only. The Supreme Court is defined in the Interpretation Act; and, strictly speaking, that covers the point. However, I put to the Attorney General two alternative propositions. The first is that if there is a group of three such as are mentioned in the Bill, it is desirable in the interests of easy reading and convenience that all three such bodies be defined, if any of them is to be defined. As an alternative to that, and one which I would much prefer, I suggest to the Attorney General that the time is overdue for a review of the provisions of the Interpretation Act. The Family Court and the District Court are now well-established parts of the judicial system of

this State. They are here to stay, as certainly as is the Supreme Court. It would appear preferable, in those circumstances, that the Interpretation Act be amended to include references to those two courts and, for that matter, the Local Court as well.

As it is, we have references to the Supreme Court and to the Courts of Petty Sessions. There is no logical reason for that restricted inclusion in the Interpretation Act. The matter is one that could be worth the attention of the Attorney General.

While we are on it, as it cuts across the same field, I refer to the definitions of the words "section" and "subsection" in clause 5. I heartily endorse the decision of the Minister or of the draftsman, whoever was originally responsible, to move away from the earlier practice of always talking about "the section of this Act" or "the subsection of this section". As I understand it, that is the reason for including these two words in the definition clause.

I put it to the Attorney General that if that is to represent the new pattern of legislative drafting in this State, it would be preferable that the words "section" and "subsection" also appear in the Interpretation Act in order to avoid the need for constant reference to these words in any new legislation. That would also allow, by appropriate amending Bills, the alteration of all existing Acts as they become due for reprinting.

By a happy coincidence, as my first comments are related directly to the courts, I find in the *Administrative Arrangements* that the Attorney General is responsible for the Supreme Court, the District Court, and the Family Court. He might be interested in having them treated evenly. I had assumed that he would also be the Minister responsible for the Interpretation Act; but so far as I can see, no Minister is responsible for that Act in the publication to which I referred. That may well explain something about the Interpretation Act.

I leave my comments on clause 5 at that point. The Attorney General might find it reasonable to respond to them.

The Hon. I. G. MEDCALF: The first point made by the honourable member is quite correct. The Supreme Court is defined in the Interpretation Act, and therefore it is quite unnecessary for it to appear in this Bill. As the honourable member well knows, the reason for dealing with these matters in the Interpretation Act is so they will not need to be repeated.

The honourable member made the point that we should either repeat the definition in this Bill because we have the definition of the other two courts and we would, therefore, be duplicating the provisions of the Interpretation Act, but that would be in the interests of consistency in this Bill; or we should realise the time has come when we should do something about the Interpretation Act.

The honourable member made an important point about the Interpretation Act. He explained exactly the reason that no action has been taken about it. It has been in a kind of no-man's land. Recently I made representations that this Act should be allotted to the Attorney General. I can assure the honourable member that as soon as I have my hands on it, I will put it through the wringer.

The Hon. J. M. BERINSON: I am happy to have that assurance, and to note that the Attorney General will have the additional status conferred upon him by so prestigious an Act as the Interpretation Act. I hope the Attorney General will be as amenable to the next proposition—

The Hon. I. G. Medcalf: I do not have it yet.

The Hon. J. M. BERINSON:—I am making as he was to the last. I refer now to the definition of the word "tribunal". I am not a student of the classics, but I think I am correct in saying that it was in *Alice In Wonderland* that one of the characters referred to a situation as becoming "curiouser and curiouser". That is a very apt description for the position into which this Bill has fallen. As we have previously heard, it had its origins in the Recording of Evidence Act, which was passed in 1975 and amended in 1979. However, to this day that Act has never been proclaimed, and it has never taken effect. That is because the original Act was insufficiently clear. Now the original Act is to be repealed and replaced by a recording of proceedings Act.

The Recording of Proceedings Bill is twice as long as its predecessor but, if anything, it is even less comprehensible. The proposed definition of the word "tribunal" will serve to highlight the problem to which I refer. On the one hand, it appears that the definition of the word "tribunal", to the extent that it means anything at all, means the opposite of what it is intended to mean. On the other hand, it opens the way for as gross an example of circumlocution and unnecessary verbiage as one could imagine.

I ask the Committee to consider, first, whether this definition even says what it means to say. My comments in this respect are on the reasonable assumption that the Supreme Court, the Family Court, and the District Court are intended to be covered by the Bill, and that it is not intended

that these three courts should be excluded, as I believe they are. The relevant passage of clause 5 reads—

> "tribunal" means—
>
> (a) any person or body constituted as a court under the law of the State;
>
> (b) any person having, in Western Australia, by law or by consent of parties, authority to hear, receive, and examine evidence;
>
> (c) a Royal Commission,
>
> and includes any person or body that is pursuant to section 6 a tribunal for the purposes of this Act but does not include any person or body that is not pursuant to that section a tribunal for the purposes of this Act.

Subparagraph (a) of the definition is as follows—

> (a) any person or body constituted as a court under the law of the State;

Undoubtedly, that covers the Supreme Court.

Omitting for present purposes paragraphs (b) and (c), and the first 2½ lines of the definition on page 5 of the Bill, we are left with this proposition: " 'tribunal' means the Supreme Court, but not if the Supreme Court is not, pursuant to section 6, a tribunal for the purposes of this Act". The only way in which a body can become a tribunal pursuant to clause 6 is by an order of the Attorney General and he is specifically excluded from making an order that the Supreme Court is a tribunal pursuant to clause 6, because clause 6 (1) says so. It follows that the Supreme Court could never be a tribunal as defined and that the provisions of the Bill will not apply to that court. To the same effect is the position of the Family and District Courts.

I hesitate to read anything into anyone else's mind, but if I can suggest it to the Attorney General, the Government must surely mean not that " 'tribunal' does not include any person or body that is not, pursuant to section 6, a tribunal for the purposes of this Act", but that " 'tribunal' does not include any person or body that, pursuant to section 6, is not a tribunal". I will repeat that: What the Government must surely mean is " 'tribunal' does not include any person or body that, pursuant to section 6, is not a tribunal".

I feel sure that proposition will strike every member of this House as perfectly clear on mature consideration; but if anyone is left with an uncomfortable feeling that it is just a little obscure, I take comfort in the fact that compared with the Bill itself it is a model of crystal clarity.

Since the definition of "tribunal" in clause 5 relates directly to clause 6 and introduces for the first time the concept of who or what is or is not a tribunal, it is necessary to go further to refer to clause 6 and to the Attorney General's proposed amendment to that clause as printed on today's notice paper. If clause 5 is not amended and clause 6 is amended in accordance with the Attorney General's notice, we would end up with this sort of mouthful—in clause 5: "tribunal" includes any person or body that is, pursuant to section 6, a tribunal for the purposes of this Act, but does not include any person or body that is not, pursuant to that section, a tribunal for the purposes of this Act.

We go on to clause 6 (1) to learn that—

> The Attorney General may by order direct that any person or body, other than the Supreme Court, the Family Court and the District Court—
>
> (a) is a tribunal for the purposes of this Act; or
>
> (b) is not a tribunal for the purposes of this Act.

Clause 6 (2) states that an order under subclause (1) may direct that any person or body is a tribunal for the purposes of this legislation, notwithstanding that the person or body is of a class of person or body that is not a tribunal for the purposes of this legislation, or is not a tribunal for the purposes of this legislation notwithstanding that the person or body is of a class of person or body that is a tribunal for the purposes of this legislation.

This is not an amendment; it is a form of disguised employment. It will keep hordes of people, generations of people, occupied indefinitely; but other than that it will serve no conceivable purpose. I put it to the Attorney General quite seriously that nothing in these extraordinary convolutions of language would not be met by simply leaving clause 6 as it is and replacing the whole rigmarole of the tribunal definition in clause 5 with this simple proposition: "tribunal" means "any court, person, or body declared by order of the Attorney General to be a tribunal for the purposes of this Act". The proposition then would be clear and convenient. Any court, person, or body declared to be a tribunal would be a tribunal. Any court, person, or body not declared to be tribunal would not be a tribunal.

The Hon. H. W. Olney: Too simple.

The Hon. J. M. BERINSON: Periodic needs for review would be amply met by clause 6 (3) which gives the Attorney General unqualified

power to vary or revoke any earlier order. So what more is needed? There is nothing to be said against the alternative formulation and nothing to be said in favour of the existing formulation. For that reason I move an amendment—

Pages 4 and 5—Delete the interpretation of "tribunal" and substitute the following—

"tribunal" means any court person or body declared by order of the Attorney General to be a tribunal for the purposes of this Act.

The Hon. I. G. MEDCALF: I am afraid the honourable member has misconceived the meaning of the definition.

The Hon. J. M. Berinson: That would be surprising considering the clarity with which it is expressed!

The Hon. I. G. MEDCALF: Just wait. The definition is drawn in such a way that it is all-embracing. It includes three types of tribunals those being "any person or body constituted as a court", "any person having consent of parties . . . to hear, receive and examine evidence", and "a Royal Commission". In addition, it includes a person or body "that is pursuant to section 6 a tribunal for the purposes of this Act". If we want to determine what that person or body is we have to look at clause 6 to see what is such a person or body. Under that clause a tribunal "pursuant to . . . this Act" does not include those persons or bodies which are not pursuant to that provision a tribunal for the purposes of the proposed Act.

If we look at clause 6 we see it defines that the Attorney General may order certain tribunals to be tribunals; in other words, this is an additional power to bring tribunals into the definition that were not there to begin with, but the Attorney General could not make any order in relation to the Supreme Court, the Family Court, or the District Court. They are outside the clause. He is not able to make an order in relation to those three courts; therefore they are already included in the definition by virtue of the original definition of "any person or body constituted as a court".

The Hon. J. M. Berinson: I wonder whether you would allow me to interrupt. Of course, if the proposed amendment were passed there would be consequential amendments required to clause 6.

The Hon. I. G. MEDCALF: We might as well have a new Bill.

The Hon. H. W. Olney: I thought we were getting a new one.

The Hon. I. G. MEDCALF: If the honourable member's amendment were carried we would need not only consequential amendments, but also a new Bill. I will come back to the point I was making. The District Court, the Supreme Court, and the Family Court are already included in the definition of a tribunal.

The Hon. J. M. Berinson: Unless excluded.

The Hon. I. G. MEDCALF: They come under (a) of the definition of a tribunal.

The Hon. J. M. Berinson: Unless excluded by the subsequent proviso.

The Hon. I. G. MEDCALF: They are already included under (a). In addition to the tribunals referred to—those courts—the definition includes "any person or body that is pursuant to section 6 a tribunal for the purposes of this Act". Let us look at proposed section 6 to see what will be a tribunal "for the purposes of this Act". A tribunal for the purposes of the Bill will be a tribunal which the Attorney General has directed to be a tribunal, and he has no power to direct that the Supreme Court, the Family Court, or the District Court should come within that definition. They are excluded—

The Hon. J. M. Berinson: Quite so, at the moment.

The Hon. I. G. MEDCALF: Not at the moment.

The Hon. J. M. Berinson: They would be excluded under the definition of "tribunal."

The Hon. I. G. MEDCALF: They are excluded in proposed section 6.

The Hon. J. M. Berinson: Of course.

The Hon. I. G. MEDCALF: We now have the situation that the definition of a tribunal is all-embracing and also includes the persons or bodies which are declared to be tribunals "for the purposes of this Act" by the Attorney General by order under clause 6, but it does not include any persons or bodies whom he declares not to be—

The Hon. H. W. Olney: You have the words "is not" in the wrong spot.

The Hon. I. G. MEDCALF: Clause 6 does not include those three courts, but the definition relating to any person or body does include those courts as tribunals for the purposes of the proposed Act.

The Hon. H. W. Olney: It should read "pursuant to that section is not a tribunal for the purposes of this Act".

The Hon. I. G. MEDCALF: It should read as it does read—"that is not pursuant to that section a tribunal for the purposes of this Act".

The Hon. H. W. Olney: Pursuant to that section the Supreme Court is not a tribunal.

The Hon. I. G. MEDCALF: Of course, it is not, because the Supreme Court cannot be declared under clause 6—

The Hon. J. M. Berinson: That is right. We are as one; you have just excluded the Supreme Court from the Bill.

The Hon. I. G. MEDCALF: No, I have not excluded the Supreme Court from the Bill. It is not excluded from the Bill. It is not within the power of the Attorney General to make an order in relation to the Supreme Court. Therefore it does not come within clause 6 and therefore it is outside clause 6; the Attorney General will not be able to make any declaration in relation to the Supreme Court, but he could make a declaration in relation to other tribunals that are tribunals for the purposes of the Bill. He could do that under clause 6 if he makes that declaration. If he wants to exclude a tribunal he makes that declaration and that particular tribunal would be then excluded, but he could not make that declaration in relation to the Supreme Court, the Family Court, or the District Court, so they are outside clause 6.

The Hon. H. W. OLNEY: I hope we will not have to repeat the same old thing over and over again, but I will try to convince the Attorney General that what Mr Berinson says is correct and that what he says is incorrect on one point. The Chamber has been told and can see from the Bill that the word "tribunal" is defined to include three specific sets of persons, bodies, or courts and that the clause goes on to say, "and includes", etc. So, the term "tribunal", apart from what it means, "includes any person or body that is pursuant to section 6 a tribunal for the purposes of this Act", and that is quite clear.

Clause 6 will give the Attorney General the right to declare certain persons or bodies, other than the Supreme Court, the Family Court, or the District Court, to be tribunals, so that clause 6 will give a power to the Attorney General to say that something which is not a tribunal will be a tribunal.

That is sensible, but the definition after specifying those groups of bodies to be included anyhow, also includes the others that the Attorney General will be allowed to include within the Bill, and that is fair enough. We have no complaint about that, but when we go on to the next few lines which read "but does not include any person or body that is not pursuant to that section a tribunal for the purposes of this Act", we get the situation when we look at clause 6(1) that under no circumstances can the Supreme Court, the Family Court, or the District Court be declared under that section to be a tribunal for the purposes of the Bill, because they are excluded from the power of the Attorney General.

If one reads those further excluding words, one sees that they do not exclude any person or body that is not pursuant to the clause declared to be a tribunal. We really get to the stage of saying that excluded from the definition of a tribunal are bodies that are not declared to be tribunals for the purposes of the Bill, but by virtue of clause 6(1) the Attorney General will not be able to declare the Supreme Court, the Family Court, or the District Court for the purposes of the Bill—we get this silly situation.

What it will not exclude from the definition are those tribunals which the Attorney General may declare not to be tribunals—that is, those tribunals which would come within the ordinary scope of the definition—but which under clause 6(1) the Attorney General has directed shall not be tribunals. I am quite certain that what the draftsman is saying is that the term "tribunal" means the groups listed under the definition of tribunal and in addition includes the ones the Attorney General may include under clause 6(1)(a) and it excludes those directed to be excluded under clause 6(1)(b).

I say to the Attorney General that there is a mistake in that the words should read "but does not include any person or body that pursuant to that section is not a tribunal for the purposes of this Act". I do not see how it could make sense in any other way.

The Hon. J. M. BERINSON: I know many members of the Committee will be anxious to participate in this debate because of the enormous public interest in it, but rather than rely on interjections, I wish to qualify the consequence of what would follow when—as I trust, relying on the good judgment of members of this place—my amendment is carried.

The amendment I referred to by way of interjection would have the effect that clause 6(1) would read as follows—

> The Attorney General may by order direct that any person or body, . . .

The wording after the three named courts would then be "may direct that any person or body—

> (a) is a tribunal for the purposes of this Act;

What would then follow is not that the Supreme Court and the other two superior courts would be excluded from the Act, but simply that the Attorney General would declare them to be

tribunals for the purposes of this Act so that the provisions would in fact apply to them.

There is no hardship in that. It is not the sort of declaration the Attorney General will make every day of the week. He would once simply make a declaration that these courts, which are such obvious candidates for declarations, are in fact declared. That will be the end of the problem under this clause. It is the present form of the Bill which will have the effect of excluding the three courts, not the proposed amendment.

The Hon. I. G. MEDCALF: I am sorry I cannot agree with what the members are suggesting. It is quite clear to me that the Supreme Court, District Court, and the Family Court are excluded from clause 6 of the Bill. They are excluded from the power of the Attorney General to declare them tribunals, but they are not outside definition and they are not outside the Bill.

It is not the design of this Bill that the Attorney General should have the power or function of declaring that the Supreme Court, District Court, and the Family Court are tribunals. In fact, those courts rather jealously wish to be kept outside the Bill. I believe they should be because they have always been able to make their own arrangements. There is no suggestion that the Attorney General should make a declaration in regard to those courts and it is not the intention of this Bill that that should be so.

The Government would not agree that the Attorney General should have the power to make declarations in relation to the recording of proceedings of the superior courts under this Bill.

Reference was made to big Governments coming in over the courts. The Government should have the power to make declarations in relation to the Supreme Court.

The Hon. J. M. Berinson: Mr Attorney General, I am asking for one line in the *Government Gazette.*

The Hon. I. G. MEDCALF: Oh yes, and it is such a simple matter. It is also simple enough to sign a cheque for $1 million. We do not propose to exert this additional degree of control over the Supreme Court, the District Court, and the Family Court, as the honourable member is advocating. Furthermore, I cannot accept the argument he has put forward. It is clear to me that these courts are excluded from the power of the Attorney General to make a declaration under clause 6 of the Bill. He cannot affect the superior courts.

The Hon. H. W. OLNEY: I wish to refer to a couple of the points the Attorney General made and maybe it will help to clarify the situation for members of the Chamber. I think I heard the Attorney General say that the three superior courts have always made their own arrangements and the Government wishes to keep them outside the operation of the Bill. I do not think he really meant that. I assume he meant that the Bill, so far as it legitimates the recording of proceedings, will in fact apply to the recording of proceedings in those courts. What he is really saying is that it is not to be a matter of discretion on the part of the Attorney General. These courts should have the Bill applied to them. Indeed, the Bill will apply to them within the general definition of the term "tribunal".

For the general definition of "tribunal", if we take the Local Court it would seem that it is a person or body constituted as a court under the law of the State and therefore would come within the general definition of the word "tribunal". I suggest that if that is the case then the last three or four lines of the definition—

> . . . but does not include any person or body that is not pursuant to that section a tribunal for the purposes of this Act.

exclude the Local Court. It seems that on the one hand we have a definition which includes "all courts", but at the end of the definition it excludes all courts except as to the three named courts unless they are declared under clause 6(1)(a). That may be the construction the Government chose to put on this Bill.

If that is the case, what is the purpose of declaring something to be not a tribunal and what is the purpose of what is said in the definition of "tribunal" about tribunals that have been declared not to be tribunals under the Act? The last three lines of the definition do not do the job of excluding from the operation of the definition tribunals which would otherwise be tribunals, but which have been declared under clause 6(1)(b) not to be tribunals. It seems to me there is some inconsistency. It cannot be both ways.

Quite apart from the point the Attorney General made as to whether the three named courts ought to be included automatically, I agree with him that it is just as easy to put it in the Bill now as it would be to do so by direction later on. However it still leaves the problem with the last few lines of the definition which I suggest do not say anything about the tribunals which are declared not to be tribunals for the purposes of the Bill.

The Hon. A. A. LEWIS: The argument has been highly legalistic and probably I should not enter into it at all. The main interjections are coming from junior members, but I am trying to be helpful. I have been listening intently to the Hon. Joe Berinson, my most learned friend the Attorney General (the Hon. I. G. Medcalf), and the Hon. H. W. Olney in an attempt to put a layman's interpretation on what has been said. I do not need any help from the Hon. Peter Dowding.

We have heard considerable criticism in the past about loose drafting. My first thought was that perhaps I would go along with the Hon. Joe Berinson's suggestion.

The Hon. J. M. Berinson: That is what you always say.

The Hon. A. A. LEWIS: And occasionally I have, which is more than the honourable member is prepared to do with me.

The Hon. J. M. Berinson: But I am keeping it in mind as a possibility.

The Hon. A. A. LEWIS: Like the Hon. Peter Dowding, the honourable member may cross the floor one of these days!

The Hon. Peter Dowding: Under compulsion!

The Hon. A. A. LEWIS: I am not saying whether or not it should be under compulsion, or for any other reason.

The definition of "tribunal" refers to any person or body constituted as a court under the law of the State, or under a Statute. The Family Court, the District Court, and the Supreme Court come under Statutes. I do not know about the Local Court.

The Hon. J. M. Berinson: Yes, it is under a Statute.

The Hon. A. A. LEWIS: Then perhaps we should have a definition for the Local Court.

I am worried about the Attorney General having too much power. In my opinion, the Hon. Joe Berinson's amendment will give the Attorney General sweeping power which I do not believe he should have. I could probably go along with the other parts of the amendment, but I have not really worked on them. In reality, the amendment will put the Supreme Court, the Family Court, and the District Court—as well as all other tribunals—under the power of the Attorney General rather than under the power of the Parliament.

The Hon. J. M. Berinson: What would be your attitude if the amendment were modified to include the three named courts?

The Hon. A. A. LEWIS: I would be happy to look at other suggestions, but I cannot go along with the amendment now before us because it is far too sweeping.

I do not have anything against the Attorney General personally or against any Attorney General who may come into power in the future. I know there are some budding Attorneys General around here!

The Hon. Neil Oliver: Let us hope Opposition members are not promoted to the office of Attorney General.

The Hon. A. A. LEWIS: The Hon. Neil Oliver occasionally comments, but he has not listened to what I have said. I said "personally". I do not agree with the philosophy of some Attorneys General. The honourable member should try to be constructive instead of trying to be smart.

The Hon. Neil Oliver: I have been listening to you attentively.

The Hon. A. A. LEWIS: If the honourable member has been listening during the last 15 minutes he must have heard some of the mumbling which has been going on.

The Hon. Neil Oliver: I have not spoken to the clause, and cannot understand your mumblings.

The Hon. A. A. LEWIS: Well, do not make inane suggestions.

I can see what the Hon. Joe Berinson is trying to get at, but I believe there are some problems. I do not believe his draft is nearly as good as the one which has been brought forward in the Bill. I have to accept or reject the amendment now before the Chair.

I believe the amendment will give the Attorney General sweeping power, and for that reason I reject it.

The Hon. PETER DOWDING: I do not intend to prolong the debate or to repeat what my colleagues have said. With all due respect to the Hon. Phil Pendal, when he said we were being legalistic, we are making the law.

The Hon. P. G. Pendal: I did not say that, and I do not intend to listen any longer.

The Hon. PETER DOWDING: This amendment is to do with the making of the law, and it is important.

If at the end of a clause its provision is qualified by the removal of certain things from the operation of that clause, it does not matter what is set out earlier. Something can be restricted or removed by a qualification at the end. Everything that is not pursuant to the clause is removed. Anything which cannot be declared a

tribunal under clause 6 is excluded. That affects the interpretation of the Bill.

The second point is that the amendment proposed by the Hon. Joe Berinson expresses everything in the existing clause in about five lines, instead of 13 lines. We have been accused of being legalistic, but we have to think of the people who must read the law. If the amendment is accepted, everything will be included in the definition of "tribunal" in five lines instead of 13 lines.

I object to the present drafting because it is difficult to work out what it means. There is a much simpler way to express the intention of the clause.

The Hon. A. A. Lewis said that the proposed amendment will give sweeping power to the Attorney General. To do what? What does the Attorney General do with that power? He will say that something is a tribunal, and its proceedings will be recorded under the provisions of this Act. The recording of proceedings has been going on happily for 100 years without being subject to the power of the Attorney General. To suggest that any significant power will be used, abused, or misused seems to me beyond the bounds of comprehension.

The last point I wish to make is one to which I would like the Attorney General to give some thought. I could refer to this under clause 10, but as I am on my feet I will refer to it now.

I know that the Attorney General has not practised in the Family Court because it was constituted after he left the profession. The procedure is that litigants cannot obtain a transcript unless they pay for it or the judge orders it, and there is some sort of direction to the judges that they should not order it.

The CHAIRMAN: Order! The question before the Chair is that the interpretation proposed to be deleted be deleted.

The Hon. PETER DOWDING: I am referring to the Family Court which is defined in the Bill.

The CHAIRMAN: I do not think that has anything to do with transcripts.

The Hon. PETER DOWDING: It is a question of whether a particular court is a court within the meaning of the Bill. On that question depends the availability of a transcript. So I submit it is important that it is stated in the definition.

Transcripts are not available in the Family Court except at prohibitive cost, or at a direction to or from the judges. This is something about which litigants quite justly are concerned.

If a litigant wishes to appeal, unless he has paid for the transcript, he does not receive a copy of it until a fortnight before the appeal is heard when the appeal books are prepared by the court. This means that no transcript is available to enable him to draw up a notice of appeal.

Undoubtedly, despite the comments we have made, this Bill will become an Act. In my opinion the Attorney General should look to see whether we could make transcripts more readily available to litigants within the scope of this measure.

The Hon. I. G. MEDCALF: I will comment firstly on the points made by the Hon. Peter Dowding. Matters relating to the Family Court are domestic in nature, and undoubtedly these could be taken up at the proper time. There are always little problems of various kinds.

It is not just a simple matter to say that Attorneys General can declare these courts or tribunals to be courts. The honourable member would be quite surprised at the degree of opposition likey to be engendered to that proposal. For the Attorney General, of all people, to make a declaration that the Supreme Court is a tribunal would be regarded as the height of impertinence.

The Hon. Peter Dowding: If we add that to the provision it will overcome the problem.

The Hon. I. G. MEDCALF: I am afraid I just cannot accept that the amendment is necessary. Many matters throughout the Bill would be affected by the proposed amendment. As I said at the outset, we might as well start off with another Bill. There is an old saying that with so many men there are so many opinions. The same thing occurs with the drafting of legislation. The number of different ways that people draft amendments to legislation is legion.

I would like to suggest to the Hon. Peter Dowding and the Hon. J. M. Berinson that they may have their own ideas about the way this should be drafted, but different draftsmen would have different ideas.

Already a great deal of effort has gone into the construction of this draft. The Bill was vetted and prepared carefully by a committee. I have looked at this matter most carefully and I have spent a long time examining various aspects of the Bill, as I indicated last week.

I believe the Hon. J. M. Berinson has misconceived the meaning of this, just as I believe the Hon. Peter Dowding has misconceived the exclusory part of the definition. It is wrong to assume that, because we say this excludes something, it necessarily excludes something it does not exclude.

I believe it is the duty of the honourable member to examine this point carefully as he has raised it. Clearly he has not examined it as carefully as he should have done. If he examines it he will see that quite clearly the definition does not include any person or body that is not, pursuant to clause 6, a tribunal for the purposes of the Bill. That is, the only person or body who or which cannot be, pursuant to clause 6, a tribunal for the purposes of the Bill, is a person or body so declared by the Attorney General, and the Attorney General has no power to make such a declaration in respect of the Supreme Court, the District Court, or the Family Court. Therefore these courts cannot be affected by such a definition.

On the question of the Local Courts, raised by the Hon. H. W. Olney, clearly those courts come within the original definition of the word "tribunal".

The Hon. H. W. Olney: Without any declaration at all?

The Hon. I. G. MEDCALF: Yes. However, they could be declared either in or out; they could be brought in or brought out.

While it is not necessarily specifically relevant to this issue, the Administration—and I say the Administration rather than the Attorney General because the Attorney General for assistance must rely on the Administration—has had a great deal of difficulty with some of the various inferior courts in relation to the transcribing of proceedings. Naturally members would not expect me to give details of such matters; I would be the last to cast aspersions on the recording of proceedings in courts, although as I indicated to the Hon. Peter Dowding, any specific complaints most certainly would be looked at.

A considerable amount of difficulty has been experienced in getting some magistrates and others to use electronic recording media to transcribe proceedings. It is quite necessary for the Attorney General to have the power referred to in relation to some courts. The Local Courts are within the definition now; they have the facilities and they do record and transcribe proceedings. However, the Attorney General must have a degree of flexibility, not only in relation to these courts, but also in relation to other less distinguishable tribunals. A whole host of tribunals will be included because of paragraph (b) of the definition.

It may be that if the word "not" were transposed four words down we would have a different result. I concede that such a procedure may make the provision a little clearer, and I am all in favour of clarity. I do not believe it would substantially change the meaning. I ask the Committee to reject the amendment and to proceed with the Bill.

The Hon. H. W. OLNEY: I am indebted to the Attorney General for his reply to my earlier comments. He has agreed that the Local Court will be included in this definition without the need of a direction or declaration under clause 6(1). The last three lines of the definition read—

> ...or body that is not pursuant to that section a tribunal for the purposes of this Act.

As the Attorney General said, a Local Court is a tribunal by virtue of the definition, and not pursuant to clause 6(1). Therefore the excluding effect of those last few lines would exclude something that is included in the general body of the definition.

The Hon. I. G. Medcalf: Only if the Attorney General declares it.

The Hon. H. W. OLNEY: A Local Court is a tribunal by virtue of the definition, not by virtue of a declaration.

The Hon. I. G. Medcalf: It may be brought back in again also by the declaration if necessary.

The Hon. H. W. OLNEY: I thought the Attorney General's answer was that the Local Court would be included without any direction being made.

The Hon. I. G. Medcalf: That is right.

The Hon. H. W. OLNEY: That being so, I would suggest that the Local Court is a body that is not, pursuant to that clause, a tribunal. I think what the draftsman is really trying to say in the last two lines is that it should exclude a person or a body that, pursuant to clause 6 (1), is not a tribunal. I suggest the last comments of the Attorney General support what I have been saying. With respect, I think he should report progress.

The Hon. I. G. MEDCALF: I am not prepared to report progress on this. It is quite clear that the Local Court is within the definition; that is, the Local Court is within the definition to start with and it is not outside the definition because the Attorney General has not declared that it is not a tribunal for the purposes of the Act under clause 6. However, he could so declare if he so wished, but only in respect of the Local Court and not in respect of superior courts. He has not done that, but if he did the Local Court would be removed from the definition. I do not think it matters very much where the words "is not" appear; whether it reads, "is not pursuant to that section", or

whether it reads "pursuant to that section is not". If that is all that is troubling the honourable member I am happy to have those words moved.

The Hon. J. M. Berinson: We think it reverses the meaning.

The Hon. I. G. MEDCALF: I am not prepared to accept Mr Berinson's amendment.

The Hon. J. M. BERINSON: I seek leave to withdraw my amendment.

Amendment, by leave, withdrawn.

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

> Pages 4 and 5—Delete the interpretation of "tribunal" and substitute the following—
>
> "tribunal" means the Supreme Court, the Family Court, the District Court and any court, person or body declared by order of the Attorney General to be a tribunal for the purposes of this Act.

So much of the previous discussion, especially referring to the comments of the Attorney General, has been directed to the question of excluding the three named courts from the direct powers of the Attorney General, that it is worth attempting to simplify the amendment so the point of that objection will not cloud the real issue we have raised. I think the amendment covers the objection ensuring to the independence of the three courts, although I must express my personal reservations as to the reality of that purported qualification on the powers or independence of those courts.

Without going into all the reasons that the amendment is proposed by me, I would say to the Attorney General that I maintain the amendment is preferable to the form of the present definition. If he will not accept it I would regard it as preferable that he at least move the word "not" and I urge him to do that. My reason is not, as he now seeks to express it, that it does not matter either way; in fact it is the contrary reason—that it matters very much in that it reverses the apparent meaning of the final qualification of the definition. For that reason, if the Attorney General is not prepared to accept the amendment, but is amenable to the movement of the word "not", I urge him to follow that course.

The Hon. I. G. MEDCALF: I cannot accept the amendment because it fails to achieve one of the prime purposes of the Bill which I have just explained; that is, it is essential that the Attorney General should have the power to include or exclude tribunals.

The Hon. J. M. Berinson: He has that power under subclauses (1) and (3) of clause 6.

The Hon. I. G. MEDCALF: No, because the honourable member has stated only those that are included. I am not prepared to accept that. I see nothing wrong with the definition as it stands, but I am prepared to move that the words "is not" be taken out of line 4 and placed in line 5.

Amendment put and negatived.

The Hon. I. G. MEDCALF: I move an amendment—

> Page 5, line 4—Delete the words "is not".

Amendment put and passed.

The Hon. I. G. MEDCALF: I move an amendment—

> Page 5, line 5—Insert after the word "section" the words "is not".

Amendment put and passed.

The Hon. H. W. OLNEY: I wish to raise only one other matter, because I am not up to the linguistic gymnastics involved in all this. The definition of "proceedings" refers to certain oral proceedings before a tribunal, but says it does not include committal proceedings or any proceedings in respect of which an order under clause 7 is in force. In clause 7 we see that the Attorney General can make an order in respect of certain proceedings. Under clause 7 (4) he may from time to time give written directions. Perhaps the Attorney General can explain to me whether anything is done by the exclusion in paragraph (b) in the definition of "proceedings"; because I really feel that, having excluded proceedings in respect of which an order under clause 7 is in force, the legislation simply goes ahead and uses the word "proceedings" in the same meaning.

The Hon. I. G. MEDCALF: The word "proceedings" does exclude not only committal proceedings, but also proceedings which come under section 7, where the Attorney General makes an order. He does not have to make an order, but if he does, those proceedings are excluded. Under section 7, he may make an order in relation to proceedings. Whilst the same word is used, I believe it must be used in the context of section 7 (4).

Clause, as amended, put and passed.

Clause 6: Power to declare tribunals—

The Hon. I. G. MEDCALF: I move an amendment—

> Page 5, lines 15 to 17—Delete subclause (2) and substitute the following—
>
> (2) An order under subsection (1)—
>
> (a) may be made by reference to a person or body or class of person or body;

(b) may direct that a person or body—

(i) is a tribunal for the purposes of this Act notwithstanding that the person or body is of a class of person or body that is not a tribunal for the purposes of this Act;

(ii) is not a tribunal for the purposes of this Act notwithstanding that the person or body is of a class of person or body that is a tribunal for the purposes of this Act.

Where the Attorney General for example declares a class of tribunals to be tribunals for the purposes of the legislation, it may be necessary to take out one of those tribunals so that it is no longer a tribunal for the purposes of the legislation. The idea, therefore, is that the Attorney General should have flexibility so that, having declared that a person or body is one of a class of tribunals which is not a tribunal, he may then take that one out of the class and say that it is a tribunal for the purposes of the legislation.

This sounds complicated. However, there are so many different types and classes of tribunals in existence today that it is necessary for the Attorney General to have this flexibility to be able to bring in a tribunal which is one of a class which has been put out of the Act or put out a tribunal which is one of a class which has been brought into the Act. The administration deals with a large number of classes of tribunals and this is to provide greater flexibility to the administration and ensure proceedings are recorded in all appropriate cases.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 9 put and passed.

Clause 10: Transcription of recordings—

The Hon. H. W. OLNEY: Clause 10 (4) states—

(4) Where proceedings are being recorded under this Act and an application is made in accordance with section 9 for a transcript of a proceeding . . .

a transcript of the proceeding shall be made or reproduced in terms of the application in accordance with this Act.

I move an amendment—

Page 7, line 27—Delete the word "a" after the words "for a transcript of" and substitute the word "the"

As the clause presently reads, it would seem that an application could be made in respect of any proceedings, not simply the one in respect of its application. That would be nonsense.

The Hon. I. G. MEDCALF: I think this is a very sensible, practical amendment, which I accept.

Amendment put and passed.

The Hon. J. M. BERINSON: I suspect I may have missed the boat. With your indulgence, Mr Chairman, I shall direct a brief matter to the Attorney General. Clause 9 makes provision for an application for transcripts to be made by a party to any proceedings. In the normal course of events, one would look either to a later part of clause 9, or to clause 10 to specify what happens after the application is made for the transcript to be provided.

Without that provision we are simply left with a situation where any party may apply to the registrar for a transcript. That hardly adds anything to our fund of knowledge because anyone can apply to anyone for anything.

I put this to the Attorney General for his consideration: Would it not be preferable and indeed necessary to include either somewhere between clauses 9 and 10 or in clause 9 itself a positive provision to ensure that once a proper party makes application for this transcript, the transcript in fact is provided?

The Hon. I. G. MEDCALF: That is provided in clause 10 (4) which states—

Where proceedings are being recorded under this Act and an application is made in accordance with section 9 for a transcript of a proceeding . . . a transcript of the proceeding shall be made . . .

The Hon. J. M. Berinson: But not provided to the party.

The Hon. I. G. MEDCALF: Yes; it is directed that once proceedings are being recorded, a party is entitled to a transcript of proceedings. Does that answer the honourable member's question?

The Hon. J. M. BERINSON: The fact that a transcript is made does not meet the point I was making. There should be a provision requiring the transcript to be provided to the applicant. The fact that there is an application for a transcript, and that this is followed by the preparation and reproduction of a transcript, falls short of the provision of the transcript to the applicant.

I find it difficult to determine the appropriate words. What I am trying to say would probably be covered by the inclusion of additional words,

for example, in the second last line on that page so that the end of clause 10 (4) would read—

> . . . a transcript of the proceeding shall be made or reproduced and provided to the applicant in terms of the application in accordance with this Act.

I put that to the Attorney General as a possibility.

The Hon. I. G. MEDCALF: I believe the honourable member is being extremely pedantic. Quite clearly, the Act provides that any party to the proceedings may apply to the registrar for a transcript. Then it says that if the proceedings are being recorded, a direction may be given that it be transcribed. If the proceedings are being recorded, a party is entitled to make an application under clause 9, and he is entitled to receive a transcript.

The Hon. J. M. Berinson: Where does it say that?

The Hon. I. G. MEDCALF: It says it shall be made, and the party has to pay for it, when proceedings are being recorded under the Act. Of course, the honourable member wants to receive it for 20c a copy.

The Hon. D. K. Dans: A page.

The Hon. H. W. Olney: I want to get it free.

The Hon. I. G. MEDCALF: I now see the point of the honourable member's remarks. It is quite obvious that if a party applies and pays the prescribed fee after having made application, a transcript shall be made in terms of the application by the party. Who does the honourable member think is going to receive it? The dustman?

The Hon. J. M. BERINSON: I do not mind the Attorney General calling me "pedantic". Compared with other things I have been called, that is very mild and unobjectionable. I am only sorry that this accusation should be levelled at me on a matter which is the only question raised on this Bill by the Law Society of this State.

Putting that matter aside, let me say that the Attorney General's answer does not cover the situation. I am with him all the way, as far as he goes. I am with him on the fact that clause 9 enables an application to be made; and I am with him in accepting that clause 10 requires the preparation of the transcript, and its reproduction. However, I do not think it is being pedantic to say that there is nothing in either clause 9 or clause 10 which provides that the transcript shall actually be produced and delivered to the applicant.

I consider the further step which the Attorney General invites us to take, and that is that it stands to common sense. If we could only proceed on that basis, half the legal proceedings in all our jurisdictions would be obviated.

The Hon. H. W. Olney: We would all be broke.

The Hon. J. M. BERINSON: The fact that we cannot necessarily rely on common sense as an answer to legislative problems is the reason that over half those legal contests proceed.

Clause, as amended, put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Certified transcript to be evidence—

The Hon. H. W. OLNEY: I raise another point, and I am probably being pedantic, too. Clause 13 provides that a transcript or reproduction made under the Act shall be certified by a recorder or the registrar of the tribunal.

Subclause (2) provides that the certification shall be in accordance with the regulations. No doubt the regulations will go into some detail; but the Bill does not indicate to what the recorder or the registrar will certify. Will he certify to its being a true record of the proceedings, or will he certify to the fact that this is the best draft he could obtain on a particular day, or something else? The fact that the certification shall be in accordance with the regulations suggests that there may be a variety of certifications. If that is so, more particularity is called for.

Another point is the effect of subclause (3). I would have thought that the matters to be certified would have to be spelt out, because that is what the certified transcript will prove. I wonder whether the Attorney General can shed any light on that matter.

The Hon. I. G. MEDCALF: The certification may be of different kinds. It may simply certify that that is the evidence taken in at the proceedings. It may certify in much more complicated aspects, and the person certifying might have to check the transcript in a particular way. It is understood that different kinds of certification are required in different proceedings. It is proposed that that will be covered by the regulations.

In relation to the point made by the honourable member about subclause (3), I have not had time to study that point. It may be that further consideration should be given to it. Time is moving on. I suggest that that will be looked at, and if it is found there is a matter requiring regulation, I will communicate that later.

Clause put and passed.

Clauses 14 to 17 put and passed.

Clause 18: Supply of transcript to persons who are not parties—

The Hon. H. W. OLNEY: I rise to express concern at the use of the words "for sufficient cause" in subclause (1). I am always alarmed to find in any legislation a discretionary power which uses terms like "sufficient cause" without any criteria being set down for the refusal of an application. I wonder whether there is ever any justification for refusing anyone who wants a copy of the whole or part of a transcript of proceedings if he is prepared to pay for it, even though he was not a party to the proceedings.

Obviously a sufficient cause would be that the proceedings were not recorded; I will accept that; it is axiomatic. But if a record were made and the applicant was prepared to pay for a copy of the transcript, he ought to get it as a matter of course. In every case the proceedings in question would have been open to the public and could have been heard by someone sitting in the court and could have been reported in the Press. Therefore, there seems to be no reason to deny access to that record.

The Hon. I. G. MEDCALF: I have a good deal of sympathy with the point raised by the honourable member; indeed, those very thoughts crossed my mind. But there are undoubtedly cases where it is not proper to divulge evidence and the honourable member would be aware of such cases. I refer to proceedings in the Family Court—

The Hon. H. W. Olney: I agree with that.

The Hon. I. G. MEDCALF: —or cases dealing with child welfare and adoption proceedings. There would be legitimate reasons for withholding information in many of these cases. Other cases might involve suicides or mental health and we would have to be careful with them. Whilst it is unfortunate we have to give discretion to officials such as registrars, I am afraid we cannot see any way around it.

The Hon. H. W. Olney: The Bill does not help him very much to exercise his discretion.

The Hon. I. G. MEDCALF: This is another matter to which we may give further thought.

Clause put and passed.

Clause 19: Judicial notice—

The Hon. I. G. MEDCALF: Members will accept that the amendment I am about to move is purely evidentiary to tidy up a matter which needed tidying up. I move an amendment—

> Page 12—Delete paragraphs (a) to (c), lines 14 to 23, and substitute the following—
>
> (a) the appointment of a person as registrar of a tribunal or as a recorder under this Act; and
>
> (b) the signature of every person who is or has been a registrar of a tribunal or a recorder under this Act.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 20 and 21 put and passed.

Clause 22: Regulations—

The Hon. I. G. MEDCALF: Because of a minor grammatical problem, I move an amendment—

> Page 16—Delete the subclause designation "(1)" and substitute the subclause designation "(3)".

Amendment put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

House adjourned at 6.05 p.m.

QUESTIONS ON NOTICE

HOSPITAL

Merredin

383. The Hon. R. T. LEESON, to the Minister representing the Minister for Health:

(1) What estimates have been made for repairs and renovations to the district hospital at Merredin?
(2) Is it intended to call tenders for the repairs and renovations?
(3) If "Yes", has a date been set for tenders to be called?
(4) Has representation been made by the Merredin Shire Council for a new hospital at Merredin?
(5) If "Yes", what action has been taken to accede to the request?

The Hon. D. J. WORDSWORTH replied:

(1) A cost indication of $330 000 has been provided by the Public Works Department for repairs and renovations to hospital and staff accommodation.
(2) The question of tender is still being considered. It is subject to the adoption of one of the following alternatives—
  (a) a staged redevelopment of the existing hospital;
  (b) building a new hospital on the existing site;
  (c) building a new hospital on a new site.
(3) Answered by (2) above.
(4) Yes, however, the question of need is still being considered.
(5) The shire council has been given an assurance that a decision will be made by mid-November.

FISHERIES

Trawling: Gage Roads

384. The Hon. D. K. DANS, to the Minister for Fisheries and Wildlife:

(1) Is the Minister aware that trawling is taking place in Gage Roads?
(2) If (1) is "Yes", does he condone the trawling in Gage Roads?
(3) If (2) is "Yes", what are his reasons for condoning trawling in Gage Roads?

The Hon. G. E. MASTERS replied:

(1) Yes.
(2) No. Apprehensions have been made and prosecution action is proceeding.
(3) Answered by (1).

FISHERIES

Jewfish

385. The Hon. H. W. GAYFER, to the Minister for Fisheries and Wildlife:

(1) Are there regulations surrounding the catching of jewfish (Hebrew Perch) (Judaicus)?
(2) Is it correct that because of water pressures, jewfish (Hebrew Perch) (Judaicus) cannot survive when hauled to the surface of the ocean even if cast loose?

The Hon. G. E. MASTERS replied:

(1) Yes.
(2) Yes.

MINING

Landowners: Geological Information

386. The Hon. N. E. BAXTER, to the Minister representing the Minister for Mines:

Would the Minister please advise if a landowner who wished to apply for a mining tenement under subsection (1) of section 38 of the 1978 Mining Act, would be able to obtain from the Minister information as to any specified mineral and likelihood of that land containing any such mineral in payable quantities, contained in any report made to the Minister by a geologist or other professional officer, as provided for in section 37 of the Act?

The Hon. I. G. MEDCALF replied:

The report required under section 37(3) of the 1978 Mining Act is a report to the Minister for Mines, and the Minister for Mines would have no objection to releasing it in complete detail to the private landowner.

CONSUMER AFFAIRS

Small Claims Tribunal: Maximum Claim

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

(1) Is the Minister aware that the $1 000 maximum for small claims coming within the jurisdiction of the Small Claims Tribunal has not been changed since 12 August 1977?

(2) As the Consumer Price Index for Western Australia increased by 29.6 percent between September 1977 and September 1980 when does the Government intend to increase the maximum beyond $1 000?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) Not at present. When the Small Claims Tribunal Act was introduced in April 1975 the maximum claim figure was $500 and it was increased 100 per cent to $1 000 in August 1977. Although the Consumer Price Index may not be an acceptable figure to use in its totality in this matter, or as the only relevant indicator, it is mentioned that between April 1975 and September 1980 the Consumer Price Index increased just under 70 per cent.

NOONKANBAH STATION

Transport of Drilling Rig: Oversize and Overweight Trucks

388. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

In respect of the Noonkanbah convoy—

(1) Were any of the trucks—

(a) overweight;

(b) overwidth; or

(c) overlength?

(2) If so, how many in each category?

(3) Were any permits issued for the movement of such vehicles referred to in (1)(a) to (c)?

(4) If so—

(a) how many; and

(b) in what terms were the respective permits?

The Hon. G. E. MASTERS replied:

(1) (a) No. I am advised that in the judgment of the Road Traffic Authority officer accompanying the convoy, the vehicles were not considered to be overweight.

(b) Yes.

(c) Yes.

(2) (1) (a) Nil.

(1) (b) 5

(1) (c) 2

(3) Yes.

(4) (a) Five.

(b) Issued by Main Roads Department in accordance with the normal conditions applicable to the issue of a permit of this nature and the appropriate fees were paid.

EDUCATION

Microcomputers

389. The Hon. W. M. PIESSE, to the Minister representing the Minister for Education:

(1) What types or makes of microcomputers are on the approved list of products authorised and used for State supported schools in Western Australia?

(2) Are there other types or makes of similar or greater efficiency excluded from the list; and if so, why are they excluded?

The Hon D. J. WORDSWORTH replied:

(1) Currently there are only two makes of microcomputer approved for purchase by Government schools in Western Australia. They are the INDEX 2000 and the VECTOR GRAPHIC SYSTEM 6.

(2) In the opinion of the Education Department's Schools Computing Equipment Advisory Committee there are no other types or makes which meet the Education Department's specifications and are of similar or greater efficiency. This opinion is based on an examination by the committee of the submissions made by suppliers.

390 and 391. *These questions were postponed.*

LOCAL GOVERNMENT ELECTIONS

Poll

392. The Hon. PETER DOWDING, to the Minister representing the Minister for Local Government:

Is it Government policy to accept or seek to change provisions of the Local Government Act governing the conduct of the poll on polling day?

The Hon. I. G. MEDCALF replied:

A comprehensive review of all the electoral provisions of the Local Government Act has been in hand for some time, with a view to the introduction of amending legislation in due course.

STANFORD INSTITUTE

Report

393. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

(1) Has the Government made public the Stanford Research Institute report of land use in the Darling Range?
(2) If not, why not?
(3) Will the Minister supply me with a copy?

The Hon. G. E. MASTERS replied:

(1) to (3) This question should be asked of the Minister for Resources Development. I have referred the matter to him for a reply. It is not available today, because the particular Minister is away in the country.

ROADS

Nanutarra-Paraburdoo and Paraburdoo-Tom Price

394. The Hon. PETER DOWDING, to the Minister representing the Minister for Transport:

(1) What road works have been completed in the 12 months to 30 June 1980 on the Nanutarra to Paraburdoo and Paraburdoo to Tom Price roads?
(2) What road works have been completed between 1 July 1980 and the present?
(3) What road works have been planned for the period to 30 June 1981?
(4) What road works have been planned, but are not proposed to be executed until after 30 June 1981, and in what periods will such road work be completed?

The Hon. D. J. WORDSWORTH replied:

(1) (a) Nanutarra to Paraburdoo—Drainage, formation upgrading, and gravel sheeting between 151 and 219 km ex Nanutarra.

(b) Paraburdoo to Tom Price—Construction of four bridges and sealing of 30.73 km between Paraburdoo and 41 km. Commenced construction and sub base gravelling between 41 km and Tom Price.

(2) (a) Nanutarra to Paraburdoo—Work as in (1)(a) between 131 and 151 km.

(b) Paraburdoo to Tom Price—Complete construction and subbase gravelling between 41 km and Tom Price including three bridges. Seal 1.27 km of bridge approaches between 25 and 39 km. Reseal of 3.7 km. section at Paraburdoo. Various culverting works.

(3) (a) Nanutarra to Paraburdoo—Work as in (1)(a) and (2)(a) between 100-131 km and commencement of bridge work on either Beasley River or Metawandy Creek.

(b) Paraburdoo to Tom Price—Install 1 200 m of guard rail in two sections. Resheet sections between 41 km and Tom Price and commence base course gravelling and prime.

(4) (a) Nanutarra to Paraburdoo—Further improvements including some priming and construction of a number of bridges as part of the Government's $24m Pilbara roads improvement plan over the five-year period commencing 1979-80.

(b) Paraburdoo to Tom Price—Complete base course, gravel, and prime between 41 km and Tom Price by August 1981.

PROFESSOR ROBERT OZAKI

Paper: "Groupism and Japanese Economic Growth"

395. The Hon. PETER DOWDING, to the Minister representing the Minister for Industrial Development and Commerce:

(1) Is the Minister aware of a paper delivered recently at a WA university by Professor Robert Ozaki entitled *Groupism and Japanese Economic Growth*?

(2) Since the Government appears interested in negotiating successfully with business interests in Japan, will the Minister obtain and distribute copies to relevant Ministers for their information?

The Hon. I. G. MEDCALF replied:

(1) An abstract copy has been received in the Minister's office.

(2) It is understood that the university will be forwarding copies of the abstract to all Cabinet Ministers.

TRAFFIC: RTA

Radar Guns

396. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

(1) Who was responsible for approving the radar guns for use by the RTA, and what investigation, if any, was done prior to their introduction?

(2) Can the guns be guaranteed to operate accurately in all climatic conditions?

(3) Are the guns regularly checked for accuracy and maintained in accordance with the manufacturers recommendations?

(4) What steps are taken to ensure compliance with (2) or (3) in respect of individual units?

(5) Is there evidence in some other parts of the world that these units have been found to be unreliable?

The Hon. G. E. MASTERS replied:

(1) All radar speed measuring apparatus in use by the Road Traffic Authority had been approved for such use by the Minister for Police and Traffic of the day. Each model had been subject to tests at the University of Western Australia and the Main Roads Department.

(2) Manufacturers claim a permissible ambient temperature range of minus 20°F to 150°F for speed gun JF100, minus 20°F to 150°F for speed gun 6, minus 40°F to 150°F for speed gun 8 and minus 20°F to 150°F for speed gun E.

(3) Yes.

(4) Instructions to operators to test in accordance with manufacturer's specifications and additional checking against a calibrated speedometer. Maintenance carried out by the MRD as required.

(5) Claims have been made of inaccuracies, but no evidence has been presented to substantiate such claims.

HOUSING

Wyndham

397. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

(1) Is the Minister aware of the following being needed by way of housing in Wyndham—

(a) four pensioner units;

(b) seven two-bedroomed homes;

(c) at least four one-bedroomed homes to accommodate couples with no children;

(d) at least six three-bedroomed transitional home units for Aboriginal families not wishing to take on standard housing; and

(e) two three-bedroomed conventional State houses?

(2) If not, what is the present need in that area?

(3) What building programme is there for Wyndham—

(a) this financial year; and

(b) next financial year?

The Hon. G. E. MASTERS replied:

(1) (a) to (e) It is known that the local Aboriginal advisory committee to the Aboriginal Housing Board has asked for a similar type housing programme, but the limitations on funds and the housing needs in other areas of the State precludes such a programme.

(2) Applications listed for housing in Wyndham are—

(a) Commonwealth/State Housing Agreement

Pensioner housing	1
Two-bedroomed housing	12
Three-bedroomed housing	7
Four-bedroomed housing	1
Total	21

(b) Aboriginal Housing Scheme

Pensioner housing	Nil
Two-bedroomed housing	2
Three-bedroomed housing	5.

(3) The commission has completed the following houses since 30 June 1980—

(a) (i) Commonwealth-State Housing Agreement

Three bedroomed houses	12
Two bedroomed duplex	2
Total	14

Balance of programme—Nil

(ii) Aboriginal Housing Scheme
Three-bedroomed houses—2
Balance of programme three x three-bedroomed houses subject to the availability of suitable land which is currently under examination.

(b) The programmes for the Commonwealth-State housing agreement and the Aboriginal housing schemes for the financial years 1981-82 are not yet determined.

COURTS: DERBY AND FITZROY CROSSING

Community Service Orders

398. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

(1) How many people in each of Derby and Fitzroy have been placed on community service orders since 1 January 1980?

(2) In respect of each centre, how many hours' total community service work have been ordered?

The Hon. I. G. MEDCALF replied:

(1) One at Derby. None at Fitzroy Crossing.

(2) The Derby order was for 100 hours' work. This work was undertaken in the Mandurah area, because the person involved moved from Derby soon after the order was made.

LOCAL GOVERNMENT ACT

Amendment: Draft Bill

399. The Hon. PETER DOWDING, to the Minister representing the Minister for Local Government:

Will the Minister advise whether as a result of submissions following the circulation of draft proposed amendments to the Local Government Act, a further draft has been prepared, or any proposals exist for change to the circulated draft?

The Hon. I. G. MEDCALF replied:

A further draft is in the course of preparation.

POLICE

Dunham River Station

400. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Traffic:

(1) In or about July 1980, was a complaint received at the Kununurra police station about the unauthorised and unlawful shooting of horses on Dunham River station?

(2) Did the complainant indicate the name or names of persons suspected of that offence?

(3) Did the police investigate the complaint, and if so—

(a) by whom was it investigated;
(b) what inquiries were made;
(c) what action, if any, was taken; and
(d) if no action was taken, why not?

The Hon. G. E. MASTERS replied:

I am advised by the Minister for Police and Traffic as follows—

(1) Yes.
(2) Yes.
(3) Yes.
  (a) Senior Constable G. Doyle, Kununurra.
  (b) Complainant, witness and alleged offender interviewed.
  (c) No evidence to substantiate criminal charges. Complainant referred to civil action.
  (d) Answered by 3(c).

401. *This question was postponed.*

NATURAL DISASTER

Cyclone: Goldsworthy

402. The Hon. PETER DOWDING, to the Minister representing the Treasurer:

(1) How much was paid to each person assisted following the cyclonic devastation of Goldsworthy this year?
(2) Were such payments a gift or a loan?
(3) Has demand been made for repayment of any such sum?
(4) If "Yes"—
  (a) when;
  (b) from whom; and
  (c) for how much was demand made?
(5) What sums, if any, have been repaid?

The Hon. I. G. MEDCALF replied:

(1) (a) Non-repayable grants totalling $123 837 were paid to 239 claimants in Goldsworthy and Port Hedland for the relief of personal hardship following cyclones "Amy" and "Dean" which damaged the town of Goldsworthy. Individual grants ranged from $40 to $2 000. Records are not available as to how many of these cases were actually Goldsworthy residents.
  (b) $68 000 was advanced by way of concessional loans to four primary producers.
(2) Answered by (1) above.
(3) No.
(4) Not applicable.
(5) (a) to (c) There have been no capital repayments for concessional loans.

403. *This question was postponed.*

INDUSTRIAL DEVELOPMENT

Townsites Development Committee

404. The Hon. PETER DOWDING, to the Minister representing the Minister for Resources Development:

(1) What are the functions of the Townsites Development Committee?
(2) Is it a fact that its functions have an important bearing on development plans for particular areas?
(3) If so, what areas?

The Hon. I. G. MEDCALF replied:

(1) To co-ordinate the planning and development of some towns where State Government and local authority desire such action to be taken to ensure timely availability of land for various purposes.
(2) and (3) The Townsites Development Committee, as a committee reporting to the planning and co-ordinating authority, has a non-statutory role which has been effective in a number of mining towns, including such towns as Port Hedland, Karratha, and Wickham affected by resource developments. It has provided a co-ordinating facility where the development plans of Government, industry and local authority can be integrated, so enabling decisions and actions by the statutory authorities.

WAGE INCREASES

Collective Bargaining

405. The Hon. PETER DOWDING, to the Minister representing the Minister for Labour and Industry:

(1) Is it Government policy that collective bargaining is an appropriate method for fixing wage levels between employers and employees?
(2) If not, why not?
(3) If not, what is the appropriate method or authority to make or determine this question?

The Hon. G. E. MASTERS replied:

(1) to (3) No, it is not Government policy. However, the Government considers that this can be one of the appropriate methods of fixing wages between employers and employees, provided the parties negotiate responsibly and in good faith and, further, provided that any conclusions reached come within the wage indexation guidelines and are endorsed by the appropriate industrial arbitral tribunal.

The total system essentially rests on the sensible and reasonable approach of all parties and a combination of negotiation, conciliation, and arbitration.

ROAD

Tom Price Caravan Park

406. The Hon. PETER DOWDING, to the Minister representing the Minister for Transport:

(1) Has the Minister yet obtained for me an estimate of the cost of work in upgrading the Tom Price Caravan Park road, as promised in answer to question 187 of 4 September 1980?

(2) If so, what is it?

(3) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) Yes.

(2) A preliminary estimate has been made for the provision of a flood crossing, and sealing the road and is in the order of $216 000.

(3) Answered by (2).

407. *This question was postponed.*

HOUSING

Government Employees: North of State

408. The Hon. PETER DOWDING, to the Minister representing the Honorary Minister Assisting the Minister for Housing:

The Minister is reported as having expressed an intention to remove anomalies in rents paid by Government employees for housing in the north, and in respect of each class of Government housing in North Province—

(a) what is the current rent;

(b) what allowance for water or other services—including air-conditioning—are provided; and

(c) what air-conditioning is provided?

The Hon. G. E. MASTERS replied:

The Government is presently examining the conditions and rentals relating to housing for Government employees. The answer is as follows—

(a) Rentals vary considerably dependant on the locality, age, and quality of the house. As a guide between departments I understand the maximum weekly rent charged to Government employees by individual authorities and departments is as follows—

Government Employees' Housing Authority	$40.00—three-bedroomed $42.50—four bedroomed
Main Roads Department	$37.00
Health and Medical Services	$28.50
Public Works Department	$27.00—salaries staff $23.00—wages staff
State Government Insurance Office	$40.00
State Energy Commission	$8.20

(b) An air-conditioning subsidy is paid to all Government employees for periods determined by locality of towns.

Room conditioners—

480 units for night cooling.

640 units for day cooling.

Ducted Systems—

750 units for night cooling.

750 units for day cooling.

It is not known whether other subsidies for water and power services are paid by individual departments. State Housing Commission employees receive no allowances for services.

(c) Newly constructed dwellings have ducted air-conditioning systems. Older dwellings have wall units installed in the living area and the main bedroom.

409. *This question was postponed.*

ANIMALS

Production Industries

410. The Hon. F. E. McKenzie (for the Hon. LYLA ELLIOTT), to the Minister representing the Chief Secretary:

Further to question 375 of 5 November 1980 concerning the animal production industries, will the Minister advise whether the Government has considered a proposal to exempt these industries from the provisions of the Prevention of Cruelty to Animals Act and formulated an attitude on the matter, irrespective of the forthcoming report and recommendations of the committee on the Act?

The Hon. G. E. MASTERS replied:

The Government has not considered any such proposals and has not formulated an attitude on the matter.

QUESTIONS WITHOUT NOTICE

CONSERVATION AND THE ENVIRONMENT

EPA: Protest Rally

123. The Hon. F. E. McKENZIE, to the Minister for Conservation and the Environment:

An item appears in today's *Daily News* under the heading "Save the E.P.A." A subheading reads "Don't let them knock out the umpire!" The item advises that there will be a rally at Parliament House on Tuesday, 11 November, at 5.30 p.m.

Has the Minister received an invitation to address the rally? If he has not, would he be prepared to address the rally if so requested?

The Hon. G. E. MASTERS replied:

Yes, I have received an invitation. I replied to it to the effect I was not prepared to address the rally. I am not prepared to debate matters of pure conjecture at this time, before a decision has been made.

I would be willing to meet the organisers at any time to discuss conservation matters.

TOURISM

Barred Creek Development

124. The Hon. PETER DOWDING, to the Minister for Lands:

I have given the Minister some notice of this question. I refer to the announcement of a proposal to establish a tourist development at Barred Creek, part of pastoral lease 3114/810 near Broome, and my question is as follows—

(1) Will the Minister say from whom this application has been received?

(2) Will the Minister give an assurance that local opinion will be sought from the shire and elsewhere and taken into account before any decision on this application is made?

(3) Will the Minister give an assurance that an inquiry will be made as to Aboriginal sites before a decision is made?

(4) Will the Minister undertake to respect local opinion in making any decision?

The Hon. D. J. WORDSWORTH replied:

(1) to (4) I have not had a chance to examine the file on this matter, but I do understand an application has been made for a caravan site some 15½ kilometres north of Broome on the Waterbank Station.

I am not prepared to disclose the name of the people who have applied for the site. It is not usual to do so. In fact, first of all there is no assurance that such a site will be granted because it will have to undergo considerable testing. There is no assurance, also, that the people who have applied will be granted the site if it is agreed to.

I am not aware of any announcement. The matter may have been referred to the local shire council, or to others. I can assume only that the shire council might have made an announcement.

We certainly would advertise the site if we were to put the area up for lease.

With regard to local interest, generally speaking the shire council is the body referred to. An officer from my department has inspected the site, but I am not aware whether he has found any Aboriginal sites, or whether any have been reported to him. The usual practice

is that if there are indications of Aboriginal sites, the views of the Museum are sought.

TOURISM

Barred Creek Development

125. The Hon. PETER DOWDING, to the Minister for Lands:

In view of the considerable community concern at the actions of the shire council over the granting of a lease at Willeys Creek near Broome, will the Minister give an assurance that in respect of the proposed development at Barred Creek views will be sought locally other than from the shire council.

The Hon. D. J. WORDSWORTH replied:

As I have said, generally views are sought; but one of the difficulties, as the member well knows, is that the shire is the only body that is organised to carry out this sort of thing. The development to which he refers was approved by the shire. Perhaps afterwards a body of people will be found who disagree, but unfortunately they are never organised before the event.

TOURISM

Barred Creek Development

126. The Hon. PETER DOWDING, to the Minister for Lands:

Will the Minister give an assurance that an inquiry will be made in respect of Aboriginal sites before a decision will be given in the matter of Barred Creek?

The Hon. D. J. WORDSWORTH replied:

I would need some indication that there are Aboriginal sites there. I think the member would understand that whenever a lease is thrown open it is automatically referred to various departments. One that comes to mind is the Mines Department, because it is not possible to have a special lease without the approval of that department. In this case I understand the matter has been referred also to the Department of Conservation and Environment. However, unless there is some indication of a need to do so, we do not normally refer every lease to the Museum.

TOURISM

Barred Creek Development

127. The Hon. PETER DOWDING, to the Minister for Lands:

(1) Is the Minister aware that the Broome area has a considerable number of Aboriginal communities and there are within the region many registered sacred sites?

(2) In the circumstances, will he give an assurance that this matter will be referred at least to the WA Museum?

The Hon. D. J. WORDSWORTH replied:

(1) and (2) I indicated that we do make considerable inquiries, and I would be very surprised if this development does not come within such an inquiry. If it does not, it will be referred to the Museum.

The Hon. Peter Dowding: How do you know until you ask them?

The Hon. D. J. WORDSWORTH: We cannot refer every single lease which the department handles. If there is an indication that there is a need to refer it, I can assure the member it will be done.

LIBERAL PARTY

Queensland: Policy

128. The Hon. PETER DOWDING, to the Leader of the House:

(1) Has the Minister seen in the report in *The West Australian* of 4 November indicating that the Liberal Party in Queensland has announced a policy embodying the principles of—

(a) no more confrontation with minority groups;

(b) no more extremism;

(c) fair and equal electoral redistribution;

(d) a common-sense approach to industrial relations; and

(e) requiring Ministers to adhere to a code of ethics?

(2) Will the Minister look at these principles to see whether the Government of this State will take the revolutionary step of adopting them also?

The Hon I. G. MEDCALF replied:

(1) and (2) No, I have not seen the report.

LIBERAL PARTY

Queensland: Policy

129. The Hon. PETER DOWDING, to the Leader of the House:

Will he give consideration to those principles to see whether the Government will adopt them?

The Hon. I. G. MEDCALF replied:

I am continually giving consideration to matters of principle, and if there are any matters of principle the member wishes to raise with me, I shall give consideration to them.

CONSERVATION AND THE ENVIRONMENT

EPA: Chairman

130. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

Is it a fact that the Government will go ahead with its decision to sack Mr Colin Porter from his position as head of the Environmental Protection Authority?

The Hon. G. E. MASTERS replied:

I refer the member to my answers to him yesterday, and probably the day before that, and the day before that. I have no further comment.

CONSERVATION AND THE ENVIRONMENT

EPA: Chairman

131. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

I refer the Minister to page 8 of the *Daily News* of 6 November. Is it a fact that as a result of Government proposals, Mr Porter, one of Australia's most respected environmentalists, is likely to quit as Director of the Department of Conservation and Environment?

The Hon. G. E. MASTERS replied:

If there are any further questions, I ask that they be placed on the notice paper.