Legislative Council

Wednesday, 16 September 1987

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

STANDING COMMITTEE ON GOVERNMENT AGENCIES

Report

HON MARK NEVILL (South East) [2.35 pm]: I present the report of the Standing Committee on Government Agencies, entitled "Review of the Builders' and Painters' Registration Boards", together with the transcript of the committee's proceedings. I move --

That the report do lie upon the Table and be printed.

The committee's examination of the Painters' Registration Board led it to conclude that the board should be abolished and the Painters' Registration Act 1961 should be repealed. It was generally recognised by all witnesses before the committee that the Painters' Registration Board had not been able to enforce the provisions of the Painters' Registration Act and, in the committee's opinion, in the absence of significant funding increases, the board would never be able to do so.

In particular, the committee found that--

The board was incapable of controlling fly-by-night operators who cause so many problems for consumers;

the board is not a cost-effective way of dealing with complaints -- on 1986 figures it cost $2 006 for each complaint;

the board receives relatively few complaints -- 79 in 1986 -- and almost as many complaints about painters are dealt with by the Builders' Registration Board -- 72 in 1986;

the board is not necessary to protect consumers because they have access to the Consumer Affairs Department, the Small Claims Tribunal, and, under the committee's proposals, the Commercial Tribunal; and

the abolition of the board would save the painting industry approximately $160 000 per annum.

The committee recognises that there will be some opposition to its recommendation that the Painters' Registration Board be abolished, particularly from those with a vested interest in its continued operation. However, the board has failed to establish its effectiveness and, in the committee's view, the $160 000 budget of the board cannot be justified. The board's abolition will result in savings to painters and will not adversely affect consumers.

Not surprisingly, the greater part of the committee's report deals with the Builders' Registration Board. This board has been subject to considerable public criticism of its effectiveness. Two matters came to the fore during the committee's inquiry: Delays in having matters resolved, and dissatisfaction with the remedies provided by the board. The committee found that, with few exceptions, the problems arose from inadequacies in the Builders' Registration Act rather than defective administration by the board.

The committee was pleased to find that the board has recognised many of the problems which it faces and has taken steps by way of an internal review of the Act to attempt to address these problems. Much of the committee's report is supportive of changes proposed by the board. However, there are important differences, particularly in the area of dispute resolution. The committee has recommended that the dispute resolution function currently carried out by the board should be transferred to the Commercial Tribunal and that appeals from the tribunal should be restricted to appeals on points of law. The committee believes that this would dramatically reduce the delays which are inherent in the present system and which are open to such exploitation that individual disputes may drag on for more than three years with no guarantee of a satisfactory resolution.

The report contains 28 recommendations, all of which I do not propose to refer to here. However, they include changes to the board's composition; extending the rights of consumers to complain about unsatisfactory workmanship by builders; making indemnity insurance compulsory for all registered builders; changes to the board's funding and the board's fee structure; changes to the registration requirements for builders including a system of graded registration; and improving the capacity of the board to police the provisions of the Builders' Registration Act.

I thank my fellow members on the committee for their contribution to this review and I commend the report to the House.

Question put and passed.

CRIMINAL INVESTIGATION (EXTRA-TERRITORIAL OFFENCES) BILL

Introduction and First Reading

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

JURISDICTION OF COURTS (CROSS-VESTING) BILL

Second Reading

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [2.40 pm]: I move --

That the Bill be now read a second time.

The Jurisdiction of Courts (Cross-vesting) Bill 1987 is to establish a system of cross-vesting of jurisdiction between the Supreme Courts of the States and Territories of Australia, the Federal Court, the Family Court of Australia, and the Family Court of Western Australia. The Bill is an attempt to resolve difficulties that presently exist in determining the jurisdictional limits of Federal, State, and Territory courts. It will not detract from the existing jurisdiction of those courts. The Bill will be complemented by reciprocal legislation of the Commonwealth, the other States, and the Northern Territory.

The proposal to deal with the present jurisdictional problems by cross-vesting jurisdiction between the Supreme Courts, the Federal Court, and the Family Court had its origin as a Western Australian initiative, being first advanced by our Solicitor General in a paper he delivered to a symposium conducted by the Australian Institute of Judicial Administration in Melbourne in 1983. The proposal has steadily attracted increasing support as a practical remedy which should aid litigants. The Standing Committee of Attorneys General took up the proposal in 1985 when it became clear that more radical proposals were unlikely to gain sufficient support to be implemented. The present Bill is the result of extensive consultations between the Commonwealth, the States, and the Northern Territory in the Standing Committee. I take this opportunity to thank the Special Committee of Solicitors General for its hard work in the development of the cross-vesting legislation.

The essence of the cross-vesting scheme, as provided for in the Bill and complementary Commonwealth, State, and Northern Territory legislation, is that State and Territory Supreme Courts will be vested with all the civil jurisdiction, except certain industrial and trade practices jurisdiction of Federal courts -- at present the Federal and the Family Court -- and those Federal courts will be vested with the full civil jurisdiction of the State and Territory Supreme Courts. In addition, each Supreme Court in Australia will be vested with the full civil jurisdiction of the Supreme Courts of the other States and Territories. The scheme does not affect criminal jurisdiction, which continues to be dealt with by the Supreme Courts. The reason for the proposed scheme is that litigants have at times experienced inconvenience and been put to unnecessary expense as a result of --

> uncertainties as to the jurisdictional limits of Federal, State, and Territory Courts, particularly where the dispute includes matters within the exclusive jurisdiction of the Federal Court or the Family Court of Australia -- for example, trade practices and family law matters; and

> the lack of power in some cases in any one of these courts to be able to deal with the whole of a dispute, so that multiple proceedings have been necessary in different courts.

Jurisdictional difficulties do the law and the community no good. They result in litigants being faced with the worry, delay, and additional expense which flow from the pointless need to search -- on occasions in vain -- for a court, or courts, with jurisdiction to resolve the dispute. The seriousness of these jurisdictional difficulties is all the more pressing because they occur in areas such as family law and trade practices which touch the everyday activities of a great many people and corporations in Australia. We have thus been faced with growing frustration in the community and the legal profession with a system of courts with geographic and other jurisdictional limitations which get in the way of the efficient resolution of disputes. Despite decisions of the High Court which have had the effect of resolving many of the jurisdictional problems by expanding the jurisdiction of the Federal and Family Courts, problems still exist which require legislative action. This Bill is a significant step towards overcoming many of the problems which at present impede the efficient administration of justice in Australia.

The cross-vesting scheme seeks to overcome these problems by vesting the Federal courts with State jurisdiction and by vesting State courts with Federal jurisdiction so that no civil action will fail in a superior court through lack of jurisdiction. It will also ensure that no court will have to determine the boundaries between Federal, State, and Territory jurisdictions. The scheme, although simple in concept, introduces a quite radical change in the Australian judicial system. The Bill seeks to cross-vest jurisdiction in such a way that Federal and State courts will, by and large, keep within their former "normal" jurisdictional field. To this end, the reciprocal Commonwealth and State legislation make detailed and comprehensive provision for transfers between courts which should ensure that proceedings begun in an inappropriate court, or related proceedings begun in separate courts, will be transferred to an appropriate court for hearing.

The provisions relating to cross-vesting will need to be applied only in those exceptional cases where there are jurisdictional uncertainties and where there is a real need in the interests of justice to have matters tried together in the one court. The successful operation of the cross-vesting scheme will depend very much upon courts approaching the legislation in accordance with its general purpose and intention as indicated in the preamble.

Courts will need to be rigorous in the exercise of their transferral powers to ensure that litigants do not engage in "forum shopping" by commencing proceedings in inappropriate courts or by resort to other tactical manoeuvres that would otherwise be available to them by reason of the fact that State courts would have most of the jurisdiction of the Federal courts and the Federal courts would have the full jurisdiction of the State courts. The courts themselves would also be expected not to take advantage of the legislation to aggregate business to their own courts in matters that would not otherwise have been within their "normal" respective jurisdictions. I have every confidence that the courts will approach the legislation in accordance with its spirit and purpose.

Under the cross-vesting scheme, no court will need to decide whether any particular matter is truly within Federal or State jurisdiction, since in either event the court will have the same powers and duties. This is because, in any particular proceedings, insofar as the matters involved are within Federal or Territory jurisdiction, the powers and duties will be conferred and imposed by the Commonwealth Act, and insofar as the matters are not within Federal or Territory jurisdiction, the powers and duties will be conferred by complementary State legislation. To satisfy the interests of the Commonwealth, provision is made in the Bill to continue a special role of the Federal Court in matters in which it now has, apart from the jurisdiction of the High Court, exclusive original or appellate jurisdiction.

In particular, the Bill provides for the compulsory transfer by the Supreme Court of any "special Federal matter" unless it appears to the Supreme Court that, by reason of the particular circumstances of the case, it is both inappropriate for the matter to be transferred to the Federal Court and appropriate for the Supreme Court to determine the proceedings. The expression "special Federal matter" refers to matters the Commonwealth considers to be of

special concern, being matters that at present are within the exclusive jurisdiction of the Federal Court. They are defined in the Commonwealth Act to include matters arising under the Administrative Decisions (Judicial Review) Act 1977; matters within the original jurisdiction of the Federal Court by virtue of section 39(B) of the Judiciary Act 1903; most matters under part IV of the Trade Practices Act 1974; matters arising under section 32 of the National Crime Authority Act 1984; and certain matters coming from tribunals, other bodies, and office holders under Commonwealth Acts.

The interests of the Commonwealth are also specially recognised in respect of appeal matters which presently lie within the exclusive appellate jurisdiction of the Federal Court. The schedule to the Commonwealth Act lists certain Acts such as the Bankruptcy Act 1966, the Commonwealth Electoral Act 1918, and various Acts dealing with intellectual property. Appeals in matters under the listed Acts will remain within the exclusive appellate jurisdiction of the Full Federal Court. It has been agreed that the Chief Justices of the State and Territory Supreme Courts and the Chief Judges of the Federal Court of Australia and the Family Court of Australia will monitor the operation of the scheme and report regularly to the Standing Committee of Attorneys General.

The Government attaches great importance to the purpose and intention of the scheme as described in the preamble to the Bill. After a trial period of three years, each party to the scheme has the right to withdraw from the scheme after notice to the other parties.

I emphasise that this Bill reflects the agreement of the Commonwealth, the States, and the Northern Territory following lengthy and detailed discussion in the Standing Committee. At their meeting on 5 March 1987, the Attorneys General reaffirmed their full support for these proposals. The Commonwealth Parliament has since enacted its legislation, as have the Parliaments of Victoria and New South Wales. It is hoped that the necessary legislation will be passed in all the remaining States and Northern Territory before the end of this year. The complementary Acts will bring to a successful conclusion a lengthy and at times frustrating process of inter-Government consultation.

I record my own and the State Government's appreciation of the special and important role of the Solicitor General, Mr Kevin Parker, QC. His contribution in initiating, and then driving forward, the basic framework of the cross-vesting scheme has been invaluable. As was the case with earlier work on the severance of constitutional links with the United Kingdom, it is doubtful whether a result would have emerged at all without his forceful and persuasive contribution.

I commend the Bill to the House.

Debate adjourned, on motion by Hon Margaret McAleer.

VIDEO TAPES CLASSIFICATION AND CONTROL BILL

Report

Report of Committee adopted.

FIREARMS AMENDMENT BILL

Second Reading

Debate resumed from 15 September.

HON GRAHAM EDWARDS (North Metropolitan -- Minister for Sport and Recreation) [2.52 pm]: I thank members opposite for their support of this Bill and for the comments they have made in debating it. The Bill was correctly summarised by Hon Margaret McAleer as one which attaches further financial penalties to the people who breach the Firearms Act. I am able to advise that in response to her query regarding the recommendations following the Dixon report, those matters have been considered by the police, who have given advice to the Government, and Cabinet has approved the drafting of a Bill which will further strengthen the Firearms Act and which takes into account that report.

I am also pleased to note that members opposite agree that the gun laws in this State are the most stringent in Australia, and they have been so for many years. It is unfortunate that we

do not have uniform gun laws in Australia which are as stringent as those in Western Australia, and I certainly commend the Minister for Police and Emergency Services on the initiative that he has taken in this area in attempting to pursue uniformity across Australia.

I also agree with Hon David Wordsworth when he said that being able to carry a firearm in this State was not a right but a privilege. This Bill seeks to further penalise the people who would breach that privilege. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

In Committee, etc

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

Third Reading

Bill read a third time, on motion by Hon Graham Edwards (Minister for Sport and Recreation), and passed.

ASSOCIATIONS INCORPORATION BILL

In Committee

The Chairman of Committees (Hon D.J. Wordsworth) in the Chair; Hon J.M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title --

Hon MAX EVANS: As I mentioned during the second reading debate, we agree in principle with this Bill; we think it is a good piece of legislation and well overdue. We have a number of amendments which we believe will smooth the Bill and make it a better working document.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Interpretation --

Hon MAX EVANS: I move an amendment --

Page 2, line 13 -- To insert after "association" the following --

or such other date as is fixed by the committee of the association

My reason for moving this amendment is that an association may not want its anniversary from the date on which it is formed; it may wish to make its anniversary coincide with the year-end of the previous association.

Hon J.M. BERINSON: The Government opposes this amendment, mainly on the ground that it is unnecessary. There is no intention to limit the flexibility of associations, but the fact is that they can set their date within any period of 15 months from the date of incorporation. That has the effect that no matter what their existing date is, it must be accommodated by the provision, unless they are proposing to set a first date more than 15 months from the commencing date of incorporation. That would not seem to be desirable, and for that reason I urge the Chamber not to pursue this course.

Hon Max Evans: The Bill says that it is "a period not exceeding 15 months fixed by the committee of the association being a period commencing on the date of incorporation of the association", so could the Attorney be clearer on that, because for 12 months after the date of incorporation, or your date, you say it does not apply.

Hon J.M. BERINSON: Part (a) of the definition of financial year relates only to the initial period; thereafter the financial year follows at 12-monthly intervals. What I am suggesting to the honourable member is that, whatever date the association has for the purposes of its financial year, it must be capable of being accommodated within the 15-month leeway that it has.

Amendment put and negatived.

Clause put and passed.

Clause 4: Eligibility for incorporation --

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

Page 3, after line 17 -- To insert the following subclause --

(3) Notwithstanding subsection (1), a trade union, as defined in the *Trade Unions Act 1902*, is not eligible to be incorporated under this Act.

It was never intended that the trade unions should be permitted to incorporate under the Bill, and this is one of the areas in which I appreciate the contribution of the Law Society in analysing some features of the legislation. Rather, the intention of this clause was to confirm the decision of the South Australian Supreme Court in re Proprietary Articles Trade Association of South Australia Incorporated (1949 *South Australian State Reports*), which confirmed that it was proper for a trade protection association to be incorporated. The amendment I am now moving is to put beyond doubt that trade unions are not to be permitted to incorporate under this Bill any more than they have been under the current provisions.

Amendment put and passed.

Hon MAX EVANS: I move an amendment --

Page 4, line 4 -- To delete "or donations" and substitute the following --

, donations, sponsorship or the sale of any broadcasting rights

I referred to this in my second reading speech. We believe this should be included in the Bill because contracts made in respect of the sale of broadcasting rights could be considerable. This amendment would ensure that there would be no doubt as to whether the association has the power or the ability to enter into a contract.

Hon J.M. BERINSON: It is doubtful whether the proposed amendment adds anything to the existing provisions of clause 4(3)(h), in particular, which opens the way to the association trading with its members or with the public. It is difficult to conceive of any arrangements for sponsorship and so on that would not be met by subclause (h). Nonetheless, there is no disagreement in principle with what the honourable member has said. If contrary to what I have suggested there is some room for doubt in relation to such matters as sponsorship or the sale of broadcasting rights, it is just as well to accept the member's suggestion that it be put beyond doubt. I therefore support this amendment.

Amendment put and passed.

Hon MAX EVANS: I move an amendment --

Page 4, line 24 -- To delete "notice of the refusal" and substitute the following --

written notice of the refusal and of the Commissioner's reasons for the refusal

This matter comes up a number of times but we believe that if a refusal is given, this should be given in writing. This will enable people to know why the refusal was given and they will be able to request the Minister to review the situation. However, if one does not have a matter like this in writing, one does not know what one is up against.

Hon J.M. BERINSON: The Government opposes this amendment, and as similar questions are raised in a number of other clauses, I will elaborate in the hope of avoiding constant repetition on the one theme.

I point out in the first place that this clause involves a substantial change from the current Act in that it extensively increases the range of organisations which are eligible as of right to be incorporated under this legislation. At the moment a whole range of applications are necessary to be made by groups such as sporting groups, bridge groups, and community groups of all kinds, none of which have a right by reason of their activities to incorporation but must seek the application of the Attorney General's discretion in order to have them accepted.

The range of organisations is therefore greatly increased and to the extent that any group otherwise eligible is refused, there is the normal recourse to the courts, apart from the Minister. All we are talking about here, for practical purposes, is clause 4(1)(f); that is, the residual capacity by organisations which are not specified in clause 4(1)(a) to (e) to seek incorporation despite the fact that they are not a religious organisation or of a charitable or benevolent nature and that they are not there to promote or encourage literature, science, or the arts; and that they are not there for sport, recreation, amusement, and so on. Groups which do not come into any of these numerous categories -- I have named only some of those covered by clause 4(1)(a) to (e) -- are entitled to seek an open discretion by the commissioner and on his refusal to seek the application of a further open discretion by the Minister.

In adopting this approach, the Government is maintaining the position of the present Act, which has always left it to the non-reviewable discretion of the Attorney General to approve or to reject applications in this field. Incorporation is after all a privilege which gives special advantages to the groups granted that right, and the experience in this area has been that no-one has been put at detriment by leaving relevant decisions on a purely administrative basis.

I can recall only one case in my four and a half years in the post where an application for incorporation has been refused, and I believe that in at least the five years before the present Government came to office there was only one case. That is to be measured against literally thousands of applications which have been approved. So it is not an area where there is any indication of arbitrary or malicious rejection of applications. In the nature of the exposure of responsible Ministers to the ordinary political processes, if they were to attempt such an approach the remedy could also be a political remedy.

The problem with calling for reasons is that that would carry with it the suggestion that at the end of the day the reviewing processes provided by the Bill ought to be subject to further review, namely by a court; and if that is not the intention, it is likely that would follow. If we are to go down that path, we need further reconsideration of the Bill. What we would really need is to establish guidelines for the exercise of the discretion in (f) rather than leave that discretion open as the Bill does. That is not a worthwhile exercise in which to engage. It would add a complication to a process which has already proved to be far more complicated than I would have ever imagined, a process which has contributed to some 15 years' delay from the first recommendation of the Law Reform Commission to the actual implementation of a new Bill to amend the Act. I do not believe that the extremely rare circumstance in which an application would be disallowed warrants our starting again with an attempt to establish guidelines by which the commissioner's and then the Minister's decision should be measured.

In relation not only to the question of review but also to other questions, I have been very conscious as we have gone through this exercise that no matter how flexible one wants to be in order to avoid excessive regulation of these associations, the more one tends to tie down individual questions, the greater the degree of regulation that results. One result is that the present Act of 12 pages is proposed to be replaced by one of 30 pages; and that is on the basis of work by an Attorney General who, I assure the Chamber, has been anxious to minimise the increase in regulations beyond that necessary to ensure the proper accountability of organisations both to their own membership and to the public. I am very reluctant to be led further along the track of further extensions to the Bill, to the regulations, and to the possibilities for litigation that may be opened. This whole series of amendments by Mr Evans related to the giving of reasons really raises that issue in a very acute form.

I am sorry to have taken so long on this matter, but this will, hopefully, avoid the need for further lengthy discussion of the proposed further 10 or 12 amendments listed to the same effect.

Hon MAX EVANS: We have just been given a very lengthy legal version of the problems inherent in what we are trying to do to amend this Act, and we were told that the present Act was written as it is for good reason. But I thought we were trying to improve it.

We are dealing with people who generally do not have to go through lawyers to lodge documents for incorporation, and for this reason they deserve a written reason for the refusal of their incorporation. Any person or group of people who have gone to the trouble to seek

incorporation are entitled to such consideration. The fact that the present Act does not provide for that is no reason not to incorporate it in this Bill. If the amendment would open up an appeal to a higher court, so be it, because people who have been refused incorporation should have this facility of a written answer before an appeal to the Minister.

Did the people who had their request for incorporation refused by the Attorney General lodge an appeal, and if so what was the result?

Hon J.M. BERINSON: Basically the whole argument I have been putting on this question comes down to the fact that once we read subclause (f) we find we are dealing with a whole discretionary area and that it is quite appropriate to leave it on an administrative basis.

There is no question of an appeal to the Attorney General since it is he who has the power under the present Act. One of the measures I have been anxious to introduce into the new Bill is that all of these applications for incorporation should be decided at the commissioner level. The need to go to the Attorney General in all cases has always struck me as excessive, and the Bill will virtually eliminate that need.

Amendment put and negatived.

Hon MAX EVANS: I move an amendment --

Page 4, after line 30 -- To insert the following subclause --

(7) Written notice of the Minister's decision on a review under this section and of the reasons for that decision shall be given to the applicant.

Hon J.M. BERINSON: I oppose this amendment for the same reasons I gave for the last amendment. However, if anything, the argument against this amendment is even stronger. At least it might be said, when we have a commissioner's decision which is reviewable by the Minister, that the commissioner might give reasons so that the attention of the reviewing Minister can be focused on those.

The clear intention of the Bill, and one which I believe ought to be maintained, is that there is one review only, namely by the Minister, and that no further review is possible. That is the position which the court has held to apply with the current Act; and to introduce notions of reasons at this stage would be to throw in doubt the unreviewability of the Minister's decision, which is really a central plank of this new structure.

Amendment put and negatived.

Clause, as amended, put and passed.

Clauses 5 and 6 put and passed.

Clause 7: Request for refusal of incorporation --

Hon MAX EVANS: I wish to withdraw the amendments standing in my name on the Supplementary Notice Paper.

Clause put and passed.

Clause 8: Name of association --

Hon MAX EVANS: I wish to withdraw the amendments standing in my name on the Supplementary Notice Paper.

Clause put and passed.

Clause 9: Incorporation of association --

Hon MAX EVANS: I wish to withdraw the amendments standing in my name on the Supplementary Notice Paper.

Clause put and passed.

Clause 10: Effect of incorporation --

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

Page 8, lines 6 and 7 -- To delete "from any liability to which that person is otherwise subject" and substitute the following --

in respect of liabilities incurred by or on behalf of the association prior to incorporation

This amendment is proposed to overcome any ambiguity between the wording in clause 10 and that used in clause 12(2). The intention is that pre-existing personal liabilities of members, trustees or officers are not to be relieved by incorporation. As a result, the same wording used in clause 12(2) would, on the carriage of this amendment, be adopted in the words added to clause 10(c).

Hon MAX EVANS: The Opposition commends the Attorney General for this amendment. The Opposition has previously raised this matter and it supports the amendment.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 11 and 12 put and passed.

Clause 13: Powers of an incorporated association --

Hon MAX EVANS: I move an amendment --

Page 9, lines 2 and 3 -- To delete the lines and substitute the following --

13.(1) Subject to this Act and to its rules, an incorporated association may do all things necessary or convenient for carrying out its objects and purposes, and in particular, may --

This clause provides a wide range of options for an association, but the Opposition believes that the wording has a certain degree of limitation. The range of options should be broader and be like the memorandum of association for a company which outlines everything a company may do. We believe that this amendment will provide for associations to do all things they may wish to do.

Hon J.M. BERINSON: I would appreciate some further elaboration by Hon Max Evans about his amendment. Certainly the intention of clause 13 is not to restrict the powers to the items enumerated in paragraphs (a) to (g) of subclause (1). I wonder in what respect he believes otherwise.

Hon MAX EVANS: As a result of advice given to the Opposition we believe that the powers outlined in this clause are limited and are not specific. We have moved an amendment to provide for the powers of an incorporated association to be unlimited. In other words, an incorporated association may do all things necessary or convenient for carrying out its objects and purposes. There will be no limitation as to what it can do and that is how the clause should read.

Hon J.M. BERINSON: I do not want to push this too far, but I wonder whether Hon Max Evans might provide some example of the sort of thing an association may wish to do that is precluded by the terms of clause 13. I guess I am a little uncertain about all of this. In principle I am not arguing against what the honourable member is saying, but I had not previously read the sort of limitation into this that he has. I have tried to test that to my own satisfaction by trying to consider the sort of situation that this clause would preclude.

Hon MAX EVANS: The Attorney General wants to limit the powers of an incorporated association to a certain number of rules. They should not be limited by those rules. The memorandum of association for a company includes purchasing of property, sale of property, leases, the disposal of personal property, details about whether a property can be leased or subleased to someone else, different types of money transactions for raising money etc., They are not limited.

Hon J.M. BERINSON: I do not want to sound too grudging about this. I continue to doubt whether the amendment is necessary. Nonetheless I am inclined to put it into the same category as the earlier amendment which specified sponsorship and broadcasting rights and so on. If indeed there is some opinion provided to Hon Max Evans to support this amendment I am inclined to go along with it on the basis that it certainly cannot take this clause beyond its original intention anyway. On that basis I would not maintain any objection to the amendment proceeding.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 14: Manner in which contracts may be made --

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

Page 9, lines 26 and 29, page 10, line 1 -- To delete "private" wherever it occurs in subclause (1) and substitute the following --

natural

This amendment is proposed for the purpose of adopting a more common terminology.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 15 and 16 put and passed.

Clause 17: Alteration of rules --

Hon MAX EVANS: I move an amendment --

Page 11, lines 6 and 7 -- To delete the lines and substitute the following --

(3) Subject to sections 18 and 19, an alteration of the rules of an incorporated association takes effect when subsection (2) is complied with and where the documents required to be lodged under that subsection are lodged by post, that subsection shall be deemed to have been complied with at the time of posting.

This was brought up, because the clause is not quite clear. It concerns amendments or alterations to rules. I would prefer a positive attitude. When an amendment becomes an amendment, as far as the association is concerned it is binding.

Hon J.M. BERINSON: This would not be a wise course to take, for the reason that it would put the reliability of the public register into doubt. The idea of requiring amendments to the rules to be lodged with the commissioner is to ensure that the public record is kept up to date. If the amendments take effect from the date of posting, either the notice may never be received or a dispute may arise as to whether it was posted. I therefore urge the Committee not to adopt this proposal.

Amendment put and negatived.

Clause put and passed.

Clause 18: Change of name of incorporated association --

Hon MAX EVANS: I will not move the amendment standing in my name.

Clause put and passed.

Clause 19: Alteration of objects of incorporated association --

Hon MAX EVANS: I will not move the amendments standing in my name.

Clause put and passed.

Clause 20: Management of incorporated association --

Hon J.M. BERINSON: I am not proceeding with my amendment.

Clause put and passed.

Clause 21: Disclosure of interest --

Hon MAX EVANS: I move an amendment --

Page 13, line 17 -- To delete "$500" and substitute the following --

$1 000

There has been a debate along these lines. Hon Mick Gayfer talked about $500 seeming to be notionally small. We had one opinion which indicated $1 000 or three months' gaol.

That was a bit beyond what should be included here. We thought $500 too little in view of what can go wrong in some organisations. It is not necessary to impose the maximum penalty. The court may decide to impose anything from $1 to $1 000.

Hon J.M. BERINSON: I oppose this amendment, although I agree that an appropriate figure for a fine in these circumstances can be very difficult to arrive at. My starting point, however, is the present Act, which provides no penalties at all for anything. I link that with a concern I have had throughout the development of this legislation to keep in mind at all times the basic nature of the organisations we are dealing with. Some of them may operate on a large scale, but the majority operate on a modest or even a very small scale. The overwhelming majority are serviced by volunteers, people putting in work in good faith and not looking for personal advantage. I doubt whether one-tenth of one per cent of the members of committees of incorporated associations have ever looked at the Act. I doubt if one in 1 000 will ever look at the Act in the future.

A huge number of well-meaning people will be put at risk on the basis of provisions to which they never turned their minds. We must be very cautious about the areas where we apply penalties. When, as is the case in this Bill, we implement penalties which have never existed previously, there is a good case for being cautious about the extent of the potential penalty.

I am aware that in submissions on this Bill and in other public discussion, comparisons have been drawn between the fairly modest penalties provided in this Bill and those applying to officers of the bodies incorporated under the Companies Code. Certainly there is a substantial contrast there. I note that the penalty for failing to act honestly, which is applicable under the Companies Code to officers of corporations, is $5 000; and in the case of improper use of position for personal gain the penalty is $20 000 or five years' imprisonment. However, these penalties apply to commercial bodies and, for the reasons that I have tried to express, the circumstances with incorporated associations are quite different.

I point out to the Committee as well that if a serious case of abuse of position arises it would be open for a prosecution to be considered outside the provisions of this Bill altogether. If the prosecution considers that a criminal matter is particularly serious, there are similar offences under the Criminal Code with which a person may be charged. Chapter IV of the Criminal Code, for example, creates the offence of corruption of agents, trustees, and others in whom confidence is reposed, including offences such as receiving secret commissions, which are punishable by a $1 000 fine or two years' imprisonment. So there are other avenues to be explored in the case where there is a serious possibility of deliberate abuse of position.

Given all of these factors, but I suppose putting most weight on the first consideration to which I have referred, I would believe on balance that we ought to stay with the $500 limit rather than increase it at this point.

Amendment put and negatived.

Clause put and passed.

Clauses 22 to 26 put and passed.

Clause 27: Register of members --

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

Page 15, line 21 -- To insert after "member" the following --

and the member may make a copy of or take an extract from the register but shall have no right to remove the register for that purpose

This amendment is also based on the comments by the Law Society of Western Australia and I think they are self-explanatory.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 28: Rules to be available to members --

The clause was amended, on motion by Hon J.M. Berinson, as follows --

Page 15, line 26 -- To insert after "member" the following --

and the member may make a copy of or take an extract from the rules but shall have no right to remove the rules for that purpose

Clause, as amended, put and passed.

Sitting suspended from 3.45 to 4.00 pm

Clause 29: Record of office holders --

Hon MAX EVANS: I move an amendment --

Page 16, line 5 -- To insert after "association" the following --

and persons who are authorised to use the common seal of the association

The reason for including this -- and I have discussed it with the Attorney General -- is that we believe that persons authorised to use the common seal should be identified because it is the signature of the association. Anyone doing a deal with that association should be able to find out who the authorised person is so that the seal is affixed by an authorised and not an unauthorised person.

Hon J.M. BERINSON: I indicate the Government's support for this amendment.

Amendment put and passed.

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

Page 16, line 11 -- To insert after "member" the following --

and the member may make a copy of or take an extract from the record but shall have no right to remove the record for that purpose

The reason for this amendment is in line with similar amendments already made to clauses 27 and 28.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 30: Voluntary winding up --

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

Page 16, line 20 -- To delete "A resolution for" and substitute the following --

Dissolution pursuant to

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 31 and 32 put and passed.

Clause 33: Distribution of surplus property --

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

Page 19, lines 27 to 32 -- To delete subclause (9) and substitute the following subclauses --

(9) If the Commissioner considers that the implementation of the distribution plan would be unreasonable or impractical, the Commissioner shall so inform the committee and the committee may within one month lodge a revised distribution plan with the Commissioner.

(10) If the Commissioner considers that the implementation of a revised distribution plan would be unreasonable or impractical or if the committee has failed to lodge a revised distribution plan with the Commissioner within one month of being informed of the Commissioner's opinion under subsection (9) or if the committee has failed to lodge a distribution plan with the Commissioner in accordance with subsection (6), the Commissioner shall so

declare in writing and, subject to subsection (12) and section 36, shall after one month cause the surplus property to be paid to the Consolidated Revenue Fund.

This amendment also follows from some consideration of views expressed by the Law Society. Clause 33(9) in its present form provides that where the commissioner considers the implementation of a distribution plan would be unreasonable or impractical, the commissioner shall so declare in writing and thereafter the surplus properties would be paid to the Consolidated Revenue Fund. It has been suggested -- and the Government accepts this -- that the seriousness of this step justifies some intermediate facilities being made available. The first thing which is provided by this amendment is to allow a reconsideration of the distribution plan by the committee itself, and that is in proposed new subclause (9). Subclause (10) follows from this rejection of the second bite of the cherry. That second opportunity is accepted as being desirable and I have moved this amendment for that purpose.

Amendment put and passed.

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

Page 19, after line 38 -- To insert the following subclause --

(12) A person who is aggrieved by a declaration made by the Commissioner under subsection (10) may apply to the Supreme Court for a review of the Commissioner's declaration and the Supreme Court may make such order as to the distribution of the surplus property of the association as the Court thinks just.

This amendment is to complete the process of review to which I referred a few minutes ago. Under this amendment where a person is aggrieved by a decision of the commissioner following his review of the second distribution plan, that aggrieved person may apply to the Supreme Court for a further review of the commissioner's decision.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 34 put and passed.

Clause 35: Cancellation of incorporation by Commissioner --

Hon MAX EVANS: I move an amendment --

Page 21, lines 13 to 16 -- To delete "may send, by certified post addressed to the association at the address which appears to the Commissioner to be the address of the association, and may, if he considers advertisement to be desirable," and substitute the following --

shall send, by certified post addressed to the association at the address for service lodged in accordance with section 40, or where no address for service has been lodged, at the address which appears to the Commissioner to be the address of the association, and shall

I have two reasons for this amendment. The first is that notice should be sent to the registered office as recorded under section 40. The second reason is more important and concerns the deletion of the words "may, if he considers advertisement to be desirable". It should be mandatory that an advertisement be placed in a newspaper notifying cancellation of incorporation by the commissioner. It is not sufficient to send a letter to the address which he thinks is right. A letter should be sent, firstly, to a registered address, and, secondly to a further address if necessary. An advertisement is required to inform the public if there is to be a cancellation.

Hon J.M. BERINSON: The Government opposes this amendment. The argument boils down to one of reasonable administrative practice. I refer to clause 35(c) as a example. This allows the commissioner to act on the basis of a reasonable belief that the association has no assets, and the members have resolved to discontinue the activities of the association. The

commissioner could have reasonable cause to believe that the members have resolved to discontinue those activities only if he had direct advice from the members. Adding to that the requirement that the association has no assets, it is difficult to visualise what purpose would be served by the commissioner's publishing his decision in a newspaper. That seems to be giving him extra duties and expense for no apparent reason.

If there were a fear that the commissioner would not make proper inquiries, it could be said that, for the sake of greater caution, there should be public exposure of this decision. That is not a situation that can seriously be contemplated. The commissioner holds a senior, responsible position within the Government service. His actions will be guided by greater rather than lesser caution. In other words, if there is any possible doubt on the issue he will always take the safer course of inserting an advertisement. In those circumstances the amendment is not desirable.

I ought to relate this amendment to the following amendments that Mr Evans has listed, because it is really part of a package. Only one part of this amendment related to the mandatory requirement for publication. The other is that it be sent to the address for service lodged in accordance with proposed section 40. By a combination of further amendments, Mr Evans envisages a situation where that address for service can positively be relied on. In clause 40 he says that "may" should be "shall", and under the new section 9A he proposes that changes of officers should be advised to the commissioner whenever they occur.

I need to anticipate those further amendments to deal with them adequately, but I will oppose all of them. In doing that I recognise the theoretical desirability of having the register of officers up-to-date. On the other hand, referring to the nature of the organisations with which we are dealing -- and against the background that these records have never had to be provided on an annual basis -- these amendments would result in thousands, possibly tens of thousands, of pieces of paper having to be provided by associations' officers, and recorded by the commissioner's office each year. That would be an entirely new requirement, a great burden on the administration, and a serious obligation on association officers which they do not have now.

If we impose those additional obligations, a very strong case has to be made out in their favour. I will not go into the regulatory or deregulatory arguments in general but simply come to the practical question. Has anybody produced any evidence that the absence of these annual returns, and the registration of them, has been to anyone's detriment? I have been administering the Act for four and a half years and I cannot recollect a single occasion on which any complaint would have been solved had a requirement of that nature been in the present Act. That is the way I approach it. I accept the theoretical desirability of having these records kept up-to-date, but it involves serious burdens for the people providing the information and those having to maintain the records. I do not believe that can be justified in practice.

A further point, in anticipation of this package of problems which starts with the proposed amendment to clause 35, is that if these requirements are not observed, nothing follows. It is not suggested that there should be some penalty attached to the non-observance of this requirement to send in annual returns. I am certainly not suggesting that we should create a new penalty; I am saying the reverse. I am saying we should not have a penalty and we should not have the requirement.

I wish to correct one thing I have said, and that is that this would lead to the need for an annual return. In fact, it could lead to much more than an annual return. This package would require that every time an officer changed by resignation, the cooption of a committee member to replace a retiring member, and so on, another return would have to be lodged. It is not difficult to envisage the need, within the usual community group, for much more than a single annual return of this information. For that combination of reasons, I do not believe we should go into mandatory periodic updating of these records, and the best way to demonstrate that is to reject this amendment.

Hon MAX EVANS: The Attorney General refers to the words in clause 35(1)(c), "has no assets"; he does not refer to (a), "inoperative for 12 months", or (b), "has less than six members". There could be other reasons because the commissioner does not know what is going on.

Hon J.M. BERINSON: I accept that, and I raise the point only in relation to the situation where the mandatory publication should not be specified. In the other areas, it may well be desirable to publish. What I suggested in that respect was that one could rely on proper caution by the commissioner, and that in those cases publication did follow.

Hon MAX EVANS: Does the present Act provide for the winding up of associations?

Hon J.M. Berinson: No.

Hon MAX EVANS: They can go on forever.

Amendment put and negatived.

Clause put and passed.

Clauses 36 to 39 put and passed.

Clause 40: Lodging notice of address for service --

Hon MAX EVANS: I will not move the amendment I have listed on the Supplementary Notice Paper because I accept the Attorney General's comment that it would create an extra burden for the officers concerned.

Clause put and passed.

Clauses 41 to 43 put and passed.

Clause 44: Restriction on use of "Incorporated" --

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

Page 27, line 17 -- To insert after "Act" the following --

or any other law

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 45 to 49 put and passed.

New clause 9A --

Hon MAX EVANS: I move --

Page 7, before line 25 -- To insert after clause 9 the following new clause to stand as clause 9A --

Record of office holders to be lodged

9A. An association shall, as soon as practicable after issue to the association of a certificate of incorporation, lodge with the Commissioner a copy of the record referred to in section 29 and, as soon as practicable after any alteration to that record, lodge with the Commissioner a notice of that alteration or a copy of the record as altered.

This follows the provision of section 5 of the present Act. It appears to us that once the commissioner registers an association as an incorporated body, he has no other record of changes to the office bearers or any other changes of which he should be aware. He should have a record of any subsequent changes of, for example, office bearers; such details should be lodged at his office -- details such as those outlined in section 5 of the Act. I accept that he might receive thousands of these details, but I think it is important when we realise that some of these associations are fairly large. At present the commissioner is not even notified of any change of location of an association. At present he has no record of any changes that take place, as the original documents of incorporation are just shelved and nothing else happens. He would have to be extremely clever to know, for instance, if an association had had any meetings of less than six members. I know it costs $150 to lodge a company annual return, and I am loath to add extra costs to the Government or to associations, but why should the commissioner have no record of any changes?

Hon J.M. BERINSON: This largely involves my repeating comments I have already made, so I shall be brief. There is a dilemma here. If on the one hand we required annual updates

of this information, we would get a huge flow of paper and a lot of trouble and expense, as I have explained. In the absence of some positive indication that that is really needed to avoid practical, demonstrated problems, we should not go down that path. The other point of the dilemma is that if we do not have the constant updating of information, the information we still have cannot be relied on.

So, at the end of the day we have to balance the two points and make a judgment, and this was a balance that kept swinging from one side to the other as the Bill was being drafted. At the end of the day the Government came to the view that, if necessary, it should err on the side of limiting the new impositions which would be created by the Bill. If in the light of experience that turns out to require a review we will do that, but I think we can be fairly confident, given the background in this area, that it will not be necessary.

Hon MAX EVANS: I assume then that a large association which may need greater control could then be transferred to the Companies Code by the commissioner. Does the Attorney General have any examples of the sort of association -- I think earlier he said that if necessary the commissioner could make that decision -- to which that could happen, and the sort of size and status? That seems to me to be an organisation which should be complying with a lot more regulations because of its size.

Hon J.M. BERINSON: There is one very large organisation which comes to mind and which must handle many millions of dollars in the course of a year, but I would not like to anticipate the commissioner's view by naming it now or getting into detail. I am quite happy to discuss the particular case with the honourable member later.

What this Bill does, which is very helpful, is to establish the new rights of the membership in terms of an assurance that certain records are maintained and made available. For the first time as well, this legislation allows the members to go to the commissioner and seek his assistance, rather than being directed to the Supreme Court which would put off all but the most dedicated and aggrieved members. One other consideration is that by the time one comes to deal with organisations of this scale there is no question of their whereabouts not being known.

New clause put and negatived.

New clause 22A --

Hon MAX EVANS: I move --

> Page 14, line 5 -- Add after clause 22, the following new clause to stand as clause 22A --
>
> **22A Appointment of Auditor**
>
> An incorporated association shall at the annual general meeting appoint an auditor or the members may resolve not to appoint an auditor for the ensuing year.

I have discussed this with a number of professional people and with treasurers and chairmen of organisations, and at a luncheon today with a number of chartered accountants. We have all seen a lot of problems in the accounting records of associations small and large, and we believe the matter should be addressed at the annual general meeting of an association as to whether they should appoint auditors, or whether the committee takes it on its own head not to appoint auditors. This is similar to legislation in the Companies Code under which an exempt proprietary company may pass by a majority a motion that the company will not appoint auditors. In other words, they make a clear decision with the shareholders present that they will not have an audit because they do not think it is necessary. Often in family organisations it is not necessary. But as I have said before, in these associations where in every case they are dealing with someone else's money -- in one's own company or business it is one's own money or that of one's partner or family -- an independent person over the top of the treasurer makes the treasurer more accountable.

We were talking at lunchtime about a big club here some years ago and a chartered accountant was saying that after he resigned as treasurer thousands of dollars in this club were taken off. It goes out of one till or another and is not banked. The funds should have

been there, and they were not properly looked after. I speak strongly about this from experience, and I have given the Attorney the details of an interesting experience which came to me in this Chamber.

Hon J.M. Berinson: That was an example where the auditor was not qualified, so it was not a very good example.

Hon MAX EVANS: I know that, but it shows how bad accounts can be put up and not even noticed by the members. In country towns they get a bank manager or another accountant who knows how the accounts should be drawn up and the funds accounted for. I have not heard of an audit not being done properly when it is as a result of a person taking on that position of responsibility because he knows that being an auditor is important. He has the responsibility to report to the organisation that the accounts are true and fair. He has to have adequate explanations for any queries. That applies as much in very small organisations as in large organisations. I do not see this imposing any cost on the organisations in most cases. Normally there are persons available to do an honorary audit. However, it is trust money and not their money, and I have had examples even within the scouts organisation where money has gone off. In one particular troop the treasurer was very unlucky because a very dynamic chairman brought on the building plan three years ahead of time, so he got caught with a big shortfall of $3 000 or $4 000. The treasurer did not think he would have to account for it for some time because the building programme was some way off. They started the building programme with no money in the bank. This one had been reported to the auditor but had not come to the annual meeting when the two problems would have come together at the same time.

We have to draw up these rules. We have not seen the model rules, but in them one would say that an auditor shall be appointed unless the annual general meeting resolves not to have one. They make a conscious decision, and it is on the heads of the chairman, the secretary, and the members not to have an auditor, and that they are happy with what is going on. They would have to do that each year; it just does not stay in the rules forever that there is no auditor, in the same way as an exempt proprietary company.

Hon J.M. BERINSON: Can I clarify one thing before I go further with my response? My understanding is that this proposed new clause does not contemplate a professional auditor. It would leave the way open for an honorary and unqualified auditor.

Hon MAX EVANS: It could be. A person is appointed as an auditor. The Attorney General has used the word "liquidation". To me liquidation requires a liquidator, and I am a registered liquidator; but the Attorney applied the word to anybody who could liquidate an association. A person does not have to be a registered company auditor as such because there is no definition here. I would not want to put the word "honorary" in because a lot of these organisations will be paying a fee.

Hon J.M. BERINSON: Again I want to have two bob each way as we used to say before decimal currency. I accept the general desirability of an audit requirement. On the other hand, I would not at this stage support this amendment. I do that because of my basic concern with the huge number of groups which are not equipped to properly monitor too many requirements if we impose them now. Without any reference to this proposed amendment, we would have the position where organisations may decide to have an auditor or not. Mr Evans' amendment preserves that but in the reverse form. He says that they should appoint auditors unless they positively resolve not to appoint an auditor, but any such resolution must be adopted each year. I suspect that this is a very typical sort of situation

where, with the passage of time and a change of officers in the smaller organisations, the requirement for that annual resolution will be simply overlooked. If it is overlooked and the auditor is not appointed then the organisation and its officers are in breach of the Act. However, as I have said on other occasions, what follows? Nothing follows. There is a breach and no remedy, so not a great deal has been achieved.

In summary I would like to suggest by way of a compromise that we do not proceed to endorse this amendment and, therefore, create a statutory obligation. On the other hand, I would personally support the view that the model rules should include a requirement for an

auditor. I think that that would be a useful way of drawing the desirability of that measure to attention in due course. I have another problem with putting it into the Statute; it would impose the obligation on existing organisations which have never turned their minds to it. There would be a serious risk that they would not turn their minds to it and be in breach; no harm would follow, but it would still leave an undesirable lack of compliance with the provisions.

I oppose the amendment but try to reflect my general acceptance of the desirability of the basic argument with the indication that I would look to ensuring that an auditor provision was included in the model rules to be drawn up.

Hon MAX EVANS: I ask the Attorney General whether the Opposition can be assured that the model rules will be up and running by the time the Bill is enacted. What will be the modus operandi of the model rules being made available to the new associations? I cannot recall anything in the Bill that indicates this. The Attorney General's speech indicated that there would be model rules. What will be the basis of those model rules and will a copy of them be sent to all existing organisations? That would be very difficult if the addresses could not be obtained. As far as the future organisations are concerned how does the Attorney General expect the Government to communicate with them?

Hon J.M. BERINSON: No, the model rules will be available at the Corporate Affairs Department and the Government will be making their availability known. We would then expect that groups of people who are setting out to incorporate would take advantage of that very easy process. We would also expect that solicitors who are often approached for their honorary services in drawing up constitutions, would find this a very convenient form to recommend to their clients and that the use of the model rules would spread in that way.

Hon MAX EVANS: Will the model rules be completed in the next week or so when the Bill has passed through this Parliament?

Hon J.M. BERINSON: The model rules have not been drawn up in anticipation of this legislation. Those and various regulations will all have to be drawn up. I expect we would be looking to a two or three-month time scale rather than two weeks.

New clause put and negatived.

Schedule 1: Matters to be provided for in rules of an incorporated association --

Hon MAX EVANS: I move an amendment --

Page 29, lines 14 and 15 -- To delete item 9.

Item 9 reads "That the sources from which the funds of the incorporated association are to be or may be derived". The Opposition believes that this should not be included in matters to be provided for in rules of an incorporated association. The source of funds may be from church, political or sporting organisations. Before I go any further perhaps the Attorney General would explain why he believes it is necessary to include this item. The Opposition does not believe it is necessary and considers this item too pedantic.

Hon J.M. BERINSON: This is not a reason on its own, but in drawing this Bill together we have looked to the precedents of other States which have also updated their relevant Acts in recent years. This item was adopted from provisions inserted into the New South Wales and Victorian legislation. That on its own --

Hon Max Evans: Does not make it worthwhile.

Hon J.M. BERINSON: No, it does not, and even as we are speaking I have thought to myself that we have not seriously addressed the utility of this provision. Frankly, I would like to consider this further without delaying the legislation at this point. I am anxious to get this Bill to the other House and I would ask the Committee to agree to leave the provision undisturbed, but I will undertake to have a further report on the question of utility prepared. If it does not match up in a practical sense I will ask my colleagues in the other House to remedy it there.

Hon MAX EVANS: I ask my other colleagues to indicate whether they are of the opinion that the Opposition would be protected in this regard. Personally I believe that it should be

discussed in this Chamber and that perhaps this debate should be adjourned. It is the Attorney General's Bill and it should be dealt with in this Chamber before it goes to the other House. I have no control over what takes place in the other House. I do not like the wording of item 9.

Hon J.M. BERINSON: In principle I am opposed to strongly insisting on matters for which I cannot think of a good argument.

Hon P.G. Pendal: You have been doing that a lot lately.

Hon J.M. BERINSON: It occurs to me that as long as there is the consideration which Hon Max Evans has brought forward, it would always remain open to an organisation that did want to specify the source of funds for one reason or another.

Hon Max Evans: Would you name a few? I cannot think of any.

Hon J.M. BERINSON: For example I know that the Cancer Foundation has a rule precluding it from accepting donations from tobacco and alcohol sponsors.

Hon Max Evans: That is a negative view. I want a positive view.

Hon J.M. BERINSON: That is one sort of limitation that comes to mind. On the whole it is difficult to argue strongly for this, in the context that an organisation could if it wished include such provision, if there were a mandatory requirement to do so. On that basis I support it.

Amendment put and passed.

Schedule, as amended, put and passed.

Schedule 2 put and passed.

Title put and passed.

Report

Bill reported, with amendments, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Attorney General), and transmitted to the Assembly.

[Questions taken.]

Sitting suspended from 6.00 to 7.15 pm

MARKETING OF EGGS AMENDMENT BILL

Assembly's Message

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

STANDING COMMITTEE ON DELEGATED LEGISLATION

Assembly's Message

Message from the Assembly received and read notifying that it had agreed to the further amendment made by the Legislative Council to the rules relating to the Joint Standing Committee on Delegated Legislation.

ADJOURNMENT OF THE HOUSE: ORDINARY

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [5.08 pm]: I move --

That the House do now adjourn.

Youth Organisation: Ocean Ridge

HON JOHN HALDEN (North Metropolitan) [5.09 pm]: I have a matter of urgency with which I would like to acquaint the House. It concerns future constituents of mine in the area of Heathridge. These constituents are all young people who have been involved in a youth organisation in the Ocean Ridge recreation centre. On 24 August, one hour before that group was to meet, it received a letter from the City of Wanneroo on behalf of the recreation management committee accusing the young people of, and I quote --

> . . . the ongoing damage to council property, clearly attributed to the group, the acts of vandelism . . . break ins, theft, plus the expressed concern and implied withdrawal of a number of users of the centre, . . .

The young people had been suspended from the group as of that night. Having received this information, the next day I rang the police to see whether the accusations could be substantiated. The police advised me that the centre had been broken into and that they had charged certain people for the offences and that none of the young people involved in the group was involved in any acts of vandalism to the centre.

In conjunction with these young people I made a statement to the Press three weeks ago calling on the City of Wanneroo to clarify and substantiate its accusations. Three articles have appeared in the Press but to date the City of Wanneroo has chosen not to substantiate its accusations against these young people.

A councillor from the City of Wanneroo visited me and said they had 63 pages of complaints. These complaints involved events well before this group ever met; indeed they were some six months prior to their first meeting. The acts of vandalism and theft had occurred over the seven days of the weeks since the recreation centre was opened. It is doubtful whether any act of vandalism could be clearly sheeted home to any member of this group.

The group was formed on 16 March when the City of Wanneroo and the Recreation Association called a public meeting so that people could come together to discuss the recreational needs of young people in the Heathridge area. The meeting was chaired by the Mayor of the City of Wanneroo. During that meeting, as chairperson of a non-Government organisation in the northern suburbs, and on behalf of the organisation, I offered to assist these young people by providing $8 500 of a grant we had received, with the hope that the City of Wanneroo would contribute a like amount so that we could arrive at some long-term proposal whereby these young people could have a facility and be supervised while having some entertainment in what I call a non-traditional recreational pursuit.

The young people got together and formed a working party along with five adults and came to me shortly afterwards with a proposal to be put to the City of Wanneroo. In a letter, I submitted that proposal to the city on 10 April this year. Meanwhile the working party has continued to meet over the intervening six months and the young people use the centre on the Monday of each week. The City of Wanneroo did not respond to my letter until 3 June. After having called a public meeting in the interests of young people, the city has now decided it cannot justify the expenditure involved in providing a recreation officer for the Heathridge area, but has proposed that an old mobile-library bus be converted for the use of these young people.

We had a meeting with the City of Wanneroo to discuss this proposition and we found it to be cost-prohibitive. I suggested that I could perhaps negotiate with Ministers of this Government that use of the recreation centre be made available to young people and that a local school be used to cater for some of the other community groups presently using the centre. This would allow the young people to use the centre more often.

After the meeting the mayor wrote back to me and gave me a costing of refurbishing the old library bus and indicated that he wanted to move the young people to a local high school. This was an idea that had never been discussed. I was therefore somewhat confused by the way the City of Wanneroo operated: One goes along one branch of negotiations only to find that one is suddenly being directed along another branch.

During all these accusations the young people have continued to meet and I have had a close involvement with them. One of them is a junior councillor with the city. The city seems to

be prepared to indicate how wonderful junior councillors are, but in the same breath it condemns all these young people without any verification of its accusations. It has tried them and found them guilty without regard for the due process of law.

Last night the young people met with ward councillors of the City of Wanneroo and with representatives of the Recreation Association, the meeting having been organised by the Mayor of the City of Wanneroo at 7.30 am. However, the young people were not allowed to have an adult with them; they had to go before these members of industry and this association and present their case without any assistance. No doubt they put their case very well. Twenty of them went to the meeting but only 10 were allowed into the meeting room. These sorts of actions on the part of the City of Wanneroo are, if not reprehensible, very perplexing.

Hon Graham Edwards: It is easier to browbeat 10 kids rather than 20.

Hon JOHN HALDEN: One could draw that conclusion.

Hon Graham Edwards: That would be their attitude.

Hon Garry Kelly: Their politics are a little suspect as well.

Hon JOHN HALDEN: Most belong to political parties not of our persuasion.

These young people met with the City of Wanneroo and tried to discuss with the councillors a proposal I had worked out with Councillor Frame. The proposal seemed to be a reasonable compromise, however the mayor would not allow the proposal to be discussed. He was interested only in saying why he believed the young people had been involved in the offences at the centre. He was not prepared to substantiate what he said; he did not have the evidence to do that. He told the young people that they should go to high schools in the area and use them as drop-in centres. Young people in Heathridge, however, mostly live a long distance from the high schools they attend and I doubt whether many of them would want to go back to them of an evening, even if they could, having spent all day there.

The recreation centre is a community facility. It is not appropriate for the City of Wanneroo to say that it can be used by people of one age bracket or people with special interests, but not by these young people. Surely it is there for the total community. The preclusion of these young people on such suspect grounds, grounds that have not as yet been validated, leads me to suggest that the actions of the City of Wanneroo are in essence discriminatory against these young people. These accusations have been made in writing yet to date they have not been substantiated.

I do not want it to be thought that these young people are not boisterous or beyond doing things that are irritating or wrong, but if someone implies that people are guilty of criminal actions, it is appropriate for that person to substantiate that accusation. If the accusing letter had been addressed to an individual person, it would have been defamatory. Fortunately for the author of the letter it was addressed to a group of people, probably saving him from legal action.

The City of Wanneroo has an enormous number of young people within its boundaries. Indeed they make up something like 15 per cent of its population and they represent an ever-growing percentage.

The PRESIDENT: Order! The honourable member's time has expired.

Extension of Time

HON T.G. BUTLER (North East Metropolitan) [5.19 pm]: I seek leave for the member to be granted an extension of time in order to complete his remarks.

The PRESIDENT: I take this opportunity to remind honourable members what the rules are. The sessional orders providing these time limits on speeches are on trial. Sessional order 1.3 provides that a member may seek an extension of time of 15 minutes. I doubt, however, that it was ever intended that that should be extended to the adjournment debate, of which there is a total of 40 minutes allocated, and where sessional order 1.1 provides that any member speaking to the adjournment debate is allocated only 10 minutes. It seems extraordinary that we should have a limit of 10 minutes for adjournment speeches but have a provision for an extension of that time of 15 minutes, more than the original allocation of time. I am not

suggesting that we should therefore stop Hon John Halden speaking, but I merely point out the nonsense of being granted an extension of time which is longer than the original allocation of time. The total adjournment debate has to expire within 40 minutes which, today, is at 5.48 pm, so if any other member wants to speak he will be limited to the balance of the time left after the completion of Hon John Halden's extended time, if leave is granted. Is leave granted?

[Leave granted.]

Debate Resumed

The proportion of young people in the City of Wanneroo is large and increasing. The City of Wanneroo has no youth policy. From my dealings with it, it seems aimlessly lost. One could say it is far from pro-active in its attitude to young people. Seemingly, it goes from crisis to crisis and in this case it has created its own crisis. Its management style is aimless. It seems that the city is unwilling to develop an appropriate plan of action to accommodate recreational interests, particularly for those not involved in traditional sporting pursuits. I remember recently debating amendments to the Local Government Act which involved the insertion into the legislation of provisions relating to community services. I also remember members opposite complaining about those provisions being put into the legislation. This is a classic example of why they should be; although not putting them in does not prohibit local government from being involved, it sure as hell does not encourage it.

Other local government authorities in the northern suburbs, including the Cities of Bayswater and Bassendean and the Shire of Swan, are becoming actively involved in youth affairs and are contributing funds for facilities.

Hon N.F. Moore: How do the rates compare from local authority to local authority?

Hon JOHN HALDEN: The City of Wanneroo's rates are far dearer than even the City of Nedlands'. Other local authorities are realising there is a problem and that they have a responsibility to deal with the problem. They realise that they must look at alternative options that were not considered 20 years ago. I believe that the City of Wanneroo does not understand the necessity for it to become pro-active in these affairs, to look forward and to plan for young people whose needs are not homogeneous, but are heterogeneous. The City of Wanneroo must look at the needs of young people and address them seriously.

These young people are responsible. About 45 to 50 of them meet consistently every Monday night. They have been able to manage their own affairs and put forward their own ideas. Adults have assisted them in refining those ideas. As we encourage these young people to increase their knowledge about community affairs, those aspirations have been continually blocked by the Wanneroo City Council. That blockage culminated in the letter that I read of 24 August which made criminal accusations against them which, to date, have not been substantiated. The city has decided to label these young people as hoods and ratbags but has chosen the wrong group. It has made a categorical mistake. It has done this sort of thing before to youth groups, but it has accused the wrong group this time. This group will not go away because the City of Wanneroo would like it to go away so it can continue to bury its head in the sand. The young people are willing to stand up and be counted. They demand the rights and fair treatment that any citizen of voting age would demand.

The City of Wanneroo should not think that it can continue into the twenty-first century ignoring the problems of young people. If it does, the problems of young people will be magnified.

Hon N.F. Moore: Don't you think the State and Federal Governments have some responsibility? Why don't you address your comments to the people sitting on the front benches?

Hon JOHN HALDEN: I am glad Hon Norman Moore raised that matter. The State Government's contribution to youth affairs in the City of Wanneroo has been magnificent. The previous Government supplied nothing in the way of funds to young people.

Hon G.E. Masters: Absolute rot!

Hon JOHN HALDEN: The Leader of the Opposition should look at the figures. This

Government is contributing $250 000 annually to youth affairs in the City of Wanneroo. That is a significant amount when compared with what was funded when the Opposition sat on the Treasury benches. The State Government's record in this field is exemplary when compared to the Opposition's record and the record of the Council of the City of Wanneroo.

Hon N.F. Moore: So every level of Government should be spending huge sums of money, should it?

Hon JOHN HALDEN: Hon Norman Moore said that, not me. We have to work together and be responsible. That does not mean that the member should accuse people.

Hon N.F. Moore: Don't accuse me; I didn't write the letter.

Hon JOHN HALDEN: Hon Norman Moore supports it, though. He gives it but he cannot cop it.

The PRESIDENT: Order! The member has only nine minutes left.

Hon JOHN HALDEN: I am pleased that Hon Norman Moore has again come out on the side of the City of Wanneroo and of those persons who have labelled these young people as criminals.

Hon P.H. Lockyer: Have you spoken to the City of Wanneroo on this subject?

Hon JOHN HALDEN: Many times.

Hon P.H. Lockyer: Did you ring the town clerk today?

Hon JOHN HALDEN: Not today. However, I have written letters.

Hon P.H. Lockyer: That is the courteous thing I would have done in my electorate.

Hon JOHN HALDEN: I have already written to him and have attempted to speak with him. The result was the meeting last night to which adults were not invited. It is the Opposition's political mates in Wanneroo who are carrying on like this.

Hon N.F. Moore: Are you suggesting the town clerk is one of ours?

Hon JOHN HALDEN: I am not suggesting that at all. I will not be sidetracked into political issues.

The PRESIDENT: Order! I will say this once more and then I will take action: If the member addresses his comments to the Chair and ignores the interjections he may not need the eight minutes he has left.

Hon JOHN HALDEN: I will ignore the interjections, Mr President.

It is important that the City of Wanneroo begins to address the problem that it acknowledges exists. We have to look to the twenty-first century and work in a cooperative way with the various tiers of Government. I suggest that nothing will put back the relationship between those in power and adults and young people more than this arbitrary abuse of power. I could not have been fairer personally in calling for evidence to substantiate these accusations but none has come forward. I have asked the Wanneroo City Council for meetings and one was held last night at which the young people represented themselves without an adult being present.

Hon P.H. Lockyer: I cannot believe that you would come into this House and decry the town clerk like this.

The PRESIDENT: Order! I have said that I was not going to speak again, and I mean that. Members should let the honourable member say what he wishes. Any member who wishes to argue the point can take advantage of the 10 minutes that will be left when he finishes speaking.

Hon JOHN HALDEN: I again say that this whole incident is very sad, certainly for those of us who believe that we have a responsibility in a positive way and in a role-modelling way to show young people that those who choose to represent the community can act responsibly. In essence I believe that the accusations made have not been substantiated. If nothing else, these young people should have appropriate use of this community facility which has been

paid for by all ratepayers. The Wanneroo City Council should negotiate with Wanneroo social planning, with the Government or with someone so that these young people can be adequately supervised with facilities made available to them. The City of Wanneroo should immediately develop a youth policy appropriate for all young people. The problem is not peculiar to Heathridge. It is pertinent to the whole City of Wanneroo.

Hon Garry Kelly: And they should apologise to the young people.

Hon JOHN HALDEN: Hon Garry Kelly made a reasonable point but perhaps it would be impossible for members opposite to understand. I do not think an apology is appropriate in terms of getting to the point of resolution. Enough words have been said by many people with regard to these young people. What we need are deeds; words come cheaply and action speaks louder than words.

As Hon Tom Butler has said, and it may be that Opposition members do not believe it but the facts are there; these young people have been forced to meet on the streets, luckily supervised, because of the actions of the local government authority and its subcommittee, the local recreation association. Seven months after the original meeting called by this city council and one of its subcommittees to look seriously at the problem of youth in the area, the young people are now back on the streets because of a decision by the city. They meet there every Monday night and that is the only access they had.

Hon P.H. Lockyer interjected.

Hon JOHN HALDEN: If it is not appropriate to bring issues of gross injustice to young people to this House, nothing is appropriate. If this House is not about equality and justice -- I am sure it is not for some -- some members opposite should consider what they are doing here. The cynicism of this House is often reflected in communities but I point out that in time to come the position may be reversed and the young people with whom members opposite are so cynically dealing may be sitting on these benches and making judgments about members in their old age.

HON P.H. LOCKYER (Lower North) [5.35 pm]: May I remind the member who has just resumed his seat that the appropriate place to take the kind of nonsense he has just brought to the attention of this House is to the city council involved. He cannot expect this House to believe that a responsible city council would act in the way the member would have this Parliament believe. The town clerk involved is Mr Ron Coffey who is well-known for his softness and willingness to listen to problems such as the member brought to the attention of this House.

I cannot accept the behaviour of the member who stood in this place and told us that the city council had waited seven months to attend to the problem he detailed. If the member is worth his salt -- he would have us believe that he is, and that is yet to be demonstrated; he does not use Hon Tom Butler as his example -- he would be sitting on the doorstep of that city council every day until it listened to this problem he raises on behalf of that particular group and took notice of it. Does the member think that he can bring such matters to the attention of the Legislative Council at 5.30 pm on Wednesday, and that members will flick their fingers and something will be done about the problem?

Several members interjected.

Hon P.H. LOCKYER: Hon John Halden has spoken only a few times in this House and his contribution this afternoon does him no credit. If he wants to take on the Wanneroo City Council he should confront its officers face to face, he should not make accusations under parliamentary privilege as he has today. He should try to convene a meeting between him, the council -- I suspect the member does not have sufficient intestinal fortitude to do that -- and the group involved.

Hon John Halden: I have asked for a meeting.

Hon P.H. LOCKYER: If Hon John Halden were a good member, they would listen to him. I am sure that the city council would listen to me and to other members on both sides of the House.

Hon T.G. Butler: You are on their side.

Hon P.H. LOCKYER: That is a typical comment from the member who purports to be President of the ALP in this State.

Several members interjected.

Hon P.H. LOCKYER: We call the member Little Mister Echo because the only time we hear from him is when he is trying to benefit one of his offsiders, particularly when they are in trouble. Perhaps Hon Tom Butler should assist his bearded friend to make an appointment with the Wanneroo City Council and take along his sidekicks who are going so wrong. If the member wants assistance, I will ring Mr Coffey tomorrow morning to put both sides to him. A meeting can be properly arranged instead of the member coming here and criticising the council by bringing politics in local government into this Chamber.

Several members interjected.

The PRESIDENT: Order!

Hon P.H. LOCKYER: The council has been charged and convicted by Government members, but that conviction does not hold water because I know the town clerk involved. I can positively assure members that this town clerk does not get involved with such matters and I would be very surprised if his councillors did. If the member has a sound argument he should make an effort to sort it out with the council.

Hon John Halden: I have tried, you will not listen.

Hon P.H. LOCKYER: I did listen and that is why I am on my feet now.

Hon John Halden: You are blind.

Several members interjected.

Hon P.H. LOCKYER: I do not know who to blame in this case, the mother or the father. Who does one blame? The member was whingeing about the Wanneroo City Council and I believe he has done nothing about it. I shall look forward to the member's coming into this House next Wednesday or Thursday and saying that he has taken my advice, has spoken to Mr Coffey, made an appointment with some of the councillors in this area and some compromise has been reached between the groups involved. I hope that he will also promise not to bring such matters to the attention of the Parliament again but to take them to the local government, where they belong.

Hon John Halden: I have attempted to.

Hon P.H. LOCKYER: I ask the member to do me a favour and try again. I will ring Mr Coffey on his behalf saying that the member is not a bad bloke, he is untrained and undisciplined but he means well. I will give that undertaking.

Several members interjected.

Hon P.H. LOCKYER: I do not know what Mr Coffey's politics are but he will certainly give the member a hearing. I hate hearing these things brought to this place and listening to people being lambasted under parliamentary privilege.

Several members interjected.

Hon P.H. LOCKYER: It was said by way of interjection to Hon Norman Moore that because they are of the other political persuasion, they will not listen.

The PRESIDENT: Order! This nonsense has gone far enough. As far as I am concerned, a member is entitled to raise whatever matter he wishes to raise. It is not for other members to make judgment on his ability to determine whether or not he wants to raise a particular matter in this Chamber. This behaviour will not be tolerated. If members disagree with what he says, there is a perfectly reasonable way in which an honourable member can express a point of view. About five or six members carrying on a yelling match across this Chamber will not be tolerated. If members want to change the rules to provide for that sort of behaviour, a procedure is set aside for doing that, but if they do adopt that sort of rule I can give members a guarantee that I will not be the person adjudicating over it.

Hon P.H. LOCKYER: Mr President, nobody agrees with that more than I do, because it is

the democratic right of every member to have a say in the debate, and I am exercising mine at this moment.

Several members interjected.

The PRESIDENT: Order! I am asking honourable members again to cease their interjections. If they want to say something, wait until the honourable member sits down.

Hon P.H. LOCKYER: I treat that like the passing wind; eventually it will go away.

I stand in defence of the City of Wanneroo. I have heard these matters brought to the Parliament before. In the past, members concerned have pursued the matter through the proper channels. No member of the City of Wanneroo is here to defend the council. Why does the honourable member not ask to address a total meeting of the City of Wanneroo? Has permission for that been refused? I put it to members that it has not been asked for. While I respect the member's right to bring this matter to the attention of the Parliament -- I wish he would do it more often -- in this case he is wrong. He should pursue the matter where it belongs, and that is with the town council.

Question put and passed.

House adjourned at 5.42 pm

QUESTION ON NOTICE

CRIME: FINES

Non-payment: Imprisonment

299. Hon P.G. PENDAL, to the Attorney General:

(1) Is it correct that a person can be gaoled for the non-payment of a fine?

(2) If so, are people sometimes taken from their homes direct to the lock-up for such offences, rather than being taken to appear before a justice for sentencing?

(3) What percentage of the Western Australian prison population are currently serving goal terms for the non-payment of fines?

Hon J.M. BERINSON replied:

(1) Yes.

(2) Yes. However, no person is imprisoned without a warrant authorising imprisonment.

(3) 4.97 per cent as at 30 June 1987.

QUESTIONS WITHOUT NOTICE

FOOTBALL TELECASTS

Country Areas

152. Hon TOM McNEIL, to the Minister for Sport and Recreation:

The Minister will be aware of the problem this year with Channel 7 -- GWN -- concerning the Western Australian Football League, the VFL, and the National Football League having a say as to whether there was to be a direct telecast of the Eagles' games when they were played within this State in country areas. Has the Minister taken on board the fact that Broadcom is now prepared to sell the rights for next year's telecast to Channel 7 for $6 million? What action does the Government intend to take to safeguard the interests of country people?

Hon GRAHAM EDWARDS replied:

I am seeking information on that matter, in relation not only to football but also to cricket. I want to ascertain what the situation will be as it affects country people. As soon as I am in a position to do so, I will convey that information to the honourable member, who has had a longstanding interest in this matter.

I remind him that these commercial arrangements are beyond the power of the State Government to do anything much about, except, as we have done in the past, to put our position and try to support the needs of country people when it comes to viewing major sporting events, which all too often seem to be restricted to metropolitan venues.

NATIONAL FOOTBALL LEAGUE

Directors: Broadcom Involvement

153. Hon TOM McNEIL, to the Minister for Sport and Recreation:

Is it the Minister's intention to take up with the National Football League the fact that two of the directors are involved with Broadcom, the initial purchaser of the rights to VFL football? I do not want to lead the Minister into some sort of answer, but it caused concern in the country when this fact was raised.

Hon GRAHAM EDWARDS replied:

I will treat that suggestion with some caution, but I am prepared to look at it.

COMMUNITY SERVICES

Women's Refuge: Staff

154. Hon G.E. MASTERS, to the Minister for Community Services:

I refer the Minister to the question without notice of 8 September 1987, where I made reference to an article in the *Daily News* reporting on certain activities in a women's night shelter. In reply to question 115 the Minister advised me that two members of the staff had been dismissed prior to allegations being made in the news media. Have any further members of the staff of that women's night shelter been dismissed, or have they left the employment of the department?

Hon KAY HALLAHAN replied:

I should make it clear at this stage that the people employed in that shelter and others are not employed by the department. I would not be aware of other members of that staff having left of their own volition or having been sacked. They are not staff of the Department of Community Services.

COMMUNITY SERVICES

Women's Refuges: Staff

155. Hon G.E. MASTERS, to the Minister for Community Services:

If the Minister says that the department does not employ those people who served with the women's night shelter, who does? Who appoints them to the positions they hold in the women's night shelters?

Hon KAY HALLAHAN replied:

There are various models. Most are run by community-based management committees, or committees sponsored by local government. The one the member is referring to is run by a collective, which would have made its own decision on the selection of staff.

COMMUNITY SERVICES

Women's Refuges: Staff

156. Hon G.E. MASTERS, to the Minister for Community Services:

There seems to be a rather loose way of making these appointments. I do not mean that in a derogatory way. If there is no fixed method of employing people in women's night shelters, who is responsible for the finance, bearing in mind considerable sums of money are involved? In the shelter we have been talking about, something over $200 000 is allocated by way of Commonwealth and State funds. Who is responsible for the allocation and final spending of those funds?

Hon KAY HALLAHAN replied:

There is nothing loose about it. If there is anything untoward, hopefully it will be a matter of some complaint --

Hon G.E. Masters: I said it was not meant in a derogatory way.

Hon KAY HALLAHAN: The tone of the question seemed to imply that sort of inference.

Hon G.E. Masters: It was not intended.

Hon KAY HALLAHAN: The funding of non-Government agencies is something that this Government has been pursuing as a way of involving the community in the provision of services and of providing the most responsive and sensitive services as opposed to doing it through large bureaucracies. I would have thought the Opposition would be pleased to know that such funding is made to private organisations.

Hon N.F. Moore: We are, but it depends on who they are.

Hon KAY HALLAHAN: I see; the Opposition is a bit selective. I can assure members opposite that agencies, be they women's refuges or whatever, are the recipients of funding under the supportive assistance accommodation programme -- SAAP. The particular funding we are talking about is the subcommittee called WESP -- the women's emergency service programme -- and recipients of that funding, whatever the organisation, enter into an agreement with the department. It is, the Opposition is quite right, Commonwealth and State funding. They are required to put forward audited statements. They also have a programme evaluation; and in this case there has been a complaint about the running of that facility.

I indicated to the honourable member there would be an inquiry into it, and that is currently under way. I would hope to have a response to that by next week. The question about sacked workers is being dealt with by the Industrial Relations Commission; and it seems to me that all that can be done is being done to see if there are irregular practices.

Hon G.E. Masters: Did you say that an organisation by the name of WESP was responsible for handling these funds?

Hon KAY HALLAHAN: Under the SAAP programme there are three subprogrammes: YSAAP, which is funding for young people's shelters and refuges; WESP, the women's emergency service programme; and GSAAP, the general programme.

Hon G.E. Masters: And is the women's emergency service programme the one involved in this case?

Hon KAY HALLAHAN: That is the subprogramme responsible. The funding comes through that subprogramme to the various refuges or night shelters, as the Leader of the Opposition refers to them.

Hon G.E. Masters: Isn't that the official name? I was just referring to the term used in the newspaper.

Hon KAY HALLAHAN: I do not think the article was accurate in its use of the term "shelter".

Hon G.E. Masters: I think it was a public duty to make that public.

Hon KAY HALLAHAN: I do not disagree with that at all -- we can call them night shelters, or refuges, or community houses.

SPORTING TELECASTS

Exclusive Rights

157. Hon TOM McNEIL, to the Minister for Sport and Recreation:

Would the Minister take on board the attitude of the previous Federal Minister for Communications, Mr Duffy -- I understand Senator Gareth Evans now has the portfolio -- who always stated that he would frown deeply on exclusive sports rights being granted to commercial interests in the event that that would have a deleterious effect on country viewers? I ask the Minister to follow this up to make sure the new Federal Minister is of the same opinion.

Hon GRAHAM EDWARDS replied:

I would be more than happy to do that. The member knows that we have taken a strong interest in this matter. We have pursued it vigorously in the past and will continue to do so in the future.

AUSTRALIA CARD

Statutes: Amendment

158. Hon P.G. PENDAL, to the Attorney General:

I refer the Attorney General to his answer in this House last week wherein he said to me that the Western Australian Government would cooperate with the

Commonwealth in the implementation in Western Australia of the Australia Card.

(1) What Statutes, if any, under his control will need to be amended by this Parliament to authorise information to be made available to the Commonwealth for the introduction of the card?

(2) If Statutes are not involved, what administrative actions by the Western Australian Government, even if they are described in general, are required to implement the Australia Card?

(3) If he does not know the answers to (1) and (2), will he inquire and report back to this House?

Hon J.M. BERINSON replied:

(1) to (3) I would be happy to inquire into those matters; and it would be helpful if the honourable member would put the question on notice for that purpose.

FOOTBALL TELECASTS

Country Areas

159. Hon P.H. LOCKYER, to the Minister for Sport and Recreation:

I preface my question by saying I was heartened by the Minister's comments to Hon Tom McNeil concerning sport.

Would the Minister give an undertaking that in the summer break he will once again negotiate with Channel 7 over the possibility of telecasts to country areas of games that are played within this State by the West Coast Eagles? I remind him that it has not been possible during this last season for anybody not within the metropolitan area of Perth, and therefore not able to go to the game, to see the game because of the rules laid down by the television station itself. That applies to people in the north, or to the south or east of Perth.

Hon GRAHAM EDWARDS replied:

We will certainly continue to do in the future what we have done in the past in relation to this matter -- that is, as I said earlier, to vigorously pursue the issue. But members opposite must understand that the whole environment of broadcasts to country areas is one which is conducted in very complicated legal, commercial, and legislative arenas. We recognise we have a role to play in this matter and we will pursue that. I would be keen to find out what is the "summer break" that the member referred to.

SEX SHOP

Langford: Location

160. Hon P.G. PENDAL, to the Minister for The Family:

(1) Has the Minister had any representations on the location at Langford, in her electorate, of a so-called sex shop?

(2) Is she aware that the objections to that premises are based on its near proximity to two primary schools?

(3) What action, if any, has she taken on the matter?

Hon KAY HALLAHAN replied:

(1) to (3) I have had no representations on the matter.