Legislative Council

Tuesday, 7 October 1986

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 3.30 p.m., and read prayers.

LEGISLATIVE COUNCIL

Staff

THE PRESIDENT (Hon. Clive Griffiths): Honourable members, as you know, Mr Les Hoft retired as Clerk Assistant on 1 August this year. I have taken the opportunity created by his retirement to redesignate the office of Clerk Assistant as Deputy Clerk, with the consequent abolition of the title of Second Clerk Assistant. The officer formerly holding that position, Mr Ian Alnutt, has been appointed Usher of the Black Rod.

The standard of applicants for the Deputy Clerk's position was very high; many of the short-listed applicants were legally qualified and practising as barristers or solicitors. Additionally, some were senior Table Officers of other Parliaments.

I am therefore pleased to announce that the person whom I have appointed, Mrs Michele Cornwell, is one who has had wide-ranging experience in other Parliaments and is possessed of academic legal qualifications. The new Deputy Clerk is currently head of the Table Office in the House of Representatives and it is expected that she will take up her appointment with this House in the first week of December. I look forward to her arrival and have every confidence that she will be an asset to this House and to the Parliament as a whole.

BILLS (22): ASSENT

Messages from the Governor received and read notifying assent to the following Bills—

1. Acts Amendment (Occupational Health, Safety and Welfare) Bill.
2. General Insurance Brokers and Agents Act Repeal Bill.
3. Pearling Amendment Bill.
4. Land Amendment Bill.
5. Housing Loan Guarantee Amendment Bill.
6. Western Australian Treasury Corporation Bill.
7. Wheat Marketing Amendment Bill.
8. Litter Amendment Bill.
9. Acts Amendment (Trustee Companies) Bill.
10. Bills of Sale Amendment Bill.
11. Administration Amendment Bill.
12. Supreme Court Amendment Bill.
13. Public Trustee Amendment Bill.
14. State Energy Commission Amendment Bill.
15. Architects Amendment Bill.
16. Town Planning and Development Amendment Bill.
17. Multicultural and Ethnic Affairs Commission Amendment Bill.
18. Building Industry (Code of Conduct) Bill.
19. Pay-roll Tax Assessment Amendment Bill.
20. Pay-roll Tax Assessment Amendment Bill (No. 2).
21. Pay-roll Tax Amendment Bill.
22. Explosives and Dangerous Goods Amendment Bill.

HEALTH: DERBY REGIONAL HOSPITAL

Redevelopment: Petition

The following petition bearing the signatures of 753 persons was presented by Hon. Tom Stephens—

> TO: The Hon. the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled
>
> WE, the undersigned citizens of Derby and residents of the Derby-West Kimberley Shire hereby petition that the State Government of Western Australia and the Minister for Budget Management, in particular, recognize the urgent need for continuing with its commitment, as previously announced, to proceed with the redevelopment proposals for the DERBY REGIONAL HOSPITAL.
>
> WE, the undersigned Petitioners are of the firm view that this re-development plan must proceed in the current financial year for the following reasons:
>
> 1. that the Hospital is in a deteriorating state that urgently needs significant upgrading;
> 2. the cost of renovating existing facilities is prohibitive;
> 3. the existing working conditions are discouraging permanency amongst the work force at the Hospital.

(*See paper No. 362.*)

DRAINAGE RATES

Moratorium: Petition

The following petition bearing the signatures of 408 persons was presented by Hon. V. J. Ferry—

TO: The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned citizens of Western Australia, being ratepayers of the Busselton Drainage district, hereby petition for a complete moratorium on drainage rates. We are withholding our payments because the annual rate increases far exceed the inflation rate and yet there was a surplus of $46 000 not spent in the Busselton district in 1985.

The lack of capacity of the rural community to absorb the constantly rising government charges must be taken seriously. There is need for farmers representation during the decision-making processes. Issues that need to be addressed include the paying by farmers for public bridges over cut drains, discrimination between individual farmers with regard to services provided, the way rating zones can be deleted or added, merely at the whim of government, and many others, point to the need for a thorough investigation into the system.

Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your petitioners, as in duty bound, will ever pray.

(*See paper No. 363.*)

TAXES AND CHARGES: LIQUOR TAX

Increases: Petition

The following petition bearing the signatures of 100 persons was presented by Hon. A. A. Lewis—

To The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned residents of Western Australia object strongly to the proposed increases in Liquor Taxes which are a further and unnecessary burden on the average working person.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(*See paper No. 364.*)

BILLS (19): ASSENT

Messages from the Lieutenant Governor received and read notifying assent to the following Bills—

1. Workers' Compensation and Assistance Amendment Bill.
2. Salaries and Allowances Amendment Bill.
3. Jetties Amendment Bill.
4. Port Hedland Port Authority Amendment Bill.
5. Western Australian Arts Council Repeal Bill.
6. Construction Safety Amendment Bill.
7. Perth Mint Amendment Bill.
8. Goldfields Tattersalls Club (Inc.) Bill.
9. Fremantle Port Authority Amendment Bill.
10. Strata Titles Amendment Bill.
11. America's Cup Yacht Race (Special Arrangements) Bill.
12. Futures Industry (Application of Laws) Bill.
13. Iron Ore (McCamey's Monster) Agreement Authorization Amendment Bill.
14. Transport Co-ordination Amendment Bill (No. 2).
15. Reserves and Land Revestment Bill.
16. Supply Bill.
17. Liquor Amendment Bill.
18. Acts Amendment (Actions for Damages) Bill.
19. State Government Insurance Commission Bill.

MIDLAND SALEYARDS SELECT COMMITTEE

Special Report: Presentation

HON. NEIL OLIVER (West) [3.50 p.m.]: I have the honour to present a special report from the Select Committee inquiring into the disposal of the Midland Saleyards and wish to speak briefly to that report.

The position of witnesses appearing before a Select Committee of the Legislative Council is covered by the Parliamentary Privileges Act 1891 and the Standing Orders of the Legislat-

ive Council. Standing Order No. 416 provides—

> If a Witness fails or refuses to attend or to give evidence, the Council, on being acquainted therewith, shall deal with the matter.

There is an obligation on the Select Committee to acquaint the Council of any failure by a witness to give evidence. After acquainting the Council, the committee has no further role to play. The Legislative Council must deal with any witness who fails to give evidence in accordance with the Parliamentary Privileges Act. Section 8 of that Act provides that it is an offence for a witness before a committee of the House not to answer any lawful and relevant question put by the committee unless excused by the Council.

Pursuant to section 7 of the Parliamentary Privileges Act, Mr Ellett has sought to be excused from answering a question put by the committee on the grounds that it is of a private nature and does not affect the subject of the inquiry.

It is now for the Council to decide whether to excuse Mr Ellett from answering the question or whether to order Mr Ellett to answer the question. If the Council excuses Mr Ellett from answering the question the matter is finished. If the Council orders Mr Ellett to answer the question and he refuses, the Council may decide on that matter.

I move—

> That the report do lie upon the Table.

Question put and passed.

(See paper No. 365.)

Consideration

HON. NEIL OLIVER (West) [3.55 p.m.]: I move—

> That consideration in Committee of the special report be made the first order of the day for the next sitting and that such consideration and report thereon to the House be finally dealt with at the same sitting.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [3.56 p.m.]: I have no objection to this report being assured of consideration at the next sitting of the House, but I think it undesirable that we should continue a practice, which the member introduced in our last session, of attempting to determine, in advance, how a matter should be finally dealt with. The member is not only seeking, in this motion, to have this order made the first matter of business at the next sitting, but he is seeking also to ensure that it has the priority required to finalise all consideration of it.

This matter can reasonably be left to the Council to decide when it comes up for discussion at the next sitting of the House.

Amendment to Motion

I move an amendment—

> Delete all words after the words "the next sitting".

HON. JOHN WILLIAMS (Metropolitan) [3.57 p.m.]: I believe that this matter is covered by Standing Order No. 95 which deals with the question of privilege and how it should be dealt with by this House.

The PRESIDENT: It is not a matter of privilege. This is a procedural matter. From memory, Standing Order No. 95 deals with matters of privilege and currently this is not a matter of privilege.

HON. G. E. MASTERS (West—Leader of the Opposition) [3.58 p.m.]: I and my colleagues strongly oppose the amendment moved by the Attorney General. The question arising out of this debate is reflected in Standing Order No. 95 which states—

> All questions of Order and matters of Privilege which have arisen since the last sitting of the Council shall, until decided, suspend the consideration and decision of every other question.

A Select Committee of this House—not a committee of the Government or the Opposition—was investigating a very serious matter. During those investigations, members of the committee legitimately interviewed or interrogated witnesses and quite properly expected and demanded answers. Those answers were not given. I suggest that if this situation were allowed to continue and the House did not take some very strong action to assert its authority, there would be no purpose in having Select Committees of the House in future. For that reason alone, the matter must be dealt with expeditiously. I suggest that the proper time is at the next sitting of the House—at the earliest opportunity—and the House at that time should decide whether it is a matter of privilege and, if so, whether the person guilty of that offence will be dealt with by the House in the appropriate way; that is, in the way in which the House decides.

I urge members to consider the matter as one of the utmost seriousness. Again I point out that the integrity of this House is at stake, as is the future of all Select Committees. For that reason, I urge members to oppose the amendment.

HON. E. J. CHARLTON (Central) [4.02 p.m.]: All members should be clear about the intent of the motion. The motion seeks merely to ensure that a decision is made with respect to whether the House has the power to deal with the point that has been raised. It is not a matter of this Parliament making a final decision. It is a matter of the machinery being set up to deal with it. That point needs to be understood.

HON. A. A. LEWIS (Lower Central) [4.03 p.m.]: One would normally accept this amendment, but an assurance given by the Government in the last sitting was consequently broken, leading one to wonder why the Opposition or anybody else should trust the Government any more this time.

Hon. J. M. Berinson: I am not giving any assurances. I am suggesting that the normal course be followed.

Hon. A. A. LEWIS: But you are the bloke who broke it the last time.

Hon. J. M. Berinson: I don't really remember that.

Hon. A. A. LEWIS: Of course, the Minister does not remember!

The PRESIDENT: Order!

Hon. A. A. LEWIS: Mr President, you can see how touchy the Government has become so early in the sitting.

Hon. J. M. Berinson: Or how inaccurate you are.

Hon. A. A. LEWIS: It is amazing to hear the Attorney screaming. I suppose he will have some problems at the end of the week when he presents the Budget.

Hon. P. G. Pendal: He will take a week to get over it.

Hon. A. A. LEWIS: That may be the case; it may not be the case.

I can see nothing wrong with the Attorney's amendment, but I just bring to the notice of the House the doubts of the Opposition, other people, and me in particular, because I supported the Government last time on this subject on the urging of my good friend the Government Whip and was let down. I would hate to see the Attorney and his friends do the same again. I believe the nature of this business is such that it should be cleaned up as quickly as possible.

The amendment is probably all right. I would think that the reason the Leader of the Opposition is objecting to the amendment is along the same lines as mine. I just wish that we had not gone through the business earlier this year when the House was let down by the Government.

Amendment put and a division taken with the following result—

Ayes 13

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. J. M. Brown	Hon. Garry Kelly
Hon. T. G. Butler	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. John Halden	Hon. Doug Wenn
Hon. Kay Hallahan	Hon. Fred McKenzie *(Teller)*
Hon. Tom Helm	

Noes 15

Hon. C. J. Bell	Hon. Tom McNeil
Hon. J. N. Caldwell	Hon. N. F. Moore
Hon. E. J. Charlton	Hon. Neil Oliver
Hon. Max Evans	Hon. P. G. Pendal
Hon. V. J. Ferry	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. John Williams
Hon. P. H. Lockyer	Hon. Margaret McAleer
Hon. G. E. Masters	*(Teller)*

Pairs

Ayes	Noes
Hon. D. K. Dans	Hon. D. J. Wordsworth
Hon. Mark Nevill	Hon. H. W. Gayfer

Amendment thus negatived.

Question put and passed.

MIDLAND SALEYARDS

Select Committee: Report

HON. NEIL OLIVER (West) [4.10 p.m.]: I have the honour to present a report from the committee inquiring into the disposal of the Midland Saleyards. I regret to inform the House that a member of the committee, Hon. Fred McKenzie, failed to attend all subsequent meetings following the inaugural one.

Several members interjected.

The PRESIDENT: Order!

Hon. NEIL OLIVER: I move—

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

Question put and passed.

Personal Explanations

HON. FRED McKENZIE (North-East Metropolitan) [4.11 p.m.]—by leave: I was supplied with a copy of the report at nine this morning. I have not had a great deal of time to

examine it, but I want to make a statement in respect of the situation leading up to the committee and its subsequent deliberations. I am appalled that there is no mention in this report that I took no part in the proceedings of that committee. In the time available to me I have perused the report and there is no mention that I was not present during any of the proceedings when witnesses gave evidence.

The only meeting I attended was the initial one which took place after the committee had been formed and before we had any indication that the Assembly was not going to participate in this inquiry.

Members will recall that when we debated this issue we discussed the desirability of the committee being set up on a joint basis. In other words, a committee of the Parliament. We passed a motion in that respect, and we inserted a new paragraph in the motion before the House. Might I remind members of that paragraph, which was that the Assembly be invited to appoint a like committee and confer with the committee upon the terms of this motion, and in the event of the Assembly appointing a Select Committee, they should confer together. I am given to understand that means, if that was accepted by the Assembly, it would be a joint committee. Members should bear in mind that when we were discussing this motion there was already a committee in place in the other place.

That was the only reason that I accepted nomination to become part of a Legislative Council committee—on the basis it was a joint committee. I made that perfectly clear in my speech. During that debate the notion it ought to be a joint committee was put forward by none other than the Independent member at the time, Hon. Sandy Lewis.

But, of course, this never took place, for one reason or another. In accordance with my statement at that time—and it can be read in *Hansard*—it was ludicrous to have two committees operating, wasting people's time in respect of this issue. The other committee had representatives of all parties on it. Why did we need one here when one was already off and running in the other place?

Accordingly, after due consideration and after two sets of meetings had been held following that initial meeting—which was of course a machinery meeting—I tendered my resignation to Hon. Neil Oliver. I suggested to him that the saleyard question had been moved by Mr Bert Crane, the member for Moore in the other place, and it was well and truly catered for. The saleyards question could well have been debated, pursued, and inquired into by the committee in the other place.

I said this in the final paragraph of my letter to the Chairman, Hon. Neil Oliver—

> I firmly believe that term of reference is broad enough to cater for all facets of the Legislative Council Select Committee and it is unnecessary for us to proceed alongside a pre-existing Select Committee of the Legislative Assembly. In my view it is likely that in the main the same witnesses would appear before both Committees and present similar evidence. The exercise will thus be time consuming for already very busy people. We should spare these people both the time and expense involved by not proceeding any further.
>
> I hope that my resignation will be the forerunner of such a decision.

The chairman of the committee had the opportunity not to continue had he so desired. The committee itself could have determined that way, because it was not representative any more. Committees of this House have generally been set up—

Hon. P. G. Pendal: That was hardly his fault.

Hon. FRED McKENZIE: Whose fault was it?

Hon. P. G. Pendal: I suggest it is the fault of the person on his feet.

Hon. FRED McKENZIE: There was one already operating.

Hon. P. G. Pendal: This is a single House—

Hon. FRED McKENZIE: There was no point in the committee proceeding. Mr Pendal knows full well what the motion of this House was and the intent—that it be a joint committee, otherwise we would not have participated. It was made perfectly clear during the debate that we would not participate otherwise. Since it did not take that course the honourable thing to have done as far as this House was concerned was not to proceed until the opportunity arose for me to be discharged from the committee and another appointment made.

As it is now, I do not see how this House can regard very seriously the findings of that committee. It is not representative of the views of the House if looked at on a party basis, and that is generally how committees have been set up.

Several members interjected.

The PRESIDENT: Order!

Hon. FRED McKENZIE: Given that scenario, and given the fact that we have another committee yet to report in another place, we ought not to regard the findings of this committee very seriously. It can be regarded only as a kangaroo court indicating the desires and wishes of Opposition members and not those of the Government, because quite deliberately there has been no input from that direction.

HON. G. E. MASTERS (West—Leader of the Opposition) [4.19 p.m.]: I seek leave of the House to make a statement in reply to Hon. Fred McKenzie's comments.

Hon. J. M. Berinson: May I ask, through you, Sir, where the Leader of the Opposition is claiming to have been misrepresented?

The PRESIDENT: I do not know, but he is asking leave to make a statement, which is identical to the way in which the other member applied to make a statement.

Leave granted.

Hon. G. E. MASTERS: I will be very brief. Let me say that the honourable member was and still is a member of that Select Committee. He knows he could not simply tender his resignation once the committee was in operation.

Hon. Tom Stephens: That argument is as specious as the one you put to the committee.

Hon. G. E. MASTERS: Fred McKenzie seems very proud to have been absent from those Select Committee meetings and of the fact that he was not mentioned in the report. It is the first time I have heard that sort of proud claim by any member of a Select Committee in my time in the Legislative Council.

To be truthful, the member had no intention of attending the Select Committee, but was the victim of a foul-up by his leader and his party in the motion that invited the Legislative Assembly to join in a Joint Select Committee. The Legislative Assembly did not avail itself of that opportunity. Therefore, he was left out on a limb. The member should have fully understood that if the Legislative Assembly did not accept the invitation, the Select Committee of the Legislative Council would continue. He must have known that. He has been in the House quite long enough to understand that that would be the situation. Instead of that, he went in with a foul-up and now he is trying lamely to complain.

A member: Why can't he resign?

The PRESIDENT: Order! The question that the honourable member asked is out of order.

Let me say this: One of the disturbing things about the current operations of this House is that in addition to the fact that the honourable member asked the question illegally by way of interjection, it seems that members do not read the Standing Orders and do not understand how this House operates. I say that because the Leader of the Opposition, I suggest following the lead of the previous speaker who sought leave to make an explanation, is breaking the rules in regard to what personal explanations are all about. If a member seeks leave to make a personal explanation, it is not for me to say whether he can have that leave; it is for the House to say. If the House gives leave it gives it on the understanding that the member does not enter into debatable matters.

I think that every honourable member in this Chamber at the present time—even if they do not take account of it during the current personal explanations—ought to bear in mind for the future that Standing Orders are intended to provide honourable members with the opportunity of making some personal explanation in the event of their being misrepresented or some other situation occurring. It does not provide a privileged opportunity for an honourable member to enter into some debatable matter. I guess it is my fault and not members' that I allowed Hon. Fred McKenzie to enter into some debatable matters. I gave him a bit of leeway because he was pretty close to confining himself to that. I now find that we are getting into a debate. Members have to understand that it is an unfair debate if one member has to seek leave of the House and one dissenting voice can stop the next member from having anything to say about it.

I hope honourable members understand what I am saying. I am not trying to stop anyone from saying anything. If we have debates where one dissenting voice can stop the next speaker, then surely to goodness everyone would agree that it is not fair. Therefore, it is reasonable to expect the person who obtains the leave of the House to make a statement should make that statement within the parameters of what I have just explained. I try to be fair to every single person in this Chamber. It sometimes seems to me that the fairer I try to be the further some members deviate from the rules. I do not want to be a President who demands the strict letter of the law on every occasion. I like to see everyone get a fair opportunity. I do not know whether I am getting old and no longer able to keep in tune with modern day appreciation of protocol and rules or disre-

spect for the Chair, but for goodness sake, let us at least look like we all have some understanding of what the rules are. The rules are clearly that leave to make a statement is intended to be for the purpose of making some uncontroversial comment in regard to some matters. Having said that, I call on the Leader of the Opposition.

Hon. G. E. MASTERS: In my statement I was referring to Hon. Fred McKenzie's comments. A couple of his statements would be of concern to all members of the House. He accused the Select Committee of being a kangaroo court. He said that the committee was a waste of time. Let me say that the report itself will prove whether it was a waste of time or not. The report and a study of that report will truly demonstrate whether in fact the Select Committee, under whatever arrangements, was worth it or not. My bet is that it will prove to be well worth it and will be a massive embarrassment to the Government of the day.

BILLS

Standing Orders Suspension

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.27 p.m.]: I seek leave to move for the suspension of Standing Orders without notice.

Hon. G. E. Masters: I presume the Attorney General is moving for the suspension of so much of Standing Orders as is necessary to allow second reading speeches on some of the Bills.

The PRESIDENT: I do again suggest to the Attorney General that surely to goodness it is not unreasonable to expect when he seeks leave to suspend Standing Orders for a specific purpose that the House is entitled to know what that purpose is. I am not being critical of the member but while I am taking the opportunity to grizzle about things I might as well get it all out of the way at the one time. The more information that is given to members, the easier things will be.

Hon. J. M. BERINSON: That is a very fair and impartial comment. I can only say by way of explanation that I was under the impression that members had been circulated with the motions I am about to move. Apparently that has not been done. The printed motions which I am in the process of moving do make clear the purpose of this motion, which is to allow a further motion permitting second reading speeches to be engaged in.

The PRESIDENT: I was certainly aware of what you had in mind.

Leave granted.

Hon. J. M. BERINSON: I move—

> That Standing Orders be suspended so far as to enable Bills to be introduced and proceed to, and include, the second reading stage at today's sitting.

Question put.

The PRESIDENT: To be carried this motion requires an absolute majority. I have counted the House; and, there being no dissentient voice, I declare the question carried.

Question thus passed.

PRISONERS (INTERSTATE TRANSFER) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.31 p.m.]: I move—

> That the Bill be now read a second time.

During 1984, legislation substantially similar to this State's Prisoners (Interstate Transfer) Act 1983 was proclaimed in all States to provide a scheme for the interstate transfer of prisoners. This scheme is now operating, and provides that a prisoner may be transferred to a prison in another State either for his own welfare or for the purpose of standing trial for an offence alleged to have been committed within that other State. In each case the appropriate Ministers of both States must consent to the transfer.

On 1 August 1984 Commonwealth legislation came into operation to extend the scheme to Commonwealth offenders held in State prisons.

The Bill proposes to supplement the scheme in two respects. The first is the transfer of prisoners who are serving a combination of sentences for offences against both State and Commonwealth laws. These prisoners are referred to in the Bill as "joint prisoners".

Proposed sections 5, 10, and 18 provide for their transfer to another State or Territory. Since a transfer order under the State's legislation has effect only to the extent that a prisoner is a State prisoner, a corresponding order

under the Commonwealth legislation is necessary. This is provided for in proposed sections 6, 14A, and 18 by specifying that the State order will not have effect unless and until a corresponding order under Commonwealth legislation is obtained.

The second matter is the transfer of State prisoners to another State or Territory for the purpose of standing trial for Commonwealth offences. This is dealt with in clause 9, which proposes amendments to section 10 of the Act.

The Bill is a product of deliberations of the Standing Committee of Attorneys General. Each State proposes to enact similar amendments to its own legislation. There will then be in place a scheme for the interstate transfer of all prisoners, regardless of whether they are sentenced under State law, Federal law, or both.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

LEGISLATIVE REVIEW AND ADVISORY COMMITTEE REPEAL BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.34 p.m.]: I move—

That the Bill be now read a second time.

The purpose of the Bill is to repeal the Act establishing the Legislative Review and Advisory Committee with effect from 1 December 1986.

The committee was established in 1978 following the enactment of the Legislative Review and Advisory Committee Act 1976. Its functions are to review subordinate legislation and to investigate and report on other legislation which may be referred to it. Since it was established, the committee has drawn the attention of Parliament to regulations on a number of occasions, but I am not aware of any action that was taken as a result.

That is not in any way a reflection on the quality of the committee's work, which has always been of a very high standard. Nor, indeed, does it indicate that the work of the committee was entirely without effect. The very existence of the committee encouraged much closer attention to the formulation of subordinate legislation, and its advice was sought quite regularly before the enactment of regulations to ensure that these met proper standards. The drafting of local government by-laws was also greatly assisted in this way.

The committee comprises three members and is at present staffed by a part-time executive officer. The estimated cost of the Legislative Review and Advisory Committee in 1985-86 was $46 000.

In August 1983, the Legislative Council appointed a Select Committee on Committees and this reported in September 1985. The Select Committee recommended that the Council establish a Standing Committee to be charged with consideration of regulations subject to disallowance and consideration of subsidiary legislation.

The Government does not propose to move for the establishment of a committee of the Council, but following the abolition of the Legislative Review and Advisory Committee it will propose a joint Standing Committee of both Houses for that purpose.

Both by that means and by the attention of individual members to relevant material, the primary responsibility for reviewing subordinate legislation will return to the Parliament itself. That is as it should be.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

ACTS AMENDMENT (RECORDING OF DEPOSITIONS) BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.36 p.m.]: I move—

That the Bill be now read a second time.

The Coroners Act currently provides that evidence given at an inquest shall be reduced to writing, then read over to and signed by the witness giving the evidence, and then signed by the coroner. The Justices Act makes similar provision for the writing and signing of evidence in committal proceedings.

This procedure is cumbersome and wastes the time of witnesses and courts. In some proceedings, witnesses who have spent some time giving evidence have had to return to the court when a typed record of their evidence has been prepared and have spent considerable additional time having that evidence read over and confirmed.

In smaller centres where evidence is not tape recorded, magistrates take evidence in longhand, or depositions are produced by a court typist. In these cases, it is necessary that witnesses read the record of their evidence and are satisfied that it is accurate. Where evidence is tape recorded, as it is in the Central Law Courts, a verbatim transcript can be produced and the present procedure is quite unnecessary.

New South Wales, Victoria, and Queensland have provisions dispensing with signed depositions where a certified verbatim transcript is available.

The Bill proposes to allow evidence before coroners and in committal proceedings to be either reduced to writing, as at present, or recorded by means of sound recording equipment. In the former case, it will be read back and signed as at present. In the latter case, the recording, when transcribed, will be certified correct either by the person who prepares the transcript or by a person authorised to check the transcript against the original recording.

A number of safeguards to ensure the accuracy of the recording are proposed by the Bill.

Regulations may be made for the appointment of persons to record, transcribe, and check depositions, and for the prescribing of appropriate oaths or statutory declarations with respect to the accuracy of the transcript. Regulations may also provide for the custody and destruction of the recordings and transcript.

Offences in respect of falsification of recordings and transcript are proposed, with penalties of $5 000 or two years' imprisonment. In addition, no recorded deposition may be used in evidence in any proceeding without further proof if it is proved that the transcript is not a correct transcription of the recording.

A further streamlining of committal proceedings is proposed by the amendment of the present requirement in section 73 of the Justices Act that depositions at committal be read to the defendant. Instead, they will only be required to be read if any party requests the reading. In practice, typed copies of such depositions have usually been served on the defendant, so the reading aloud in court is both time consuming and unnecessary.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

FOREIGN JUDGMENTS (RECIPROCAL ENFORCEMENT) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.41 p.m.]: I move—

That the Bill be now read a second time.

The Foreign Judgments (Reciprocal Enforcement) Act 1963 provides a method for the enforcement in Western Australia of judgments given by the superior courts of certain proclaimed countries.

A country is proclaimed only after arrangements have been made for the reciprocal enforcement of Western Australian judgments by that country. All Australian jurisdictions—other than South Australia—have substantially similar legislation.

There are many countries which have not been proclaimed under the Act and the enforcement in Western Australia of judgments of those countries is in accordance with the more cumbersome requirement of the common law.

The Bill proposes to amend the Act to implement a recommendation of the Standing Committee of Attorneys General that Australian courts should refuse to enforce overseas judgments in certain circumstances.

Clause 7 imposes restrictions on the enforcement of foreign judgments. Clause 8 imposes the same restrictions on enforcement at common law.

It may occur that an overseas court will decide it has jurisdiction to give judgment in respect of a defendant on the basis that the defendant, although not present within the country at the time proceedings were instituted, has voluntarily submitted to the jurisdiction of the court by appearing to argue an aspect of the case.

The Bill specifies four circumstances in which, for the purposes of enforcement, an appearance by the defendant shall not be taken by

a Western Australian court to constitute a voluntary submission to the jurisdiction of a foreign court. This is to apply notwithstanding that the foreign court has taken the contrary view.

The Bill provides, firstly, that if a defendant appears in an overseas proceeding solely to contest the jurisdiction of the court, Western Australian courts shall not regard the appearance as a voluntary submission to jurisdiction.

Secondly, if a defendant appears in a foreign proceeding solely to invite the court to exercise its discretion not to assert jurisdiction over him, the defendant shall not be taken by Western Australian courts to have voluntarily submitted to the jurisdiction of the foreign court.

Thirdly, a defendant may wish to appear in a foreign action because, within the foreign country, he has assets which may be seized if the plaintiff obtains judgment. An appearance either to protect property threatened with seizure, or to obtain the release of property seized, shall not be regarded as a voluntary submission to the foreign court's jurisdiction.

The last circumstance relates to what is known as a "mareva injunction". A mareva injunction operates to prevent a defendant removing assets from the country, or selling them, before a hearing. It is proposed that where a defendant appears in a foreign court solely to contest the granting of a mareva injunction the appearance shall not be regarded by Western Australian courts as a voluntary submission to jurisdiction.

The Bill is designed to afford a measure of protection to Western Australians who operate internationally. It allows a person who is sued in a foreign court to go to that court to argue that it does not have jurisdiction, or that the court should exercise its discretion in his favour, or to protect or obtain the release of property without the fear that he will thereby be taken to have submitted to jurisdiction, and that any adverse judgment will be enforced by a court in Western Australia.

Other Australian States also intend to implement the recommendation of the Standing Committee of Attorneys General by enacting substantially similar legislation. The United Kingdom enacted similar legislation in 1982.

The proposed restrictions on the enforcement of foreign judgments, particularly in respect of common law enforcement, amount to more than simply reciprocal enforcement provisions. As a result, clause 5 of the Bill proposes to change the title of the Act to the "Foreign Judgments Act 1963" to reflect the wider ambit of the legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

CRIMINAL LAW AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.45 p.m.]: I move—

That the Bill be now read a second time.

This Bill continues the Government's ongoing review of the Criminal Code, and substantially reflects recommendations made in the review of the Criminal Code by the Crown Counsel, Mr Michael Murray, QC. The Bill deals with four separate areas of the code as follows.

Parties to Offences: The code presently deals with a number of circumstances in which persons other than the principal actor can become parties to offences and be treated as equally culpable. An example is found in section 8 of the code, namely, where a number of persons undertake a joint enterprise to commit a criminal offence and in the course of that, another offence is committed which was a probable consequence of the commission of the offence agreed upon.

The code makes no provision for a person who has been part of such a joint enterprise to withdraw in such a way as to avoid criminal liability if his co-offenders pursue the enterprise to the commission of the second offence. In the past the common law has been applied in such areas. That, however, is somewhat uncertain.

The Bill proposes that the code provide for the concept of disassociation; that is, timely communication of withdrawal to the co-offenders, together with the taking of all reasonable steps to prevent the commission of the offence which has become likely as a result of the joint criminal enterprise. Clause 4 of the Bill effects the change.

It is also proposed to amend the code in respect of accessories after the fact who receive or assist offenders in order to enable them to escape punishment.

At present, a married woman cannot become an accessory after the fact if, by her husband's authority, she receives or assists a third person who is a joint offender with her husband. That restriction is inappropriate and clause 10 effects its removal.

Infanticide: Comparable jurisdictions have for some time had a specific offence of infanticide. This occurs when a woman kills her baby child under the influence of emotional disturbance attributable to the process of giving birth or subsequent lactation. This is a well-recognised phenomenon which occurs occasionally and in tragic circumstances. At present, such a person is generally unable to plead insanity, and the matter is dealt with as an offence of wilful murder or murder.

It is proposed that an offence of infanticide be created in Western Australia, and that this be an alternative conviction open upon a charge of wilful murder, murder, or manslaughter.

The offence would apply to the killing of a child under the age of 12 months, with a maximum penalty of seven years' imprisonment. The question of appropriate maximum penalty for infanticide has been very difficult to resolve and the proposed penalty is, quite frankly, a compromise between competing professional views. Thus Mr Murray suggested life imprisonment, the Law Society 10 years, and the Criminal Lawyers' Association five years. The peculiar nature of the offence also led to consideration of indeterminate sentences, but this possibility has not been pursued due to general objections to this form of sentence. I would welcome the views of honourable members as to the appropriateness of these provisions. Clauses 7 and 8 effect the change.

Extortion—Restriction on Publication: A well-known exception to the general rule that proceedings in criminal courts are open and public is in the area of extortion offences. This is to protect the victims of blackmail.

The code presently prevents, except by leave of the court, any publication in relation to such proceedings except for basic particulars which do not identify the victim. It is proposed that the present emphasis of the provision be amended so that publication will be possible if no order is made.

It is proposed to make provision for an order restricting publication, but not so as to prevent publication of the basic matters which are now permissible. The effect of the change is to recognise as the general principle that publication should always be possible except for specific reasons consistent with the proper administration of justice. Clause 9 effects the change.

Taking Offences into Consideration: In some comparable jurisdictions, in particular the United Kingdom, provision exists for an offender who appears charged with one offence to ask for other offences committed by him to be taken into consideration, although no charge of those offences is before the court. If the prosecution agrees, the judge, in sentencing the offender for the offence before the court, may take into account the commission of the other admitted offences.

It is felt that such a provision has substantial advantages in that, if properly structured, it may allow an offender to be sentenced at the one time for all offences outstanding against him. This has the potential for substantial savings in time and costs. It is proposed to add such a provision to the code. Its principal features will be the capacity to deal at the one time with all offences involving the one offender to which he is prepared to plead guilty, whether or not those offences would ordinarily be dealt with at the one time in the same or in different courts.

The procedure will require the agreement of both the prosecution and the accused so that it will not be used if either party regards it as inappropriate. The court will have an overriding discretion as to whether or not to implement the scheme in a particular case. Where the scheme is employed it will be extremely flexible in the way that matters may be brought before the court and the court will have full sentencing powers. Provision will be made for the retention of effective rights of appeal in relation to sentence. Clause 11 effects the change.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

PARLIAMENTARY COMMISSIONER AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.51 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill to amend section 17A of the Parliamentary Commissioner Act 1971. Section 17A was introduced by the Parliamentary Commissioner Amendment Act 1984, and came into operation on 1 July 1985.

The Parliamentary Commissioner Amendment Act 1984 arose out of the Complaints against Police Bill 1984. Members will recall that in the course of the Committee stage of debate, the Bill was substantially amended, and section 17A emerged as a result of that debate.

Section 17A at present provides that any person detained in custody must, on request by that person, be provided with writing facilities to enable that person to complain to the Parliamentary Commissioner. There are practical difficulties in the application of section 17A.

Firstly, the section allows a prisoner to address his demand for writing facilities to any person "performing duties in connection with his detention". A prisoner could therefore direct his request for writing materials to a prison visitor, a visiting justice, a prison psychologist, a psychiatrist, or a social worker. The requirement to comply with such a request may bring these people into conflict with their normal roles and duties. A prison visitor, for example, is required by the Prisons Act not to interfere with the management or discipline of the prison.

The Bill seeks to avoid such potential conflicts by requiring that a prisoner's demand for writing facilities be made to a prison officer.

Section 17A at present applies to all prisoners, including those prisoners who may be detained under observation, in separate confinement cells or in punishment cells. The good order and security of the prison and even the physical safety of the prisoner and prison officers are potentially overridden by this requirement. In certain cases, prisoners are deprived of sharp objects such as pens and pencils, which could be used as weapons or to self inflict injuries.

The Bill proposes to reinstate the overall responsibility of the superintendent for the good order and security of the prison by extending to him a discretion to refuse a prisoner's request for writing facilities.

Checks and balances are included in the Bill and in administrative procedures to ensure that a prisoner is not disadvantaged and still has the opportunity to make a complaint to the Parliamentary Commissioner. In particular—

(1) Only a suitably responsible person, namely, the superintendent, who is the officer in charge of the prison at the relevant time, can refuse the request;

(2) the superintendent can only direct refusal of a prisoner's request for writing facilities on grounds related to physical safety or good order and security;

(3) the superintendent must have reasonable grounds for his belief in the matters referred to in (2) above to refuse the request;

(4) rules made by the Director of Prisons under section 35(1) of the Prisons Act will be amended following enactment of the Bill to provide that in any case where writing facilities are refused, a prison staff member shall take down in writing the prisoner's complaint and forward it to the Parliamentary Commissioner on the prisoner's behalf; and

(5) further general safeguards are provided by visits to prisons by prison visitors, visiting justices, legal practitioners, and parole officers to provide external mechanisms for the maintenance of the prisoner's right to complain to the Parliamentary Commissioner.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. P. G. Pendal.

PRISONS AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The Bill repeals and replaces section 87(5) of the Prisons Act and makes consequential amendments to section 87(6).

Section 87 provides for the granting to prisoners of leave of absence from a prison. The first four subsections set out the periods during which prisoners serving certain terms may be granted leave of absence by the director and contain the purposes for which such grants may be made. Those purposes may broadly be described as work release and leave to visit relations or friends for specific periods.

Subsection (5) at present permits the director, with the Minister's approval, to grant leave of absence to a prisoner for a purpose or in circumstances or for periods other than the purposes, circumstances, or periods referred to in subsections (2) and (3).

Leave which is granted by the director with the approval of the Minister also requires that the Minister report to both Houses of Parliament if he approves a prisoner for leave outside normal requirements.

Section 87(5) provides the potential for precise tailoring of resocialisation requirements outside of the more limited options otherwise available under sections 87 and 94. Section 87(5) has been employed on only two occasions in the past four years. At present the section requires an unnecessary administrative procedure which does not serve any significant purpose.

Firstly, these prisoners are able to be moved between prisons under section 26, allowed to be absent from prison for compassionate reasons under section 83, and participate in community programmes under section 94, without the requirement for a note of this to be tabled in Parliament; and, secondly, the note is tabled after the grant and prior parliamentary approval is not required.

The Bill proposes to—

> Delete the existing requirements under section 87(5) that advice of grant of leave of absence to a prisoner for special purposes, circumstances, or periods, be tabled in each House;
>
> clearly define the obligations by retaining the requirement in section 89(b) that the Director of Prisons may grant leave of absence under section 87(5) only to a prisoner who has been rated by the director under a rating system approved by the Minister, as a prisoner whose absence from prison would impose a minimum risk to the security of the public; and
>
> ensure an appropriate level of accountability and responsibility by providing that the director may only grant leave of absence where he has received the prior approval of the Minister.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

INHERITANCE (FAMILY AND DEPENDANTS PROVISION) AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.58 p.m.]: I move—

> That the Bill be now read a second time.

The Bill seeks to remove an anomaly that exists under our Inheritance (Family and Dependants Provision) Act 1972.

The Act allows a court to make provision for certain people out of the estate of a deceased person if the deceased by his will, or the law relating to intestacy, does not adequately provide for them. Those eligible to apply under the existing legislation include the widow or widower of the deceased and a de facto widow of the deceased. A de facto widower is not at present included.

The Bill eliminates this anomaly and allows either party to a de facto relationship, who meets the other requirements set out in the Act, to make a claim against the estate of the deceased.

The Bill is consistent with the Government's general approach to removing discrimination on the basis of sex.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Max Evans.

[Questions taken.]

STIPENDIARY MAGISTRATES AMENDMENT BILL

Introduction and First Reading

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

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.09 p.m.]: I move—

That the Bill be now read a second time.

Section 4(2) of the Stipendiary Magistrates Act provides for the appointment of stipendiary magistrates. A person is not eligible for appointment unless he is a barrister or solicitor of the Supreme Court or other jurisdictions, or has passed prescribed examinations under the Act.

Regulations made under the Act provide for an Examinations Board to conduct and certify completion of the prescribed examinations. It is proposed to discontinue this method of eligibility with the effect that, in future, only admitted practitioners will be entitled to be appointed magistrates.

Apart from those already appointed as magistrates, only three people have been certified as having completed the prescribed examinations and are at present eligible to be appointed stipendiary magistrates. Three further candidates have been authorised to undertake the course for examinations. The position of these individuals will be fully protected and they will not be prejudiced in any way.

Those who have been certified as having completed the examinations but have not yet been appointed stipendiary magistrates, and those currently authorised to undertake the course who are in future certified as having completed the examinations, will continue to be eligible for appointment as magistrates.

Clause 4 of the Bill effects the change.

The proposed amendment reflects a changing trend in applications for the magistracy. The historical rationale for the magistrates' examinations was the small number of lawyers in Western Australia and the difficulty of attracting them to magisterial duties. That balance has changed markedly in recent years.

Recent applications have been almost wholly dominated by legal practitioners, and this enables us to move to a position where magistrates will come to the Bench both legally qualified and with active court experience.

This is particularly relevant because of the potential for expanding the jurisdiction of magistrates' courts.

The amendment will not prejudice nor should it be seen as reflecting in any way on serving non-lawyer magistrates. These include senior and highly respected members of the Bench who are serving the State with distinction.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. John Williams.

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.11 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 14 October.

Question put and passed.

House adjourned at 5.12 p.m.

QUESTIONS ON NOTICE

HEALTH: DRUGS

National Campaign: Funding

345. Hon. TOM STEPHENS, to the Minister for Community Services representing the Minister for Health:

(1) Under the allocation from the national campaign against drug abuse in 1985-86, which non-statutory agencies received funding for rehabilitation and what amount did each agency receive?

(2) What activities were funded under "other authority rehabilitation activities, including Aboriginal services" from the $155 000 allocation from the rehabilitation funding?

(3) What rehabilitation and capital works were undertaken with the $524 000 allocation in 1985-86?

(4) What administrative support was provided by the allocation of $17 000?

(5) What was involved in the $534 000 education programme under this campaign?

Hon. KAY HALLAHAN replied:

The member has been advised of the answer to the question in writing.

SUPERANNUATION: STATE SCHEME

Submission: Joint Superannuation Pensioners Committee

346. Hon. NEIL OLIVER, to the Leader of the House representing the Premier:

(1) Has he received a submission from the Joint Superannuation Pensioners Committee in respect of amendments to the State superannuation scheme?

(2) If "Yes", when can they anticipate either an acknowledgment or a reply?

Hon. D. K. DANS replied:

The member has been advised in writing.

QUESTIONS WITHOUT NOTICE

FREMANTLE GAS AND COKE CO LTD

Purchase: Consultations

104. Hon. G. E. MASTERS, to the Minister for Budget Management:

Was he, as Minister for Budget Management, consulted on the Government's purchase of the Fremantle Gas and Coke Co Ltd?

Hon. J. M. BERINSON replied:

No.

FREMANTLE GAS AND COKE CO LTD

Purchase: Budget Effect

105. Hon. G. E. MASTERS, to the Minister for Budget Management:

To his knowledge, were any investigations carried out by his department as to the effect of the purchase on Budget Management and the coming State Budget?

Hon. J. M. BERINSON replied:

So far as I am aware, all arrangements in respect of the purchase were dealt with as a commercial transaction by the SEC and its responsible Minister. I am not aware of Treasury involvement in that process. It may have occurred, but if it did, it was not brought to my attention.

FREMANTLE GAS AND COKE CO LTD

Purchase: Support

106. Hon. G. E. MASTERS, to the Minister for Budget Management:

Does the Minister support the purchase of the Fremantle Gas and Coke Co Ltd?

Hon. J. M. BERINSON replied:

The purchase has the support of the whole of the Government, and that certainly includes me.

ABORIGINAL LEGAL SERVICE

Government Support

107. Hon. P. H. LOCKYER, to the Attorney General:

(1) I preface my question by pointing out that I am assuming that the Attorney General is aware of the call by the Australian Police Federation confer-

ence in Adelaide for the abolition of the Aboriginal Legal Service. Do the Minister and the Government support the Aboriginal Legal Service?

(2) If so, do they also support the formation of a Vietnamese legal service, a Macedonian legal service, and a Greek legal service?

Hon. J. M. BERINSON replied:

(1) and (2) Since I am neither the Minister responsible for the Aboriginal Legal Service nor responsible for the interstate meeting of the police unions, I am not in a position to answer that question.

The PRESIDENT: Order! That question is out of order.

ABORIGINAL LEGAL SERVICE

Government Support

108. Hon. P. H. LOCKYER, to the Attorney General:

Do the Attorney General and his Government support the Aboriginal Legal Service?

Hon. J. M. BERINSON replied:

Mr President, I believe that your earlier ruling was correct, and that since this is not a matter which comes within my authority the question in its present form is out of order.

To the extent that my personal view has any bearing on the matter, I am quite happy to say that the work of the Aboriginal Legal Service is regarded as a valuable contribution to the administration of justice in this State.

The PRESIDENT: Order! I agree with the Attorney General—the question is out of order.

FREMANTLE GAS AND COKE CO LTD

Bonus Share Issue: Departmental Involvement

109. Hon. A. A. LEWIS, to the Minister for Budget Management:

Was he or his department involved when the bonus share issue was granted to Fremantle Gas and Coke Co Ltd?

Hon. Tom Stephens: You will not have one friend in the business community after this exercise.

The PRESIDENT: Order! Let the Minister answer the question.

Hon. J. M. BERINSON replied:

I was not personally involved. I am unable to say whether or not Treasury was.

FREMANTLE GAS AND COKE CO LTD

Bonus Share Issue: Cabinet Involvement

110. Hon. A. A. LEWIS, to the Minister for Budget Management:

Was not Cabinet involved in the decision?

Hon. J. M. BERINSON replied:

I previously indicated that this transaction was conducted on a commercial basis by the SEC and its responsible Minister. I think that answers the question. The direct answer is "No".

FREMANTLE GAS AND COKE CO LTD

Bonus Share Issue: Cabinet Involvement

111. Hon. A. A. LEWIS, to the Minister for Budget Management:

I am dealing with the issue of bonus shares, not with the purchasing transaction to which, as I understand it, the Cabinet, the Treasury, and the Government gave approval some months before; and the Minister has said "No". I would like him to have the opportunity to clear up his answer, because I would hate him to mislead the House.

Hon. J. M. BERINSON replied:

I am afraid I must confess I was concentrating on the question of the sale. As to the question of the bonus shares, I can say only that I have no recollection of being involved in any way in consideration of that question.

STATE FINANCE: TREASURY

Ministerial Responsibility

112. Hon. A. A. LEWIS, to the Minister for Budget Management:

I ask the Minister—and it may be for his benefit as well as that of the House—to outline the areas, with regard to Treasury and Treasury mat-

ters, that he handles, and the matters that the Treasurer handles. On this issue, and reverting back to the last question, it seems extraordinarily strange that in a matter as vital as this, the Minister for Budget Management was not advised about it. If the Minister could give us some guidance as to where we should channel our questions, it would be helpful to the House.

The PRESIDENT: So far as part of that was a question, I call the Minister for Budget Management.

Hon. J. M. BERINSON replied:

Mr President, I deal with most of the important matters but some are left to the Premier in his capacity as Treasurer. As a matter of fact, it is not a simple question to answer because the only firm guidelines that we have in relation to the division of Treasury work as between the Treasurer and myself is to be found in the list of the Statutes for which each of us is responsible. Beyond that, of course, there is a wide area of consultation. I can only say to the honourable member in response to the specific question that I have answered to the best of my recollection.

FREMANTLE GAS AND COKE CO LTD

Matter: Importance

113. Hon. A. A. LEWIS, to the Minister for Budget Management:

Does the Minister believe that the Fremantle Gas and Coke Co Ltd matter was not an important one, seeing that he only deals with the important ones?

The PRESIDENT: Order! The honourable member is seeking an opinion, and that is out of order.

FREMANTLE GAS AND COKE CO LTD

Purchase: Cabinet Involvement

114. Hon. G. E. MASTERS, to the Minister for Budget Management:

I seek clarification from the Minister on one answer he gave to a question by Hon. A. A. Lewis. I understood the honourable member to ask the Minister whether Cabinet was involved in making the decision as to whether or not to buy Fremantle Gas and Coke Co Ltd. I understood the Minister to say "No, Cabinet was not involved". Would he confirm that was the answer he gave?

Hon. J. M. BERINSON replied:

That is correct.