Legislative Council

Tuesday, 2 September 1980

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

BILLS (2): ASSENT

Message from the Administrator received and read notifying assent to the following Bills—

1. City of Perth Endowment Lands Amendment Bill.
2. Metropolitan Water Supply, Sewerage, and Drainage Amendment Bill.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE

Annual Report and Education Act Regulations Report: Tabling

THE PRESIDENT (the Hon. Clive Griffiths): I have for tabling the following reports—

1. The annual report of the Legislative Review and Advisory Committee for the year ended 30 June 1980.
2. Report No. 1 of 1980 of the Legislative Review and Advisory Committee on the Education Act regulations.

The reports were tabled (see paper No. 189).

QUESTIONS

Questions were taken at this stage.

WATERWAYS CONSERVATION AMENDMENT BILL

Second Reading

THE HON. G. E. MASTERS (West—Minister for Conservation and the Environment) [5.16 p.m.]: I move—

That the Bill be now read a second time.

The Waterways Commission has a responsibility for the administration of the Waterways Conservation Act and in relation to the various management authorities.

The management authorities in operation at the present time are the Swan River Management Authority; the Peel Inlet Management Authority; and the Leschenault Inlet Management Authority.

The chairman of each management authority, plus the commissioner, meet as the Waterways Commission.

While the Act makes provision for the election of a member to preside as chairman of a management authority, in the absence of the chairman, it specifies that the election is for that meeting only.

Therefore, if the chairman of an authority is unable to attend a commission meeting through illness or other reasons, there is no provision for a deputy chairman to attend in his stead. The management authority is then not represented at the commission meeting.

Problems have also arisen when two chairmen have been absent from a commission meeting and resulted in less than the required number attending to constitute a quorum in accordance with the Act.

The amendment to section 14 of the Waterways Conservation Act, 1976, will provide for the Governor to be able to appoint a deputy chairman for each authority.

The deputy chairman shall preside at any meeting of that authority at which the chairman is not present, and in the absence of the chairman of that authority from any meeting of the Waterways Commission shall be entitled to attend that meeting.

The deputy chairman attending a meeting of the Waterways Commission and acting in the office of chairman of the management authority, has all the powers and functions and duties of a member of the commission.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

ADDRESS-IN-REPLY: EIGHTH DAY

Personal Explanations

THE HON. J. M. BROWN (South-East) [5.19 p.m.]: Mr President, I seek the indulgence of the House under Standing Order No. 77 to make a statement on a matter raised during my Address-in-Reply speech on 19 August.

I thank members for their courtesy in allowing me to comment on a very important matter I raised during my speech when I referred to the Road Traffic Authority. At the outset I would like to say that the publicity which was afforded me, as a new member, appeared only in the metropolitan issue of *The West Australian*. There was no mention whatsoever of my speech in the country editions. I have no quarrel with that; journalists can please themselves what they report, and the proprietors of the newspapers naturally follow their own thinking with regard to what is most newsworthy.

The report of my speech appeared on 20 August, and it was rather unfortunate, as far as I am concerned, that the report did not appear in the country editions of the newspaper. Two days later I received a telephone call from a *Daily News* reporter (Bob Meagher) during which he referred to the question raised in the original report. I suggested he should contact the people I had mentioned during my comments with regard to the manner in which the RTA performed in country areas. Accordingly, he made his own inquiries on the matter.

The only reference to my Address-in-Reply speech to appear in the *Daily News* was printed on Monday, 25 August under the heading, "RTA 'hated' in Merredin". The article briefly outlined that I was a member of the Australian Labor Party for the South-East Province, and that I had said in the Legislative Council that the RTA generally was hated by Merredin people.

The article then went on at great lengths to report on the people who had been interviewed. Indeed, some of the people contacted by the reporter saw fit to mention additional names. So, the reporter had a much wider field to canvass whereas I had mentioned only two or three specific names to him.

In all, I mentioned 11 occasions when people had received the attention of the RTA in a manner which was worthy of comment in this place. I believe this is the place for a member to represent his constituents, and I believe that is what I was doing.

Unfortunately, the Minister for Police and Traffic—the member for Cottesloe (the Hon. W.R.B. Hassell)—saw fit to denigrate my remarks through the powers of the media over which he has a control.

The Hon. G. E. Masters: That is a silly thing to say.

The Hon. P. H. Lockyer: Come on Jimmy, lift your game.

The PRESIDENT: Order!

The Hon. J. M. BROWN: I am referring to the Minister's Press secretary, and the propaganda machine that must be available to him.

The Hon. D. J. Wordsworth: You are not in another place now.

Point of Order

The Hon. R. G. PIKE: On a point of order, Mr President, whilst the member has a right, under the terms of Standing Order No. 77, to explain himself with regard to some material part of his speech which has been misquoted or misunderstood, the Standing Order does not apply to what the member is doing. He is referring to subsequent statements elsewhere not subject to Standing Order No. 77, and he is going on to assume the Minister's remarks are relevant to his speech which, clearly, they are not.

The PRESIDENT: I am sympathetic to the member's point of order. However, I am allowing the honourable member some latitude to enable him to get to the point of his request under Standing Order No. 77. I am being a little patient, but I suggest the member get to the point of his concern.

Debate Resumed

The Hon. J. M. BROWN: Thank you, Mr President. I acknowledge your ruling and that was the very point I was endeavouring to make explicit to members of this place. With regard to the point of order, I thank the member for his consideration in this matter.

An article appeared in the *Merredin Mercury* on 27 August 1980, under the heading "Hassell attacks Merredin MLC". It reads—

> The Minister for Police and Traffic, Mr Hassell, has made a bitter attack on the MLC for South East Province, Mr Jim Brown.
>
> Mr Hassell said yesterday a one-man vendetta being waged by the Labor member against the Road Traffic Authority was seriously undermining relations between the police and the community in the province.
>
> Mr Hassell said a recent outburst against the RTA in Parliament by Mr Brown was inaccurate, petty and vindictive.

Government members: Hear hear!

The Hon. J. M. Berinson: It was not any of those things as I recall.

The Hon. J. M. BROWN: To continue—

> Said Mr Hassell: "We may never know the real reason for Mr Brown's tirade. What we do know is that his campaign is souring relations between police and people in the Merredin district."

That is not right.

The Hon. G. E. Masters: I would not call it a tirade, but a plot.

The PRESIDENT: Order! I ask the honourable member to totally disregard the interjections because they will only make him stray further from Standing Order No. 77.

The Hon. J. M. BROWN: Thank you, Mr President. The article continues—

The minister said Mr Brown's attack on the RTA appeared to have been triggered by this month's solid vote by Local Government Authorities through Western Australia to retain the authority in its present form.

"Mr Brown described the authority as an expensive disaster," said Mr Hassell.

"But in the same breath, he admitted that statistics showed it has been successful in reducing the road toll.

"Local Government, By its recent vote, has clearly shown that it is satisfied with the way the authority is doing its job."

"Mr Brown is obviously upset that his opposition to the RTA is not shared by the majority of local authorities."

Mr Hassell said Mr Brown had raised a number of specific complaints against the authority involving a few people in the Merredin district.

Senior police officers had gone to the district to investigate these complaints.

They had found they were in the main, unjustified.

Allegations against a former constable were now the subject of proceedings involving the Consumer Affairs Bureau.

Said Mr Hassell, "It is inevitable that occasionally motorists get upset when stopped by patrol officers.

"But I strongly reject Mr Brown's irresponsible accusation that officers going about their normal duties are hated by the communities they work in.

"If that were the case, it would be a sad day for all law enforcement agencies in this State."

It would be a sad day for all law enforcement agencies. It is a sad day for all law and order in this State.

The Hon. G. E. Masters: It is when you make that sort of remark.

The PRESIDENT: Order!

Point of Order

The Hon. R. G. PIKE: I rise again and refer to Standing Order No. 77. The member, when he made his original Address-in-Reply speech—and we are now listening to his second speech—

The PRESIDENT: Order!

The Hon. R. G. PIKE: —dealt with charges against the RTA in Merredin. He listed three exact points. I remember clearly that he referred to administration, and he named personalities.

Standing Orders state clearly that if the member was misquoted or misunderstood in regard to some material part of his speech, he may again be heard. I submit that the Minister, in replying to the point raised by the member, clearly did not misunderstand the intention of the member. To my memory his intent was clearly criticism of the RTA.

Since that is fact, I fail to see that the member has been misunderstood, unless he is prepared to clearly say that he was not critical of the RTA, which, in my opinion, he was.

The PRESIDENT: I am aware of what the Standing Order sets out. Also, I am anxiously waiting for the honourable member to get to the point in his speech where he will canvass the area in which he believes he was misquoted or misunderstood. That is the kernel of the Standing Order.

I have been patient because I believe the honourable member was getting to the point of explaining to us that he believed he had been misquoted or misunderstood. I am waiting for him to tell us, and I hope he will do so quite soon.

Debate Resumed

The Hon. J. M. BROWN: Thank you, Mr President. It was suggested that I was being vindictive and a one-man band. The Minister went on to say, during a personal interview by the Australian Broadcasting Commission, that it was a carefully orchestrated plot against the RTA.

The Hon. R. G. Pike: That is a matter of opinion.

The PRESIDENT: Order! Unfortunately, while I am endeavouring to allow the honourable member an opportunity to give his point of view, I feel he is now getting on to debatable points and the Standing Order particularly suggests that no debatable matter shall be raised. I would recommend that the honourable member point out to the House where he believes he has been misquoted or misunderstood, or both.

The Hon. J. M. BROWN: Thank you, Mr President. In my address I said that "while statistics may prove that the RTA has been successful", but the Minister states in his attack—

Several members interjected.

The Hon. G. E. Masters: You stumble on!

The Hon. J. M. BROWN: I will. The Minister stated that in the same breath I admitted that statistics showed the RTA had been successful in

reducing the road toll. That is one thing I did not mention specifically. I said while statistics "may prove that they are successful". I did not say that I believe they did. I did not mention the road toll because I did not want to raise that matter.

The Hon. F. E. McKenzie: You have been misquoted. It is clear.

Several members interjected.

The PRESIDENT: Order! This is a difficult enough situation as it is. I am endeavouring to understand the point the honourable member is trying to make. I cannot do that if I am listening to half a dozen other people at the same time. The honourable member may proceed.

The Hon. J. M. BROWN: Thank you, Mr President. I said that while statistics may prove that the RTA has been successful, its impact on the community has resulted in a great deal of hatred. That is what I said. Those words have been turned around and it was stated that I acknowledged that statistics have proved that the RTA has been successful in curtailing the road toll. I would not want to say anything in this House which would not improve the control of traffic. It was stated that the word "outburst" was used in reference to my speech. With a great deal of compassion I mentioned that people needed the right of appeal to the Attorney General. It was not an outburst. I was reflecting the opinions of the people I had met, and they were from all walks of life. I am not raising any other matters. I am not going to refer to the goldfields. I did have a call from Wagin—

Point of Order

The Hon. R. G. PIKE: On a point of order, surely whether the member's address was an outburst is a matter for conjecture and opinion and is not substantial to Standing Order No. 77. Anyone in the community would be entitled to judge whether an objective statement or a subjective statement had been made. It has nothing to do with Standing Order No. 77.

The Hon. F. E. McKenzie: That is your opinion.

The PRESIDENT: Would the honourable member please refrain from repeating his previous speech? The Standing Order does not provide for him to do that. The Standing Order provides for the honourable member to explain himself in regard to the area in relation to which he believes he has been misquoted or misunderstood. The Standing Order does not provide for the honourable member to repeat his original speech. I would have thought that the leniency that I have extended to the honourable member would urge him to get to the point quickly and to understand the position in which the Chair finds itself. I am quickly running out of patience. Would the honourable member please proceed?

Debate Resumed

The Hon. J. M. BROWN: Thank you for your leniency, Sir. It was said in the statement that I was undermining relations between the police and the community. Nowhere in my address, which I will not quote, did I suggest anything like that. Indeed, I made what I believe was a very valid comment when I said that Merredin was one of the first shires—I believe it was the second in the State—to transfer traffic control to the police. I also stated that never before had there been a more effective or better control in the history of the district.

It was only as a result of representations made to me that I made those observations in Parliament. Then it was said that there was a solid vote by local government. Whilst there may be figures to prove there was a solid vote by local government, it must be understood that the South-East Province—

The PRESIDENT: Order! I must ask the honourable member not to proceed along the lines he is following. Neither Standing Order No. 77 nor any other Standing Order gives the honourable member the right to speak along the lines he is currently speaking. Unless he can stick rigidly to points on which he has been misquoted or misunderstood I am afraid I will have to ask him to desist.

The Hon. J. M. BROWN: Thank you again, Mr President.

The Hon. G. E. Masters: It doesn't seem to make much difference.

The PRESIDENT: Order!

The Hon. J. M. BROWN: The solid vote given by local authorities was something like 62 to 42. That is what I am endeavouring to explain. However, I was intending to say that this is not reflected in the decision made by the Eastern Goldfields-Esperance region, a portion of which I represent. That is the point I was going to make in regard to my outburst.

The Hon. R. Hetherington: So-called.

Several members interjected.

The PRESIDENT: Order! Has the honourable member completed his comments?

The Hon. J. M. BROWN: No. I thought someone was going to raise another point of order. Again, thank you for your indulgence, Sir. It is difficult for me to make my comments under such

pressure, particularly as recently there was a very serious road fatality in my district.

As soon as one raises the subject of the RTA it is thought that one is talking about the road toll, not about law and order on the roads. My comments were misrepresented. It was suggested I am a member for the South-West Province. I know two members who realise that is not so. It has been suggested I am Claude Stubbs, because correspondence from the Minister was addressed to—

The PRESIDENT: That is absolutely irrelevant.

The Hon. J. M. BROWN: Is it? Thank you, Mr President.

The PRESIDENT: I recommend to the honourable member that he has made his point and unless he has some definite comment to make he should be content.

The Hon. J. M. BROWN: I would like to say how I sought your advice, Sir, before I raised the matter at this level. I would have much preferred another form of debate. It is hard for me to clarify the situation. Parliament is the supreme body that operates, as far as the voice of the people of Western Australia is concerned. I look forward to having the opportunity later this evening to make my observations, and then members opposite can go for their lives.

THE HON. W. R. WITHERS (North) [5.40 p.m.]: I wish to make an explanation under this Standing Order.

During the Address-in-Reply debate on 19 August, I read a statement from the Miriwung tribal elders containing an error which was a misunderstanding on their behalf.

The statement containing the error referred to the refusal of Philip Vincent of the Aboriginal Legal Service to assist John Toby and his family in the signing of an agreement with CRA.

I met with John Toby on Tuesday, 26 August to find that the misunderstanding had occurred when he approached Mr Frank Chulung, who was thought to be the local ALS representative. Mr Toby said Mr Chulung rang Perth and after speaking with someone in Perth, he was advised by Mr Chulung that "it was too late".

Mr Toby had assumed that the person to whom Mr Chulung spoke was the ALS officer, Mr Vincent. I understand another solicitor who had previously been with the ALS had been approached, but he had declined to represent Mr Toby. Mr Toby then sought legal advice elsewhere.

Because of Mr Vincent's involvement with the ALS, he was seen by Mr Toby and elders as the boss in Perth who had spoken with Mr Chulung.

I would be pleased if members would make note of this correction.

The Hon. Peter Dowding: You should not peddle untruths!

The PRESIDENT: Order!

The Hon. Peter Dowding: It is exactly what you did! You peddled untruths!

The Hon. F. E. McKenzie: You defamed people.

The PRESIDENT: Order!

The Hon. Peter Dowding: You should be ashamed of yourself!

Point of Order

The Hon. W. R. WITHERS: I must ask that this man either stand up and excuse himself or retract his statement. He is sick in the head.

The Hon. R. Hetherington: That is an objectionable statement.

The Hon. PETER DOWDING: The honourable member has admitted having made defamatory statements and has apologised for doing so; and I suggest it is a total shame.

The PRESIDENT: The honourable member has asked you to withdraw the statement.

The Hon. PETER DOWDING: I do not believe it is appropriate for me to do so, unless you direct me to do so.

The PRESIDENT: I am directing you to do so.

The Hon. PETER DOWDING: If you direct me to do it I will do so. I believe the honourable member has defamed Mr Vincent.

The PRESIDENT: The honourable member has to withdraw it without any qualification. Would you please withdraw it?

The Hon. PETER DOWDING: Under your direction and because you direct me to do so, I do withdraw.

The PRESIDENT: Order!

Motion

Debate resumed from 20 August.

THE HON. R. HETHERINGTON (East Metropolitan) [5.43 p.m.]: In rising to support the Address-in-Reply, I note that this is the first time I have been in a new Parliament, after being a member for three years. I recall that when I first was here, Mr Ashley was not in the chair he now occupies. Mr Hoft has moved up, and Mr Allnutt

has also joined us. In addition, Mr Hogg has joined us, and I welcome him to our House as one of the officers who has already given me good service. It is with pleasure I welcome him.

I would like to say how sorry I am personally that Mr David Stephens saw fit to resign, because in the three years I was here while he was here, he certainly rendered me excellent and sterling service as indeed has every member of the staff in this House. It is sad he has decided to leave us. One of the things about a Legislative Council or a legislative body is that in some ways it is an odd place in which to work. It has a tradition of its own which has grown up over the years and the longer we can keep the servants of our House the better. It is not good if we have too quick a turnover. However, I certainly wish Mr Stephens well in the job he has taken up and I hope he is not too sad at having left us.

I note that all the maiden speeches have been delivered, and that they have been good speeches. I congratulate all members for the contributions they have made to the House.

It is with some sadness, particularly in view of the seat I at present occupy, that I note that the Hon. Roy Claughton and Grace Vaughan are no longer with us. From the point of view of the Labor Party they were towers of strength in this House because they were very sensible and had great ability. The Opposition will certainly miss them; indeed, I think their going is to a great extend a loss to this House. I make those comments with all due respect to Mr Pendal, because I noted his very good contribution and I welcome him with some reservations because of that.

Certainly, it gives me a great deal of pleasure to welcome to this side of the House the four new members who have joined us. I have known Joe Berinson since I first arrived in Western Australia in 1967. I have always held him in the highest regard—as, of course, have other members of the Labor Party and as did the Caucus of the Federal Parliament when it elected him to a position in the Federal Ministry some years ago. I think he will grace this House and it gives me a great deal of pleasure to have him here beside me and to work with him in the interests of the State as a whole.

Mr Olney and Mr Dowding also have shown their calibre and quality, as has Mr Brown. In some ways, I believe we are a better team; perhaps a stronger team. Certainly, we will do our best in the next three years to show the Ministry the errors of its ways.

I wish to refer briefly to two contributions which have been made in this debate. One was made by Mr Withers one evening when, unavoidably, I could not be in this House. I read the next day with great excitement that Mr Withers had made an attack on a so-called "Marxist conspiracy". Because it takes three to make a conspiracy, the conspiracy seemed to be between Mr Stephen Hawke—I do not know whether or not he is a Marxist—Mr McLeod who, I gather, used to be a member of the Communist Party, although I do not know whether he is still a member, and, for good measure, Bob Hawke. If that is the best Mr Withers can do, it does not say much.

I examined the tabled documents and I read Mr Withers' speech with great interest and I found this "conspiracy" was a nothing. Certainly, Mr Withers will not get very far as a latter-day Sherlock Holmes with that kind of deduction.

The Hon. W. R. Withers: What did you think about the tabled documents?

The Hon. R. HETHERINGTON: I thought it was pathetic for Mr Withers to base an argument on unrelated scraps of paper which looked as though they had been obtained from a waste paper basket.

The Hon. W. R. Withers: They were in Mr Stephen Hawke's handwriting.

The Hon. R. HETHERINGTON: It may have been his handwriting, but really, Mr Withers' contribution was a nothing.

The Hon. W. R. Withers: Would you like to take it point by point?

The Hon. A. A. Lewis: It was a top-class contribution. The Opposition could not do anything about it. Some of your colleagues tried, but they could not. A little truth did the world of good.

The Hon. R. HETHERINGTON: If that is the kind of thing members opposite label as "truth", heaven help us! Mr Withers gathered together unrelated documents and said, "This is the truth about a great Marxist conspiracy". Members opposite do not know about such conspiracies; they have never been involved in a real one, as some sections of the Labor Party and the union movement were in the 1940s. That was a real conspiracy of Marxists and we had to fight, and fight hard. We know something about Marxist conspiracies, and certainly this pathetic nonsense put forward by Mr Withers does not amount to a conspiracy.

Mr Withers' speech is in line with the attitude of the Premier of this State that everything which

happens is a result of some sort of outside forces when of course, many of the things which happen are a result of the Premier's own mishandling of his job. As a matter of fact, I read with interest the Premier's letter to the newspaper this morning. However, I do not intend to comment on it because it would take too long and I have other things about which I wish to talk.

The other contribution to this debate to which I wish to refer is that of Mr Neil McNeill. He is someone I always respect and enjoy; however, when it comes to his talking about the Constitution and electoral justice, his logic sometimes lets him down.

The Hon. A. A. Lewis: That is condescending of you.

The Hon. P. G. Pendal: You will put us right now, of course.

The Hon. R. HETHERINGTON: I will try to do so. Mr Neil McNeill referred to a remark made by my friend, Mr Berinson, that the unlimited power of this Chamber was nothing more than an accident of history and had nothing better to commend it.

Mr Neil McNeill made great play of the fact that this Chamber, as it was set up, and the powers of this Chamber were not an accident at all; they were deliberate. Of course they were deliberate! The powers were deliberately modelled on the House of Lords by the conservatives who ran the Legislative Council in 1890.

Members perhaps should recognise that this was a model of a House of Lords which legally had equal powers except as regards money Bills; yet, by convention, for many years it had not exercised its power to reject a money Bill. The commentators on the Constitution said it was unconstitutional for the House of Lords to reject a money Bill. Of course, what they forgot was that if the power existed, the conservatives would use it for their own needs. In 1909, the conservative Opposition in the House of Lords rejected the Lloyd George Budget.

The Hon. I. G. Pratt: This is lecture No. 5.

The Hon. R. HETHERINGTON: It might be a good idea if some members opposite knew something about the antecedents of our Parliament so that they could be better informed on the subject.

The Hon. Neil McNeill: I was referring particularly to the assumption made by Mr Berinson.

The Hon. R. HETHERINGTON: I am just telling Mr McNeill what he said.

The Hon. A. A. Lewis: He will tell you himself, without this patronising attitude of yours.

The Hon. R. HETHERINGTON: I always feel I must be doing reasonably well when Mr Lewis starts referring to me as being patronising. I was not talking about assumptions; I was talking about what Mr McNeill actually said.

In one sense, this House emerged as an accident of history, because at the stage that it was emerging, the House of Lords had the powers this House has now, and was not using them. There was thought to be a convention that the House of Lords would not use its power to reject a money Bill. So, those powers were vested in this House. They were quite deliberately put there, and represented an accident of history. If this House had been established in 1912, the powers it was given might have been quite different. By this accident of history we have an upper House with the same power as the lower House, except in regard to money Bills.

If members opposite who threatened in 1973 to oppose a money Bill had been irresponsible, as members of the Senate were—

The Hon. A. A. Lewis: "Threatened in 1973"? Who threatened in 1973? Why will you not be accurate?

The Hon. R. HETHERINGTON: If they had cared to be irresponsible, and reject supply—

The Hon. R. T. Leeson: You were not here in 1973, Mr Lewis.

The Hon. V. J. Ferry: I was certainly here then, and I did not threaten anything.

The Hon. A. A. Lewis: Mr Hetherington should read *Hansard.*

The Hon. R. HETHERINGTON: I read *Hansard* at the time. If this House had cared to use its powers, we would have had the ludicrous situation in which the Government was responsible to two Houses. This of course would make no difference when the conservatives were in power, because their money Bills would not be thrown out. However, it might be a different story when a Labor Government came to power.

I wish to make passing mention of Mr McNeill's argument that everybody has an equal opportunity to win a seat in this malapportioned electorate we have for the Legislative Council.

The Hon. Neil McNeill: Do not misquote me. I said, "in those electorates". Check *Hansard.*

The Hon. A. A. Lewis: Mr Hetherington's speech will be full of inaccuracies like that.

The Hon. R. HETHERINGTON: If we were to change the composition of this House so that

we had two members elected in the metropolitan area and 30 members elected in the country, I wonder whether the same arguments would apply. How far do we have to malapportion the electorate before this is no longer a democratic House?

It is no good arguing that adult franchise makes this House democratic. As I have pointed out before, they had adult franchise in Hitler's Germany and in Stalin's Russia, and neither of those countries was democratic. It takes more than adult franchise to bring about democracy.

Mr Pike has been known to say, "We must not go over to a better House because one day we might be faced with a system in which 47 per cent of the primary votes could elect a majority of people in the House." I notice that one of the things which happened in the South Australian Parliament—despite all the statements made by Mr Pike in the past—is that the South Australian Government which had just reapportioned the electorates was defeated. This sort of thing seems to be a habit in South Australia, because it once had a Liberal Government with a conscience, under Mr Steele Hall. The system which Mr Pike believed had been gerrymandered to keep the Labor Party in power forever in the upper House did not work that way at all. Of the 11 seats contested, one was won by a member of the Australian Democrats. The Labor Party did not win a majority; neither, in fact, did the Government, but their votes were quite close.

As to these arguments about everybody having an equal opportunity, I invite Mr Neil McNeill to stand against me in my electorate some time and see whether he has an equal opportunity. Of course, if we have electorates of a certain size and if we have a smaller number of electorates in the metropolitan area where the Labor vote tends to be greatest, it will benefit the conservative parties in this House and, of course, it always has.

Perhaps I could ask Mr Pike to pop out his little green book so that he can amend it.

The Hon. R. G. Pike: The only good thing about it is the colour.

The Hon. R. HETHERINGTON: I will read from my pink form. Once, when I was debating the reform of this Chamber, I was told, "It is only a device on the way to the abolition of the Legislative Council". Our platform was quoted.

The Hon. P. G. Pendal: Mr Berinson has changed that now.

The Hon. R. HETHERINGTON: Yes, it has changed as I suggested it might. Perhaps I was in a better position to know the mind of the Labor Party than was Mr Pike, for all his self-reputed expertise.

Perhaps Mr Pike would care to amend sections 2 and 3(a) of his copy. I will provide him with a full copy later. The platform refers to constitutional reform, and now reads as follows—

> 2 (a) Legislative Councillors shall be elected by a state wide proportional list system for a term equal to two Assembly terms, with half the Council retiring at each Assembly election;

That is our policy at present.

Sitting suspended from 6.00 to 7.30 p.m.

The Hon. R. HETHERINGTON: Before the tea suspension I was explaining to Mr Pike that the Labor Party is in fact a democratic party and, after democratic process, it sometimes changes its policies.

I was reported in the paper as saying that our education policy which was put before conference this year was a sort of cosmetic measure because we will have something more radical for the next conference of the Labor Party. One of the reasons we have to do something more radical is that we have to face up to the fact that the education policy and the whole question of technological change and the role of education in the technological society needs review.

I am tempted to point out some of the things that will follow from our technological changes. I have talked about this before in this Chamber. The Government should recognise that in a time of rapid technological change, where the productivity per man with greater capital investment is increasing, it follows logically that if we are to act like human beings and if everyone is to benefit from increased productivity, we will have to do as we have always done in the past. This has always been some time after great difficulty and great battles on behalf of the trade union movement. Working hours will have to be gradually lowered.

The Hon. W. R. Withers: Some have been working the other way of course.

The Hon. R. HETHERINGTON: The trade union movement, particularly the metal trades union, is working towards shorter working hours. This union is on the side of history and, if we are to share the benefits of technological change we will have to make sure that we do not have a group of unemployed and an elite of employed people. We will have to make sure we do not turn ourselves into a repressive society.

Of course one of the things that follows is that at a time of economic crisis we have a testing time

for democracy. When I first entered this House I spoke in my maiden speech about the need for compromise, discussion, and conciliation. I said there was a need to get away from confrontation. Since I have been in this House the present Government has been building up its confrontationist tactics, whether it involved the trade unions, the environmentalists, or the Aborigines. I will not dilate on this at any great length.

The Hon. O. N. B. Oliver: Do you think that on some occasions there have been attempts at compromise rather than at confrontation?

The Hon. R. HETHERINGTON: There have been. Last year in Adelaide I went to a conference on industrial democracy. There were employers at that conference who explained how they had introduced industrial democracy in their firms, how they had made attempts at compromise, and how they had worked.

The Hon. O. N. B. Oliver: I actually listened to your maiden speech. I am disappointed you didn't listen to my speech on Simpson-Pope.

The Hon. R. HETHERINGTON: I am aware that there are some firms which show the way to the rest and if the majority of firms follow the lead we would do a great deal better. At times of economic dislocation there is much fear and tension. We have to do something about the conciliatory process.

In due course, with the introduction of technological change and increased productivity we will have to introduce industrial democracy so that we can deal with the dislocation which will occur. We will need to ensure that everybody can share in the decision making which will affect them.

I will argue as I have before that unbridled private enterprise will not do this. Of course with the situation at Noonkanbah we do not have unbridled private enterprise. We have national socialism introduced by this Government. We have national industrialisation of the oil.

The Hon. W. R. Withers: You say we have no Marxist intervention? Is that right? You said earlier that there was no Marxist intervention.

The Hon. R. HETHERINGTON: I did not say that at all. I said the evidence brought forward by Mr Withers showed no evidence of a Marxist conspiracy between Stephen Hawke and Don McLeod. The arguments he produced about the alleged Marxist conspiracy were nonsense. I have said in this House before and I will say again, at the risk of boring repetition, a quote of Ben Chifley: "Wherever there is a fire you will find Communists pouring oil on it." In other words, one will always find Marxists or similar people exploiting the situation. If one finds this happening it does not mean that they are the cause of it, nor does it mean one does not look for the problems beyond what some Marxist may or may not be saying.

I see nothing in evidence of the kind that Mr Withers produced. It reminds me of the time when I was visited by a husband of a friend of mine. Sitting on my library shelf side by side was Karl Marx's *Das Kapital* and Ronald Knox's translation of the *Bible* which Mr Pike might know about. My visitor said, "Are you a Marxist?" He did not say, "Are you a Christian?"

The Hon. W. R. Withers: There is no analogy.

The Hon. R. HETHERINGTON: Nothing was apparent to him. He did not know me very well. He just let his own prejudice come out. If Stephen Hawke reads Marxist literature apparently he is a Marxist. I have not had any evidence presented to me in this House to convince me of an alleged conspiracy.

I do not wish to pursue that matter because it is not the purpose of my speech this evening. However, one of the matters I will pursue when we debate the Budget is the sad state of affairs that this State and this country are in with the present joint Liberal Governments. I will suggest that the Liberal Party of Australia would be better named the "Lemmings Party" driving us towards national suicide.

I was very disheartened but not surprised to see the Premier of this State appear on television—after dealings with the national Government of Mr Fraser—and say the way the cutbacks are we will just have to reduce our expenditure. When asked in what areas, he said the areas of greatest expenditure—education, health, and law and order.

Well, it is a sad state of affairs when the Premier in this State is faced with the fact that co-operative federalism has reduced him to this. He cannot say that the Labor Party did not warn him.

The Hon. P. G. Pendal: We have never envisaged there was a bottomless pit of money going around. That is what you are suggesting.

The Hon. R. HETHERINGTON: I am suggesting that in this State at present we have the highest rate of violent crime in the country. I have received this information from impeccable sources. We need to spend money on our Police Force. I do not know whether we need a bottomless pit. I certainly know and agree with Police Commissioner Leitch, who in his latest

report said that we need more and better qualified policemen.

Of course I have argued in this House and will continue to argue that where there is great technological change and where there is a high technological society, the produce of our education system is not good enough. We need more money spent on remedial education. There is no doubt about that.

I know what our needs are and am also aware of some of these problems in my electorate involving the need for greater expenditure on community welfare. I know that it would not hurt me, and I do not know what the honourable member sitting to the left of me thinks, but if my income tax were increased I could afford to pay. By paying increased tax I might be able to benefit the people who are sadly in need of help in this community. Everyone would know that I receive $26 000 a year. That is $500 a week. I am sure there are many people who earn more than I do and who could afford to pay more income tax.

In other words, I am suggesting a system of higher taxation. I am suggesting there is room for more expenditure on the basic needs of our society. As I have said before in this House, one of the disadvantages of untrammelled private enterprise, particularly in the development of suburbs, is that we have insufficient public transport. We have insufficient recreational facilities. We have young people cut off and isolated. We have not given them jobs and we should do something about it.

If we are to develop and exploit our resources we need to do it in a sensible and planned way. In other words what we need is not a private enterprise society—of course we do not have a private enterprise society; we have a Deakinite Liberal society where the Government regards itself as being there to support private enterprise and help it. What we need is a social democratic society—a planned socialist society. If we do not have that we are forced from confrontation to confrontation where we will finish up with a fascist dictatorship or a revolution. I do not wish to see either. I want to see a democratic community in which the wealth of the society is distributed in some kind of a just way.

I have noticed since 1949 that the distribution of wealth has become less and less equitable. It was so under a Menzies Government and is so under the Fraser Government. The Court Government has done nothing to help at all. The Premier is more interested in getting away from the real issues. He is not really interested in what is happening to the community at Noonkanbah. He is more interested in confrontation with the unions. That is what I have seen happen with this Government.

The Hon. W. R. Withers: Do you really believe it is the elders at Noonkanbah who are causing this trouble initially?

The Hon. Peter Dowding: They are not causing trouble, they are trying to protect their rights.

The Hon. N. F. Moore: What rights?

The Hon. Peter Dowding: Their rights under the Aboriginal Heritage Act.

The PRESIDENT: Order!

The Hon. R. HETHERINGTON: I believe in this society of ours until quite recently the Aboriginal people were not game to say anything. Now they have a little bit of freedom, and once that happens they begin to demand things and we do not like it. I think it would be a good idea if we listened to the message they are giving us.

The Hon. W. R. Withers: It would be a good idea if you listened.

The Hon. R. HETHERINGTON: I am doing my best to listen, and I do not get much help from the kind of speech the honourable member made the other night.

The Hon. Peter Dowding: He is not reliable, either.

The Hon. R. HETHERINGTON: We have to do a lot of listening and understanding. I think it is high time we tried to work out our problems and faced them; and certainly the present Government is not doing that. However, I did not want to be led off in those directions. I wanted to say something about my own electorate before I spoke about some more general matters.

Today I received a reply from the Minister for Lands, on behalf of the Minister for Education, about the Belmont High School. In the Budget debate last year I talked about the Belmont High School. In July 1978 I visited the Belmont High School and watched the rain running through the roof. I will pay due respect to the previous Minister for Education (Mr P. V. Jones) in that when I rang his office he had the place roofed over the weekend.

Last year when I was speaking on the Budget I said, "At last something is being done and we can expect some kind of plan for the high school to develop shortly." That was last year. I am glad to say that today I was told the plans are about to be presented. The then Minister for Education (Mr P. V. Jones) visited the Belmont High School and promised to have it rebuilt in three sections over three financial years. I have a letter from him, written at the end of 1979 after he had visited the

school, which shows that. The answer I received today is that it is the Government's intention to proceed with a building programme. I am very interested to see what that building programme will be. We are told we may or may not have a two-storied building. We were told last November the department had agreed it would be a two-storied building, but now at last it is doing something about it.

I do not want to hammer this matter. I am not attacking the Minister, because we took him out there in July this year and something is now being done. But the Education Department has been unnecessarily dilatory, and, as a member of the committee dealing with the school building, I will be anxious to see the proposals when they finally reach us. I hope we can reach some kind of a conclusion. I have evidence that there is some understanding of the problem within the Education Department and that at last something is being done. I hope that is the case and that when the Budget comes up I can get up and say I am happy with what is being done.

I hope the Minister for Fisheries and Wildlife—who probably cannot get up now that he is a Minister—will be happy with what is being done at Lesmurdie. Last year we were both anxious that the schools in our electorates be developed as community schools.

The Hon. G. E. Masters: It is going very well.

The Hon. R. HETHERINGTON: I am glad to hear that. I hope that when I next get to my feet I can tell the Minister something is being done about Belmont. It looks as though at last we can expect some very badly needed progress at Belmont High School, which has some very grave problems.

Another matter which is concerning me as the member for the East Metropolitan Province is the housing of Aborigines. I do not want to say a great deal about this because I think I will be writing to the Minister shortly about some specific cases. Since the introduction of Aboriginal grant housing we seem to be getting a kind of run-around. Let me make it perfectly clear I am not blaming individual members of the State Housing Commission. I want to place it on record that I have received the greatest sympathy and help from members of the Housing Commission in my attempts to house people in my electorate. They have been kind and sympathetic but they have not always been able to do as much as I would have liked them to do. I do not know whether they have done as much as they would have liked to do; it is not their place to say.

At one time we knew whom we were fighting. We would go through the Parliamentary Liaison Officer and battle our way up, and either win or lose. It is a win-or-lose situation. I feel I am fighting for people who deserve some help from our community. Of course, I am aware there are not enough Housing Commission houses at present available for rental, and this disturbs me. I am aware that the officers of the Housing Commission therefore cannot do all that they might want to do, and certainly not all that I want them to do.

With the introduction of the Aboriginal Housing Commission and grant housing I find I make representations on behalf of my electors—it is usually a couple—and they are inspected and we are then told their standards are not satisfactory, so they are listed for grant housing. The Aboriginal Housing Commission meets every second week. The matter goes on and on and we are shuffled backwards and forwards from one to the other, and nothing happens. Since last February I have had cases on the books which have not been brought to a successful conclusion because they can be referred to the Aboriginal Housing Commission, which then says, "This is not the kind of case we look after", and refers it back again.

I think it is time, as a matter of policy, that the Honorary Minister assisting the Minister for Housing looked into this whole position. I hope he will look into it sympathetically because something needs to be done. We cannot do what is sometimes done—just evict people and throw them on the streets, which will teach them a lesson. It also teaches their children a lesson. I have now a particular case which breaks my heart. It concerns an odd and feckless couple with a lovely baby who is clean and whom they look after, and they may be evicted. This is a problem.

I know the Housing Commission has great difficulty. When I have approached employees of the Housing Commission, quite often they have received my representations sympathetically. I will not say they have bent the rules but sometimes they have used the rules to their full capacity to do what I and they seem to think is the right thing.

The Hon. W. R. Withers: Does not the Aboriginal committee advise the State Housing Commission in cases like that?

The Hon. R. HETHERINGTON: At present it seems to be a shambles. The Housing Commission is listing them for grant housing and the Aboriginal Housing Commission is saying, "These are not the sorts of cases we should be

dealing with." The member is caught in between and I just do not know what to do. I do not particularly want to raise the roof, approach the Minister, or be rude to the people who are doing a job. Therefore, in this speech I am asking the Minister to have a look at the matter to see whether the whole situation can be improved. Certainly, I will ask the Leader of the House—who I know is a compassionate man—to carry my message to his colleague in the Cabinet to see if something can be done. I am not laying down what should be done; I am saying that what is being done seems to be not sufficient, probably because of lack of Commonwealth finance, and it concerns me very much.

I also want to make passing reference to the special youth training scheme established by this Government, where unemployed youth could be trained for four months. I am referring to one case, but I have heard of other cases where people are offered jobs which do not involve any training at all. I have in mind the case of a girl who was sent to a hospital. She had at most a week's training to teach her how to microfilm records. She spent four months doing this, mainly by herself, and was then thrown back on the job market with nothing in the way of training. I wonder how much youth training is being done and to what extent the scheme provides cheap labour for the Government and other employers.

If young people become soured by the situation, it is said of them, "Look at them, they do not want to work." Quite often they do want to work but they are not given the opportunity. This is a problem which faces my electorate very much. Last year I went to a meeting called by the Belmont City Council to see what could be done with unemployed youth. There were about 60 young people who wanted to be employed; they did not want to be unemployed. I talked to them. They were desperately anxious to be employed but there was no work for them. Somehow our system must find work for youth; otherwise, we will have people who are bitter and disillusioned. In fact, all that has happened since the present Federal Government came to office is that unemployment has gradually grown, and it does not look as though the situation will improve very much in the future.

When I was speaking on the Budget last year, I raised the question of rape. I made some suggestions, and a certain very eminent lawyer (Mr Leo Wood), who I gather is a practitioner of the courts of some repute, was reported in the paper—and I assume the paper is more or less accurate—as saying I was talking a load of rubbish. Perhaps I was and perhaps I was not.

I want to say that the incidence of rape is rising. I have here figures from the police which suggest that there has been an increased incidence of both assault and sexual assault. Because of the nature of the statistics, the police were able to give me only comparative figures of the persons charged with having committed selected offences from 1955 to 1959, and from 1975 to 1979. The figures are as follows—

	1955	1959	1975	1979
Homicide	23	25	36	38
Serious Assault	27	22	200	262
Robbery	8	7	72	91
Rape	4	5	61	77
Indecent Assault on Females	5	6	113	62
Indecent Assault on Males	4	3	25	21

We have two problems: the problem of the growth of violence in our community and the problem of the growth of the incidence of rape. The growth of violence in our community is seriously concerning the police. I have gathered this as a result of talking with representatives of the Police Force. There is no doubt about this growth. The question is: What are we to do about it?

Last time I spoke on this subject I suggested that we should think about grading offences. I was told that I was talking nonsense.

At the risk of boring the House, but so that it can be incorporated in *Hansard* and members can read it themselves, I want to read the resolutions of the national conference on rape reform, held under the auspices of the Tasmanian Commission on Law Reform, in Hobart, Tasmania, in May 1980. I might add that four politicians attended this conference—a Liberal Party member from the Australian Capital Territory, a Labor Party member from Victoria, and two Labor Party members from Western Australia. The representatives from our State were the Labor shadow Minister on women's interests (Mr Bob Pearce) and me.

I was glad to see at the conference a prominent and able official from the Attorney General's Department, and I hope this gentleman learnt and profited from what went on, as I did.

After a great deal of discussion, and some tensions as conservative males found themselves confronted by some radical females, the conference came to general consensus and produced the following resolutions—

1. This conference agrees that Australian laws and procedures relating to rape and sexual assaults are defective, and should be modified so as to protect the victims of rape, encourage the reporting and prosecution of offences with concurrent treatment of victims and offenders.
2. This conference agrees that any immunity which currently protects men against prosecution for rape within marriage should be abolished, noting that:
   (a) husbands have many years been liable to be convicted of indecent assault if they in fact rape their wives and this has not led to any "undermining of family life",
   (b) the abolition of immunity for husbands would emphasise the community's condemnation of sexual violence within the family.
3. This conference agrees that the law should not provide any artificial immunity against prosecution for rape for males under the age of 14 years.
4. This conference agrees that males and females should be equally liable and equally protected under the criminal laws relating to non-consenting sexual behaviour.
5. This conference agrees that as a matter of principle there should be a graduation of offences of sexual assault, of varying degrees of seriousness.
6. This conference agrees that in a sexual assault case where grievous bodily harm is inflicted, either immediately before or during sexual intercourse consent to the sexual intercourse should not be an issue.

I hope the Attorney General is interested in that resolution.

The Hon. I. G. Medcalf: I am familiar with that.

The Hon. R. HETHERINGTON: I thought he would be.

The Hon. P. G. Pendal: Do you think it is possible that, despite the figures, the incidence of rape is not necessarily increasing, but that today people are less reticent about reporting it than they were in the mid-1950s when your figures begin?

The Hon. R. HETHERINGTON: I think it is possible, but not likely. The evidence as I have seen it is that there has been an increase in the incidence of violence in all kinds of assault, including sexual assault. Probably I would have reached this theme at a later stage, but I would argue that rape is not predominantly a sexual crime; it is a crime of violence and power. The evidence from Denmark suggests that in only a minority of cases rape comes from actual—

The Hon. P. G. Pendal: Desire?

The Hon. R. HETHERINGTON: —well, increased libido. In Denmark, some voluntary castrations have been carried out on the small percentage of rape offenders who fall into this category. I am not suggesting castration, but it seems to be having some effect in Denmark.

So in answer to the interjection, I think in fact that as well as the reporting of more rape cases, there is a higher incidence of crimes of violence in our community. As far as I can see, this is a world-wide trend, or, at least in the western world, it is one of the concomitants of the growth of society. The honourable member may or may not have read Nesbit's *Quest for Community*, but if he has read this book, he will know that the author suggests we must do something to get some sense of community into dormitory suburbs. The short answer is "No".

The resolutions of the conference continue—

7. This conference agrees that the concept of sexual assault should be broadened to include, as well as penetration of the vagina by the penis, oral and anal penetration, or the use of inanimate objects in penetration or penetration by other parts of the body.
8. This conferences recognizes that in some jurisdictions in Australia, victims of rape are subject to irrelevant cross-examination about prior sexual history.

And let me be the first to acknowledge that the Attorney General has done something about that in this State. To continue—

> This is unacceptable and a deterrent to reporting of rape offences.
>
> It is agreed therefore that the following rules should be reflected in Australian laws:
>
> (1) Rape victims giving evidence in court should not be cross examined about sexual behaviour with other persons than the accused in the exercise of the court's discretion, after application by the accused in the absence of the jury, where:

(a) such evidence is part of a defence by the accused that he did not have sexual intercourse with the victim, and that the presence of semen, pregnancy, disease or injury was caused by some other person; or

(b) such evidence is relevant to rebut a claim initiated by the prosecution or the victim that she was at the relevant time a virgin, or that around the relevant time she had not had intercourse with other persons.

(2) Rape victims giving evidence in court should not be cross examined about sexual behaviour with the accused (apart from the incident in question) except in the exercise of the court's discretion after application by the accused in the absence of the jury where such evidence relates to an ongoing or recent relationship between the accused and the victim.

9. This conference agrees that the law should be amended to exclude from rape trials any evidence that the victim either complained or did not complain at an early time after the occurrence of the offence.

10. This conference agrees that the rule requiring the judge in rape cases to direct the jury that while it may convict on the evidence of the victim alone (there being no other evidence) it should be careful of doing so, should be abolished.

11. This conference agrees that while it is important that both men and women should serve on juries in trials involving sexual offences, this applies equally in respect of all crimes. Provided that the law gives an equal opportunity to men and women for jury service generally, no special rule need be established in relation to rape trials.

12. This conference agrees that particular problems arise for rape victims in country towns, and that therefore provision should be made where possible, for a change of location for the court hearing on the application of the rape victim if she feels she is placed in a position of embarrassment or personal difficulty.

13. This conference agrees that adequate and ongoing funding must be provided for the establishment and/or continuance of sexual assault referral centres in hospitals and that adequate and ongoing funding must be provided for the establishment and/or continuance of autonomous rape crisis centres and women's health centres, in the community so that victims of sexual offences may be adequately and sensitively cared for in a centre of their choice.

14. This conference agrees that sustained efforts must be made by all States and Territories, with particular attention being paid to the needs of country areas, to encourage women to join police forces and to undertake medical training and legal training, so that women may be equally represented at all stages of the processing of sexual offences cases, and to enable victims to exercise a real choice as to whether a woman or man is involved at each stage.

15. This conference agrees that specialized and forensic training for medical staff working with rape victims is essential and that particular regard should be paid to the procedures adopted in Western Australia.

16. That this conference agrees that in all States and Territories initiatives or further initiatives should be undertaken to educate police, judges, magistrates, lawyers, doctors and all others concerned in the processing of rape or sexual assault charges as to the necessity for sensitive understanding of the position of the victim.

I am hoping that members of this Chamber will take this matter seriously. I hope they will read *Hansard* and look at the recommendations of the conference held in Tasmania in May 1980. In my opinion they are worth serious consideration.

In her book *Against Our Will* Susan Brownmiller claims—

> Rape is the means by which all men keep all women in a state of fear and subjection.

Certainly at the conference some militant feminists claimed that all men are rapists, and at one stage it looked as though some of the conservative males and some of the radical females might split on this issue.

The Hon. P. G. Pendal: Did you look at me then?

The Hon. R. HETHERINGTON: No, the honourable member just happened to be there.

The point I made at the conference, and the point I will make here is that, as the father of a teenage daughter, at one stage I regarded all men in the street as potential rapists.

Several members interjected.

The Hon. R HETHERINGTON: I ask members to think about whether they would say to their daughters, "You may safely go out into the streets at night. Everything is okay." Can members say that any person who approaches a woman will do her no harm?

The Hon. W. R. Withers: Never in any society in the history of man as far as I know.

The Hon. R. HETHERINGTON: Some people have claimed that Aborigines do not commit rape.

The Hon. W. R. Withers: Some Aborigines have ritual rape in Kunapippi ceremonies.

The Hon. R. HETHERINGTON: But not in their tribal life.

The Hon. W. R. Withers: That is not so. You should read Professor Berndt.

The Hon. R. HETHERINGTON: So the honourable member thinks that because rape exists in all societies, that makes it all right?

The Hon. W. R. Withers: Of course it does not.

The Hon. R. HETHERINGTON: The point I am trying to make, if the honourable member will listen, is that in our society when a woman writes to a newspaper saying women are not safe in the streets, replies are received to the effect, "You should know better" and "You should be careful". Women walk our streets in fear, but then so do our men for different reasons—they are likely to be beaten up. However, I would rather walk the streets late at night as a man than walk the streets as a woman. I think I would be comparatively safer.

I claim that certainly we will not alter too much about our attitudes towards rape or the incidence of rape until we alter our society and alter some of the values of our society. We must get rid of the "macho" value of our society which regards the males as dominant and aggressive and the females as submissive. This is a long and difficult problem, but in the meantime it is important we try to do something about the laws on rape to see whether we can make the penalty a better deterrent and make it safer for women to walk the streets at night.

Some points were raised in the resolutions, and I will deal with some of them because they raise a great deal of emotion and ire. For example, there is the great debate about whether husbands should be liable to prosecution for rape. As far as I am concerned, the word "husband" should not be mentioned in the law. Rape should be defined as sexual assault or sexual intercourse—I am not sure of the exact terminology because it is difficult to work it out—without consent.

I know it would be difficult to prosecute a husband and find him guilty of rape, but I do not understand why we should exclude him from the law for that reason. A wife should not be forced to have sexual intercourse with her husband against her will. I cannot understand why that should not be against the law. However, the people who protest against that make too much of it. I do not know why they feel terribly threatened. It seems to me that we should make the law standard for all classes of sexual assault.

The Hon. I. G. Medcalf: The main argument has always been that it is very difficult to prove what happens in the bedroom.

The Hon. R. HETHERINGTON: I understand that, and I take the point. For that reason, I believe that even were the law changed, a prosecution for rape by a husband would be rarely successful. I do not visualise, if we changed the law in that direction, that suddenly there would be a filling of the prisons by husbands who had raped their wives. Many husbands who do it now would continue to do so with impunity; and the husbands who do not would continue in their own happy fashion.

The Hon. I. G. Medcalf: It applies mainly to cases where there has been separation.

The Hon. R. HETHERINGTON: I realise that. In South Australia, that is usually the way the law applies. I am not sure about the law here, because I have not been able to battle my way through the Criminal Code. It takes time, as the Attorney General will realise. I am still not sure whether in Western Australia husbands can be prosecuted for rape against their wives from whom they are separated. If that is not the case, it should be.

I am in the process of examining the law and trying to learn more about it. I believe this is something we should do, and we should reform the law. I am not sure that the Attorney General would disagree with me on that. I am not sure that we would agree on the way the law should be reformed; but I should give that consideration before I make up my mind finally. Perhaps the Attorney General is in the same position.

The Hon. H. W. Gayfer: You can be sure you will not get an opinion from him.

The Hon. R. HETHERINGTON: I am not asking for an opinion from the Attorney General. When he makes up his mind, he will introduce a Bill here, and we will debate it. If he does not make up his mind soon enough, no doubt I will introduce a Bill and we could debate that.

At present it is assumed that no male under 14 is capable of committing rape. I think that is stupid. It is fairly obvious to me that there are some 13-year-olds who could commit rape. I do not understand why we should have this artificial—

The Hon. I. G. Medcalf: I have never subscribed to that theory.

The Hon. R. HETHERINGTON: These artificial distinctions should disappear. If we are to have the definition of "sexual assault", one could prove a sexual assault whether it was by a 90-year-old or a five-year-old, if a five-year-old is capable—

The Hon. I. G. Medcalf: I am rather doubtful about the 90-year-old.

The Hon. R. HETHERINGTON: So am I. We need to have a look at the situation. One of the matters that needs to be examined, and which came out of the conference, rather to my surprise, was the agreement that, as a matter of principle, there should be a gradation of offences of sexual assault of various degrees of seriousness. In Michigan they have first and second degree forms of sexual assault. This raises a great deal of emotional reaction, particularly amongst Australian lawyers. I think that is mainly because we do not have first, second, and third degrees. Recently I met an eminent lawyer who suggested I should consider the laws of robbery, under which there can be robbery, aggravated robbery, and robbery in company. I believe this may offer a solution. In other words, we may find a British solution rather than an American one that would enable us to grade forms of sexual assault.

One of the problems at present, as far as prosecution is concerned, is that we do have two grades. We have "indecent assault" for which the penalty could be three years, and "rape", for which the penalty could be life, if the judge cared to award it. Most judges do not award that penalty because a life sentence for rape seems to be against contemporary community standards.

It has been suggested quite seriously that for most aggravated forms of sexual assault—and members will notice I am not using the term "rape" because I think we should drop it—we should use the words "sexual assault", because that is what it is. The word "rape" has all sorts of connotations we could do without. For aggravated forms of sexual assault, there could be a sentence of 20 years.

The Women's Electoral Lobby has put forward a draft Bill under which the lowest form of sexual assault carries a penalty of two years. This seems to be too light. Some of the people at the conference said that where force is used and it can be proved—in other words, where a woman has been battered before sexual intercourse—the issue of consent should not arise. That would be a sexual assault, and there need be no proof of consent.

Let me use an example. If the Attorney General leaped across the floor and battered me into insensibility, and left me bleeding and wounded, and if he were taken to court he would not raise a defence of consent, because it would be fairly obvious from my condition—

The Hon. I. G. Medcalf: I would have to ask you to withdraw all those remarks.

The Hon. R. HETHERINGTON: The Attorney General knows I am not really expecting him to take that seriously, as far as he is concerned.

Some women want to be rid of the definition of consent, but one cannot do that entirely because, after all, there are cases of rape in which women are terrified or frightened for all sorts of reasons without being touched physically. When there are no bruises it is hard to say it is a case of rape. In that case, the whole question of consent is crucial.

I have not come to this House with a slick set of ready made solutions. I am raising the questions at this stage because they should be discussed both here and in the community. I think the resolutions of the national conference on rape law reform are a fine point of departure for discussion, because that conference was attended by some very eminent jurists. They had some most useful and interesting things to say.

Another point is that, at present, rape is something done by a male to a female and there has to be penetration of the vagina by a penis. When one reads some of the stories of prison life, one learns it is not just women who are raped. Men can be raped by other men; and men can be raped by anal penetration with bottles, as can women. The conference agreed that we need to broaden the definition of sexual assault, not to include a finger in the mouth, as was suggested, but to include vaginal or anal attack with something.

It was recommended by the conference that such a thing should not be made a sexual crime; that is, a crime that can be committed against any sex by any sex. In one sense, it is sex free. I know

that in one sense such a crime is not sex free; but most rapes are by men against women. In many cases, the offences are committed by young men against women.

Generally rape is not a sexual crime. It is generally a crime of violence, a crime of power. When one reads some of the histories of people who rape, one finds that they have horrific histories. For all sorts of reasons, they want to assert their power. The only way they can assert their power is by asserting it over a woman by the sex act. It makes them feel good. They are not just after sex because, after all, in this permissive society anybody who is just after sex can buy it or beg it, and he does not have to steal it.

The Hon. I. G. Medcalf: I doubt whether you can really generalise like that.

The Hon. R. HETHERINGTON: Most people who want sex can get it. I realise there are some people with special problems; but on the evidence available, I do not think most rapes are primarily sexual in motive. I am not denying that some of them are. I have had very strong arguments with some of my women friends who are more radical on this subject than I am. They claim that all rapes are, in fact, merely a matter of power. I would argue that most of them are.

I am saying that we should consider this whole question. Certainly we should be rid of the view we hear so often in our society that if a woman is raped, sometimes it is her own fault. I nearly told a sick joke in this speech tonight. I was thinking about it, but I was told it would be misunderstood. No doubt it would have been. However, it is typical of rape jokes that a woman who is raped has really wanted to be raped. There is the attitude that a woman who is raped is somehow besmirched and despoiled, and that it is her own fault. This view was articulated well by a young woman who appeared on Channel 9 a few weeks ago. She felt disgraced and she felt that people were looking at her, and she felt fearful that they knew about what had happened to her—something that was not her fault.

If we apply some of the arguments used by defence counsel in the cross-examination of rape victims to other offences, we realise how ridiculous they are. We ask the question, "Why did you dress like that? Don't you think, if you were dressed like that, in that area, you were inviting attack?" We might say to a person who has been mugged, "Why were you wearing a good suit? Why did you look ostentatious? Don't you know that is inviting yourself to be beaten up and robbed?" Of course, that is no defence to robbery or to an assault on a male; and it should be no defence in the case of a woman.

I suggest there should be a change in the values of our society which depict a woman as a painted, passive sex object. We have political leaders of all political persuasions who go along to crown the latest sex object in some of our Miss Universe contests, and so forth. This part of our society is one that we could well change. This will take a long time, and in the meantime we have to do something about the law.

One thing I would like to say about Perth, Western Australia, and sexual assault in Perth is that I give due praise to the sexual assault centre at the Sir Charles Gairdner Hospital. It is doing a magnificent job. I will be having a look at it in the next few weeks. Certainly Miss Lee Henry, a social worker there, delivered a very interesting paper at the conference in Hobart. The centre is doing a great deal. I do not think it is enough, because as some people pointed out at the conference, some victims do not want to go to hospital; some want to go to the radical women's centres and others to the rape crisis centres. We have to look at expanding the kind of centres we fund. Certainly, much of the trauma that follows a rape has been lessened for the women who go to the sexual assault centre at the Sir Charles Gairdner Hospital.

In the book written by Dr Bush, presently a Victorian police surgeon, he quite brutally takes the reader step by step through an examination of a rape victim. He does so in clinical detail. It is horrifying and revolting. He writes about the rape victim who has just had her privacy intruded upon and how she has had to have her pubic hair combed and her vagina swabbed to see what is there and to test for venereal disease. It is something many doctors do not like doing. It is not a pleasant task. It is a very sensitive thing, and some women cannot stand a male doctor doing it.

One of the things which happens at our sexual referral centre at Sir Charles Gairdner is that women have a choice of doctors, and some do prefer a male doctor, some of whom are very good in these situations. It is a very difficult and traumatic experience.

While we were in Hobart we heard of a report of a 16-year-old who had been cross-examined by yet another defence lawyer in a pack rape case and we were told how the girl finally cried out, "Leave me alone". She wanted nothing to do with it at all.

The Attorney General would be aware of the problem and the need for thorough cross-

examination so that the accused can have a proper defence and yet the need not to produce undue trauma in the case of the victim, because it is a horrifying experience to relive. It is frightening and quite often shameful to relate many months afterwards when the victim is trying to forget it.

This is a very serious matter and something we have to consider very carefully. It would be a good thing if, probably before the end of next year at the very latest, we had some kind of legislation introduced to try to reform the laws on rape and sexual assault and to get some sort of better sexual assault laws. It is necessary. It is not the answer to the whole problem, because the real problem is how to stop rape and how to change our society so there is less of it. I take Mr Withers' point that we will not get rid of rape altogether; but perhaps we could reduce the incidence of violent sexual assault just as we might someday reduce the incidence of assault. I do not want to talk about violence. It is another difficult problem which, probably, I will comment on at some other time.

I have some evidence that the Government is in fact giving this matter serious thought. Certainly I hope this is the case, because something needs to be done. If the Government is giving this problem serious thought, I can assure the Attorney General that the Opposition will be only too happy to have a look at the Government's proposal sympathetically so as to try to improve the law.

The Hon. I. G. Medcalf: It is an area in which we feel we have a continuing brief. I have made this clear to women's organisations. Just because we amended the law two or three years ago, that does not mean that is the end of the exercise.

The Hon. R. HETHERINGTON: I would hope not. It was a beginning. But something far more radical is required and I hope to work out in my own mind within the next few months what kind of radical proposals are required. Certainly before I do this—and not all members think they should do so—I will talk to some lawyers.

The Hon. I. G. Medcalf: You don't have far to go.

The Hon. R. HETHERINGTON: No. But there are other lawyers and I have one in mind who I think is a member of the Liberal Party. I want a whole range of ideas. It is most important that we look at this very detailed problem and try to solve it.

I raise this matter because it is so important. It is a very serious question and something we must work towards solving. Certainly I would agree with the Attorney General that whatever we do next will not be the end of the road. We will have to learn and learn. There is a great deal to be done, and I hope we can do something about it before very long.

I turn now to the proposed United States carrier base which the Australian Government wants to have established at Cockburn Sound—a base which the Premier supports so enthusiastically and vociferously. This is one of those areas where this Government displays an attitude of irresponsible stupidity and where, in purporting to serve the best interests of this State, the Government is in fact betraying and subverting those interests.

To hear the Premier, members might think that we were back in the nineteenth century and that what the Commonwealth and State Liberal Governments were proposing was that we establish a squadron of American warships—old-fashioned gun boats—to stand between us and a Soviet naval threat from the Indian Ocean. The answer that the Leader of the House gave tonight on behalf of another Minister had a whiff of that attitude in it.

The proponents of the American base at Cockburn Sound talk as if it protects us against some possible future attack from someone—presumably the Soviet Union. Why we are likely to face a naval attack from the Soviet Union is never made clear. How an American naval presence at Cockburn Sound is likely to contribute to our defence is never made clear.

Of course, it cannot be made clear because it will not only not help us, but it will also do the very opposite and make Perth a potential target for annihilation from a Soviet nuclear bomb. This is what is so terribly serious.

In an attempt to ensure that the United States has an obligation to defend us, the Fraser and Court Governments are opening up the possibility, not that Perth will be defended, but that Perth—or a very large part of it—will be destroyed.

It is a pathetic defence policy that relies on placing a great and powerful friend under some form of obligation, in the hope that it may one day defend us. This was the Menzies rhetoric that involved us in Vietnam and now we attempt to give another hostage to fortune in the pathetic believe that this will somehow place the United States under a moral obligation to defend us. Let us have a look at what the proposal is and what is involved in it. We should remember that the Americans have not asked for Cockburn Sound as

a base—it is quite likely too far south for their needs.

We have offered the United States a base for a carrier task force. First, we should realise that even were this a solution to any of our problems, it is not an immediate solution. Even if the Americans accepted, the development would be a long way off. Such a base would take time to develop and cost hundreds of millions of dollars and would involve not only the base itself, but also houses for American servicemen, another aerodrome, and an extension to Pearce. And if it were completed, what then?

The Hon. P. G. Pendal: What is the alternative?

The Hon. R. HETHERINGTON: There is no alternative to the Cockburn base.

The Hon. P. G. Pendal: We do not have any defence at all?

The Hon. Peter Dowding: Let him finish.

The Hon. P. G. Pendal: Mr Dowding should be the last to make such a ridiculous comment.

The Hon. R. HETHERINGTON: I want to make two things quite clear: Firstly, all American carriers carry nuclear weapons, not major strategic nuclear weapons, but weapons designed for theatres of war and designed for possible attacks on areas outside the Soviet Union. Secondly, most American submarines have, as well as conventional weapons, weapons with nuclear warheads to be used in naval warfare and, in some circumstances, in land bombardment.

So, if Cockburn Sound were utilised by the United States as a base it would not necessarily be a strategic nuclear base—I am not claiming that, because that would be foolish. But it would be a base from which nuclear weapons would be deployed, and, as such, the Soviet Union would have it targeted for nuclear attack in line with its doctrine and practice of targeting the military facilities of its enemies. Of course, Pine Gap, Norunga, and North West Cape are targeted already. We know that.

The Hon. P. H. Lockyer: How do you know that?

The Hon. R. HETHERINGTON: One has only to do a bit of reading.

The Hon. P. H. Lockyer: Do you have a direct line to Moscow?

The Hon. R. HETHERINGTON: I seem destined to have little fatuous sounds coming from my left whilst I am in this House.

The Hon. P. G. Pendal: We are the only ones listening.

The Hon. R. HETHERINGTON: If Cockburn Sound became a United States base it would, just like the North West Cape, become a high priority target.

The Hon. P. H. Lockyer: Rot!

The Hon. R. HETHERINGTON: The member has made some stupid comments since he has been here, but that is the end.

But as I hardly need to point out, there is one significant difference between Cockburn Sound and the other three facilities. Unlike them, it is close to a major population centre. If the argument is that we want the United States committed to our defence because we are offering them facilities, the North West Cape, together with Pine Gap and Norunga, are essential parts of the United States communication system. Members have only to read United States publications and listen to debates in Congress to know that. They are highly significant intelligence communication centres, and in fact are likely to be destroyed in the event of a nuclear war. I do not think anyone has any doubts about that. In the meantime however, they are quite vital to the United States global defence system.

A base at Cockburn Sound would likewise be destroyed in the event of a nuclear holocaust; but that is not what I am talking about. We have to realise also that since the 1960s there has been a significant change in the United States war doctrine. Originally, the United States, together with the Soviet Union, held to the doctrine of mutual deterrents through the threat of mutual destruction by massive nuclear attacks, should the nuclear threshold be crossed.

As far as I can establish, the doctrine of the Soviet Union at the present time does not admit the possibility of a limited nuclear war. The American doctrine, on the other hand, has undergone two shifts. I would suggest that if the Soviet is ever to follow suit the end result could be the horror of perpetual peripheral wars as is so vividly described by George Orwell in his novel *1984*. I think it would be a good idea if members were to read that novel, and bear in mind that it is now 1980.

The American doctrine experienced its first shift in the 1960s when a number of NATO powers lost confidence in the American capacity to defend them. The American response was to develop nuclear tactical weapons for use on the battlefield, and to add a nuclear component to NATO. Since then there have been further developments which came to fruition under James Schlesinger who was Secretary for Defence under President Ford, and for a time President Carter's

Secretary for Energy. As Secretary for Defence, under a republican president, Schlesinger took up the doctrine—since accepted by President Carter—of the limited nuclear war where the weapons hitherto deployed for strategic purposes would be used in a limited war outside the territory of the main protagonists.

The notion is that if the nuclear threshold is broken by one super power, the other does not reply with an all-out nuclear attack on the territory and the cities of its opponent, but attacks military targets in the first instance outside its opponent's territory.

The doctrine of limited nuclear war envisages an exchange of targets of lesser value than home targets in order to punish and damage the enemy, but not cause a loss of control of response in an attempt to prevent escalation into a major nuclear war.

Were the Soviet Union to attack Pearl Harbour or San Diego, for example, the Americans would reply in kind with an attack on Vladivostock or a base in the Urals. But an attack on Cockburn Sound would not provoke such retaliation. The United States, under its doctrine of limited nuclear war, would take out some lesser Soviet objective—perhaps their base in Ethiopia.

Let us face the situation that Australia is not as significant to the United States as we might care to think, and the destruction of Perth might momentarily sadden the Americans, but it would not provoke them into any action which might risk a major nuclear war. Of course, the Soviet Union knows this.

As things stand at present, therefore, the President of the United States would seem to accept the doctrine of the limited nuclear war whereas the Soviet Union does not. But, in either case, should there be any nuclear interchange our lives in Perth will be dependent not on the goodwill of our American ally, but on the goodwill of the Soviet leadership.

Were we to be attacked with conventional weapons, the goodwill of the United States would be crucial, as it was during the Second World War for example with the Battle of the Coral Sea when the Americans saved us from invasion. But, there is no defence for us against a nuclear bomb.

No American task force between us and the Soviet Union can intercept and prevent an attack by a nuclear weapon. If the Soviet Union were to decide to attack us with a nuclear weapon, either from a Soviet submarine or from Siberia, the presence of an American base at Cockburn Sound would not prevent such an attack. On the contrary, it would make such an attack more likely. This could happen should hostilities break out in the Arabian Gulf or Korea which involved nuclear weapons. It could happen in any other sphere where the Soviet Union and America battle for power. As the Soviet Union loses control of its empire, and its oil supplies dry up, this becomes more of a possibility.

Should all this come to pass, there are two kinds of weapons that could be used against us. For the information of members, the first is a missile carried by a Soviet submarine—a small weapon by present-day standards of one or two megatons. Two of these probably would be used—one for Cockburn Sound and one for Pearce. The result would be the obliteration of life in a radius of six to nine kilometres from the centre of the blast; high damage to 75 per cent destruction from nine to 20 kilometres and, depending on the prevailing winds, a spread of radioactivity up to 60 kilometres. These figures are conservative.

Secondly, we could be attacked by an intercontinental ballistic missile of more than 10 megatons from either Siberia or the Urals. There would be total obliteration for 15 to 20 kilometres; substantial damage for 20 to 40 kilometres; and of course a far greater area of dispersal of radioactivity.

There is no certainty that the target would be hit the first time. The circular error of probability would give a rocket a 50 per cent chance of hitting Cockburn Sound, if it was aimed at that base. But, the rocket could miss and go south to Rockingham and Kwinana, or north to Perth. Of course, it could go out to sea and we probably would be happy about that.

An intercontinental ballistic missile would obliterate the area from Fremantle to Melville, and cause high damage as far away as Balga and Girrawheen. If it were inaccurate in its direction towards Perth, it could obliterate the entire city. That is what we are risking, and the best we could hope for is a 30-minute warning—I presume, to prepare our souls because we could not do much for our bodies.

It is no wonder, then, that the people with any knowledge and understanding of the facts regard the policies of the State and Federal Governments as quite irresponsible and dangerous as far as this city and its inhabitants are concerned.

I suggest at this time the Government should stop thinking in the nineteenth century and get into the twentieth century. It should realise the danger which its policies cause to this city and to the people of Western Australia. I support the motion.

Debate adjourned, on motion by the Hon. W. M. Piesse.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.53 p.m.]: I move—

That the House do now adjourn.

The Hon. W. R. Withers: Alleged Falsehoods

THE HON. PETER DOWDING (North) [8.54 p.m.]: I bring to the attention of the House a matter which should be raised tonight as a matter of some urgency. In particular, I refer to what I believe to be a shameful use of parliamentary privilege, and a matter of the very gravest importance as it concerns the proper behaviour of members of Parliament.

I remind members that at page 77 of Erskine May's *Parliamentary Practice* —the authoritative work on the way in which parliamentary privilege ought to be exercised—it is stated—

> . . . it becomes the duty of each Member to refrain from any course of action prejudicial to the privilege which he enjoys.

At page 78 it is stated—

> But this freedom from external influence or interference does not involve any unrestrained licence of speech within the walls of the House.

With respect, Mr President, you may not have been aware of the situation in which—in my respectful opinion—the privilege of this House was interfered with because at the time certain words were uttered you would not have been aware that those words were untrue.

With respect, I refer to the words of the Hon. Bill Withers—which words he has retracted in a statement to the House tonight—when he accused a solicitor of some long standing, in Philip Vincent, of having ignored his duty and obligation as a solicitor to a client, and having ignored his duty as an officer of the Aboriginal Legal Service.

Upon those false words the Hon. Bill Withers hung his next proposition—as a result, the Aboriginal Legal Service should be dismantled. With respect, it is a matter of amazement that the Hon. Bill Withers should be pleased about the fact that he uttered the words in this House which he was subsequently called upon to retract.

The Hon. P. H. Lockyer: He chose to retract them.

The PRESIDENT: Order!

The Hon. PETER DOWDING: The information he went to solicit from the community of Aboriginal people in Kununurra was false, and the words he brought back from Kununurra and which he uttered in this House were false. It has taken him a matter of some 10 days to be prepared to withdraw those words and acknowledge that they were false.

In my respectful submission that is a disgraceful misuse of parliamentary privilege. The fact of the matter is that not only has he uttered these false words in the House, but he has published these false words in copies of his speech which I saw in the hands of the Press. He has had 50 copies of the speech run off and no doubt he intends to publish that speech which, clearly, as Erskine May points out is a breach of privilege, and the privilege does stop the member from publishing his own speech apart from the rest of a debate.

The fact is that this scandalous matter against Philip Vincent has been bandied around in the Press galleries. It has been reprinted in a speech which the honourable member intends to distribute, and it is a most unfair and outrageous allegation. I suggest we ought to treat the honourable member's assertion about what he was told in a particular manner.

Not only has the honourable member peddled inaccurate information to this House, which I thought would have outraged members opposite—or perhaps they are used to receiving false and untrue information from various sources—

Withdrawal of Remarks

The PRESIDENT: Order! I ask the honourable member to withdraw that assertion.

The Hon. PETER DOWDING: I withdraw the assertion.

Debate Resumed

The Hon. PETER DOWDING: Perhaps members opposite are so used to receiving certain types of information from the enormous publicity machine which the Government has in training that they do not understand the importance of the truth.

Not only has the honourable member misled the House—and honourable members opposite do not find that to be a disgraceful situation—he has produced a couple of documents which he claims to be true and which purport to be a letter from a Stephen Hawke to somebody, and a copy of a letter written to Stephen Hawke. Those documents are false.

The Hon. W. R. Withers: Are you saying the letter is not in the handwriting of Stephen Hawke?

The PRESIDENT: Honourable members, please refrain from interjecting. I suggest to the honourable member who is on his feet that it is not necessary to speak at such volume. *Hansard* is quite capable of hearing at a lower volume.

The Hon. PETER DOWDING: I hope that you, Mr President, might be able to hear over the furore. Members opposite are squirming in their seats. Not only does the honourable member come here and peddle false information to this House, but also he is not prepared to name the source of the document which he alleges is a true document. That is a disgraceful and outrageous situation.

Several members interjected.

The PRESIDENT: Order! Would members refrain from interjecting!

The Hon. PETER DOWDING: Not only that, but also he can sit there and so can other members of the House when their own leader is prepared to cry and squeal about the release of public documents which are alleged to have been stolen. Apparently quite unashamedly, he is not prepared to disclose the source of the documents that are either false or are the private property of someone else.

The Hon. A. A. Lewis: Mr Hayden won't disclose his source.

Several members interjected.

The PRESIDENT: Order! I ask members to refrain from interjecting!

The Hon. PETER DOWDING: The most disgraceful part of this episode is that the honourable member has admitted the words he uttered in this House were false. He admitted in his speech to you, Mr President, that he went to this community and that he wrote down the words allegedly told to him by members of the community, although if one analyses his statements that is a pack of nonsense. He has made so many inaccurate statements that document is not worth referring to. That is not an accurate document from the community.

This honourable member allows the good name of a solicitor to be held up to public ridicule and contempt. It took him 10 days to get around to telling the House, to telling you, Sir, and to telling the Press that in fact the information is false.

The Hon. W. R. Withers: Parliament did not sit last week. This is the first time the House has met.

The Hon. PETER DOWDING: It is an illustration, as the honourable member well knows, of the disgraceful situation in the Kimberley in 1977 and earlier when this sort of anecdotal falsehood was elevated by Mr Withers and his friends into the status of some uncontroverted truth. As my predecessor well knows, when it came down to hard facts, the honourable member and his cohorts could not prove the truth of the statements. It is worth while noting tonight that the honourable member cannot prove the truth of the assertion upon which he based his call for the disbanding of the Aboriginal Legal Service.

I rise tonight because, in my extremely brief stay in this House, this was the most shocking misuse of parliamentary privilege which I have seen.

Supreme Court: Appeals to Privy Council

THE HON. H. W. OLNEY (South Metropolitan) [9.03 p.m.]: I rise with something of an apology. I do not propose debating a matter as controversial as that raised by Mr Dowding, but I wish to speak on a matter which I believe to be one of importance and one to which I want to draw the attention of the House.

I say at the outset I am indebted to the Leader of the House for suggesting that this matter be raised in this House on the adjournment debate.

Members will be aware that during this session a number of questions have been asked concerning appeals from the Supreme Court of Western Australia to the Judicial Committee of the Privy Council. In all, nine questions were asked, and the general thrust of the answers can be summarised briefly by these few short statements—

> The Government does not intend at present to remove the right of appeal.
>
> The Attorney General does not accept that the right to appeal to the Privy Council is in conflict with the concept of Australian sovereignty and he justifies the retention of the right on historical grounds.
>
> He has seen reports that the High Court has recently changed its policy and no longer regards itself as being bound by previous decisions of the Privy Council and the House of Lords, and says that the benefits that accrue to the people of Western Australia by retaining an appeal to the Privy Council are to give prospective appellants a choice of Courts to which to appeal and to retain a link with the legal system from which ours is derived.

It is implicit in the Attorney General's answers firstly, that there is a way of resolving conflicts in

judicial determinations between the Privy Council and the High Court. Secondly, it is desirable that dissatisfied litigants should have a choice of the forum for the determination of their appeals; and thirdly, it is desirable that the development of the common law in Australia should be linked with the development of the common law in England.

These three assumptions seem to be the basis of the Government's justification for retaining the right of appeal from the Western Australian Supreme Court to the Privy Council. It is my purpose to demonstrate that these propositions are lacking in logic and are contrary to the expressed views of the highest judicial opinion both in England and in Australia. It must follow that if the basis for the conclusion is wrong, there is every likelihood that the conclusion itself will be wrong.

I do not propose to elaborate at length upon the historical development of the right of appeal to the Judicial Committee of the Privy Council except to say that it had its origin in the common law concept that the Crown is the fountain of all justice. With the dramatic reorganisation of the court system in the United Kingdom during the nineteenth century, a number of Acts of the United Kingdom Parliament were passed which established the House of Lords as the ultimate court of appeal in the United Kingdom and the Judicial Committee of the Privy Council as the final court of appeal from the superior courts of the then British colonies.

As a result of a number of amendments made to the United Kingdom legislation during the nineteenth century and early in the twentieth century, the Judicial Committee of the Privy Council is now composed of certain lordly gentlemen who go by the titles of President—and past Presidents—of the Privy Council, the Lord Keeper of the Great Seal of Great Britain, the Lords of Appeal in Ordinary—that is, the Law Lords—the Lords Justice of the English Court of Appeal provided they are Privy Councillors, and all persons who hold or who have held high judicial offices in colonial superior courts provided they are themselves Privy Councillors.

Occasionally "colonial" justices have sat as members of the Privy Council, and I am aware that Sir Owen Dixon and the present Chief Justice of the High Court (Sir Garfield Barwick) have sat on appeals. These were not appeals from Australian courts, but appeals from other former colonial courts. As a matter of practice, however, the judicial committee is normally composed of five of the Law Lords of England and Scotland.

Obviously the founding fathers of the Australian Constitution had some doubts as to the desirability of retaining appeals to the Privy Council from the High Court of Australia, a court which was established by the Constitution Act. By section 74 of the Australian Constitution, appeals from the High Court to the Privy Council on questions relating to the constitutional rights of the Commonwealth and the States between themselves were prohibited except by special leave of the High Court. In fact, special leave was granted on one occasion only; that was in 1914 and the result was a disaster.

The same section of the Constitution gave the Federal Parliament power to make laws limiting the matters in which leave to appeal to the Privy Council could be asked. Pursuant to this power the Australian Parliament, in 1968 and 1975, passed Acts effectively abolishing the right of appeal from the High Court to the Privy Council.

Since federation there has been a concurrent right of appeal from State Supreme Courts to the High Court, or alternatively, from State Supreme Courts to the Privy Council. Traditionally the High Court regarded itself as bound by decisions of the Privy Council and by decisions of the House of Lords.

So long as the Privy Council remained the ultimate court of appeal from the High Court, there was no real objection to litigants being able to short-circuit the appeal process to take their appeals directly from the State Supreme Courts to the Privy Council if they so desired.

With the abolition of appeals from the High Court to the Privy Council, the situation has now changed. Although there are a number of areas of law in which appeals must always be directed towards the High Court rather than to the Privy Council, a very substantial area of litigation remains where appeals can be taken from State Supreme Courts to either the High Court or the Privy Council. The venue of the appeal is purely a matter of choice by the prospective appellant. I point out that the prospective appellant is the person who loses his case in the State Supreme Court.

The common law principle of judicial precedent is well understood in this community and is based on sound, logical grounds. Professor Weeramantry of Monash University in his book *The Law in Crisis* has written—

> Certainty and predictability are looked upon not merely as desirable but also as easily attainable attributes of the law.

Justice Oliver Wendell Holmes, a very famous American justice and philosopher, once sought to define law in terms of predictability. He said—

> The prophecies of what the courts will do in fact, and nothing more pretentious, are what I mean by law.

Point of Order

The Hon. R. G. PIKE: Mr President, as one of those members who usually uses the adjournment debate, it would seem to me that the presentation of the honourable member is not a matter of great or grave urgency. While I am interested in the matter the member is presenting to us, I think it should be the subject of a motion to be debated in the House, and not a matter to be debated on the adjournment motion. I repeat, it is not a matter of grave urgency which is suitable for an adjournment debate.

The PRESIDENT: There is no point of order.

Debate Resumed

The Hon. H. W. OLNEY: I am indebted to the member for his point of order. I inform the House that when this matter was first considered by me, I suggested to the Attorney General that it should be the subject of a debate and it was suggested that perhaps I should use the adjournment debate to raise the issue. That is why I have raised it in this manner.

Without a system of binding judicial precedent whereby decisions of the highest court in the hierarchy serve as the authority for the legal principles they embody and are used by other courts for deciding questions that arise under the same set of facts, the law would be in chaos and individuals would not be able to predict with any degree of certainty their legal rights, or their legal obligations.

It is for this reason that so long as the Privy Council remains as the apex of the hierarchy of the Australian system, there is no real objection to a litigant having a choice of taking his appeal from the Supreme Court either to the High Court or to the judicial committee. However, once the High Court determined that it would no longer regard itself as being bound by the decisions of the Privy Council, and that it would accept the responsibility of itself declaring what is the common law of Australia, it became possible for a different result to be achieved in any particular litigation, depending upon whether the litigant who takes the matter on appeal from the Supreme Court should choose to go to the Privy Council or to the High Court.

There has recently been some publicity about a number of cases in which the High Court has indicated its unwillingness to follow decisions of the House of Lords and of the Privy Council. I do not wish to go into them in detail. One case, however, was dealt with by a Full Bench of the seven judges of the court; and deliberately so. It was first heard by five judges of the court and then reheard by the seven judges so that an authoritative determination could be made on the issue. The case was Viro *v.* The Queen, and it was heard about four or five years ago. It involved a principle of criminal law of some importance, which I need not go into.

I propose to read some short extracts from judgments of some judges. I deliberately will not refer to judgments of either Mr Justice Jacobs or Mr Justice Murphy, both of whom were appointed to the High Court during the Whitlam era; and although there is no suggestion that Mr Justice Jacobs was ever interested in any matters political, perhaps the same cannot be said of Mr Justice Murphy. In order to avoid it being said that I am introducing matters of party-political interest, I will deliberately avoid quoting from those two justices. However, I turn initially to a judge who perhaps has had some political experience; that is, the Chief Justice (Sir Garfield Barwick). I quote from him as follows—

> The essential basis for the observance of a decision of a tribunal by way of binding precedent is that the tribunal can correct the decisions of the court which is said so to be bound. This condition can no longer be satisfied in the case of this court in relation to the Privy Council. Leaving aside the theoretical possibility of a question *inter se* within the meaning of s. 74 being certified by this court as appropriate for decision by the Privy Council, there is no circumstance in which a decision of this court can now be the subject of appeal to the Privy Council.
>
> The position of the State courts, however, has now become anomalous. There can be no doubt that they are bound by the decisions of this court. Where this court has not spoken, they may regard themselves as bound by an apt decision of the Privy Council.

So it is opening up the situation that the State Supreme Courts really now have two ultimate courts of appeal to look to for guidance in the determination of legal principles. In the same case, Mr Justice Gibbs, after dealing with legislation which was passed in 1968 and 1975, said—

> The effect of these legislative changes is extraordinary and perhaps unprecedented. It is that from the Supreme Courts of the Australian States, when not exercising Federal jurisdiction, there are two final courts of appeal, neither of which is subordinate to the other.

I do not propose to go into much other detail. Mr Justice Stephen talked about the bias created by this situation and indicated that appellants now had it in their own hands; the loser in the Supreme Court had it in his hands to determine which tribunal should hear the ultimate appeal, and to some extent select the result that may be obtained if there were conflicting decisions of the High Court and the Privy Council on that particular issue.

In the course of his judgment, Mr Justice Mason referred with approval to statements made by the Privy Council itself in 1974 in an appeal from an Australian case. On that occasion their Lordships said—and remember this was in 1974 prior to the legislation abolishing appeals—

> The High Court, sitting regularly in the capitals of the various States which are also the main ports and commercial centres of Australia, is much better qualified than their Lordships are to assess the importance of this factor.

He was talking about a particular factor that was peculiar to the Australian system. What he was saying was that even the Privy Council recognises that the High Court is in a much better position to determine matters that are peculiarly Australian. Mr Justice Mason also quoted from some judicial committee decision to the following effect—

> Even among those nations whose legal system derives from the common law of England, this consensus may vary from country to country and from time to time. It may be influenced by the federal or unitary nature of the constitution and whether it is written or unwritten, by the legislative procedure in Parliament, by the ease with which parliamentary time can be found to effect amendments in the law which concern only a small minority of citizens, by the extent to which Parliament has been in the habit of intervening to reverse judicial decisions by legislation; but most of all by the underlying political philosophy of the particular nation as to the appropriate limits of the lawmaking function of a non-elected judiciary. The High Court of Australia can best assess the national attitude on matters such as these.

I would urge anyone who is interested in this subject—hopefully, the Attorney General will be—to refer to the excellent statement of the history and the general situation that is contained in the judgment of Mr Justice Murphy, who went into considerable detail on the matter. I do not propose to refer to that now.

The House does not need me to labour the points which have been made by eminent judges in both Australia and England. In closing, I make four points which I put to the House and, hopefully, to the Government in the expectation that this matter may receive further consideration. Firstly, because of the changes effected by the Australian Parliament pursuant to specific authority given to that end under the Australian Constitution, an anomaly now exists.

Secondly, despite the assertion that conflicts between the two final courts of appeal can be resolved "in the usual way"—that was asserted by the Attorney General in answer to a question—in fact there is no way either usual or unusual in which these conflicts now can be resolved.

Thirdly, it is the view of the highest judicial authorities both in this country and in England—a view which I urge upon this House and the Government—that it is not only desirable but also necessary that the common law of Australia should be free to develop separately from the common law of England.

Finally, there is a real need for action to be taken by each and all of the Australian States to eliminate the potential for uncertainty which now exists; that action, of course, is to abolish the right of appeal from State courts to the Privy Council.

The Hon. W. R. Withers: Alleged Falsehoods

THE HON. R. G. PIKE (North Metropolitan) [9.22]: I rise to make a very brief reference to the rhetoric, bombast, and verbal flatulence of the Hon. Peter Dowding. I believe that as a colleague of the Hon. Bill Withers, I should explain to the House—although it is now clear that any further explanation is beyond the reach of Mr Dowding—that the veracity of the letter signed by Stephen Hawke and the veracity of the other document, which clearly was written by the same gentleman, is not subject to the question Mr Dowding would have this House believe. It seems to me he would have us believe his assertion solely on the basis that a loud voice is a great substitute for the facts, or for logic.

I repeat I had a very close look at those documents. It is not for this House, but for the State of Western Australia and indeed, the Commonwealth of Australia, to judge whether the presentation of the speech by Mr Withers concerning the Hawke letters was factual. I know it was. I thought it proper and appropriate to rise and make those points in support of Bill Withers prior to Mr Withers himself having to restate that that in fact is the case.

THE HON. A. A. LEWIS (Lower Central) [9.24 p.m.]: I do not want to use flowery language in relation to this matter. We have seen a shocking example this evening of a member who, in all honesty, has done the right thing being berated by a very new member of this place on a subject of which both are very fond.

If the Hon. P. M. Dowding, at the first available opportunity in his parliamentary career, comes to this House and admits he has made a mistake—like Mr Withers has done—we will admire him for it.

The Hon. Peter Dowding: The point I made is that it was not the first opportunity.

The Hon. A. A. LEWIS: Again, I say, "at the first opportunity"; we did not sit last week.

The Hon. Peter Dowding: He had an opportunity on the last sitting day. He knew it was false then.

The Hon. A. A. LEWIS: I am not going to take any notice of a pipsqueak who wants to—

The PRESIDENT: Order!

Point of Order

The Hon. PETER DOWDING: Mr President, I submit that is an unparliamentary remark, and I ask that it be withdrawn.

The Hon. A. A. LEWIS: I withdraw the remark.

Debate resumed

The Hon. A. A. LEWIS: I am not going to take any notice of a gentleman, so-called—

The PRESIDENT: Order!

Point of Order

The Hon. PETER DOWDING: I object to that remark, too, Mr President.

The PRESIDENT: Order! The Chair is aware of the infringement and intended to ask the honourable member to withdraw.

The Hon. A. A. LEWIS: I withdraw that, too, Mr President. It seems I have touched Mr Dowding on the quick.

Debate resumed

The Hon. A. A. LEWIS: Mr Withers went into his electorate and found this was so, and today was his first opportunity.

The Hon. P. H. Lockyer: Correct!

The Hon. Peter Dowding: A retraction was demanded on the last sitting day, the week before last, and Mr Withers knows it. Deny it if you want to.

The PRESIDENT: Order!

The Hon. A. A. LEWIS: Legally, Mr Dowding may be right, but in all practicality, I would expect even he would go into his electorate and try to establish whether a mistake had been made. Then, and only then, would he return to this House, just as Mr Withers has done.

The Hon. Peter Dowding: Has he not heard of the telephone?

The Hon. W. R. Withers: You are suggesting I contact tribal elders by the telephone. You would have to be joking!

The Hon. A. A. LEWIS: Mr Dowding's interjection simply underscores my comment about practicalities. It is obvious he does not understand the meaning of the word. I believe Mr Withers has done what this House required of him. Before Mr Dowding berates people, I suggest he cast the beam out of his own eye before he casts the mote out of another's eye.

THE HON. W. R. WITHERS (North) [9.27 p.m.]: Mr President, earlier this evening in the heat of the debate, by way of interjection I used an unparliamentary remark to Mr Dowding, which apparently stirred him up. I said he was sick in the head; I agree that it was unparliamentary, and I regret having said it. Possibly, this remark caused Mr Dowding to stand and make some rather wild assertions. It is a pity that in the heat of the moment we make such statements which have the effect of causing a member to stand and make wild assertions.

The Hon. Peter Dowding: It was your falsehood which caused me to stand.

The Hon. W. R. WITHERS: I wish to set the record straight. Mr Dowding has made some statements by way of interjection, plus some statements during his speech tonight to the effect I had other opportunities to make a statement to this House. What my colleague, the Hon. Sandy Lewis said was quite correct; I did not have an opportunity until I could check the veracity of the statement which had been made to me with the people who made it to me.

The day after I made the speech in Parliament, I received a telephone call from Philip Vincent of

the Aboriginal Legal Service; he advised me what I had said was not true. He said that another officer who was no longer a member of the ALS had been contacted, and he was not involved.

The Hon. Peter Dowding: And he was not an officer at the time. Why don't you carry on?

The Hon. V. J. Ferry: You have made your speech.

The Hon. I. G. Pratt: Why don't you listen to him for once?

The Hon. W. R. WITHERS: It has me absolutely beat why this member keeps on interjecting, and does not listen. Mr Dowding continually shouts, so possibly he is deaf. I ask him not to interject until I have finished my remarks. He is then free to interject and I will try to answer what he has to say.

During my conversation with Philip Vincent I told him I had only repeated what had been told to me. I had written it down in the presence of witnesses, in front of the people who had given me that information and who had requested I read it to the Parliament.

I read it to the Parliament. Mr Philip Vincent told me that was not true, so at the first opportunity, when I returned to my electorate, I sought out the person who had supposedly said that Philip Vincent was the person who had refused assistance by the ALS. That was Mr John Toby, but Mr John Toby, was not the person who made the statement to me. The statement was made by a group of elders who were named in *Hansard*. They had been definite on the assumptions made by Mr John Toby.

I then questioned Mr John Toby about the veracity of the statements made by the elders. It was then Mr Toby told me that he, in effect had contacted Mr Frank Chulung who he said was the local ALS officer who would have made a phone call to a person whom he had assumed was Mr Philip Vincent.

The Hon. Peter Dowding: Did you ask Chulung whether that was true, or didn't you bother to check that either?

The Hon. W. R. WITHERS: Because I now saw that Mr Philip Vincent had been wrongly accused of refusing assistance to the Aboriginal people, I wrote out Mr Toby's statement and then contacted the most senior of the elders who was at the meeting. I contacted him to read the statement to him. He said, "Yes, that's good." It was then that I wrote out the statement in the form of a letter to you, Mr President, and asked could you read that statement to the House. You suggested I do it under Standing Order No. 77.

I then presented to this House the statement which clears Mr Philip Vincent of what was said. I only repeated the words. The statement had been given to me.

The Hon. Peter Dowding: It is a pity you did not check with him before you carried the tattle around.

The Hon. W. R. WITHERS: I repeated in this House the words of the Aboriginal people; and I accepted their truth. It was a geniune mistake on their part; and I pointed that out in the statement to the House.

The Hon. Peter Dowding: On your part, was it?

The Hon. W. R. WITHERS: He must be deaf. I said it was a genuine mistake on their part.

The Hon. Peter Dowding: What about on your part?

The Hon. W. R. WITHERS: There was no mistake on my part, unless it was accepting the word of the Aboriginal elders; but I think I would do that any day. The elders I have spoken to have indicated there has been a genuine misunderstanding on their part; and I repeated it in this House.

After I spoke to Mr Philip Vincent on the phone, he wrote to me to say that what I had said was defamatory. I had also told him on the phone that he knew darn well, even before I had made the statement, that I thought the ALS should not exist in its current form. In fact, that statement is made in a paper written by me in 1979, which is entitled *A Brief for Disadvantaged Persons Without Racial Stigma*. In that, I referred to the Aboriginal Legal Service as a racist organisation causing polarisation, as do a lot of organisations in our area. I advised Mr Vincent of this. I also replied to Mr Vincent's letter, and I told him, when he accused me of publishing a speech and handing it out to people—"distributing it", I think were his words, as I do not have the letter before me—that I had given it to reporters on request. I gave out the documents which I have tabled in this House. In fact, they are the documents the Hon. Peter Dowding had requested me to table.

The Hon. Peter Dowding: You published them before you tabled them. Do you want to admit or deny that?

The Hon. W. R. WITHERS: That is a rather strange statement. One can make as many copies of one's notes and the documents one wants to table as one likes; but I did not give them out to anybody until they were requested. They were documents to be tabled in the Parliament.

The Hon. Peter Dowding: That is false, too.

The PRESIDENT: Order!

The Hon. W. R. WITHERS: That is not false. It is perfectly correct.

The member is correct in one thing. He said I made a mistake in sending out copies of *Hansard* to people. That is a mistake, and I admit it. If the member cares to come with me and another witness—and I have not left this House tonight, nor have I given any piece of paper to any other person tonight—after the House adjourns, to my office, he will see a note to my secretary which says, "No copies of *Hansard* are to go out to any of my constituents until this error has been corrected in the next printed *Hansard* and that correction is to go out to everybody who has received a *Hansard* in my constituency." I do not think I could be fairer than that.

The Hon. P. H. Lockyer: Mr Dowding should apologise to him now.

The Hon. W. R. WITHERS: The honourable member is welcome to come and see that. It is on my secretary's desk.

The Hon. Peter Dowding: It was printed in the Press, and you did not retract it for over 10 days. It is not your copies of *Hansard* that are read.

The Hon. W. R. WITHERS: I do not believe I should retract something in the Press without first bringing it to the notice of the Parliament.

The Hon. Peter Dowding: But you bring it to the notice of the Parliament without first checking it. That is the disgraceful part.

The PRESIDENT: Order! I ask the honourable member to cease interjecting.

The Hon. W. R. WITHERS: When Mr Dowding was on his feet, obviously in quite a temper and rage by the way he was shouting, he said that he doubted the veracity, or words to that effect, of the documents that I said belonged to Stephen Hawke. As a legally trained man, he should know that Mr Hawke admitted that these were his documents. He admitted it was his letter; he admitted it was his handwriting, in a statement to the Press.

The Hon. Peter Dowding: Where do you get that from?

The Hon. P. G. Pendal: Say it again so it sinks in.

The Hon. R. G. Pike: And slowly.

The Hon. W. R. WITHERS: Mr Stephen Hawke said—this is not quite verbatim, but it is fairly close and the intent is quite clear—that he believed that the papers must have been taken by a thief, and he did not know how I got hold of them. Certainly I know the person who gave them to me was not a thief. I should imagine that whoever got the documents—and I doubt that they were stolen—

The Hon. Peter Dowding: Why not name him?

The Hon. W. R. WITHERS: Frankly, I do not know how the documents came to be in the hands of that person, because sometimes one does not ask these things.

The Hon. A. A. Lewis: Bill Hayden would know about it.

The Hon. W. R. WITHERS: Let us say that person allowed me to copy the documents. Having said that, Mr Stephen Hawke then said that the letter that was referred to as addressed to "Peter" was addressed to a reverend gentleman who used to work in Kununurra. The only person whose christian name I can remember was Peter Willis; but I do not know whether it was Peter Willis. It is just that he referred to a reverend gentleman working in Kununurra.

He then made reference to the fact the Marxist document I referred to did not indicate that he was a Marxist, even though it had indicated it was a new way of looking at development. Of course, the other document which he did not think was very important referred to the disruption of development.

The Hon. Peter Dowding: It was not his document.

The Hon. W. R. WITHERS: Yes it was. It was in his handwriting. Mr Hawke went on to say in his statement he had some letters of mine—sorry, not letters; some speeches of mine—and they did not indicate that he was a Liberal; so therefore, by that way of thinking, he considered the Marxist document did not indicate that he was a Marxist. That is fair enough; but what he said in significance of that had the greatest consequence of all—

The Hon. Peter Dowding: Did he write it? Do you allege he wrote it?

The Hon. W. R. WITHERS: It is in the same handwriting. As far as my layman's eyes are concerned it is in the same handwriting as the letter that he admitted was his. He also said the document I have referred to was his, but it was of no consequence.

Out of all of this, all I have intended to do this evening is, firstly, correct an error made in a statement to me. I have done that, and done it honourably. Secondly, I have taken action to correct the *Hansard* copies which have gone out; and I ask Mr Dowding, to indicate by interjection whether he would come to my office to sight that note?

The Hon. Peter Dowding: Will we be chaperoned?

The Hon. W. R. WITHERS: Yes. The third thing I have endeavoured to do tonight is point out that the wild assertions made by Mr Peter Dowding were probably made in the heat of the moment with a lot of guesses. He did not know the facts and now that he does, I hope he will come to my office after the House rises and if he is the gentleman I think he is he may shake my hand and say he is sorry he said those things.

Traffic: Police Take-over

THE HON. J. M. BROWN (South-East) [9.41 p.m.]: All I hoped to do this evening was to correct some errors, to quote a phrase which has just been used, by taking advantage of Standing Order No. 77, to no avail.

Recently in this House I made it quite clear that I thought the police should control traffic in this State. That has always been my feeling. I take issue with the remarks made by the Minister for Police and Traffic whose comments appeared in the *Kalgoorlie Miner* and were heard on the 6PR radio station. He endeavoured to denigrate my actions in this House. He mentioned there was a one-man vendetta and so I did some checking around the State. I checked in the goldfields and found that the Eastern Goldfields and the Esperance Shire Councils agreed that the police should control traffic in this State.

I was concerned also with the Minister's remarks which indicated that I was incorrect in the 11 cases I mentioned. If the Minister checks with the facts as recorded in *Hansard* he will find I have not been incorrect.

The PRESIDENT: Order! There is far too much audible conversation from members. I suggest they lower the tone of their voices and allow the member on his feet to complete his explanation.

The Hon. J. M. BROWN: The Minister for Police and Traffic said I was petty and vindictive, but that is a complete inaccuracy on his part. Members must realise that my colleagues, the Hon. R. T. Leeson and the Hon. Peter Dowding, and I are the only country members in this House.

The Hon. N. F. Moore: I beg your pardon!

The Hon. J. M. BROWN: The only country members on this side of the House. As a country member, I am fairly well versed in what is happening. The Minister made a statement on 27 June whilst opening the RTA office at Mandurah, which was reported in *The West Australian* dated 27 June. Under the heading, "Side-swipe for country motorists" the following appeared—

> He said it was difficult to escape the conclusion that too many country drivers were less careful than their city counterparts . . .

That would indicate that the metropolitan drivers are far better. Whilst I will not try to dispute that comment, the Minister seemed to make a concerted attack on country people with those words, and his view of law enforcement in the country is reprehensible in my opinion.

The Hon. Neil McNeill: That was not his complete comment. I was present at the time.

The Hon. J. M. BROWN: I am glad the honourable member has brought that to my attention, because I believe that two days later the Minister denied those quotes. I believe his comments on the second occasion were reported in *The West Australian*. Members will see I do not wish to be vindictive.

So after the article on 20 August 1980 under the heading, "RTA hated, says MLC" which indicated a police officer had been charged and left the State, a reporter whom I had never met asked me various questions about the article. I told him to ring certain people at Merredin to find out for himself, which he did. Eleven specific complaints were mentioned in my speech and some of these were investigated by the reporter. These were reported in the *Daily News* of 25 August. Three days later the same newspaper contained a report headed, "RTA under fire-Wagin joins attack". I think the people in charge of the RTA have a job to do, but I do not think they are administering the authority in the best way possible. This is why I want the police to control traffic in this State.

I took the trouble to ring Wagin. The Minister has suggested there has been a one-man vendetta against the RTA, but perhaps he should look at some of his correspondence. I understand the Minister for Agriculture wrote to him on this very subject. I understand that this Minister spoke to a meeting of 60 people in the Wagin hall about the activities of the RTA which he believed were not in the best interests of people who live in country towns. I have had a look at my earlier comments this evening, and I do not think there is a great deal of difficulty understanding the message contained therein, which I tried to convey under Standing Order 77.

Adjournment Debate: Misuse

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.48 p.m.]: It falls to my

lot to close this debate, having started it by moving, "That the House do now adjourn". I would have thought that would end the debate, but apparently it started it. I am well aware that our Standing Orders permit this kind of debate and I accept responsibility for having advised Mr Olney that he could speak in relation to the matter he raised and about which he kindly consulted me. I suggested what might be the most convenient time for him to speak and to give his comments on the Privy Council, because I knew he would not speak at length. I suggested a suitable occasion when there was time available to the House. I believe he attempted to carry out this task in the best possible manner.

However, I regret that we are seeing an increasing tendency on the part of some members to make use of the adjournment debate for purposes which I do not believe it was ever intended—certainly not in this Parliament. There are comments on this subject by the Leader of the Opposition which appear in *Hansard*. Mr Dans made his comments in 1977. He made some very stringent comments on the misuse of the adjournment debate. I commend to members the reading of those comments.

I believe the Standing Orders Committee will have to give attention to this question. I know in the past members have considered the proper use of the adjournment debate and they have, to some extent, dismissed the subject and taken the view that it is an opportunity for all members to say their piece. That is fair enough. We all subscribe to freedom of speech and we believe members should have the opportunity to put forward their views without fear of the consequences, even if they say something which might be regarded as defamatory outside the House. After all, that is the privilege of the House.

For that reason, we have allowed this privilege and it is well recognised that members may make comments in the House which could cause them to be the recipients of writs for defamation if the comments were made outside the House.

The Hon. Peter Dowding: When else can it be said, if we do not have a grievance debate?

The Hon. I. G. MEDCALF: I am saying, for that reason, we have permitted this opportunity; therefore, it is with some hesitation I suggest the matter should be looked at by the Standing Orders Committee. However, I have suggested the Standing Orders Committee should look at the issue.

I believe the comments made tonight have been dealt with sufficiently. With reference to the remarks made by Mr Dowding, I believe Mr Withers has behaved in an honourable manner by retracting the comments he made, which, through no fault of his own, he discovered were incorrect. I believe he acted honourably in inviting the Hon. Peter Dowding to go to his room when the House adjourns in order to look at what has been written on the subject. I believe no member would disagree that is the right action to take.

I listened with considerable interest to the comments made by Mr Olney and the argument he put forward in relation to the abolition of the right of appeal to the Privy Council. I do not propose to debate the subject. It is a matter on which different views are held by various people, possibly of different political persuasions and it is a matter on which there is room for argument.

Anomalies exist in the situation and I am not unaware of them. Anomalies exist in a number of legal situations and perhaps the reasons for retaining some of these links cannot always simply be left to legal logic. I can assure the House there are good reasons that the Western Australian Government does not wish to disturb this matter. That does not mean we do not disagree with the logic and the comments which have been made on a number of occasions not only by the member who has spoken on the matter tonight, but also by none other than Sir Garfield Barwick.

Indeed, at the Law Convention in Sydney in 1977, Sir Garfield made a strong attack on the present situation. He made it quite clear that, in his view, the decisions of the High Court should prevail. Of course, there are those who would disagree with him.

I happened to be in London in the following week and I visited the Privy Council. I noticed with some curiosity that Sir Garfield Barwick was sitting on the Judicial Committee which was about to hear an appeal from Singapore, despite the comments he had made the previous week. The Chief Justice of New Zealand was there also and he said New Zealand had no intention of abolishing appeals to the Privy Council.

No State of Australia has abolished appeals to the Privy Council for the simple reason that no State can abolish such appeals. That is well known to the member. The whole question of the residual links is under discussion at the present time and this is one of many matters which are being examined. The argument raised by the member is thought-provoking and I shall read it with interest. I believe there is much to be said for that argument, if one subscribes to it. It so happens the Government does not subscribe to that view.

Question put and passed.

House adjourned at 9.54 p.m.

QUESTIONS ON NOTICE

EDUCATION: HIGH SCHOOL

Belmont

115. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

(1) Is it still the Government's intention to build this year a Year 8-Year 12 block at Belmont Senior High School, compatible with the School Building Committee's proposals for a new school?

(2) As the Minister for Education visited the school on 7 July, when can the School Building Committee expect that plans for the new block will be put before it?

(3) Is it still intended that the new block—

(a) will be double-storied; and

(b) will not be proceeded with until the school building committee, with its teacher, parent and community representatives, has approved of it?

The Hon. D. J. WORDSWORTH replied:

(1) to (3) Following the Minister's visit to the Belmont Senior High School on 7 July, a new concept plan has been provided for the school building committee as promised. Responses from that commmittee, after consultation with the designing architect, will determine whether the previous request for a double-storied block is still the committee's recommendation to the Minister for Education.

It is the Government's intention to proceed with a building programme at this school in the 1980-81 financial year. Consultations with the school building committee will continue in order to achieve the maximum agreement possible on the developmental plan and buildings within the scheme.

HOUSING: TEACHERS

Pilbara and Kimberley

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

(1) Does the department provide—

(a) single accommodation; and

(b) married accommodation;

for male teachers in towns in the Pilbara and Kimberley, depending upon their marital status?

(2) Does the department provide single accommodation for females in that area?

(3) Does the department provide accommodation for single teachers who marry during their period of service in that area?

(4) Does the department provide accommodation for female teachers who become married during their period of service in the area, where their spouse has no accommodation?

(5) If the answer to (3) or (4) is "No", why not?

(6) If the answer to (3) or (4) is "No", is this an example of discrimination against women by the Education Department?

(7) If not, why not?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) Yes.

(3) Single teachers who marry during their period of service in an area are allocated suitable accommodation if such is available.

(4) The general scarcity of housing in the north-west means that the Education Department is seldom in a position to offer accommodation to a female teacher who changes her marital status during a school year.

(5) to (7) Not applicable.

CONSUMER AFFAIRS

Small Claims Tribunal: Landlords

129. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Consumer Affairs:

Further to my question 203 on Thursday 13 September 1979 concerning the recommendation of the Small Claims Tribunal Referees' suggestion in 1978 that consideration be given to compelling landlords to credit tenants with interest on bond money—

(1) Will the Minister advise whether the Government intends to act on the matter?

(2) If so, when?

(3) If not, why not?

The Hon. G. E. MASTERS replied:

(1) and (2) Not at this stage.

(3) A report of the Law Reform Commission of Western Australia recommended against compelling landlords to invest bond money for interest to accrue to tenants.

The Government's view is that administration costs are too high to warrant it, particularly in view of the very few complaints received.

PRISONS

Prisoners: Access to Regulations

130. The Hon. H. W. OLNEY, to the Minister representing the Chief Secretary:

(1) In view of the fact that the Minister claimed in an answer to question 28 on 12 August 1980 that the use of a departmental admission checklist ensured that the civil and legal rights of a prisoner are made known to him, why will the Minister not make available to interested persons a copy of the checklist?

(2) Does the Minister expect that his mere assertion that civil and legal rights are being adequately protected, be accepted without question by the community at large?

(3) Is not his assertion made in answer to question 28 on 12 August 1980 that copies of the Prisons Act and Regulations are readily available to all prisoners, inconsistent with his answer to question 80 on 19 August 1980 when he admitted that the officer in charge of the East Perth lockup was unable to provide Mr W. S. Latter with a copy of the Prison Regulations upon request being made?

(4) Does this not indicate that there may be reason to doubt the Minister's confidence that standard procedures are adequate to protect the interests of prisoners?

The Hon. G. E. MASTERS replied:

(1) If the honourable member wishes to see the relevant papers dealing with the admission of prisoners to prisons, the Chief Secretary will make them available to him personally, as indicated in his answer to question 80. As previously advised, the papers are not secret but they are an internal administrative document and need to be read in the context of the procedures of the department.

(2) The Chief Secretary is always prepared to consider fully and properly any particular case in which it is alleged or shown that legal rights are not adequately protected.

(3) The answer to question 28 referred specifically to the Western Australian prison system, in a question which was directed to the Chief Secretary.

(4) No. The Chief Secretary remains fully satisfied that standard procedures are adequate to protect the interests of prisoners. Generally, a copy of the Prisons Act and regulations would be available at the East Perth lock-up from the adjacent Police Department. Other requisite legislation would also be available from the same source. The Chief Secretary will in addition ask for a check to be made that legislation of the type likely to be required at the East Perth establishment and other lockups is readily available at all hours.

RAILWAYS

Wagin Bypass

131. The Hon. W. M. PIESSE, to the Minister representing the Minister for Transport:

Regarding the plan for the proposed loop railway line at Wagin, would the Minister please advise what will be the shortest distance, in a direct line, from the junction of the existing lines at Wagin to the by-pass line?

The Hon. D. J. WORDSWORTH replied:

Eight hundred metres. I also table a sketch plan showing some other relevant distances which may be of assistance to the honourable member.

The paper was tabled (see paper No. 206).

WATER RESOURCES

Mr Stephen Williams

132. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Water Resources:

(1) How many times has Mr Steven Williams of Lot 117 North River Road, Carnarvon, made application to the Gascoyne River Advisory Board for a water allocation to his plantation block?

(2) (a) Have such applications been rejected; and
(b) if so, for what reasons?

(3) When can he expect an allocation?

(4) What are the guidelines for a water allocation?

The Hon. G. E. MASTERS replied:

(1) Three.

(2) (a) Yes.
(b) Lower priority than other applicants.

(3) Not known.

(4) Water allocations are granted by the Minister after considering recommendations by the Gascoyne River Advisory Committee. Some of the factors which are considered by the committee when submitting recommendations to the Minister are—

(a) the capacity of the aquifers and the reticulation to provide the additional water;
(b) the capacity of the industry to accept additional plantations without detriment to marketing;
(c) a proven ability to be a successful producer;
(d) a property history of having produced;
(e) the property to be of a viable size; and
(f) relative priority between applications.

POLICE ACT

Section 54B: Refusal of Permit

133. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

Further to the Minister's reply to the second part of question 86 on 19 August 1980—

(1) Will the Minister check his speech notes for the occasion referred to in that question as an aid to recalling whether or not the Minister said that our Constitution guaranteed freedom of speech?

(2) Does the Minister agree that to say that our Constitution guaranteed freedom of speech would be grossly misleading?

The Hon. G. E. MASTERS replied:

(1) and (2) The Minister for Police and Traffic assumed in answering question 86 on 19 August that the honourable member had obtained from some source his speech notes for the occasion referred to. However, it is not the Minister's practice to read speech notes, especially where those notes were not prepared by him. The Minister does not believe that he ever said what the honourable member is suggesting he said, but refers the honourable member again to the Minister's answer to question 86.

TENDER BOARD OF WESTERN AUSTRALIA

Tenders: Apprentices

134. The Hon. PETER DOWDING, to the Minister representing the Minister for Works:

(1) Is it a fact that under the tender for the construction of Millars Well Primary School No. 22406, apprenticeship requirements A109 required companies tendering to employ three apprentices?

(2) Is the Minister aware that the contract price was only $100 000.00, and that local electrical firms in Karratha were interested in tendering for the job but none employ apprentices?

(3) Will the Minister accept that the only electrical firms employing apprentices are those Perth based or inter-State based firms employing apprentices out of the area of the North West?

(4) Will the Minister take steps to re-write the apprenticeship requirement terms of the contract and standard contracts for small Government works in the north, giving preference to firms employing local apprentices, and where no such local apprentices are employed, giving preference to local employers of labour?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) Tenders submitted range in price from $77 979 to $108 303. The Minister was aware that one electrical firm in Karratha was interested, but did not employ apprentices.

(3) No. At present, there are 24 north-west electrical firms tendering for the department, 12 of which employ one or more apprentices and only two of these could be described as either Perth or interstate based.

(4) The Minister has had previous approaches of a similar nature from many quarters, including the member for Pilbara.

The apprentice preference scheme is currently being reviewed and the interests of north-west-based firms will be taken into consideration in this review.

PUBLIC SERVANTS AND GOVERNMENT EMPLOYEES

Special Leave

135. The Hon. P. G. PENDAL, to the Minister representing the Premier:

(1) Does the Government have a uniform policy for the granting of special leave to government employees to attend such functions as—

(a) trade union conferences;

(b) trade union training seminars; and

(c) church synods?

(2) Under what conditions, and for what duration, is special leave granted for attending such functions?

(3) Are all of the above mentioned functions subject to the qualification that they must be of an Interstate nature, or is leave in some instances granted in the case of a purely internal Western Australian function or conference?

(4) Does the policy apply to people employed under the Public Service Act, the Education Act, and those employed on the wages staff?

The Hon. I. G. MEDCALF replied:

(1) It is Government policy to grant special leave with pay to attend trade union training courses conducted by the trade union training authority. Leave to attend trade union conferences may be granted depending on the circumstances. Leave for this purpose may on occasions be special leave with pay or leave without pay, or taken from the employee's leave entitlements.

Approvals under (1) (a) and (b) of the question are subject to the convenience of the Government department or authority.

Leave to attend church synods would be subject to departmental convenience and the employee taking the leave from existing entitlements or as leave without pay.

(2) Each case is considered on the merits.

(3) Answered by (1) and (2).

(4) The policy outlined above has general application to all Government employees.

POLICE

Prostitution and Massage Parlours

136. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

(1) Does the answer to question 90 on 19 August 1980 indicate that the Minister is satisfied that all known breaches of the existing laws relating to prostitution are being prosecuted by the police?

(2) Has the Police Commissioner ever informed him, or does he know from some other source, that certain establishments known as massage parlours are rumoured to be in fact brothels?

(3) Is it not a fact that the police keep a close watch on such establishments and the people who work in them?

The Hon. G. E. MASTERS replied:

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

(1) Yes. The honourable member is also referred to the findings of the Hon. J. G. Norris who conducted the Royal Commission into prostitution in 1976.

(2) Yes.

(3) Yes; a close watch is kept on the establishments and people.

TRAFFIC: ROAD TRAFFIC AUTHORITY

Roebourne and Wickham

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

(1) Is it a fact that the department has received representations from residents of Roebourne and Wickham concerning the inconvenience they are suffering because the only Road Traffic Authority office for the area is situated in Karratha?

(2) Does this mean a trip of between 90 and 100 kilometres when people go to the authority for driving tests or to register vehicles?

(3) Will the Minister ensure that there is a weekly visit by an RTA officer to each of the towns of Roebourne and Wickham to carry out driving tests and inspection and licensing of vehicles?

(4) Is the Minister aware that there are vehicle inspection facilities at the Roebourne Police Station?

(5) Is it a fact that the number of driving tests taken out during a two month period at the Karratha office area are as follows—

(a) Roebourne—23;

(b) Wickham—26;

(c) Dampier—23;

(d) Karratha—39; and

(e) miscellaneous—25?

(6) In view of the survey results, will the Minister accept that the people of Wickham and Roebourne are entitled to better services from the RTA than they presently receive?

The Hon. G. E. MASTERS replied:

I am advised by the Minister for Police and Traffic that—

(1) Representations were received from Mr B. Sodeman, MLA, member for Pilbara, on behalf of the Roebourne and Districts Chamber of Commerce in July of this year, and as a result of those representations, a review has been undertaken.

(2) Yes, this is possible in a remote area.

(3) In view of the limited demand for driving tests, which is less than one per day in either town, it is not practicable to have an officer make weekly visits to the towns of Roebourne and Wickham. Vehicle inspections will be catered for with the introduction of authorised testing stations.

(4) Yes.

(5) (a) to (e) The Minister for Police and Traffic was not able to confirm these figures as the dates covering the two-month period are not stated in the question.

(6) Not applicable as the figures are unconfirmed.

HEALTH

Asbestosis and Mesothelioma

138. The Hon. H. W. OLNEY, to the Attorney General:

(1) Will the Attorney General study the answer given on behalf of the Minister for Health to question 99 on 19 August 1980?

(2) Does he agree that there is evidence that in the case of people who have sustained the diseases of either asbestosis or mesothelioma as a result of the negligent conduct of some other person, the injured party is unlikely in many, if not most cases, to be aware of the injury having been sustained until the usual period of limitation applicable for taking action for damages has expired?

(3) Will the Attorney General now give active consideration to the amendment of the Limitation Act in line with his answer to question 73 on 13 August 1980?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) It is not necessary for me to comment as to the probability of a person who has contracted a disease of this kind being unaware, throughout the limitation period, that he has sustained an actionable injury. However, it is known, from cases which have been decided in the courts in relation to other work-caused lung conditions, that it is possible for an affected person to be unaware of the condition for a time. I would not dispute that such lack of awareness could exist in relation to the conditions which the member describes.

(3) As there are other aspects of the matter, I believe that a more appropriate course may be to refer the matter to the Law Reform Commission, which already has a reference on the Limitation Act.

TOTALISATOR AGENCY BOARD

Belmont Agency

139. The Hon. F. E. McKENZIE, to the Minister representing the Chief Secretary:

(1) When the closure of the TAB agency opposite the Sandringham Hotel, Great Eastern Highway, Belmont, was announced, were any objections to its closure received?

(2) Was one of the objectors the former licensee of the Sandringham Hotel?

(3) Did he make any approach for an agency to be located on the property of the Sandringham Hotel?

(4) If so, when was the application made?

(5) What decision was reached in regard to it, and what were the reasons for such decision?

The Hon. G. E. MASTERS replied:

(1) I am advised by the Chief Secretary that there were no complaints as to closure of the agency when that closure was announced.

(2) to (5) Answered by (1) above.

WORKERS' COMPENSATION ACT

Redrafting

140. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

(1) Does the Minister's answer to question 82 on 19 August 1980 mean that the Government has not yet decided whether it will be introducing a completely redrafted Workers' Compensation Act in this session as recommended in the Dunn Report, instead of amendments to the existing Act as announced by the Lieutenant-Governor and Administrator in his Speech at the Opening of Parliament?

(2) Once the Government has decided on the final format of the changes to be made, what role does the Minister see for the Legislative Council in reviewing the decisions reached by Cabinet?

The Hon. G. E. MASTERS replied:

(1) The extent of the changes to be yet decided by Cabinet will determine the format of the legislation.

(2) When the Government introduces legislation both the Legislative Assembly and Legislative Council will be given adequate opportunity to debate it.

POLICE

Shaker Morton: Letter

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

(1) Is it a fact that by letter dated May 1980, the Honourable Leader of the Opposition wrote to the Commissioner of Police raising a complaint in relation to a letter written by a Mr Shaker Morton of Derby, Western Australia, printed in the *Kimberley Echo*?

(2) Is it a fact that the letter, *inter alia*, included the following words: "Has your paper got the guts to take on the land rights issues for the black feltas. If you have, I want to make it clear that I have had a gutful of the ***. that is written in the city paper. I have been on Kimberley stations all my life. I know that the old black fellow is not behind all of this ***. I think it time to start shooting and stop talking. Signed Shaker Morton, Derby, W.A."?

(3) Has the commissioner investigated whether this is an offence or may be an offence under the Criminal Code, and if not, why not?

(4) If the commissioner has investigated it, by whom was it investigated, and what were the results of the investigation?

(5) Will the Minister table the report?

The Hon. G. E. MASTERS replied:

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

(1) Yes.

(2) Yes.

(3) Yes.

(4) Law review unit and detectives. Results not yet determined, as the author of this letter has not yet been identified.

(5) Generally, the reports of police investigations of alleged or possible offences are not publicised, except through any legal action which may be requisite.

INSURANCE BROKERS

Working Party

142. The Hon. H. W. OLNEY, to the Minister representing the Minister for Consumer Affairs:

With reference to his answer to question 101 on 19 August 1980, will the Minister release the report of the working party inquiring into insurance broking to—

(a) the public;

(b) representatives of the insurance broking industry; and

(c) interested members of Parliament?

The Hon. G. E. MASTERS replied:

(a) to (c) I am advised by the Chief Secretary as follows—

Cabinet has considered the report of the working party and has decided that legislation should be introduced to establish a board of control within the portfolio of the Chief Secretary. There will be full and appropriate consultations on the legislation.

ROADS

Funds: Statutory Grants

143. The Hon. H. W. GAYFER, to the Minister representing the Minister for Transport:

What were the individual statutory road grants paid to each of the shires in the Narrogin and Northam regions for 1979/80

The Hon. D. J. WORDSWORTH replied:

Narrogin Division		$
Town of	Narrogin	123 823
Shire of	Beverley	73 222
	Boddington	29 755
	Brookton	58 201
	Corrigin	100 019
	Cuballing	41 642
	Dumbleyung	69 874
	Kondinin	92 506
	Kulin	92 939
	Lake Grace	140 399
	Narrogin	57 666
	Pingelly	63 021
	Wagin	99 188
	Wandering	24 378
	Wickepin	64 933
	Williams	51 020
	Woodanilling	31 746

Northam Division		
Town of	Northam	166 960
Shire of	Bruce Rock	105 073
	Cunderdin	90 904
	Dowerin	71 455
	Goomalling	65 652
	Kellerberrin	96 375
	Koorda	76 245
	Merredin	212 292
	Mt Marshall	94 793
	Mukinbudin	65 379
	Narembeen	99 801
	Northam	105 943
	Nungarin	37 668
	Quairading	81 288
	Tammin	39 687
	Toodyay	55 988
	Trayning	52 697
	Westonia	48 582
	Wongan-Ballidu	120 353
	Wyalkatchem	63 555
	Yilgarn	166 948
	York	84 256

ROAD

Tom Price Caravan Park

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

(1) Is the Minister aware that in the last 12 months three persons have died in the

short section of road between the Tom Price Caravan Park and the town of Tom Price?

(2) Have these deaths been occasioned by floods crossing the road which separates the town from the caravan park?

(3) Is the Minister concerned to improve the road so that residents of the caravan park are not cut off from Tom Price during times of flood?

(4) Will the Minister provide funds to upgrade the road so that the crossing can be made without danger to the caravan park inhabitants?

(5) If not, why not?

The Hon. D. J. WORDSWORTH replied:

(1) The Minister is aware that two persons died after an accident on 26 April 1980.

(2) It is understood the vehicle was driven into the floodwaters and subsequently washed from the road.

(3) Yes.

(4) The Government is spending significant funds on the Paraburdoo-Tom Price Road. Unfortunately it is not possible to do all the work at once and no works are planned at this stage on this section.

(5) There is a limit on the amount of funds available.

EDUCATION: HIGH SCHOOL

Broome

145. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

What is the timetable for the replacement of the toilet block at the Broome District high school referred to in the answer to question 106 on 19 August 1980?

The Hon. D. J. WORDSWORTH replied:

It is likely that the work will proceed in the 1981 dry season, pending availability of funds.

TRAFFIC: MOTOR VEHICLES

Compulsory Inspection

146. The Hon. H. W. GAYFER, to the Minister representing the Minister for Police and Traffic:

(1) Is it proposed that compulsory vehicle inspection will be introduced in all country areas?

(2) If "Yes" to (1), what is the target date for this introduction?

(3) What priority will be given to local authorities to carry out such inspections?

(4) What equipment will be needed to be provided by a local authority to be recognised as a testing station?

(5) What qualifications would a shire testing officer be expected to possess?

(6) Is it intended that a shire be reimbursed the same amount for its inspections as a registered testing garage?

(7) When would a garage be engaged for inspection purposes over a shire council?

(8) Is it intended that a contract be entered into between the Road Traffic Authority and the inspecting authority?

(9) If "Yes" to (8), what is likely to be the term of the contract?

(10) Has the Country Shire Councils' Association been consulted in all proposed moves for the setting up of testing authorities?

The Hon. G. E. MASTERS replied:

I am advised by the Minister for Police and Traffic that—

(1) It is not proposed to introduce compulsory vehicle inspections in country areas; however, if the member is referring to authorised testing stations for vehicle registration purposes, I am advised that they will be introduced.

(2) During 1981.

(3) Local authorities operating under delegated licensing powers will be given priority to participate in this scheme providing they have suitable facilities as it is part of the licensing function which they now perform.

(4) Sufficient equipment to ensure that the vehicle being examined conforms with the vehicle standards regulations.

(5) A shire testing officer would need to be a qualified mechanic or qualified by experience.

(6) Yes.

(7) Where the shire council does not wish to participate or does not possess qualified personnel or facilities.

(8) Yes.

(9) Has yet to be decided.

(10) No.

EDUCATION: SCHOOL

Koolan Island

147. The Hon. H. W. OLNEY, to the Minister representing the Minister for Education:

When does the Minister anticipate that the process of evaluation of the request for a resource centre at the Koolan Island school, as mentioned in the answer to question 108 on 19 August 1980, will be finalised?

The Hon. D. J. WORDSWORTH replied:

Consideration will be given to a request for a library-resource centre at the Koolan Island school when two reports have been received.

The regional superintendent will submit a report after he next visits the island.

The school principal is to advise on the mining company's reaction to his suggestion that the library should be for school and community.

CONSERVATION AND THE ENVIRONMENT

EPA: Communication with Public

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

(1) Does he acknowledge that it is a common problem that where major developments are proposed neither the company nor the Government is very geared up to communicating with the local population?

(2) In such circumstances, is the Environmental Protection Authority an appropriate instrumentality to assist in such communications?

(3) Will he take steps to involve the Environmental Protection Authority in the social impact of environmental determinations?

The Hon. G. E. MASTERS replied:

(1) No.

(2) The EPA through its ERMP process already provides an adequate channel of communication. Any major development proposal is required to have a thorough examination of the environmental impacts and the way in which they will be managed by the company. This document is made available to the local population and comments are sought. In some cases a public meeting is held. The public responses are taken into account by the EPA in its advice to Government.

(3) Social factors, other than that of aesthetics, are not included in the definition of "environment" under the Environmental Protection Act. I do not believe the EPA is the appropriate body to consider the social implications of development.

HOUSING

Broome

149. The Hon. H. W. OLNEY, to the Minister representing the Minister for Housing:

(1) Is it more expensive to build a standard three-bedroomed State Housing Commission house in Broome than in the metropolitan area?

(2) What is the approximate cost of building such a house in—

(a) Perth; and
(b) Broome?

(3) To what factors does the Minister attribute the differential between the two figures?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) I shall have to check the figures, but I believe they should read as follows—

(a) $20 500 including site costs;
(b) $40 800 including site costs.

(3) (a) design—Perth is non-cyclonic Broome is cyclonic;
(b) distance in respect to transport costs to Broome;
(c) labour in addition to generally higher hourly labour rates, allowance in some cases must also be made for—

(i) travelling (Perth to Broome);
(ii) board;
(iii) accommodation.

NOONKANBAH STATION

Sacred Sites: Identification

150. The Hon. PETER DOWDING, to the Minister representing the Minister for Cultural Affairs:

With reference to the answer to question 18 on Wednesday 6 August 1980—

(1) Did the Western Australian Museum identify the area of influence on Noonkanbah Station surrounding Pea Hill and other sacred places as a place of current sacred importance or special significance to living Aboriginal people?

(2) If not, then what did the Museum identify as the significance of the area?

(3) Upon what basis did the Minister direct the Museum to issue a consent to mining on the affected land?

The Hon. D. J. WORDSWORTH replied:

(1) The Western Australian Museum has identified a so-called "area of influence" on Noonkanbah Station surrounding Pea Hill. The area is said to be of current ritual significance to living people. However, the extent to which this is so is difficult to ascertain as the area also contains the station homestead, outbuildings, the shearing shed and sheep yards, airstrips, roads, fences, water points, a trig station, and numerous mineral exploration drill holes.

(2) See answer to question (1).

(3) No directive has been given in respect of mining on the affected land. A direction was issued in respect of an oil exploration drilling site.

HMAS "STIRLING"

Foreign Warships

151. The Hon. H. W. OLNEY, to the Attorney General:

Further to his answer to question 92 on 19 August 1980, will he say—

(1) To what extent the home porting of foreign warships at Cockburn Sound will assist in the defence of the Western Australian coastline, especially that part in the north west and far north?

(2) Is the State Government urging the Federal Government to convert the existing naval facilities at HMAS *Stirling* into a major military base?

The Hon. I. G. MEDCALF replied:

(1) The Indian Ocean is an extremely strategic region, which is currently the centre of attention by the superpowers. The presence of Russian submarines and surface warships is well known and must be matched by the free world's naval resources. All our coastlines, not only the north-west and the far north, are otherwise at risk.

(2) The Government both advocates and supports any expansion of the HMAS *Stirling* naval facility that may be required to serve a significant national or friendly international naval presence.

QUESTIONS WITHOUT NOTICE

APPRENTICES

Number

41. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Labour and Industry:

How many—

(a) female; and

(b) male

apprentices were registered in this State as at—

(1) 30 June 1979:

(2) 30 June 1980;

in each trade?

The Hon. G. E. MASTERS replied:

(a) and (b) I thank the honourable member for notice of this question.

Schedules containing the information requested are tabled.

The total number of registered apprentices as contained in schedule A of each year includes the number of female apprentices in training as indicated in schedule B of each year.

The schedule was tabled (see paper No. 207).

LIMITATION ACT

Amendment

42. The Hon. H. W. OLNEY, to the Attorney General:

My question is supplementary to the answer given to question 138 regarding the Limitation Act.

Will the Attorney General now refer the question of amendments to the Limitation Act to the Law Reform Commission for its consideration?

The Hon. I. G. MEDCALF replied:

I have already done so.

PRISONS

Life Imprisonment

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

Can the Attorney General yet say when the introduction of legislation on strict life imprisonment might be anticipated?

The Hon. I. G. MEDCALF replied:

I am not in a position to say. The matter is still with the Parliamentary Counsel.