

Legislative Council

Tuesday, 23 August 1988

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

PETITION

AIDS

The following petition bearing the signatures of 150 persons was presented by Hon P.G. Pandal -

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 Western Australia -

CALL ON THE MINISTER FOR HEALTH TO INTRODUCE LEGISLATION TO GIVE DOCTORS THE LEGAL RIGHT - EVEN OBLIGATION - TO INFORM THE SEXUAL PARTNER OF A PATIENT WHERE THE LATTER IS CONFIRMED AS BEING INFECTED WITH THE A.I.D.S. DISEASE.

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 360.]

CHARITABLE COLLECTIONS

Select Committee - Extension of Time

HON B.L. JONES (Lower West) [3.40 pm]: I am directed by the Select Committee on Charitable Collections to report that, as a result of members' illnesses and time constraints placed on other members, it has become apparent that further time will be required by the committee to finalise its report. I move -

That the time for bringing up the report of the Select Committee be extended to Thursday, 22 September and that this report do lie upon the Table.

Question put and passed.

[See paper No 363.]

BURSWOOD MANAGEMENT LTD

Select Committee - Report

HON TOM McNEIL (Upper West) [3.41 pm]: I present the report of the Select Committee which inquired into Burswood Management Limited, and move -

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

1. In its interim report - Tabled Paper 269, 24 June 1988 - your committee dealt with paragraph (a) of its terms of reference and found, by a majority, that the then commissioner had acted properly in reversing his earlier decision to prosecute the directors of Burswood Management Ltd in relation to the prospectus issued by that company.
2. Your committee then proceeded with its inquiries under paragraphs (b) and (c) of the reference.

Paragraph (b) - The adequacy of S.108 to protect small investors

- (b) *whether or not section 108 of the Companies Code (WA), relating to criminal liability for false statements or non-disclosure in a prospectus, is effective in providing adequate protection and redress for small investors;*

3. Section 108 is part of a statutory scheme intended to ensure that a company prospectus gives a true and fair picture to prospective investors. Section 108 creates a criminal offence punishable by a fine of \$20 000 or imprisonment for five years or

both in relation to any person who authorised or caused the issue of a prospectus that contains an untrue statement or fails to disclose information that ought to have been included. The offence thus created is one of commission and omission.

4. The section is constructed on a strict liability basis, that is, to secure a conviction, it is sufficient for the prosecution simply to show that the prospectus contains an untrue statement or omits information. Whether the misleading nature of the information included in, or omitted from, the prospectus stems from a conscious decision to mislead, or is a result of the defendant's negligence, is irrelevant. The only defences available are those set out in the section itself.
5. The committee is grateful for the submissions it received on this aspect of its inquiries, particularly those of the Corporate Affairs Department, WA Trustees and the Law Society of Western Australia. Essentially, section 108 is not designed to protect small investors so much as to deter or punish those who mislead. Section 107 creates civil liability in relation to matters constituting offences under section 108 and it would be to section 107 that a small investor would turn rather than to section 108.
6. Given the uniform nature of the legislation, your committee believes that any shortcomings in section 108 as presently drafted are better pursued by the Government through the appropriate Federal-State bodies. Corporate Affairs' submission should be further considered in those forums.
7. The answer to the question posed by your committee's term of reference is in the negative - the section is punitive in nature and, properly, is not designed to protect any investor or class of investor. Protection of the small investor lies within the disclosure provisions of the code and it is the failure to observe that scheme that creates civil liability under section 107 and the general law.

Paragraph (c) - Unauthorized Disclosure of Document

(c) *circumstances surrounding the unauthorized disclosure of the report from the Corporate Affairs Commissioner relating to Burswood Management Ltd and tabled in the Legislative Council on Wednesday, May 18 1988.*

8. Your committee interviewed:
 - (a) the Acting Commissioner of Corporate Affairs and other officers of the department;
 - (b) the former Commissioner of Corporate Affairs, Mr Alan Smith;
 - (c) the officer in charge of the police investigation into the same matter, Detective Superintendent Bruce Scott;
 - (d) Mr Martin Saxon, journalist with the *Daily News*;
 - (e) Mr Laurie Shortland; and
 - (f) Mr John Samuel.
9. It soon became clear that the document could not have been copied and later released other than by an officer of the Corporate Affairs Department. Both the department and Superintendent Scott reached the same conclusion. However, because of a contemporary laxness in security relating to access to both documents and offices, it would be impossible to determine the identity of the person responsible for taking and disclosing a copy of the 24 June report unless that person "confessed".
10. Your committee subsequently visited the offices of the department and is satisfied that security has been improved in the wake of the incident.
11. Your committee can state that the document was a draft of the 24 June report and was copied within a period of four or five days. The practice of the department was to overwrite previous drafts of reports keyed in on the word processor, and the evidence was to the effect that the draft in question would have existed no longer than five days.
12. Because the identity of the person responsible cannot be reached with any degree of precision, your committee believes it would be unhelpful to morale in the department

to name the persons it most suspects. Moreover, naming names would not assist the police whose investigations are continuing.

13. The one aspect of this matter that continues to puzzle us is the timing of the unauthorised publication months after the events to which it relates had been finalised.
14. Witnesses Shortland and Samuel were unable to help the committee's inquiries and there was no evidence to suggest that either person was given unauthorized access to the report at any stage.
15. Mr Saxon declined to answer certain questions put to him as to how he became possessed of the document. Your committee has presented a separate report relating to the matter of Mr Saxon's refusal to answer questions.

Question put and passed.

[See paper No 361.]

BURSWOOD MANAGEMENT LTD

Select Committee - Special Report

HON TOM McNEIL (Upper West) [3.47 pm]: I present the special report relating to paragraph (c) of the terms of reference of the Select Committee on Burswood Management Ltd.

During its inquiries on term of reference (c) your committee posed certain questions under summons to Mr Martin Saxon, a journalist employed by the *Daily News*. The exchange of questions and answers appears in the transcript and your committee now discharges the duty cast on it by section 7 of the Parliamentary Privileges Act by reporting the matter to the House.

That completes the report by the committee. However, before moving that it be tabled I wish to suggest that certain matters be complied with when the House appoints Select Committees. This committee has been a highly emotional and much publicised one. All of its members have been working under great pressure to produce a final report. Nothing that I intend to say today has anything to do with the differences between Hon Neil Oliver and me. However, certain things should be taken into consideration before forming Select Committees. I will not suggest that Select Committees be old boys' clubs. However, I believe that some compatibility should exist between members and that compatibility between the chairman and his members be considered by the House. These committees must be seen to be working together by the public, otherwise their credibility and integrity will be questioned by the media. Statements against other members of the committee or against members of Parliament should not be made at any time.

I also believe that the House should reconsider the matter of minority reports. Once again, it would seem that my comments are pointed at Hon Neil Oliver, since his was the minority report in this instance. I ask members to take into consideration the fact that all members have an input into the majority decision. Each paragraph is taken in its context and discussed. All members play a part in that. The media should not give the same weight to a minority report in order to sensationalise an issue if that minority report cannot be justified according to the transcript of evidence. With all due respect to the House, I believe that if we continue to operate in this system it will be possible for a member who may have a vested interest or an inordinate interest in trying to create some speculation in the media or in the public to try to ensure that his view shall prevail. That point of view should be substantiated. If a matter is not to be debated in the House, the House should consider the circumstances in which it operates.

The media has had a bit of a birthday on this. I will not refer to any of the reports or debate those reports. I am just saying that the media has had a birthday on this issue. On a number of occasions I have been upset because of certain untrue references to actions I was supposed to have taken as committee chairman. I reiterate that never at any time did I deny Hon Neil Oliver the right to inspect the evidence that was made available to me.

The PRESIDENT: Order! I had not wanted to curtail the honourable member's remarks, but he is now not talking about the special report. He is talking about the general administration

of Select Committees and the like. That is not germane to the special report that he is now submitting to the House, albeit that the comments that he is raising arise out of the fact that the report is here. I waited until now before interrupting because I was hoping that the member would make some comment in that regard. However, because I fear that if I let him continue other members will want to stand up and talk about the same issue instead of about the adoption of the special report, which I will be unable to allow, I suggest to the honourable member that subsequently he move some other motion to elaborate further on the points that he is making. He should now move that the report be adopted.

Hon TOM McNEIL: Thank you for your indulgence, Mr President. It was not my intention to carry on at great length, but now that we have referred to the tabling of the papers to do with the evidence or lack of it given by Mr Saxon, I move -

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

Question put and passed.

[See paper No 362.]

On motion by Hon G.E. Masters (Leader of the Opposition), resolved -

That consideration of the committee's reports be made an Order of the Day for the next sitting.

STATEMENT

Burswood Management Ltd Select Committee - Special Report

HON NEIL OLIVER (West) [3.55 pm]: Mr President, I seek leave to make a brief statement.

The PRESIDENT: Order! As I have mentioned on several previous occasions, any member - whether a member of the Opposition or a member of the Government - seeking to make a statement on anything, needs to give a brief outline of what the statement is about in order for the House to determine whether to give that leave. I ask the honourable member what he is seeking leave to make a statement about.

Hon NEIL OLIVER: Mr President, I seek leave of the House to make a very brief statement regarding the Burswood Casino inquiry and the circumstances surrounding the notoriety that was associated with it.

Point of Order

Hon TOM STEPHENS: Would it be right to say, Mr President, that this item is now on the Notice Paper for debate at the next sitting of the House?

The PRESIDENT: I do not know what Hon Neil Oliver is going to say.

Hon G.E. Masters: It is not a point of order at all.

The PRESIDENT: Order! We have been back in the place for only five minutes, yet already everybody is trying to interpret the rules. Hon Tom Stephens has raised a point of order. The point of order is not valid because until the honourable member makes his statement, I cannot be sure whether it is the subject of a matter that is on the Notice Paper.

Debate Resumed

The PRESIDENT: The proposed motion on the Notice Paper is that notice be taken of the two reports. Hon Neil Oliver may be going to say something quite different; I do not know. The question I will put to you in a moment will be whether you give him leave to make a statement based on the information that he will have given you. If there is one dissenting voice, leave will not be granted. Now that everybody understands the rules, I will put the question.

Leave granted.

Hon NEIL OLIVER: I would like to comment just briefly on the circumstances that surrounded this committee and the Press speculation that occurred. The point is that members who may be party to the Burswood Casino Select Committee should not come to that Select Committee with preconceived ideas. They should take the evidence as it is.

Should a member such as myself then find himself in disagreement with some of the other members on the committee, the process of Select Committees should be such that in this particular instance and in all instances - certainly this is not a precedent; I would not wish that opportunity to be denied - there should be the right to a minority report. I did not choose to make the Burswood Casino inquiry one of great speculation in the Press. It just so happened that the circumstances that led to the setting up of that inquiry and the manner in which it proceeded and the information that flowed from it then made it a matter of speculation in the Press.

ROAD TRAFFIC ACT AMENDMENT BILL

Second Reading

Debate resumed from 22 June.

HON JOHN WILLIAMS (Metropolitan) [4.01 pm]: I must say at the outset that, like other members of this Chamber, I am a little out of practice after our recent respite. Consequently, it required some extensive research to bring me up to date. The Committee stage of this Bill will be more important than any second reading speech made in relation to it.

When one talks about the Road Traffic Act I guess one is rather blasé about it. We have still not realised just how much it impinges on all our lives. We have seen the transition of a little bit of civilisation which went from horse drawn to motorised vehicles amid an absolute welter of legislation to contain the problems associated with it. A Bill was got together which later became an Act of this Parliament, the Road Traffic Act. My research indicates that there have been about 2 500 amendments to this Act since it was introduced. That is not unusual, if one considers that it was introduced when the Model T Ford was the fastest thing on the track. Therefore, it is quite understandable that in this day and age we are talking about an invalid wheelchair that will not travel at more than seven kilometres an hour.

I am trying to illustrate the fact that we have moved so fast that some of the things that are coming up now are tainting the community in which we live. I guess that in the days of horse drawn transport not many households were touched by criminal offences associated with transport. However, I guess that today one household in nine in this State is touched or influenced by something to do with the motor vehicle. We have to protect society, and we have to do certain things; and I am saying that the motor vehicle impinges more upon our society than we ever thought it would. People now go to prison for offences related to motor vehicles and because of that are labelled as criminals - they have a taint on them that we thought at first was absolutely necessary. Let us take the not so simple offence of driving under the influence of drink. If someone is unlucky enough to be picked up three times for that offence, under the Statute they must go to prison. That is the law as reached between the Government and Opposition of the day and the Governments and Oppositions of yesterday.

The Bill before us is a classic example of a Minister being as concise and brief as possible. However, in being as concise and brief as possible he is introducing myriad changes. I am not criticising the Minister here as he is not responsible for this Bill and is merely representing the responsible Minister in the other House. I find extraordinary the lack of information in the second reading speech. When I examined it closely I suddenly realised, as has every other member of this House, that this was a Committee Bill. There are little bits and pieces which are tucked away in the Bill and which relate to this section and that section of the principal Act. The Minister has the advantage over me of one or two backups, but this is an example of how in one debate one can get a file as big as this - and for the purposes of the *Hansard* record I must say that it is approximately 2.5 centimetres thick.

This Bill further endorses amendments to certain traffic laws. But one of those things is not actually defined. There is a definition of "motor vehicle" in the Act, but one of the bones of contention we have relates to whether a cart or a sulky drawn by an animal is a vehicle. If it is, there are deficiencies in the Bill. If it is not, I would like to hear why not because there are circumstances which occur in the State of Western Australia - and we are only talking here of Western Australian legislation - where in the early hours of the morning people exercise what are known as "trotters". These are horses which draw sulkies and which, on their way to the track in the early hours of the morning to be put through their exercises, may

proceed on to a road. Furthermore, we have a thriving industry in the south west which involves gypsy type vehicles being drawn by rather magnificent horses called Clydesdales which are a very gentle and placid animal. However, I wonder how gentle and placid all animals are, because we are animals, too, and have been known to fly off the handle from time to time and do something untoward. What sort of third party compensation or insurance is attached to those vehicles? If a horse suddenly went berserk and a car were coming around a corner there could be an accident causing injury or damage to a vehicle.

What sort of legislation is contained in the Bill which ensures that a person or persons concerned in such an accident have adequate resources should compensation be claimed? We are always reminded in this State, as you have reminded me on more than one occasion, Mr Deputy President (Hon P.H. Lockyer), of the terrible things that can happen when a kangaroo collides with a vehicle. That can cause quite horrendous damage to the vehicle involved and a shock to the occupants of that vehicle. I wonder what the impact would be on a vehicle which travelled around a corner and hit a Clydesdale, which I think all members would agree is much larger than a kangaroo.

Hon P.G. Pendal: Are there any left?

Hon JOHN WILLIAMS: Yes, there are quite a few in the south west, due to some keen people in the Clydesdale society perpetuating the Clydesdale breed, one of the gentlest and best working horses. I think that they used to be called "fairy foots" because of the fringe around their feet. If Hon Phillip Pendal went back to his birth region he would find that there are more than one or two of these horses still working. I have it on good authority that the population of Clydesdale horses in that region is of the order of 60. Credit for this should go to a man I know as Mr Hancock. I am not talking about Lang Hancock but Mr Hancock, who has done a wonderful job.

The Opposition has no quarrel with the fact that a vehicle licence is not required for some motorised wheelchairs. The Minister and I know that a certain person - and I used to see this man every Friday night - regularly leaves a fish and chip shop in Nicholson Road, Subiaco. He has his fish and chips on his lap and he goes down the road at a very steady pace, no more than four kilometres an hour. I happen to know that person quite well. Unfortunately one day he made a little deviation around the fish and chip shop and stopped at another hostelry. He was only doing four kilometres an hour when he was picked up for being under the influence. Of course he was not; it would be ridiculous to suggest that that person was ever under the influence. This sort of provision is essential in the Bill, because these vehicles are now to be allowed to use footpaths. There will be no argument from the Opposition on that matter. I am not scratching the Minister's back, but he would know that improvements are being made in transport for invalid people who cannot get around other than by wheelchair. It is essential that they be protected, and that other people, such as pedestrians who use those footpaths, be protected.

Again, there is no quarrel from the Opposition about motorised sit-on type lawn-mowers. It is considered necessary that they too be subject to the applicable third party insurance in respect of personal injury. They are quite powerful vehicles; they can be quite hazardous and cause accidents to individuals.

One of the quarrels with the Bill concerns a question which has arisen since the Bill was conceived and brought into the Parliament. Perhaps not sufficient attention has been paid to the fringe elements of the Bill which have now become not only fringe elements but important components of it. The Minister will forgive me, I will not go into detail as this is the second reading debate; I will merely conduct a general overview.

Hon Graham Edwards: Most appropriate.

Hon JOHN WILLIAMS: The matter of the licences, who will have them and what-have-you will come up in Committee. One of the things which worries me relates to the people in the bush more than those in the metropolitan area. There are provisos in the Bill which give rise to certain difficulties. I refer to the person who is arrested and charged, and then has to give a sample of his breath. He may actually have to give a sample of blood, and he may be requested to give a sample of urine.

I do not know whether, having watched the program yesterday, the breathalyser itself, the Alcometer, is accurate. I do not know whether roadside breath testing, which is the subject

of another Bill - I will not introduce that - produces accurate results. I say the meters are accurate because I have used them in another place for another purpose. But in law, is a certificate provided, as with speedometers in the Police Force, to say that the particular instrument was tested on that day and found to be correct before being handed to the constable? These things are very touchy. There are about 10 or 12 brands of breath tester on the market which are not accurate. Tests have proved that commercial testers are hopelessly inaccurate. Drivers are conned into buying one to blow into before leaving home or whatever hostelry they may have been attending, and it may show a nil or a low reading.

[Quorum formed.]

Hon JOHN WILLIAMS: I am sorry that my speech has occasioned the emptying of the Chamber; I do not want, before I retire, the tag of the most proficient chambermaid.

The options of urine analysis and blood analysis are important. We cannot turn our backs on them. Will samples be taken under conditions which will not allow contamination? Will it be done by a medical practitioner of the person's choice? Can we be assured that that will be done with safety? I refer to what occurred at a certain hospital. Some time ago, for people to qualify for treatment, they had to give samples of urine. In order to continue with the treatment they had to be drug free, which leads me to the next point. A male was asked to give a sample, which he did. The analysis came back, "We find that your patient is pregnant." He had obviously been to the clinic several times and had taken with him a sample from a certain female. The female was pregnant, but he switched samples.

It is embarrassing at any time to be asked for a sample with someone observing, but this will have to be done - we must insist on it - under this Bill, otherwise other things might happen.

Hon D.K. Dans: You might become pregnant.

Hon JOHN WILLIAMS: There is an element of embarrassment to being supervised when giving a urine sample. In point of fact several people have become absolutely paralysed, as it were, when asked to give a sample under supervision. Therefore, certain difficulties are presented in this Bill which the Minister must face up to. I had hoped we could have a breather before the Bill goes to the Committee stage tomorrow, but I understand that will not be the case and we will just have to battle on as best we can.

Under this legislation, if one is charged after having had a breathalyser test, one can then request that a practitioner of one's choice take a blood sample. What would happen if one could not get a practitioner of one's choice? Let me give the Minister a ridiculous, hypothetical case to consider. Let me suggest - and it is certainly not true - that I am totally opposed to female doctors. The doctor of my choice is male, as is my second choice, but when a sample is required the only doctor available is a perfectly competent female doctor, but because of my antipathy to female doctors -

Hon J.M. Brown: And your urge to die.

Hon Garry Kelly: What happens if you are unconscious?

Hon JOHN WILLIAMS: If I were unconscious, I could not make that request. This is a hypothetical situation. I personally have been treated by many female doctors over the years and I appreciate deeply the care they have given me. However, what would happen if one could not get the doctor of one's choice, as stipulated under this legislation? Let us not consider the metropolitan area alone; let us consider the bush where one's doctor could be on leave for the weekend or something of that nature. What would happen then? What inbuilt safeguards are there for a person in this situation?

I do not have any quarrel with urine analysis because people involved in accidents with motor vehicles are not always under the influence of the one drug, alcohol; they could be under the influence of other drugs. I appreciate why this clause has been inserted in the Bill. Again, in relation to analysis of body fluids, one only has to look at the recent growth of expertise in analysis of fluids belonging to animals such as horses. At the moment in this State there is an argument concerning the analysis of blood samples from horses for a certain drug. Human beings are no different in the composition of their blood and bodily fluids. There should be some protection for people. For example, if I were arrested and I said, "Okay, I want a blood analysis by my doctor" but my doctor were not available, there must be some protection in the Bill to allow for an approved doctor attached to the Health

Department to be available. Something must be done to provide a doctor in circumstances where one cannot have the doctor of one's choice, otherwise one will not be able to have what the Bill says it will give. Let us remember this Bill will become law.

The same situation applies in respect of the analysis of urine. According to my reading of the legislation, the police can demand a sample. They can say, "Hang on, we want a sample of your urine as well." There is no question that there will be any interference with anyone's body in order to take a compulsory sample. The sample has to be voluntarily given, but one has to think of the circumstances under which this could occur. I am of the opinion that somehow or other one should still have a doctor to supervise this procedure. Neither the Minister nor I are female, but for women this could be an intimidating experience. There could arise a situation where the police demand a sample and stand over the woman while she provides it. There are some very good female police officers in the Police Force and while this situation might not happen in the metropolitan area, it could possibly happen in the bush. We are legislating not just for the Perth metropolitan area but for the entire State. These are some of the difficulties I see attached to the Bill and I am sure that the Minister will answer some of them in the Committee stage of the legislation.

Another clause of the Bill relates to damage to roads caused by the impact of two vehicles. This area presents another knotty legal problem. What guarantee is there that the two vehicles which collided did not so because of some deficiency in the road? It could be an overnight deficiency such as a cyclone or a bad storm and the two vehicles collided as a result. The Main Roads Department engineers could come along and say, "Yes, well that impact caused the damage to the road" and therefore the drivers of the vehicles, as per this Bill, would be charged with damaging MRD property. I can understand it if they sideswiped a bridge and disturbed a pillar or a buttress, but I wonder whether the Government has really thought this through. Will the motor vehicle driver automatically be covered for damage caused to roads when he takes out his insurance? That is a point we must think about. Will premiums jump heavily?

I would like the Minister to tell me what this means. Will the MRD engineers in each district be required to report on whether the roads are perfectly in order each week? They could not do that; logistically it would be an horrendous job in a State of this size, but if a driver, when attempting to protect himself in court at a later stage, levelled the defence that there was evidence that, for example, a hole in the road which caused the accident had appeared before the accident occurred, there could be problems. Obviously one could not argue that in respect of truck drivers trucking explosive materials should an accident blow half the road apart because the truck drivers would be indemnified by their companies. However, horrendous damage can be caused to roads by two passenger vehicles colliding and if there were already a hole in the road which - through no fault of the engineers, but through natural erosion over the previous 24 hours - caused an accident, there could be problems. Will the insurance companies extend the classes of their policies to include damage to roads which come under the control of the Main Roads Department?

Another thing which I find fascinating is the reference to the number of bank robberies and criminal offences occurring in this State with the aid of motor vehicles. It is a popular conception that bank robbers, after carrying out a robbery, will drive around the corner and change the licence plates on their vehicle. Perhaps it is not so much imagination but perception, because if members look at the records they will find that not many bank robberies have taken place in which the robbers have changed the licence plates on the vehicle they have used. Usually they steal a vehicle, used it for a certain length of time, dump it and steal another vehicle.

I know several people in this State and in countries around the world who collect motor vehicle licence plates as a hobby. In Western Australia we have personalised number plates and we often see vehicles from other States with personalised number plates such as "Chevrolet 1". Many people decorate rooms with number plates and under this legislation replica licence plates will be banned. I think it is a shame because many people have collectors' items and it has never been their intention to use them on a motor vehicle. One has only to walk down St George's Terrace and into London Court to find a shop in which he can buy a replica licence plate in plastic, one quarter the normal size, as a souvenir. The Bill does not state that replica licence plates of a smaller size than normal plates will be exempted from the legislation. It only states that all replica licence plates are illegal.

I wonder what the people responsible for producing motor vehicles actually make in a year. I have made several visits to the United States of America and I have found that in nearly every State it was the prerogative of the prison authorities to produce licence plates in their workshops. It is possibly something that this State would not consider, but it is a very good business within the prison system in the United States, particularly Wisconsin.

Hon Fred McKenzie: Where are they made here?

Hon JOHN WILLIAMS: I understand that they are made by a private company in this State.

The second reading speech refers to articles similar to number plates and, therefore, provides for the confiscation of replicas and imitations of number plates. I ask the Minister how that part of the legislation will be implemented? There must be several people within the metropolitan area who have replica and imitation licence plates on the walls or bars in their homes. Perhaps they may display in their house or garage, as a piece of memorabilia, the licence plate from an old 1945 vehicle. I ask the Minister what will happen if this Bill becomes an Act? Will he proclaim an amnesty for people who have such items to surrender them, or will we be faced with the horrendous business of telling people it is an offence to have such an imitation, replica or original on display in his house? I am not making political mileage out of this legislation, but I am asking the Minister in this House, representing the Minister in the other place, to think about how this part of the legislation will be implemented. With reference to firearms, an amnesty can be declared or a licence can be obtained. Will the Government raise revenue by saying that everyone who wants a replica or imitation licence plate must give notification to the department and, as a result, he will be licensed to have a certain plate at a certain price?

I do not think that the sophisticated bank robber or the traffic offender who changes registration plates when stealing cars will be in a position to switch licence plates quickly. That is not the *modus operandi* that is used. I will never know why this has been included in the Bill, but someone must have thought it could lead to a crime. I challenge the Minister to provide information about the number of vehicles which have had the number plates switched to screen a crime. It would be difficult to research.

Hon Fred McKenzie: There has to be an answer or there would be no point in including it in the Bill.

Hon JOHN WILLIAMS: Precisely, but no detail is given in the Minister's second reading speech. I can only reply to the second reading speech and I cannot give an opinion on what is not included in it.

Hon Fred McKenzie: You will receive your answer during the Committee stage I guess.

Hon JOHN WILLIAMS: I hope so.

Hon Fred McKenzie: I also hope so because I would be interested to hear it.

Hon JOHN WILLIAMS: I am not dramatising the situation. All I am saying is that if this is included in the legislation how will it be policed? Will we have a licence plate detection squad? The Government should look at the situation because the legislation is specific and states that replicas, imitations and articles similar to number plates will not be allowed. I advise the Minister that if he has a wife who is particularly fond of embroidery and if she were sufficiently skilled to embroider a number plate, there is nothing in the legislation which states that it is not an article similar to a number plate. If she framed that embroidery and displayed it on the wall it would be an article which is similar to a number plate. Would it be confiscated?

A number of matters should be considered and perhaps the most serious is one which I will leave until last and which concerns the fact that the public are absolutely fed up with the theft of motor vehicles. I have a statistical table in a folder which I have in front of me which shows that last year vehicles to the value of \$30 million were stolen in this State. If members wish I will produce that information during the Committee stage.

Hon P.G. Pental: It is getting worse.

Hon JOHN WILLIAMS: It is indeed, and I am sad to say that juveniles are responsible. Usually, they are joy riders and there could be many reasons for their actions. It would require the continuous work of a research team to ascertain the reason they take such action.

Many people undertake extra work on their vehicles - I guess that not many members in this House do. Only this morning there was a report in the newspaper of a young man who had restored a car and had spent a lot of money on installing chromium plated carburettors, and the car was stolen. When it was recovered the chrome plated carburettors and other items which he had put on it, including four good tyres, had disappeared, and the vehicle had been torched and was an absolute wreck. That is just one young man. The general populace is fed up with this happening as it knows that those responsible for taking cars know that if they set fire to a vehicle identifying marks, such as fingerprints, will be burned away and there will be nothing left to identify them.

If the family car, which is used to take someone to work, is stolen, and the owner lives at a distance where public transport is not available, it is a terrible cost impost on that family. The sections of the Bill which deal with these aspects propose to tighten the law up and impose additional sentences. As cross as I am to think about these thefts, I do not think extra jail terms will make much difference. Someone from the bush told me that it was possible, within the last decade, to leave the car keys in the ignition, not bother about locking the car, walk away from it and know that when one returned in four or five hours the car would be there. That is not so today. What happens today? The car is locked. One takes the extra precaution of fitting a steering wheel lock. We do not trouble to immobilise the vehicle as people in the United Kingdom had to do during the war. It was mandatory to remove the rotor arm to render the car inoperable. One can imagine the position here, where we drive our cars to functions at which we represent our parties, and we are dressed up. Nobody can tell me that we will lift the bonnet, fiddle around inside, and take out the rotor arm. One cannot even be sure when one leaves one's car in patrolled car parks that it will be there when one comes back, even if precautions have been taken. Policemen, and others who know about vehicles, can show us how to get into a locked car in seconds. I will not advertise how it is done, but many of us know of ways to fiddle around and open a car. It is this sort of thing which the Bill is intended to prevent.

Frankly, I do not know what the answer is. If the Government is making an honest attempt to stop this, and if it and the House think that more severe prison sentences are the answer, so be it. But why, in heaven's name, if we think that, are we saying that we do not want too many people put in prison and perhaps they should come out and go to other departments? From looking at the statistics, I think approximately 80 per cent of car thefts result from juveniles joyriding. That cost \$30 million last year, and I have no reason to believe that it will not escalate next year.

The final point I wish to address is that of the figure given for when an accident has to be reported. From memory, accidents were required to be reported if damage exceeded \$300.

Hon Fred McKenzie: That is right.

Hon JOHN WILLIAMS: The Bill seeks to increase that to \$1 000. When two people have what is popularly called a bingle, the horrendous damage done to the vehicles makes the mind boggle. I would hate to have one in my car. I asked a panelbeater about the cost of simple damage experienced in traffic accidents, about which one does nothing but say, "Okay, my insurance company will be in touch with yours", and exchange names and addresses. They say, "It does not have to be reported because the damage is less than \$300." The grill of my car, which is 10 years old, would cost \$1 400 to replace. The bonnet, which seems to crumple whenever cars have an accident, would cost \$2 000 to replace, if it is not repaired. We must be realistic when we consider this clause, and I ask honourable members to think of the cost of a tyre alone. If one has a quarter front-on collision, the radiator grill, the radiator and the bonnet will be damaged. Even on cheaper cars the repair figure is well over \$3 000. The figure of \$1 000 is not realistic. I have drawn attention to certain facets of the Bill --

Hon Fred McKenzie: Before you go off that last point, an increase from \$300 to \$1 000 is more than three times.

Hon JOHN WILLIAMS: I know, but unfortunately, things being what they are today, whereas the smash repairer might have been satisfied with \$1 000 four months ago - I believe the gestation period of this Bill was four months - the cost will exceed that now.

Hon Fred McKenzie: I wonder how long it has been \$300. When was the \$300 put there?

Hon JOHN WILLIAMS: I think it was 1980. The Minister will correct me if I am wrong. It is now 1988 and it is to be increased to \$1 000. If we had had the same increase in pay during the same time we would have objected. The figure should be bigger, providing there has been no physical damage to the occupants of the vehicles.

I support the Bill in parts. I have reservations about other parts but, as I say, it is a Committee Bill. No doubt my colleagues will support some of the amendments we wish to put forward in Committee.

HON E.J. CHARLTON (Central) [4.48 pm]: Referring to the last point which the previous speaker made about the \$1 000 estimate, I had some rust taken out of my car the other day, and know that \$1 000 does not go very far.

As all members are aware, the National Party moved successfully a series of amendments in another place dealing with the fines imposed for the unlawful use of motor vehicles. The point was made by the previous speaker that gaol sentences are not the answer. That is the very point on which we agree, and that is why we are very keen to see the fines increased substantially. The areas which were amended included the increase of fines from \$200 to \$500, \$1 000 to \$2 000 and the imposition of additional fines of \$1 250 or a sentence of imprisonment. The National Party also included the penalty for a first offence of a fine of not less than \$400 or more than \$2 000, or imprisonment.

The guts of this Bill is its attempt to address those areas of concern to the community; that is, the unlawful use of motor vehicles. I concur with everything the previous speaker had to say on the subject. Society as a whole is sick and tired of the leniency shown to those who offend, and certainly no acknowledgment is made of the contributions to the community by responsible people who do the right thing and pay their taxes. These citizens have to cop it when certain individuals are virtually encouraged to take advantage of a weak and apologetic system, which does not put pressure on the offenders. They do not give a second thought to others when unlawfully using a motor vehicle which they consider is on offer to them. The victims of these offences are not only financially affected but also suffer a great deal of inconvenience. When a vehicle is stolen the owner not only faces the prospect of losing a \$10 000 car, but also he has the inconvenience of making arrangements to get another vehicle and the delay while waiting for the insurance company to pay out. The sooner we can take actions which will toughen up the penalties and put pressure on these offenders to take the consequences of their actions, the better.

My second point, which may not be directly related to this Bill, concerns driving licences. A serious situation exists in Western Australia whereby the Traffic Department arrives at a decision as to whether a person is fit to hold a driving licence. I refer particularly to senior citizens, who are subject to the same requirements and constraints as any person seeking a driving licence, whatever their age. At the moment no facility is available whereby a person can be issued with a licence to drive a motor vehicle in a restricted area at a restricted time and with certain other limitations. It is the National Party's intention to introduce legislation on this subject in another place to deal with this issue.

The National Party concurs with the amendments put forward, and we are pleased that the Government has agreed to those amendments. Although a fair amount of comment was made for and against the objectives of the National Party, the response of the public as a whole to the amendments increasing the fines, in some cases doubling them, has been very positive. The National Party proposes to continue that course of action, thereby acknowledging that it is time the penalties imposed on juveniles in our community for misdemeanours were appropriate. We are all aware that the police can only apprehend a certain percentage of offenders, and in those cases the penalties must be substantial enough to be worthwhile. Sending people to gaol is not the answer; the answer is to make people hurt, whether in the pocket or by doing community service. Restitution is the key word and should be the most important aspect when addressing these misdemeanours by the minority in our society. The National Party supports the Bill.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [4.55 pm]: I am perhaps thankful that Hon John Williams is out of practice; he seemed to comb the Bill fairly efficiently and obviously has a very good grasp of its provisions. I shall make only a couple of points because I generally agree that it is a Bill to be dealt with in Committee because of its provisions.

No Minister or department wants to introduce amendments to any Act simply for the sake of doing so. We all, including Parliament, seek to achieve relevancy to the current situation. It is often difficult to achieve that relevance in a Bill of this nature and, once achieved, to maintain that relevance. That is one of the reasons for the number of amendments in one hit. Hon John Williams hit the nail on the head when he said that what was relevant 50 or 60 years ago is not relevant today in our often too-fast moving society. I thank both Hon John Williams and Hon Eric Charlton for their indicated support of the Bill. It is interesting to note that a number of amendments were moved in another place and those amendments were accepted by the Minister; I refer in particular to fines. I certainly understand the frustration of any member of the community, especially country members, who has been the victim of unlawful use of a motor vehicle.

A number of comments could be made about the issues raised by Hon John Williams in relation to wheelchairs. I am very much aware of the situation to which he referred. It was unfortunate because the police involved were trying to do the right thing for the person, about whom they were most concerned. We can more properly expand the points about horse drawn vehicles, the definition of vehicles, urine samples and other matters during the Committee stage. I am happy to agree to the request to hold over the Committee stage until the next sitting day to enable the Opposition to clarify certain points. I thank the House for its indication of support and for its promise of further debate. I will deal with those other matters at the appropriate time during the Committee stage. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

[Questions taken.]

CHILDREN'S COURT OF WESTERN AUSTRALIA BILL

Second Reading

Debate resumed from 15 June.

HON P.G. PENDAL (South Central Metropolitan) [5.24 pm]: This Bill is one to which the Opposition gives general support. Simply put, the Bill envisages the dissolution of the Children's Court in its current form and the reconstitution of that court albeit under a different ministerial head.

The Bill contains at the very least a number of useful changes that will occur in meting out justice to juvenile offenders in this State. To some extent it is fortuitous that this debate follows an earlier debate today led by Hon John Williams who covered many of the points that might otherwise be relevant in debate on this Bill. One of the major administrative changes will see the court no longer under the umbrella of the Department for Community Services. Once the Bill is proclaimed it will become part of the administration of the Crown Law Department. That in itself will not solve all the problems of juvenile justice in this State, although I hasten to acknowledge that it removes one of the very real deficiencies of the system; that is, having a Children's Court which has been administered by a department which invariably is a party to the court's deliberations and, to some extent, even its decisions.

The transfer to the Crown Law Department, coupled with the reconstitution of the court with provision for a judge in charge with the title of president, will at the very least ensure that the court becomes a far more professional tribunal than in the past. We are told that the Bill, so far as legal practitioners are concerned, will ensure two things: First, the appointment of a president and, secondly, the appointment of legally qualified Children's Court magistrates.

For those interested in the history of these matters, today we have turned the full circle in the matter of the qualifications of Children's Court magistrates. I recall a few years ago researching some major changes that occurred in the Children's Court jurisdiction in the 1930s. The Government of the day considered a major and radical departure from the norm in that a person with legal qualifications was not to be appointed as a Children's Court magistrate. Instead the Government of the day opted for a person who was a minister of religion in order that the workings of the Children's Court could be not only humanised but be seen to be humanised. Some 50-odd years later we have, in this case, turned a semicircle

because that is no longer the flavour of the month; it is no longer appropriate to have people in charge of a Children's Court at magisterial level who are not qualified magistrates or legal practitioners. I quote the Minister's statements in her second reading speech before I go on to outline the Opposition's objections to the Bill. In part the Minister's second reading speech reads -

Since the 1960s there has been growing criticism of this "welfare" approach to juvenile offending.

That had its genesis in the 1930s when Reverend Alwyn Schroeder was appointed to ensure that the court did not become too legalistic in its dealings with juvenile offenders. The Minister's second reading speech continues -

It has been criticised as overly permissive, as allowing unfettered discretion to courts and administrators, and as having failed in achieving its rehabilitative goals.

I have strong doubts that the methods to be adopted will in any way seriously address what even the Minister sees to have been a problem. I will come to the amendments in due course, but I suggest that the Bill is still very much one of a welfare approach to juvenile offending. I put it to the House that it is even possible to criticise the Minister's Bill as still being overly permissive and allowing discretion to the courts and its administrators. To the extent that my argument holds water, I put it to the House that without amendment the Bill, when it becomes an Act, will be a failure. The Minister, in her second reading speech, said -

A particular criticism has been the extent to which often open ended discretionary orders allow for more extensive loss of liberty and State control in the lives of young offenders than would be possible for adults convicted of the same offences.

There have been increasing trends for a move back to "due process" safeguards in Children's Courts and, in particular, a call for determinate sentencing and a reduction in the administrative discretion allowed State welfare departments. Legislative reform in this direction began with the Washington State Juvenile Justice Act in 1977. These trends have also been adopted in some Australian States.

The legislation before the House -

So the Minister tells us. To continue -

- will do more than bring Western Australia in line with other States and in a number of important respects it breaks new ground in terms of the status and powers of the Western Australian Children's Court.

The last paragraph of the quotation is indeed questionable. I am sure that it does not in any way bring us into line with what is happening in other States. While I do accept that it breaks new ground in terms of status and powers in relation to the new court that is to be set up, I am far from convinced that it will have the result that the Minister and the Government hope for it. Why would one say that and place doubt on what the Bill as an Act of Parliament is likely to achieve? The answer is that there are deficiencies in at least three clauses in the Bill and while I do not intend, and I know that you, Mr Deputy President (Hon D.J. Wordsworth) would not allow any detailed discussion on the clauses, I want to mention in general terms the weaknesses that we on this side of the House see in the legislation and the deficiencies that the Government totally refuses to acknowledge and which even indicate that the Government has become soft on the question of juvenile crime.

Hon Kay Hallahan: How can we acknowledge them if we do not know what they are? That is a bit rough.

Hon P.G. PENDAL: The answer to the Minister's question is that we should not transfer into the new Act provisions which have been seen as being major weaknesses and deficiencies in the old Act. In specific terms, I am talking about the requirement for parents and guardians of a juvenile offender to attend a court hearing in the company of that alleged offender. Members would be aware that under the present Act a child can front up to the Children's Court and be unaccompanied by a parent or a guardian. That practice has been seen as a deficiency for a long time.

At a meeting I attended recently I was appalled to hear a member of the Children's Court say that a child had appeared before her but was unaccompanied. The member of the court told

the child that she would stand her case over for a week and that she should bring her mother with her when she returned. The following week, at the appointed time, the child turned up and the court magistrate said, "I will deal with you now. Where is your mother?" The child said that her mother could not accompany her that particular day. The magistrate said promptly that she would not deal with the case that day and asked the child to come back at the same time next week with her mother. As I understand the story, that went on for three separate weeks and on the last occasion when the child said to the magistrate, "I am sorry, but my mother cannot be here today" the magistrate thought it was a bit too much and asked what the child's mother did. The child replied that she was a social worker. It floored me, and I understand it floored many people including the magistrate, to think that the courts are faced with a losing battle when someone who is in the business of advising people about how to put their lives in order was too busy with other people's concerns and had little concern about her own child. That is only one illustration of the deficiency of the Bill currently before the House.

If this sort of thing is acknowledged to be a weakness and a deficiency under the old system one would have assumed that introduced into the new system would be a method by which one would ensure that a parent or a guardian did accompany a child for a hearing before the Children's Court. That has not happened. The deficiencies of the old Act have been transferred into the new Bill.

I now go back to the interjection of the Minister a few minutes ago and say that it is an example of being consistently and persistently soft on juvenile offenders. It is a great pity because it turns an otherwise worthy Bill into a paper tiger and it could be seen to be cosmetic. It could be seen that the Government is going through a whole range of new measures which it proudly describes as breaking new ground by giving the title of "president" to a person of the status of a District Court judge and appointing magistrates with legal qualifications. In other words, producing the structure for the court which would give an outsider the impression that the Government is serious about tackling juvenile crime. However, if one reads the fine print in the Bill he will find that beneath the veneer it is something else again. I give notice now that the Opposition will be seeking to amend that clause so that a greater level of responsibility is placed on parents to accompany their child at a Children's Court hearing. One would expect any parent worthy of the name to do that purely out of instinct or because of concern or love for the child; but we shall perpetuate that deficiency in the existing Act whereby if the parent could not care less, the parent has no obligation whatsoever.

A second area of the Bill, to my mind not unrelated, indicates at least that the Government is not serious about tackling some of the root causes. It is again an example of identifying weaknesses in the old system and then failing to adjust those weaknesses, but instead transferring them holus-bolus into the new Bill. For many years the Children's Court has had the capacity - indeed as have the higher courts - to dismiss charges even when they are proved, in order not to record any sort of conviction or impose any penalty on the juvenile. Most young offenders respond to that situation. Statistics demonstrate that most kids who front up to the juvenile panels do not come back again.

Hon Kay Hallahan: Hear, hear! They do show that.

Hon P.G. PENDAL: Most kids who front up to a formal hearing of the Children's Court are not seen in that environment again. So, what are we dealing with? We are dealing with people who are habitual offenders, although I hesitate to use that term for people who are so young. However, time and time again these people, having had charges dismissed one month, three months, six months, or even 12 months earlier, turn up like bad pennies. As members will be aware, under the old system it did not matter how many times those kids fronted up; the court had the power to do some wrist slapping and dismiss the charges under section 26 of the Child Welfare Act and to tell the kids that no conviction would be recorded. That became an abuse of the system, not only by the kids involved but also I suggest by those who were administering the law.

Hon Kay Hallahan: Do you mean the bench?

Hon P.G. PENDAL: Yes, I mean the bench. It must have occurred to those children that discipline does not exist if it is not exercised. Everyone in this Chamber will have had the experience of telling a child not to do something or he would be punished. If that same

warning is given five or six times the child does not take much notice of it. After a few more times when the child realises that he has the parent wrapped around his little finger, he thumbs his nose at the authority of the parent. The court system is no different, and it has been documented by many experts in the field that this is happening with a percentage of children who do not deserve the benefit of the section 26 dismissals. They come back time and time again; the police go through the motions, spend valuable time chasing the offenders through the neighbourhood and processing them through the police station, only to find that the court involves itself in wrist slapping and the child is probably back within a month, three months or six months, knowing full well that no penalty will be imposed. In other words, it represents no discipline or penalty at all, which was the intention of section 26.

For the second time today I ask the question: If all of that has been identified as a problem, if that deficiency has been acknowledged and identified, why does the Government want to perpetuate it and include it in the new Bill? That is exactly what it does, as members will discover when we reach clause 24 in the Committee stage. I repeat that on that second ground alone the Government is proving itself to be more interested in the veneer and the cosmetics of the problem, as with its recently announced family policies.

Hon Kay Hallahan: We like this sort of substantial stuff.

Hon P.G. PENDAL: Only three months ago the Opposition introduced a similar move in this House.

Hon Kay Hallahan: It was not.

Hon P.G. PENDAL: It was then denigrated by the Minister who is rudely interrupting at the moment as being old fashioned and out of touch. However, when the Government began to understand what the electorate felt about those things, it could not put that document together quickly enough in order to get a lot of electoral backlash off its back. That is happening in the case of this Bill.

Hon Kay Hallahan: I will not interrupt you because you are not being too stupid tonight.

Hon P.G. PENDAL: I am pleased to hear that the Minister will not interrupt me, but the facts speak for themselves. The Government has become immune to the community's wishes; it has lost touch with ordinary people.

On that second ground alone, for the Government to transfer this provision from the discredited Act of Parliament - an Act in which that section has been open to abuse - to the new Bill is proof that it is soft on the question of juvenile crime and it is not serious about trying to solve it. That is not all: There is a third area which we will get to in the Committee stage, which exemplifies everything I have said in the first two points. In the past the courts have had the capacity not to impose any sort of restitution order or order for compensation for the victims of the crime. If ever there was an indication that the Government is still more interested in the perpetrators of the crime and less interested in the victims, and if ever evidence was needed, that evidence will be found during the debate on clause 25 of this Bill. Notwithstanding what the Government has said in another place, where the former member for Gascoyne introduced a Bill 12 or 18 months ago requiring parents of offenders or the offenders themselves to make restitution; notwithstanding that the Government has apparently acknowledged that the perpetrators of crime ought to pay some penalty, the new Bill perpetuates the weakness of the old Bill in that it is open to the courts to decide whether to order compensation or restitution.

Hon Kay Hallahan: That is part of our system of courts, and we leave it to courts to make such decisions.

Hon P.G. PENDAL: The courts make decisions according to what Parliament asks them to do; perhaps the Minister has not yet woken up to that.

Hon Kay Hallahan: Perhaps the honourable member has not woken up to the fact that there are many circumstances which the court has to take into account.

Hon P.G. PENDAL: The courts administer the law according to what Parliament decides.

Hon Kay Hallahan: Let us hear what grand scheme you have got.

Hon P.G. PENDAL: Surely those people who commit crimes ought, as a matter of course, to be called upon to pay some compensation or restitution.

Hon Fred McKenzie: Is it not better left to the discretion of the courts, because some might not have the capacity to pay?

Hon P.G. PENDAL: As usual the member for North East Metropolitan has made the only sensible comment to come from the Government's side, and I agree with him.

Hon John Halden: He has destroyed your argument.

Hon P.G. PENDAL: The member for North Metropolitan should not get excited on the first day. The comment by Hon Fred McKenzie about the amendments is exactly what I am getting at.

Hon Kay Hallahan: When will we see them?

Hon P.G. PENDAL: The Minister should not make comments which reflect on the staff of Parliament House, because the fact that she has not got the amendments has nothing to do with the Opposition.

Hon Kay Hallahan: Such an important Bill that we did not get them.

Hon P.G. PENDAL: I am quite happy to pursue that. It is another irritant of mine.

Hon Kay Hallahan: An irritant?

Hon P.G. PENDAL: Yes. The Minister has had possession of this Bill for months.

Hon Kay Hallahan: Parliament has had possession of this Bill for months.

Hon P.G. PENDAL: No, it has not. Parliament has had it for two months. The Minister is a silly woman.

Hon Kay Hallahan: I am not a silly woman.

Hon P.G. PENDAL: The Minister has had this Bill for four months.

Hon Kay Hallahan: I have not.

Hon P.G. PENDAL: The Minister should not have brought the Bill to Parliament with the sort of deficiencies which indicate that it has come to Parliament too early. The Minister wanted to make an issue about the circulation of the amendments. It was only in the middle of last week that the Opposition was able to get the amendments we were seeking from Parliamentary Counsel. It is no good the Minister talking about two months. The Opposition, unlike the Government, has access to one Parliamentary Counsel.

Hon John Halden: The Opposition is not like the Government.

Hon P.G. PENDAL: The Opposition made use of the services of Parliamentary Counsel, who has gone on accouchement leave. I presume we are not being blamed for that. She was replaced by a second Parliamentary Counsel who was working for the Opposition and had to leave because the Government made him deputy chairman of a tribunal.

Hon Kay Hallahan: We must have given you people with talent.

Hon P.G. PENDAL: This is the reason why the Minister has not yet received the amendments. It is the Government's fault because, for the third time in eight weeks, there has been a change in Parliamentary Counsel and it was as late as last week that the Opposition received those amendments. The amendments were received by our shadow Minister in another place late last week, and came to me early this week. They were sent to Parliament House today and, through oversight, have not got here quickly. The delay at Parliament's end has been one day in that eight weeks. Let us not blame that part of the system. The amendments have been with the Opposition for five days, so let us not blame the Opposition.

Hon Kay Hallahan: We cannot blame the Opposition - goodness, gracious me, no.

Hon P.G. PENDAL: Certainly not. If the Minister had any real concern to see the Bill get through unscathed, she would put the debate off until there was proper time -

Hon Kay Hallahan: You have had two months.

Hon P.G. PENDAL: We have not. The Minister is a silly woman.

Hon Kay Hallahan: You have.

Hon P.G. PENDAL: I have just been through the process of telling the Minister that the Opposition has not had the amendments for two months and, even if we had -

Hon Kay Hallahan interjected.

Hon P.G. PENDAL: The Minister has reached her dotage. There may well be a slow passage of the Bill through Parliament, but if the Government wishes to address that problem it is able to do so. I can tell the Minister that there may well be more hold ups in the weeks ahead if the Opposition is to be swapped around as it has been with Parliamentary Counsel. There are at least three areas where the Opposition intends to put amendments before the House.

Hon Kay Hallahan: Would you like to spell out what you want to say about restitution?

Hon P.G. PENDAL: I am quite happy to do so, but the Minister will see the amendment in a few minutes. We suggest that instead of the courts being left with the discretion through the use of the word "may", our amendments will make it obligatory for them to order restitution or compensation along the lines mentioned by Hon Fred McKenzie. We say that the word "may" should become "shall" in clause 25. Equally important, we will ask the committee to endorse the words, "in the case of damage or loss occasioned by a number of children the court may direct payment by all or some of the children or parents or guardians as it thinks fit".

Hon Kay Hallahan: So you are leaving it with the courts to make that decision.

Hon P.G. PENDAL: Yes. The Opposition is prepared to concede that it is no good leaving a judge or magistrate with the power to order a kid to pay \$500 restitution if he has no parents, or if the father is unemployed, the mother is in a home for alcoholics and the brothers and sisters are incapable of working.

Hon Fred McKenzie: That is the point I raised.

Hon P.G. PENDAL: I know it is and, I repeat, it is the only sensible interjection to come from the Government side. I acknowledge that in setting up a system of courts it should not be so rigid that those administering it have no chance to use their discretion. After all, the magistrates and judges are on the spot and can assess the nature of the offence better than anyone else. They are being paid good money to do so.

Hon Kay Hallahan: Absolutely.

Hon P.G. PENDAL: The Opposition has no intention of taking away from the courts the discretion to allow exceptions to be made. Nonetheless, what we will be doing, I hope successfully, is to signal to the courts that they have to take a tougher line. Why? Because Parliament wants them to take a tougher line. Why? Because the public are concerned about the wrist slapping justice that has been meted out so often in the last couple of years.

Sitting suspended from 6.00 to 7.30 pm

Hon P.G. PENDAL: Before the dinner suspension I indicated the Opposition's general support for the Bill but I also indicated the way in which the Opposition will seek to address seriously some of the deficiencies in the legislation by way of amendment to the clauses to which I referred. However, before I finish I want to make a particular point as it relates to the probation orders for juvenile offenders. As has been observed by people better versed in the subject than me, there is hardly any point in having a probation system if there are not the people available to back it up. That of course has been a constant cry over the years within the juvenile court system - that is, that a person being placed on probation is also part of that wrist slapping mentality to which I referred earlier. The fact is that someone who is given probation as part of their sentence is really given no sentence at all. If the expedient of trained personnel is not available, clearly it makes a mockery of putting juvenile offenders in that position at all. I read some material which only a few months ago was circulated by retired Children's Court magistrate, Mr Peter Blaxell.

Hon Kay Hallahan: Fancy that.

Hon Garry Kelly interjected.

Hon P.G. PENDAL: Does Hon Garry Kelly suggest that Mr Blaxell is not?

Hon Garry Kelly: No, but he comes from a certain quarter.

Hon P.G. PENDAL: The fact that he belongs to the Liberal Party never reflected upon his work in the Children's Court.

Hon W.N. Stretch: That was an improper comment.

Hon P.G. PENDAL: That is right, it was. Mr Blaxell's observation as a magistrate was that for several years prior to his resignation a few months ago, he never put anyone on probation. Why? The answer is because there was no earthly opportunity for the probation order to be followed up in the system because there was either an inadequate number of probation officers or those numbers were virtually nonexistent. That has to be attended to.

Hon J.M. Brown: What did he do?

Hon P.G. PENDAL: The Government knows what he did. I know what he did and I am privy to a letter which he sent to the Government but quite properly he said that it was not to be quoted in Parliament.

Hon J.M. Brown: You missed the point. I want to know what he did when he could not put them on probation.

Hon P.G. PENDAL: I beg your pardon; I take back those comments. Frankly I do not know the answer to that. He was one of the people who took the view that the system has been allowed to run down over the years to the point where children have been able to leave the courts and virtually say, "Well, we have beaten the system." I understand that on a number of occasions he has been deputed by other magistrates to write to Government and to the relevant Minister to say that the system is simply breaking down. I apologise to Hon J.M. Brown for being too hasty.

Hon Kay Hallahan: A lot of young people are locked up in Western Australia - more than in the other States. There is a dichotomy between the harshness of some penalties and the leniency to which you allude.

Hon P.G. PENDAL: I accept that, but one of the suggestions - which perhaps comes back to Hon J.M. Brown's interjection - put by Mr Blaxell and based on a lot of experience and observation was that we should make greater use of retired personnel who could act as voluntary probation officers. I know that system operated in Western Australia a decade or so ago. It had its critics, as I guess any system must have critics, but the people who advocated that system firmly believed that it was not necessary to have an army of highly paid probation officers in the field. Instead what was needed was a number of officers strategically placed in the field, who would have call on people who, in their years of retirement, would be prepared to take two or three probationers under their wing at virtually no cost to the State. I do not know whether that has been acted upon.

Hon Kay Hallahan: We are piloting a system of volunteers.

Hon P.G. PENDAL: Well, the criticism which has come to me is that it has been a long time coming, but if it is to be put in place, well and good. Nonetheless, it was put forward as a positive suggestion by those people who felt that the current system was letting them down.

I guess the other observation on that point is the belief of many of those magistrates and many social workers involved in this field that we are simply not getting to these kids at an earlier time in their criminal activity. That intervention period needs to occur a lot earlier than it is currently occurring. That comes the full circle too because the reason it is not occurring earlier is that there is a lack of capacity on the part of the department to service people who are put on probation.

I finish where I started, and that is to read the comment of a retired magistrate provided to me, which sadly has all the signs of an ominous future in the field of juvenile criminal activity unless more is done than what this Bill provides. I will not even suggest that the amendments proposed by the Opposition will be sufficient to overcome the deficiencies, not only in the Bill - soon to be the Act - but also in the whole of the juvenile crime surveillance system. Nonetheless, the position will get worse before it gets better, particularly if one keeps this sort of observation in mind. It comes from someone experienced in this field and it notes -

The significant increase in the number of charges dealt with by the Perth Children's Court over the past year (which we were informed was approximately 25%). Another

disturbing trend is that 14 and 15 year olds are now committing offences of a serious type which only five years ago were the preserve of 17 and 18 year olds.

He added -

We consider that the system is making little impact on many of these offenders and that increasing numbers are becoming hardened criminals before they are adults. The implications for the future wellbeing of the community are frightening.

The Opposition has attempted to do no more than reflect, with some facts and figures, what that quotation states. It has attempted to do no more in this debate than to tell the Government that it is prepared to support the Bill because it is a good Bill. However, it will support it on the condition that a number of major amendments are made to the Bill.

HON JOHN WILLIAMS (Metropolitan) [7.41 pm]: I support the comments expressed by Hon Phillip Pendal in outlining the Opposition's thoughts on this Bill. I also congratulate the Minister for Community Services for introducing the Bill. I know it is a terrible thing for an Opposition member to congratulate a Minister. However, she had the intestinal fortitude to bring this very necessary legislation into the House. I know that the Minister is a lady of compassion, although that compassion is not always evident at question time or in debate on other Bills. However, I know that her compassion equals the compassion illustrated by Hon Phillip Pendal in his speech tonight. His speech explored the depths of the problem.

Mr Deputy President (Hon D.J. Wordsworth), 30 years ago when you and I were young people, juvenile delinquents as they were then called were 15, 16, or 17 year old kids. It is horrifying to think that today children younger than that are being exposed to all sorts of things being shown on the electronic media. Some of those children are nine and 10 and are now on the streets. In my day it was not unusual for a 15 or 16 year old to be kicked out of his or her home. However, children are being abandoned at a much earlier age. Recently, I was shocked to see on Channel Nine a film of little nine and 10 year old children running around the streets after being kicked out of their homes. If members do not believe what I say they should do what I did a few years ago and travel through central and East Perth. They will see these "little people" as I call them, because they could be my grandchildren, running around the streets with nowhere to go. They are shielded by 15 and 16 year olds who lead them into all sorts of strife. This Bill ensures that legal authorities and not welfare authorities will decide the cases of these children. Every time I raise this matter, my eyes are drawn to Hon Robert Hetherington who is acknowledged in this House as a social historian. He may or may not agree with me, but it is dreadful that, in Western Australia today, we are seeing some of the things that Dickens wrote about. That is a dreadful indictment of our society.

Mr Deputy President, you have expressed your concern for juveniles in this State. However, we dare not follow the British pattern with which I am well acquainted. Children there were passed from the juvenile court, to probation, to Borstal prison, to parole - it was almost an automatic graduation. If the Minister had not introduced this Bill we would have been facing the same situation. There are many good people serving the Children's Court. However, I support Hon Phillip Pendal who said that deficiencies existed in the decisions being handed down by that court. Many of those deficiencies related to logistic support for the children. There was a shortage of probation officers and welfare officers and in 1967-68 the children were sent to Riverbank and Longmore to cure their problems. Perhaps that was wrong but who was I to judge? I was not a member of this place.

As I said, I will support the Bill subject to certain amendments being made to it. The Minister has had the intestinal fortitude to suggest that these problems cannot be solved only by social workers. Matters of law must be considered by all courts from the Children's Court to the Supreme Court, no matter how those courts are empanelled. The bench should determine that the best be done for the convicted person, because make no mistake, a person, if found guilty, has a conviction recorded against his or her name no matter whether the person is nine, 10, 16, 29, 60 or 70 years of age. That person has been convicted of an offence under the laws of this State. The term "protective custody" implies that no sentence is handed down. However, it is recorded as a conviction.

We make the laws. The laws are put into effect when the magistrate or judge pronounces a sentence from the bench. When one looks at the old members such as you and I, Mr President -

The PRESIDENT: Order!

Hon E.J. Charlton: I think that was a mark of respect, Mr President.

Hon JOHN WILLIAMS: That is right; he is not aged, he is venerable. However, it is important to note, amid the jocularly, that many of these people being convicted are only children. I do not know whether we are making a mistake there, but they are children. I would bet my bottom dollar that the Minister could produce six or seven files on some of the cases that appear in the Children's Court that would reduce this hardened House to tears. It is absolutely vital and necessary to this community that this reform goes through, but it is equally necessary and vital, as Hon Phillip Pandal has outlined, that there be a backup service. Mr President, it does no good for you to be able to sit there and tell me to sit down for having done this or that if I can again get up in my place. If I can do that, I do not care about you, Mr President, or your rules. I am an elected member. I know what you would tell me, Mr President. But by the same token, I say to the Minister, "Yes, do this by all means; you have to." It is a matter that has been described by the people on the Government benches as one of social conscience. We have no less social conscience over here, but if these children, if legally adjudged to have done a certain thing, can have the backup from a service that will take them away from further incrimination in the Local Court, District Court, or Supreme Court, then the Minister will have triumphed. If the Government does not put in place that backup it will have done precisely what was done in the United Kingdom. In the United Kingdom such children actually graduate from Juvenile Court, to Local Court, to Sessions, to Assizes. The result is the best recidivists one could have.

Perhaps the whole of the Parliament should think very seriously about why a nine, 10, 12, 13, 14, 15, or 16 year old is kicked out of home and put on the streets. If anybody wants to come with me tonight around 9.30 pm, we could wander around the area of the Shaftesbury Hotel, as we used to wander around the area of the Kiora Wine Saloon. If we wander around that area, we will be able to see how many of these little bundles are under siege.

Hon Kay Hallahan: Hon Eric Charlton would probably join you tonight, I think.

Hon JOHN WILLIAMS: He would. I remind the Minister that I was first alerted to this in 1971 by two of her ex-colleagues who had seen it and who took me around the East Perth area. In those days, I was interested in two things: The drugs and the social implications. They taught me that alcohol was a drug. They showed me what deprivation was in East Perth. The Minister and you, Mr President, know what went on down in East Perth in those days. Much of what went on has gone now, but what a terrible indictment on this Parliament in 1988 that some little bundles out there are still suffering, that some parents do not care. The problem we have to approach is that of the parents.

I repeat: I commend the Minister for introducing legislation, but another problem must be addressed: The parents who give birth - who are privileged to give birth - to a child, then abandon that child. It is reminiscent of something we might read in a Charles Dickens novel about social deprivation in London. It is present in Perth. Hon Phillip Pandal drew attention to it. The Minister has brought the Bill to the House. It is incumbent upon every member in the House to support the Bill with certain amendments because it is one of the social problems that Commissioner Bull and his men would like to turn their backs on, but they are lumbered with it. We need a rationalisation of courts which would say legally, "This is what the law says"; then we need that absolute backup service which says, "Come on. We will take care of you. We will do the right thing by you. Do not be frightened. Don't cry, because you are old now; you are 10 years of age and you have been on the streets for a year." A cup of soup to some of those kids is a luxury.

I have much pleasure in supporting what Hon Phillip Pandal has said. I again congratulate the Minister on bringing the Bill into the House. I advise the Minister that she may expect amendments. She will not go unscathed. The Minister must provide the backup service because without putting that legislation into place, this legislation is not worth a damn, and the court is not worth a damn. We need to have what the Minister once described to me as that TLC for every person in the community, and we are talking about children.

HON E.J. CHARLTON (Central) [7.56 pm]: My comments will be seen as being a little more hardheaded than those of Hon John Williams who displayed so much concern and understanding. I do not say that in a critical way. However, while acknowledging on behalf

of the National Party the good sense of the Government in bringing forward the legislation, I feel that it is all very well to talk about understanding, help, love and care; but as I mentioned earlier today when we were discussing the Road Traffic Amendment Bill, there are a few other people in the society. It is one thing to be warm-hearted towards people who find themselves in a less fortunate position than the majority of those in society, but at the same time we must recognise that there are people among us who have been the recipients of some of the activities that take place.

I acknowledge that children who come before the court come from various backgrounds and get into undesirable situations for a host of reasons. However, the legislation talks of setting up a court. If we want to talk about the social aspects of what is going on in the nation and around the world, we could take several days and have input from a great number of people without being much better off. This is just one aspect that confronts our society today, along with standards, economics, and social wellbeing or social deficits. If we start trying to point the finger and ask why this is the case, we have to start looking at economic, social and other expectations. People can say and think what they like, but if people are going to bring children into this world, they have the prime responsibility to see that those children get a fair go in this life. They have to take the first responsibility.

It is all very well to have social welfare backup with counsellors and so on, but no-one can take the place of a parent or guardian as they are absolutely vital in starting children off on the right track. We all acknowledge that these sorts of things can take place and people can still fall by the wayside. That is human nature and no one can take the blame for those things happening. However, I make the point that I am not totally confident that a backup from people such as those in our Department for Community Services involves all the right sorts of people with the right intentions to put people on the straight and narrow and help them along in life during difficult periods. I have seen many examples of some people - and I emphasise "some" because there are dedicated people working in these areas to whom I give the recognition they justly deserve - who are absolutely convinced that all they have to do is continue this handout syndrome as in the welfare situation in an attempt to make up for the deficiencies in other areas. These sorts of goings on have proved to be of no real assistance to many young people.

I have seen a number of individuals whose children have got into a bit of trouble and who seem to be encouraging this sort of situation rather than trying to direct their children into areas that will enable them to take their rightful place in society. If they do not do that then those children will not only be a burden on the community but also will have no direction toward achieving anything in their own right during the rest of their lives. It is difficult for people who spend the early part of their life in that sort of situation to get back. As individuals we should all know that the greatest example is to try to put ourselves in that situation and to judge how we would have been if we had not had all the hours of direction in every week of every year to help us through the times when we needed to be told what was right and what was wrong. Without being religious, it gets back to the Ten Commandments and a few things like them relating to what is right and what is wrong, and I say that in the broadest sense.

We must stand up and be counted as a society when we start talking about setting up these various avenues to deal with these problems. A number of children in our society have problems that must be addressed. In setting up this Children's Court, which the National Party supports in principle, there are a few areas of the Bill we believe are not strong and definite enough in addressing these problems, and I will refer to a couple of them. We consider that when children go to court their parents should be there unless there is a valid reason why they cannot attend, rather than a situation where the parents of children are present if that can be organised. The emphasis should be that parents must have a good reason not to be there. If the children of a member here had to go to court for an offence against society I am sure that each of them as a caring parent would want to be there and would not need to be forced to attend. If that is not so, then they are not responsible individuals. If a guardian, or anyone else, is responsible for the wellbeing of a child involved in a court hearing, it should be their responsibility to be present at the court to hear the evidence given and the judgment handed down by the court. If they are to be of assistance to their children in the future it is in their best interests that they be present.

I turn now to some of the comments made by previous speakers. We are all aware of some

of the offences that take place. I am not talking here about minor things that people do from time to time but about such things as damaging property and people suffering the consequences of that happening. Children involved in such happenings should be made to understand, as should their parents or guardians, that if they have committed a misdemeanour the public must be given a guarantee that those responsible, including the child, will think seriously before getting into that situation again. It is not good enough right across society for people to go before the courts acknowledging that a wrongdoing has occurred without their being given a second chance to go out and do the right thing. We all know that if we take advantage of Standing Orders and abuse them you, Mr President, will stand and say that we cannot do that. If you did not, we would go on and on and the place would be a shambles. However, you remind us of what we should do, and that is a fairly good example of what goes on in society. We must be responsible when coming to decisions relating to this Bill and considering how the court will be set up and how its judgments will be addressed.

With those comments in mind I point out that we have some amendments to this Bill. We are of the opinion that, while the wording of those amendments might not be absolutely correct in relation to fitting particular clauses of the Bill, we are nevertheless keen to see that the proposed safeguards are put in place. There is nothing worse than the Government introducing legislation into this Parliament, that legislation being passed setting up a particular operation - in this case a Children's Court - and within six months it being found not to be working. When that happens the public perception is one of, "Here we go again, the Government has set up this Children's Court, it is false in what it set out to do because it is not being achieved. It is a useless operation." Not only the Government, but also members on this side of the House will cop the flak if that happens. This is another example of where the National Party, and hopefully all members, will contribute towards the Labor Government introducing legislation that will be successful. If the Government takes note of our amendments it will be able to say that the Children's Court it has set up is working well; it will be able to take all the credit unless we happen to tell someone about our amendments.

Hon Garry Kelly: If the parents cannot pay, what then?

Hon E.J. CHARLTON: Put them in the Department for Community Services and pay them for helping the underprivileged. That interjection was shallow because the Bill states that the court will make the decisions. However, it should have strong guidelines to enable it to determine whether or not parents are in a position to make restitution or to make good damage done by their children. That brings up another point: For too long we have seen the court system being abused by people who I consider are in a privileged position because they do not have the money. If a man goes into a court hearing and says that he has a part time job and two or three kids, the magistrate will ask him how long he needs to pay and how much he can afford, and a whole series of questions. It is a to and fro situation. It is almost like being in a schoolroom.

Hon Garry Kelly: It is like an auction.

Hon E.J. CHARLTON: Yes - "What am I offered?" We have to get away from that mentality and start getting to a situation where the court, having heard the position, can hand down a judgment on all people in the community rather than -

Hon Garry Kelly: What if they cannot pay?

Hon E.J. CHARLTON: If they cannot pay, they cannot pay, but there are other ways that they can pay without it being in monetary terms.

The second point is that there should be a good behaviour bond or some guarantee that not only the children but those responsible for them have to play a part in seeing that the children are given the best and greatest opportunity to do the right thing. If it is left just to the child, and one talks about being hard, then that is the greatest example of someone coming to a determination that is not in the best interests of overcoming the problem. We are talking about trying to get those people who get into these situations back on the right road. We have a few variations in the thinking of some people about how best to do this. It is obvious that Mr Kelly thinks the best way to do it is to counsel and be nice and understanding, and all those sorts of things, but I can guarantee that not every day of his life would he have found people being understanding, and he would have had to face up and perform, otherwise he would not have got to first base.

Hon Garry Kelly: I do not disagree with that.

Hon E.J. CHARLTON: We support the principles of the Bill, as does everyone else, but we consider something needs to be done in a number of areas. First, there is the immediate situation of the legislation requiring some change. Some amendments should be put into the Bill so that it is a little more definite and precise about how the courts and the judges will operate. It is necessary to have some stricter and narrower guidelines. Secondly, there are other areas of the Bill that we believe have not been set out in a manner that will give it the greatest chance of success. As a consequence of that, it is probable - and I am sure the Minister will make the comment - that the Government intends that there will be a review of this legislation. We have seen other legislation coming back into this Parliament over previous sessions, such as the Gold Banking Corporation Bill; six months after its being passed it has come back into the Parliament.

Hon Garry Kelly: That was because the Reserve Bank -

Hon E.J. CHARLTON: It has been acknowledged by the Minister before the Bill came to this place that this will probably happen with this Bill also, but now that the Bill is here we should be doing our job to ensure that it leaves this place in the best possible condition on the information that is available to us, to ensure that when it comes back there will be fewer changes rather than more.

We support the Bill.

HON ROBERT HETHERINGTON (South East Metropolitan) (8.15 pm): It gives me great pleasure to support this Bill as it stands. I believe this is a very noteworthy Bill and it is a great improvement on what we have at present. However, I do not believe that it solves all the problems, nor can it solve all the problems. I do not believe it is necessarily the last word on what we should be doing in our Children's Courts. The Bill as it stands is to produce Children's Courts that can work well. If problems do arise, we should deal with them and review them as we go along.

I remember that when we introduced the sexual assault legislation in this House, we said we needed to review the legislation. That review has been taking place. I have made an input into that review, on legislation which I helped in various ways to draw up. I am now suggesting that changes be made to the Act - not very many, because I think it is a good Act - because with experience we have found that it can be improved. For this reason, we should leave this Bill as it is and see how it develops.

I want to make a few comments about some of the remarks made in this debate. I am rather shocked that a member of this House should find that people without money are in a privileged position. I can tell Hon Eric Charlton that there are many people in my electorate who have very little money. I have gone to the courts with some of them, and I have not found them to be in a privileged position. I have found them to be in a very difficult position.

Hon E.J. Charlton: They are in a more privileged position than the people who do not have very little, and who have to pay the full consequences.

Hon ROBERT HETHERINGTON: I suggest to the honourable gentleman that he go to the courts with some of the people who are in more or less privileged positions and see what happens. He will find that sometimes magistrates are understanding and that people with little money are given latitude, and that the magistrate, who has heard all of the case, then makes his decision on what he has heard. Some of the magistrates we have in this State are people of great wisdom. I am not saying that is true of all of them, but I have been in courts where the magistrate has impressed me tremendously. A year or so ago I visited the judge in charge of the Children's Court of South Australia, and I listened to him and was tremendously impressed by him. I believe that if we can get a judge in our Children's Court who is as good as that judge, it would help the system operate. We have to be very careful about whom we appoint to the position because the wrong judge could destroy the system.

Secondly, we must face the fact that although in an ideal situation the responsibility for children is that of their parents, we have in this society parents who take no responsibility for their children; parents who are criminal; parents who are spaced out on drugs; parents who have children by accident which they did not intend to have; and parents who just refuse to take responsibility for their children. We must take this into consideration when we are passing our laws.

The other thing I would like to mention, seeing that Hon John Williams mentioned my name, is that we have on the streets of Perth, in various places, Dickensian situations, as we have in every megapolis in the world. Every large city in the world is producing these problems when cities are developed willy nilly, in the interests of people who want to earn profits from developments; where there are not sufficient playgrounds; where children have to play in the streets; and quite often those children finish up being criminals. I became aware of some of the things that are wrong with our society some years ago when I went to visit Riverbank. I thought the people there were rather tough looking males, but I found they were really full of tender loving care. There were people in that place who could not tell the time.

Hon E.J. Charlton: Some of the kids coming out of schools now cannot tell the time.

Hon ROBERT HETHERINGTON: These people could not tell the time, so they had to be taught to tell the time. There were adolescent youths who had to be taught to read. There were people who could not measure. I thought they were doing a marvellous job. They were doing useful things in our society. One of the reasons why these people had finished up before the courts was the failure of our society to give them any kind of education. I know that we cannot always pick these things up. I know that it will happen and that it happens in large cities. I know it has been happening for centuries and that we have problems, and certainly I noted that Hon John Williams said he had seen these things on television. I suggest that he have a look at some of the other programs on television, particularly those directed at children, to see what sort of values they are inculcating in our children. If we want to stop it we are accused of censorship, and of course that is censorship. They are difficult and dubious problems we must solve. It is not easy. We cannot just moralise, we must see how we can deal with the situation as it concerns us. If we had parents who looked after their children and accepted responsibilities, if we had people in business who never ripped people off, if the whole of our society were honest, there would be no problems; but we are not like that. There are problems and we must try to face the problems confronting us and realise that as Perth has grown larger - and it has grown larger in the 21 years I have been here - and as unemployment grows, so do social problems grow; because if people are unemployed, quite often their standards go and their children suffer for it. We must take all these things into consideration.

I applaud the proposed court because I believe that we are departing from a system which, because of the enormous discretion, is arbitrary to a system which will give predictability in its judgments and where people will know what is likely to happen. In other words, we are turning from arbitrary paternalism, which has been the system to date, to the rule of law, and as a good liberal democrat I believe that the rule of law is the rule that we should follow. The rule of law is one of the bases of our democratic society, but if we are to have the rule of law we must have firm laws and judges with discretion. I remember when on a committee talking about - if I may refer to it again, Mr President - the sexual assault legislation. We had a great debate about whether we should follow what some of the women's movement wanted to do at the time; that is, to follow the Americans and put in fixed, arbitrary, rigid categories which would be punished in a fixed and arbitrary way. We decided against it. We discussed it at great length and finally came to the conclusion that the judge is the person who hears all the evidence and who must be left with the discretion to decide on sentencing. I have not always agreed with the sentences handed down by judges since we changed the Criminal Code but I would not want to change the law because of that; I merely want to educate our judges and I hope many of them are being educated.

I want to look at a couple of things that have been said, and one of those is that the judge or the magistrate "may" order restitution. I believe, and I would say it to Mr Pandal very carefully, that this is where the discretion should lie, that the judge should decide if in this particular case there should be restitution and what kind of restitution, because some people cannot afford to pay. Some people, if they are forced to pay restitution, will be put in a worse situation than that from which they came. What will happen is that they will be confirmed in their criminality instead of anything being done to take them out of it.

One of the things we are trying to do, and what I am interested in, is not punishment - I am certainly sympathetic to the victim - but to make sure that young people do not finish up on the road to criminality. Sometimes we will succeed and sometimes we will fail, but we have to try. We have to set up a judicial system where an impartial judge, whatever his political background - that is irrelevant when a person sits on the bench - who has heard all the

evidence, will then decide what is the proper sentence in a system that ensures that when a sentence is decided on it will be carried out. There cannot be arbitrary interference by the people who are supposed to be carrying out the sentence.

Unless I hear better arguments for an amendment to this clause of the Bill - and I will listen with very great care during the Committee stage, but to date I have heard no argument which would persuade me at this stage to amend the Bill - I would not support such amendment. It may be that if I were here in another couple of years - and I think it is a great pity in some ways that I will not be - I might listen to arguments that say for various reasons this has not worked out as I hoped it would and therefore it will be amended. Perhaps that will be the case, perhaps not; but if we are to set up a new system of courts under a judge and magistrates with good legal backgrounds we should see if in fact they can make it work. I believe that if the right people are appointed they can and they will. If they do not, we should change it; but I do not think we should put them into categories or rigid straitjackets at this stage. We should change the system and see how it works.

I might point out to Hon Phillip Pendal that under the law as it stands the magistrate who thought it would be nice if Mum was there has the power to order her to be there if it is important. In this Bill that power will be with the magistrate, and I would suggest to the honourable gentleman that some parents would be better off not being in court because we are trying the child, not the parents. The average parents who are concerned for their child will be there - of course they will be there. They brush their hair and put on their good suit and get all worried, and go along to support their kids - of course they do. One can see them sitting in the Children's Court, worried and concerned, wondering where they went wrong.

Hon P.G. Pendal: That is not the case.

Hon John Halden: Oh, rubbish! You have never been there.

Hon P.G. Pendal: I was there for three years.

Hon Kay Hallahan: You have been there for three years?

Hon P.G. Pendal: Yes.

Hon John Halden: You were obviously walking around with your eyes closed.

Hon P.G. Pendal: I know what I am talking about.

Hon Kay Hallahan: And you did not see any concerned parents?

Hon P.G. Pendal: I know I did.

Hon ROBERT HETHERINGTON: All I am saying is that there are concerned parents who go there, and there are unconcerned parents who are not there, and I would suggest that there are parents who would be better off if they are not there because they have done nothing for their children and perhaps their children need to be got away from them. That is what the court is there for.

Hon P.G. Pendal: That is what we mean when we say you are soft on juvenile crime.

Hon John Halden: And you don't know what you are talking about.

Hon P.G. Pendal: That is the longest speech you have made all year.

Hon John Halden: It may be the second longest.

The PRESIDENT: Order!

Hon ROBERT HETHERINGTON: If I may say so, Mr President, I do not use words like "soft on juvenile crime" or "tough on juvenile crime".

Hon P.G. Pendal: I know you don't.

Hon ROBERT HETHERINGTON: They are soppy, emotive words. They are words of rhetoric and I want to look at the problem and see what we can do about it. I think what we can do about it at this stage is to leave it to the discretion of the magistrate or judge in charge of the court - particularly a new judge - who will lay down the guidelines and the rules, and develop them. I hope they will develop a better system. If this is not the case we will review it, but certainly I do not think we should get carried away by our emotions at this stage. I am not particularly soft on crime; I think some people should be treated quite harshly and for

some criminals sentences are far too light bearing in mind what the sentences are there for. In the Children's Court we are trying to provide deterrents for children. Any learned judge who sits in a court and has been a lawyer in criminal cases knows more about crime and the associated problems than I ever will, and more than the honourable gentlemen opposite ever will. We must trust the judges even though some of them let their prejudices carry them away. Many are fine, able and competent judges; therefore, this Bill follows what has been done in other places where the system is working.

With this Bill we are trying to stop children committing criminal acts. I am glad Hon Phillip Pandal said - and I agree with him wholeheartedly - that many children who come before a court and have the case dismissed never appear again. We have done our job there. However, we are worried about the recidivists and we need to decide how best to handle them. As I said earlier, we should get rid of a system which allows so much discretion that the situation becomes arbitrary. We need a system where we return to the rule of law and credibility.

Hon P.G. Pandal: We agree on that.

Hon ROBERT HETHERINGTON: I know we do.

Hon P.G. Pandal: There is too much discretion.

Hon ROBERT HETHERINGTON: At present, but I do not think there is too much discretion in this Bill. I suggest to the member that he would be wise to accept the Bill as it stands. After all, if the member's best hopes come to fruition he might be looking from Government one year. I am sure if he were looking from Government and all the advice then available, his attitudes might change.

Hon P.G. Pandal: That is a "Yes, Minister" attitude.

Hon ROBERT HETHERINGTON: It is not.

Hon P.G. Pandal: That means Government advice is always the right advice.

Hon ROBERT HETHERINGTON: Not necessarily. I remember when I was in Opposition and the then Government wanted to take certain action about a detention facility in my electorate - which would make tremendous political capital. I rang the department for its views and arguments and I was convinced. Finally, at the meeting of protest I was the only member of Parliament who came to front and abused them. Perhaps I lost votes; if I did, I do not mind. One can always listen to the argument of advisers but one does not always have to accept it. They are not always "Sir Humphreys" and even if they are sometimes, one can see through them.

Hon P.G. Pandal: You have convinced us about seven-eighths of the Bill.

Hon ROBERT HETHERINGTON: I must tell Hon Phillip Pandal that while he was out of the House on urgent business, I supported the lot. I hope he will think about this and change his mind because so far I have heard no argument to suggest that I should vote for any amendment. I support this Bill and I think the Minister is very fortunate in that she is in office at such a time and will go down in history as one of the great reforming Ministers in the State. I support the Bill with a great deal of pleasure.

HON JOHN HALDEN (North Metropolitan) [8.35 pm]: According to Hon Phillip Pandal this will be my longest speech for the year. However, I hope that it will not be as full of rhetoric as his speech. It is unfortunate that such an important piece of legislation that has been called for by both the legal and social welfare professions for the last decade and a half should meet that one-eighth opposition to which Hon Phillip Pandal referred. Not only Hon Phillip Pandal but also other members speaking in opposition to the Bill seem to have a narrow perception that this Bill will change a whole range of social problems. It will not; it addresses specific problems.

Speaking as an ex-professional who has worked in the Children's Court, I think the Minister has done a remarkable job in putting into place the aspirations of the workers in that area. This Bill does not go through the whole range of problems that face children and families in today's society. The Bill gives judicial and legal answers to problems - not to the problems of social services, housing, health, finances, or law and order, or to the effects on people of little recreation and unemployment. The intention of the Bill is not to do that but to provide

for a narrow band of issues, and, it addresses them very properly. Those situations are addressed in such a way as to give a proper amount of arbitrariness. That is not soft; it is not hard but appropriate and this Government is surely about making appropriate legislation.

Hon Tom Stephens: You have made more sense in five minutes than Hon Phillip Pental has made in five years.

Hon P.G. Pental: An incisive interjection. The member wounds me.

Hon JOHN HALDEN: The subject of restitution has been brought up in debate tonight and this is not a matter for the individual or parents in the Children's Court. Restitution is a matter for the family in today's society.

Hon P.G. Pental: You blokes have become a friend of the family in the last few months. The chilly winds of electoral change.

Hon JOHN HALDEN: That is not true and the member knows it. Families will be placed under pressure and surely it is up to the judge or magistrate to make a decision on the information placed before him or her. Families in the 1980s and 1990s are and will be under enormous pressure. The last thing honourable members on the other side want to do is to place families under more pressure. If that is the situation and if that is what this Parliament decides to do, that will be a retrograde step. The Opposition must not make decisions when it has no right to do so and has not enough information before it. If that is what this Parliament is about it will make a mistake and it will be contrary to the best interests of children and of families. We must address the real issues, which are that this is one facet of the Government's approach to families, the Government's approach to children and the Government's approach to a very needed reform of the Children's Court. It is a reform which has been asked for in the last decade and a half and, as Hon John Williams said, it is a reform that has been brought -

Hon Kay Hallahan: And what the Opposition did not bring in when it was in Government.

Hon JOHN HALDEN: - forward by this Government and deserves the praise of this Government, this House and the community. It is a shame that the one aim of the Bill that will be objected to by the Liberal Party is the crucial one eighth of it in which the Government has the most ability to impact negatively on the family. Members of the Opposition should think carefully before they infringe on areas of which, in essence, they have no knowledge.

I support the Bill and I hope this Parliament will do so also.

Debate adjourned, on motion by Hon Fred McKenzie.

ACTS AMENDMENT (CHILDREN'S COURT) BILL

Second Reading

Debate resumed from 15 June.

HON P.G. PENDAL (South Central Metropolitan) [8.42 pm]: The Opposition also intends to support this Bill because it is consequential upon that which we have just been debating. However, in the course of dealing with this Bill there are intended to be some amendments moved in such a way that we believe will improve the quality of the legislation. However, much of the ground has been covered in the previous debate and I do no more than to indicate that the Opposition will support the Bill.

HON E.J. CHARLTON (Central) [8.43 pm]: The National Party also supports the Bill. We also have amendments which are consequential to the Bill that was previously debated and we hope they will be complementary to the legislation.

Debate adjourned, on motion by Hon Fred McKenzie.

LOCAL GOVERNMENT GRANTS AMENDMENT BILL

Second Reading

Debate resumed from 22 June.

HON P.H. LOCKYER (Lower North) [8.44 pm]: The Opposition supports this Bill.

Basically, the legislation adopts the arrangements made by the Federal Government through the Commonwealth Local Government Financial Assistance Act 1986 which introduced new principles for the distribution of Commonwealth moneys. Many members in this Chamber have served in local government and I have no doubt that they have attended meetings when the Grants Commission has visited councils throughout the State.

Hon Tom Stephens: Some served with distinction and some without.

Hon P.H. LOCKYER: I find that all members in this House who have served in local Government have served with distinction. Those that have not served in local government have missed an opportunity which would have prepared them for the Parliament. I was speaking about local councillors attending meetings of the Grants Commission and we all know that Mr Noel Dawkins who is in charge of the Grants Commission does a very efficient job. The Grants Commission comprises appointees from different authorities, the Department of Local Government and from the commission itself. The members of the commission have a difficult task in visiting each local authority to hear the various submissions. It provides an opportunity for councillors to put forward their points of view. Following its visits to the authorities the Grants Commission makes its decision, which is forwarded to the Minister for Local Government who, under this Bill, has the power to accept the Grants Commission's decision or to request the commission to reconsider the position of particular councils.

Over the last few months most members in this Chamber would have been approached by councillors who are concerned about the new formula which will be used and which is outlined in this legislation. I understand that some metropolitan councils are unhappy about the grants which they have been allocated this year and I have no doubt that the smaller country councils are pleased with the increase which has been proposed for them. It is not an easy task for the commission to make decisions about how Commonwealth moneys are distributed.

I was pleased when I heard in Federal Treasurer's summary of the Federal Budget which was brought down tonight that there will be an increase in road funds to local governments in Western Australia this year. That is one area which the Grants Commission must take into consideration, particularly in relation to country shire councils' ability to maintain and improve roads in their respective areas. It is a continuing problem which smaller councils have, particularly those which have a large number of roads to maintain. It is a never ending problem facing councillors when balancing the budget. Yesterday I had the privilege of attending the annual conference of the Country Shire Councils Association and the main point brought to the attention of the delegates was its concern about the lack of funds allocated to councils for road maintenance. Those funds are allocated by a formula outlined in this legislation and, therefore, it is important legislation.

Under this Bill, the Grants Commission is required to submit an annual report which must be tabled in Parliament at the earliest possible opportunity after the Minister has received it. The commission will also have to report on any matter concerning local government finance to the Minister of the day as he or she requires. I believe that is also important. Local governments are required, on request, to place in front of the commission any information that is required, such as audited accounts or anything pertaining to the running of the council. The commission must have this information at its fingertips in order to judge the requirements of the various local authorities. That is basically what this Bill is about. I believe it is a piece of legislation to be welcomed by most councils. It brings this State's legislation into line with the Federal Government's.

One clause which will be dealt with during the Committee stage refers to the fact that if this legislation receives the Royal Assent after 1 July 1988 it will be deemed to come into operation on 1 July 1988. In fact the Bill is retrospective. It is supported by the 139 local authorities in the State and the Opposition supports it.

HON E.J. CHARLTON (Central) [8.50 pm]: Obviously the National Party supports this Bill.

Firstly, there has been a great deal of conjecture, particularly in country areas, about the anomalies which were apparent when the Grants Commission first made its allocations. As a result of that it was envisaged by some country shires that the Grants Commission would

make significant cutbacks to their allocations. That position has been remedied to some extent, but I emphasise that the allocations made to a number of country shires will be significantly reduced. All members in this place, if they have not already done so, should make themselves aware of some of the cutbacks with which local authorities will have to contend. As a result of those cutbacks, the shires will be under severe pressure to maintain the current standard of service to their communities. Local governments across the nation play an important role and are at the local level in each district to provide the day to day services which cover a wide area.

Although those cutbacks have been significant, I wonder what will happen after 3 September if the yes vote in the referendum for local government is passed. What will happen to those shires forced into dealing directly with the Federal Government? Some people believe that will be to their advantage, but I sound a note of warning and urge them to look more closely at the issue. If the yes vote is successful, it will be interesting to know a few years down the track how those people who supported it respond to what we consider to be the most likely outcome; that is, significant changes to local government. It may please some people at the top of the local government organisations but it certainly will not benefit the people in local communities.

HON D.J. WORDSWORTH (South) [8.54 pm]: It is said that one can judge a person by the company he keeps. Hon P.H. Lockyer supports this legislation and said that most local governments support it. He obviously lives with the pastoralists in the pastoral shires because they indeed have done very well from the readjustment which has taken place. I assure Mr Lockyer that life is not so easy in the wheat growing areas, and strong feelings are evident in local government in the shires I represent about the new distribution of Federal money.

Hon Fred McKenzie: The metropolitan area has done very badly.

Hon E.J. Charlton: We have all done badly.

Hon Fred McKenzie: Some country areas have done very well.

Hon D.J. WORDSWORTH: I have even heard that the Mayor of Kalgoorlie is being hounded to a certain extent because he was chairman of the committee which had the task of dividing the money. Others will recall that the previous committee was chaired by none other than Mr Wilson Tuckey and it was strongly felt in the wheatbelt that he was a good chairman.

Hon P.H. Lockyer: He was an excellent chairman.

Hon Fred McKenzie: He should have stayed there.

Hon D.J. WORDSWORTH: All joking aside, there is great concern in some of the smaller wheatbelt shires. The small Shire of Kent, which is squeezed between Lake Grace to the north and Gnowangerup to the south, will have its grants reduced from \$200 000 to \$45 000. Admittedly, it will be reduced over four years, but nevertheless it will happen.

As I said earlier, the way in which the money is distributed will be changed, and those who were setting up the new system endeavoured to share the money in proportion to the relative wealth of the businesses in each shire. As people know, a lot of money is outlayed in the wheat industry for comparatively small profits. It is the other way around in the wool industry; not a great deal of money has to be outlayed for a comparatively higher profit. It is similar to comparing Coles with a high class boutique; in Coles the mark-up on goods is probably 10 to 20 per cent and in the boutique it is probably 100 per cent. To judge these shires on gross turnover of the businesses is an odd and unjust way of distributing funds. The people involved also endeavoured to adjust the allocation in relation to the cost of living. For some unknown reason they thought that cost was directly in proportion to the distance from Perth. Most people would think that was reasonable, but the situation changes completely in large centres such as Esperance, Kalgoorlie and Albany where volume determines the cost of groceries and the like in the town. For example, it was estimated that in the small Shire of Kent the cost of groceries from the local store would be cheaper than groceries bought in Albany, because Kent is only half the distance from Perth. Of course, that is not so. That was another false assumption made.

The Shire of Gnowangerup has been badly affected because it spent a lot of money on roads

beforehand and that had an adverse effect on its allocation. I was in the Shire of Arthur River a few days ago and it too has been badly affected. An adjustment has been made to the original allocations but that has created further confusion because some allocations have changed and some have not. The problems have not been addressed in full. Therefore, unlike Hon P.H. Lockyer, I do not support the manner in which this has been allocated. Nevertheless, this Parliament must go along with the Bill in general because this legislation is going through all State Parliaments and the Federal Parliament. If we do not pass the Bill, the consequences could be even worse.

HON MARGARET McALEER (Upper West) [9.00 pm]: Like Hon David Wordsworth, I do not oppose this Bill without offering it any enthusiastic support, but I do think it is an important Bill, even if in a rather negative sense. When I say that, I mean that the Bill is confirming arrangements which have already been in place in this State for a year. This Bill is complementary legislation to a Commonwealth Act which was put in place two years ago, so it has been rather slow in coming to this place. The arrangements are well under way. The money has been allocated under those arrangements in the previous year, and this is the second year of its operation.

The Bill is important because it impinges very much on all our municipalities and local government bodies. I agree with Hon Fred McKenzie that the city councils are just as unhappy as many of the country shire councils. In fact, I believe that this year a far greater percentage of the city councils are unhappy with the arrangements than one would find across the rural area. That is not to say that there are not - as Hon David Wordsworth has pointed out - a number of rural councils in the agricultural regions which find themselves greatly disadvantaged by the new arrangements.

One of the problems is that the Commonwealth Government has cut back the money which it is allocating to local governments, so that from the second stage of Federal funding which was allocated to local governments - which came in during the time of the Fraser Government, the two per cent - we have gone back to a system of direct grants, in which the local governments and the States are taking part in the Commonwealth Government's economising or cutting back of funds.

Hon Fred McKenzie: Is there not more money but less in real terms?

Hon MARGARET McALEER: I think there is less money, but also less in real terms. For a number of years the level of funding has been below the rate of increase in the level of inflation, and that in itself would be sufficient to make local governments unhappy. The new arrangements put in place by the Commonwealth Government, and which have already been discussed, have altered the basis of the allocation of those funds. Under the former arrangements, there were two elements. The first element was based on per capita grants. The second element was a needs allocation. Those two elements varied, and it was within the States' capacity, in the earlier days, to change the mix so that they could receive a 30 per cent per capita grant and a 70 per cent needs grant, or vice versa, and the States had the power to alter that allocation.

Under the new arrangements, as I understand them, not only have those elements been abolished, but also the States have lost the power to vary the way in which the money can be allocated to local governments. The criterion set out by the Commonwealth Act is described as something to produce horizontal equalisation, which means that all municipalities should be able to receive funding at a standard not lower than that of other municipalities, if they are all making a reasonable effort. This applies only within the State. It does not mean that the Commonwealth Government intends that the shires or municipalities in Western Australia should be funded at the same level as shires and municipalities in New South Wales or Victoria. So it is possible that we are already inherently unequal compared with other States. I think the Commonwealth Grants Commission believes that we are being disadvantaged in the allocation of funds vis a vis other States.

It is very difficult to devise formulas which produce the sorts of results demanded by the Commonwealth Act. I have read the formulas and I have listened to the commission's explanations to at least six shire councils about the way in which the formulas are to be applied. I have thought from time to time during those explanations that at last I had seized the whole method and I understood it, but when I went away again I found that I had great gaps in my understanding. I know the commission has been struggling to refine its methods

and has been making an effort, in consultation with the various municipalities, to try to get as reasonable a method of distribution as possible for this system. However, the fact is that even when the commission has gone to visit certain municipalities to take submissions, and has made its explanations, while that was going on its executive officer was still back in Perth and did not go with it because he was working on improvements in the method and endeavouring to make it more satisfactory.

It is quite obvious that the commission is working under extreme difficulties. It cannot arrive at any sort of finality in the method or in the formula that it is applying, so it still has a long way to go before it can arrive at a satisfactory method of distribution, if that is possible under the guideline set down by the Commonwealth. It is no wonder that anomalies did occur and that there is a certain amount of dissatisfaction. The fact that the method of distribution of local government funds from the Commonwealth has changed so often since the funding was first instituted has meant that the municipalities have never been able to settle down and be sure about what they would get, and they have never been able to be clear about the sorts of submissions they should be making. I say this knowing and acknowledging that the commission has done everything in its power, by way of seminars, explanations, personal visits, and whatever it could do, to make the system work. I still think it has a long way to go before it is satisfactory. I wonder whether the basis on which the money is now being allocated by the Commonwealth is ever going to be satisfactory or capable of genuine resolution.

HON GRAHAM EDWARDS (North Metropolitan - Minister for Consumer Affairs) [9.08 pm]: I thank members opposite for their contribution and for the recognition that this is a very difficult and complex subject. I guess that difficulty is reflected in the way individuals, as members of this Chamber, respond to the Bill. That response is based on their experience of how the local authorities in their areas have been treated by the Commonwealth Grants Commission.

I doubt that we will ever have a perfect system. The only way in which we will is if we are able to fully fund all of the needs of every local authority, resident and ratepayer in the State. I doubt we will ever reach that point. Any system which attempts to distribute money will be met with approval in areas which have been favoured by the distribution, as opposed to areas which think, rightly or wrongly, that they have been harshly treated. That is a situation which the Grants Commission will always have to face. I believe, however, that the Grants Commission, through being available to visit local authority areas, and sit down and talk with them on a collective and individual basis, will eventually achieve what will be recognised as being the best system. One of the things that the Grants Commission needs to bear in mind is flexibility. At the same time, it should work on the basis of data which enables it to make the best decisions about local authorities in the State. I do not think it is fair to compare a local authority in Western Australia with a local authority in another State. What we should be aiming for initially is equality within the State before we worry about equality interstate.

Hon Margaret McAleer: Except that it affects the money which is allocated to this State. Therefore, say we were given an additional entitlement per capita, as we were, now we are back on a per capita basis of getting nine per cent instead of 14 per cent.

Hon GRAHAM EDWARDS: That is an argument we might explore more fully when the effect of the Budget has been taken into account. It is difficult, and I accept that. The Grants Commission accepts that it has a difficult job and everyone in this Chamber recognises that it has a difficult job. I come from a local government background and understand the importance and the sensitivity of our positions as members of Parliament in respect of our own local authorities. In that environment it is difficult for the Grants Commission to come up with a system which would be seen to be perfect. We will never reach that point. What we have to do is take a global view which, while in the short term may impact on local authorities to which we are close, will achieve a fair and equal distribution of Federal moneys across the State as a whole.

With those few comments, Mr Deputy President, I thank members opposite for their support of the Bill, and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Central Metropolitan - Leader of the House) [9.14 pm]: I move -

That the House do now adjourn.

Referendums - Freedom of Religion

HON TOM STEPHENS (North) [9.15 pm]: The referendum questions on Saturday week have provoked the Australian Episcopal Conference Central Commission to use the pulpits of the Australian Catholic churches, the Catholic media and, in turn, the wider media, to express concern about some of the questions. In the context of bishops using the pulpits to express political concerns, it is appropriate for politicians to respond and express concern about those statements made from the pulpits of the Australian Catholic Churches. I am deeply concerned that the Central Commission of the Australian Episcopal Conference appears to have been hoodwinked by conservative, legal elements within the church into making comments which, in my view, are injudicious. The Catholic bishops have allowed themselves to be positioned in such a way that they appear to support the Liberal Party's opposition to the four questions.

A member of the Opposition: Showing a bit of sense.

Hon TOM STEPHENS: On the front page of the Western Australian Catholic weekly paper, *The Record*, the Australian Episcopal Conference Central Commission is quoted as having said that some important principles need to be treated warily. They talk about the "principle of subsidiarity", demanding that there should not be undue concentration of political power in the Commonwealth. That statement presumably aims to focus the attention of the Catholic laity on the second referendum question concerning democratic elections. It is, for me, quite extraordinary that the Australian bishops would ignore a far more important principle, in their language - the language of equality of men and women in the eyes of God. It is a principle of the gospel which I imagined the bishops would have espoused from their pulpits and in their media.

Hon P.H. Lockyer: Hang on.

Hon TOM STEPHENS: They would have been demanding that that principle be translated into the legislation to make equality of men and women not just law, but the most fundamental -

Hon P.H. Lockyer: You are not saying they do not have a right to say that, are you?

Hon TOM STEPHENS: - law, that is, the electoral law.

Hon W.N. Stretch: You are sitting in judgment on the bishops now, are you?

Hon TOM STEPHENS: I am saying that, as a Catholic lay person, I find it offensive not that the bishops are involving themselves in the question, but that they have got it wrong. It disturbs me that they have come out on the side of the conservative elements within the Australian community -

Hon P.G. Pendal: Did you condemn them over land rights?

Hon TOM STEPHENS: - creating a litany and cacophony of noes, as we come close to the referendum. It seems to me, as a Catholic, that the Australian bishops need to be chastised, not for involving themselves in the question, but for coming up with the wrong answers. Those gospel principles demand the introduction into Australian legislation of the equality of all men and women, which is what question No 2 is about. When one talks, as the bishops did, about the principle of subsidiarity, demanding that there should not be an undue concentration of political power in some location, one must realise that in Western Australia and in Queensland that concentration of political power has for too long been focused within rural elements of the community.

Hon W.N. Stretch: What is wrong with that?

Hon TOM STEPHENS: It is not in accordance with the democratic principles which are drawn on a gospel ethic of equality of all men and women in the eyes of God. In that context members should not try to suggest that this is arguing against my constituents, because it is

not. The laws in this State and in Queensland were rorted not to favour rural constituencies but to favour particular rural constituencies - that is, the conservative ones - to ensure that the conservative parties of this country have an opportunity to become entrenched in power through the bias in the electoral laws. As a Catholic lay person and a politician I take the opportunity to go on the record chastising the bishops and I say to them that it is time they looked at the question again.

Where they have introduced the debate over State aid, they have ignored the advice of someone like Maurice Byers, QC, who was involved in the State aid question when it was fought out in the High Court. His advice to the Constitutional Commission was that there is no way the debate about State aid could be taken successfully to the High Court by any group. His advice was that the passage of that referendum - the fourth question; the freedom of religion enshrinement in the Constitution - could not in any way jeopardise the legal work he and others put in to guarantee the right of Government to look after education across the board, whether that is Catholic, non Catholic, Government or independent. There is no threat to that system by the passage of this referendum. Members need not take my word for it; they can take the word of Maurice Byers. That is why one is forced to ask: Who are the elements within the legal community who have managed to hoodwink the bishops? Is it simply the conservative, Liberal, solicitors who have somehow managed to take them down the path of action leading to these conclusions? To go into the church on Sunday and to hear the priest drawing one's attention to the views of the bishops on this question would not be galling at all had they managed to get it right, but they have come up with an inadequate analysis of the constitutional questions before us, and they have come up with the wrong conclusions.

Hon P.G. Pendal: They have got up your spiritual nostrils and you don't like it.

Hon TOM STEPHENS: I am pleased to see there are elements within the Catholic community which have come out and expressed reservations about the Australian Episcopal Conference's interpretation of the questions and the suggested difficulties the passage of the referendums would cause. I am confident the Australian community will not be waylaid by the arguments put before the Catholic laity; I hope the laity will reject the concerns of the bishops and will be encouraged to be confident about the needs for the successful passage of these four questions.

School Funding - Church Schools

HON N.F. MOORE (Lower North) [9.25 pm]: Government funding for private schools today is totally secure. It was decided by the High Court and there is no argument from anyone that the existing Constitution threatens in any way the Government funding of private schools. That is the situation as it stands now.

Senator Tate said, in respect of the question of whether the changes proposed to the Constitution would threaten private church schools' funding, that he could not, nor could anyone, give an absolutely untempered guarantee. The State Minister for Education, Dr Carmen Lawrence, is reported as having said that she also has reservations about the potential affect of the constitutional referendum on the funding of church schools. She has sent the Catholic Education Commission off to the Attorney General to get an opinion because she believes it is necessary that it make a proper assessment of the situation. The chairman of DOGS - the Defence of Governments Schools - has come out and said that if this proposal is passed, it will open up the situation for his group to mount another challenge in the High Court in respect of Government funding of church schools. There are three people, including two Labor Ministers, who have given us the view that we have reason to be concerned about the funding of church schools in the event this referendum question is passed.

Hon Tom Stephens interjected.

Hon N.F. MOORE: For everyone the member can find who argues one thing, I can find another person who argues differently. The whole point of the argument is that it will finish up in the High Court and we know where High Court decisions usually take us. We know where we stand right now in respect of funding of church schools. There is no argument now; this referendum question introduces a degree of uncertainty which will only be resolved

by the High Court. It is my view that the Catholic bishops of Australia have done the children of Catholic and non Catholic schools a great service by arguing that we should leave the situation as it is now, because there is no uncertainty at all.

Agricultural Education

HON C.J. BELL (Lower West) [9.27 pm]: I would like to make a couple of comments in relation to Press statements made immediately after the last adjournment of the House in respect of agricultural education. I do not wish to go into full details of the recommendations included in the report but I believe something needs to be done to rebut a couple of points of view put forward by some people, and to explain the real intent of the report, which I hope everyone here has read or will read. The points were made by academics wishing to protect their positions. Their points of view were biased and unless we are very careful to put the facts before the public, they could be confused. I think it was sad to see a person of the eminence of Dr French, a visiting American professor of agribusiness, being used to give credibility to something which has no credibility. That is, that the report should have sought to go into minute detail of where various sources of money were located. Quite frankly, Dr French did not understand the parliamentary system in Australia and he was misled by colleagues who wished to use his eminence in this field to protect their own positions. The recommendations of the committee were established with one single objective in mind - the improvement of agricultural education in this State. The comments made by those attached to that academic institution were in respect of the American land grant system. The report says it favours this, but a nation of this size does not have the number of people necessary to support that sort of a system in anything like a reasonable centre.

I hope that everyone who reads the report understands what it is trying to do, and how much improvement there would be for agricultural industries were we able to lift access to and levels of education for people who practise agriculture and the agribusiness which surrounds it. It is unfortunate we have seen this situation. We have not had a single adverse comment by any user group in Western Australia. We have had only praise for the constructive approach made by the committee.

I thank the House.

Golden Aeroplane Game

HON TOM HELM (North) [9.30 pm]: I believe it is appropriate for the House to be aware of an article that appeared in *The West Australian* under the headline "Plane game law imminent". I take the opportunity also to congratulate the Minister for Consumer Affairs for acting so quickly to legislate against the game known as the Golden Aeroplane. The game has been running in Port Hedland for about three weeks. It consists of people, both men and women, asking other people to participate in the game by putting forward \$1 000 which will enable the so-called "pilot" to take off with \$8 000 including his own \$1 000. In the time that the game has been running in Port Hedland a number of pilots have taken off with substantial amounts of money from people of the town, smaller amounts have been taken from Karratha and I hope no money has been taken from Newman. People are being sucked in by the thought of taking \$7 000 from other people that they attract to the game. Obviously, the person who goes into the game first has the best opportunity to take the \$7 000. However, eventually populations run out of money and people lose.

Schoolchildren in Port Hedland are being encouraged to take part in the game by buying shares. Sometimes the number of participants is 15 including a pilot, two copilots, four cabin crew and eight passengers.

Hon Fred McKenzie: Where would schoolchildren get \$1 000 from?

Hon TOM HELM: They are asked to part with \$50 or \$100. Some of them have money saved to buy toys. If their parents are involved they think it is a good idea. The rhetoric promoting the game makes it sound like one gets \$7 000 for nothing. They ask people to encourage four of their friends to contribute \$1 000 and they encourage four of their friends to also contribute \$1 000 each until they become pilots and get the chance to take off with the money.

The Minister and his staff are aware of this game Golden Aeroplane which has already become a golden crash in Port Hedland. The game's participants need now to go into the

country areas and encourage people who cannot afford \$1 000 to become involved. There is an attractive side to it for some people. It is a form of pyramid selling against which legislation has already been enacted in this State. That legislation will be amended to include this game. Some unsuspecting people in Port Hedland who cannot afford to lose \$1 000 have been involved in the game. As I said, the Minister has moved quickly to introduce legislation to put a stop to this type of activity before some of the smaller centres of population in the Pilbara and Kimberley become involved. It is like a cancer spreading from one place to another. I am sure the House will agree that there is a need for that type of legislation.

Hon Fred McKenzie: Did you say that it cost \$1 000 for adults and \$50 for children?

Hon TOM HELM: The amount can be anything from \$50 to \$1 000. Instead of a pilot going out with \$7 000, he can go out with \$700. Eventually, people lose because the game needs people for them to win. Again I congratulate the Minister.

Question put and passed.

House adjourned at 9.34 pm

QUESTIONS WITHOUT NOTICE

TEACHERS CREDIT SOCIETY - R & I BANK

Losses - Government Liability

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

I can well understand why the Minister is in dark mourning dress tonight.

- (1) In view of the announcement today of the staggering \$119 million loss so far in the Teachers Credit Society, rather than the original estimate of \$43.6 million, is the Minister aware of any limit placed on the Government's liability to the R & I Bank to underwrite the TCS losses?
- (2) Has the Government made any provision for further losses, which could well amount to \$200 million?

Hon J.M. BERINSON replied:

(1)-(2)

Much of that question is speculative -

Hon G.E. Masters: That is what you said last time.

Hon J.M. BERINSON: - and alarmist, and provides no basis for a factual response. I remind the member that the Government, much earlier in the day, undertook to indemnify the R & I Bank against losses arising from its administration of the TCS. That was the only way in which the interests of the 60 000 depositors in the TCS could be preserved. That was the commitment made at that time, and that commitment stands.

R & I BANK - INDEMNITY

Open Cheque

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

Can I take it from the Minister's remarks that there is indeed an open cheque?

Hon J.M. BERINSON replied:

There is an undertaking to indemnify the R & I Bank against any obligations arising from its administration. That does not constitute an open cheque in the sense that the R & I Bank is encouraged to take whatever steps, or to be as lax as it likes to be, about the administration of the affairs of the TCS. The bank is being looked to to administer those affairs so as to minimise any losses arising from related transactions. The bank will undoubtedly do that. To the extent that losses are incurred in that process, the Government will stand by its declared undertakings.

STATE GOVERNMENT - PETROCHEMICAL PLANT

Berinson, Hon J.M. - Consultations

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

- (1) With regard to the State Government involvement in the petrochemical deal, has the Minister been consulted in any way about that deal?
- (2) Within those consultations, was the Minister aware of the fact that the \$150 million State Government guarantee to Rothwells might well be called upon if the petrochemical deal - or manipulation, if I may call it that - had not gone through?

Hon J.M. BERINSON replied:

(1)-(2)

None of the matters to which the member has referred come within the area of my ministerial authority, and I ask the Leader of the Opposition to put those questions on notice.

ABORIGINAL ART - LOUIS ALLEN COLLECTION OF ABORIGINAL ART
Berinson, Hon J.M. - Consultations

111. Hon P.G. PENDAL to the Minister for Budget Management:

Was the Minister consulted in the decision to spend more than \$2 million on a collection of Aboriginal art, previously owned by a Mr Louis Allen?

Hon J.M. BERINSON replied:

I am not consulted as a matter of course about the expenditure over the whole range of Government operations, which, as we will see in the Budget next week, now exceeds \$4 000 million. It is not my role to consider all those items of expenditure, nor to approve them. On the other hand, I am of course made aware of proposals over a quite wide range of expenditure decisions simply by virtue of my membership of Cabinet. That is a matter entirely separate from the matter now being raised.

In view of the fact that I notice a similar question already on notice by the member, I think that further pursuit of this line of questioning might be left to the Notice Paper.

COMMUNITY SERVICES, DEPARTMENT FOR - DISADVANTAGED
Emergency Accommodation

112. Hon E.J. CHARLTON to the Minister for Community Services:

Is it the role of the Department for Community Services to authorise lodgings at hotels, on request, by people who consider themselves in a desperate situation at a given time?

Hon KAY HALLAHAN replied:

There is a provision that if people are in destitute circumstances, and homeless, the department can arrange for emergency accommodation. I understand there are one or two reasonably low cost establishments where there is an arrangement for people to be placed overnight pending the making of other ongoing arrangements about their further accommodation needs or necessities being met.

COMMUNITY SERVICES, DEPARTMENT FOR - DISADVANTAGED
Emergency Accommodation

113. Hon E.J. CHARLTON to the Minister for Community Services:

Would that include an overnight situation when there is not any evidence of there being a lack of accommodation home or any other facility but simply because people have requested that they do not want to go home that night?

Hon KAY HALLAHAN replied:

If the member has an incident about which he is concerned, I would be happy to look into it. The provision usually is for people who have dependent children. It is a very unsatisfactory situation to not have shelter for parents with young children, and that is the basic reason for the provision. I guess if there was someone who could not be housed in one of our many emergency accommodation services - which we now in this State have in a way that we did not have under previous Governments - then some special consideration could be given, rather than having someone in a very vulnerable situation. If the member has a particular incident which appears to warrant further inquiry, I would be happy to make that inquiry.

ABORIGINAL ART - LOUIS ALLEN COLLECTION OF ABORIGINAL ART
Berinson, Hon J.M.

114. Hon P.G. PENDAL to the Minister for Budget Management:

This question relates to the question I asked earlier.

- (1) If the Minister was not consulted, was he made aware of the decision to make that purchase prior to it being finalised?

- (2) Since the \$2 million was not taken from the Department for the Arts budget, or from the Art Gallery of Western Australia budget, can the Minister say where the money came from?

Hon J.M. BERINSON replied:

(1)-(2)

The reason why I suggested earlier that this matter would be best left as a question on notice is that it requires me to refresh my memory on purely technical aspects of the transaction. I do not recall the precise nature of the allocation, but that is a matter that is readily available on checking.

As to the question of whether I was made aware of the purchase before it was made, I can say only that on my best recollection of the position I was not approached in any individual capacity, as Minister for Budget Management, to involve myself in that decision. I would not expect to be involved or consulted in that way. As far as I can recall, the processing of this purchase was done in the normal way by the responsible Minister putting forward a relevant submission.

MINISTER FOR COMMUNITY SERVICES - FAMILY CENTRES

Responsibility

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

- (1) Arising out of the Government's social strategy announced nearly a fortnight ago, is the Minister for Community Services the Minister now responsible for the so-called family centres?
- (2) If so, will she take questions on that matter?

Hon KAY HALLAHAN replied:

(1)-(2)

I am the Minister responsible for the establishment of the family centres and I will be happy to answer questions relating directly to that.

FAMILY CENTRES

Facilities - Conversions

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

I thank the Minister for her answer to my first question.

- (1) Is my understanding correct that, apart from 25 new family centres which will be built by the Government, 15 will come into existence as a result of conversions from some other existing form of institution?
- (2) If the answer to the second part of my question is yes, can the Minister tell us what are the 15 existing organisations or institutions which will form the basis of the conversions, and will she undertake to provide a list of the localities involved?

Hon KAY HALLAHAN replied:

(1)-(2)

I would be happy to provide that information when I have it. I want to address the question of conversions. I might be quite wrong in my assumption that a question may arise from people concerned about four year olds transferring out of some other situation in which they are placed. I want to lay to rest any debate about that because there is no question of any four year olds being transferred out of any program in which they are placed at the present time.

The conversions are really situations where groups are operating in conditions which they believe are unsatisfactory. As I have gone very extensively through the metropolitan area and country areas I have found that early childhood services have been very badly neglected by local governments, and many community groups have approached me and said that what they really need are better and more appropriate facilities. I will explain that a little further.

We did have on two occasions a dollar-for-dollar grant. The first was to local government authorities to upgrade buildings to provide facilities for young children, and the second was for local church or other community organisations which had the wherewithal. Many local community facilities can be upgraded and made appropriate, where the community does not need an additional facility but rather conversion of an existing facility. That is the thinking behind those 15 conversions to which the honourable member referred. I have referred to them as upgrades, but they are the same thing.

Hon P.G. Pendal: I am quite happy to call them that.

Hon KAY HALLAHAN: Those locations have still to be determined, and when they are I will be very happy to provide the list to the member.

FAMILY CENTRES

Planning Aspects

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

- (1) Do I take it from the Minister's answer to the second part of my question that the 15 centres have not yet been identified?
- (2) Will the Minister indicate whether the first part of my question was accurate; that is, that 25 new centres are to be built?
- (3) If the answer is yes, can she tell me what the capital cost of the 25 new centres is intended to be?
- (4) Over what period will those centres be built?

Hon KAY HALLAHAN replied:

(1)-(4)

The program is a two year program, so the 25 new centres and the 15 upgrades to existing facilities will take place over a two year period. I will provide the capital cost for the member when the Budget is brought before the Parliament.

Hon P.G. Pendal: It might be considerably less after today's losses.

TEACHERS CREDIT SOCIETY - GOVERNMENT BUDGET

Losses

118. Hon MAX EVANS to the Minister for Budget Management:

Has the loss of \$119 million by Teachers Credit Society been taken into consideration in this year's Budget?

Hon J.M. BERINSON replied:

Provision will be made in the forthcoming Budget against anticipated losses, but not to the extent of \$119 million. That is a figure which, as I understand the position, will emerge over a period. It is the current estimate of the eventual loss. I understand that a formally defined loss will emerge only after a period. Certainly by the end of this financial year there will have been a substantial contribution towards meeting the State's obligation in this respect. There is no doubt that the balance can be met in an orderly way over a period without any serious impact on general State programs.

R & I BANK - TEACHERS CREDIT SOCIETY

Overdraft - Interest

119. Hon MAX EVANS to the Minister for Budget Management:

Has the Minister considered the impact of the interest on the huge overdraft of the R & I Bank to the Teachers Credit Society - which was about \$200 million in January and would be about \$300 million now because of the transferring of funds to the R & I Bank - and on the ongoing costs to the Government; because the loss of the \$119 million is only one thing? Has he considered the impact of the interest and what that will cost the Government on the overdraft?

Hon J.M. BERINSON replied:

Of course the impact of interest is understood and will be the subject of appropriate attention.

R & I BANK - TEACHERS CREDIT SOCIETY
Shareholders

120. Hon MAX EVANS to the Minister for Budget Management:

Has the Minister considered the warning I gave last year with respect to the R & I Bank's own employees holding the four shares in the Teachers Credit Society or Teachers Financial Services? The four shareholders are employees of the R & I Bank. Has the Minister considered the implications of that in respect of whether Teachers Financial Services should be consolidated with the R & I Bank concerning these losses?

Hon J.M. BERINSON replied:

I have to repeat that I am not the Minister responsible for the R & I Bank. If the honourable member wishes to take that matter further it should be placed on notice and directed to the responsible Minister.

R & I BANK - STATE BUILDING SOCIETY
Takeover - Financial Source

121. Hon MAX EVANS to the Minister for Budget Management:

The R & I Bank was talking about taking over the State Building Society of New South Wales, which would have required an input of \$75 million capital by the State Government on prudential standards - five per cent of increase of assets of \$1.5 billion. The Government would have had to pay \$75 million up front. Was the Minister consulted by the R & I Bank as to where that \$75 million was to come from?

Hon J.M. BERINSON replied:

I have no knowledge of additional requirements for capital arising from the R & I Bank's proposal. At the risk of repeating myself, that is a matter to be put on notice to the responsible Minister.

GOVERNMENT FINANCE - SOCIAL STRATEGY
Family Foundation

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

(1) Referring to the Government's announcement a fortnight ago on its social strategy -

Hon Tom Stephens: Are you going to welcome the statement?

Hon P.G. PENDAL: The member should just hold on. Members opposite have to work out how they will pay for it.

Since the family package is being financed allegedly by the profits of Government business ventures, will today's revelations regarding the loss of \$119 million by the Teachers Credit Society in any way affect the family package?

(2) Will the Minister give a categorical assurance that this will not occur?

Hon KAY HALLAHAN replied:

(1)-(2)

The source of funds is established for that whole family foundation and indeed the social strategy, and there is no need for the honourable member to be concerned on his account -

Hon P.G. Pendal: Will you give us a categorical assurance?

Hon KAY HALLAHAN: - on my account, or on account of Western Australians as to the source of that funding.

Hon P.G. Pendal: So you won't give us a categoric assurance?

Hon KAY HALLAHAN: If you want me to categorically -

Hon P.G. Pendal: The Minister has received instructions from the Minister for Budget Management.

Hon KAY HALLAHAN: From whom would you receive instructions?

Hon P.G. Pendal: He has squandered it. He has a new suit on today.

Hon KAY HALLAHAN: Mr President, I do not think the Minister's suit cost anything like the amount we have in the family foundation.

Hon P.G. Pendal: It is certainly more expensive than mine.

Hon KAY HALLAHAN: If the member wants a categorical assurance that the funding is available to meet the commitments under social strategy and the family foundation, he has that categorical assurance.

Hon P.G. Pendal: Thank you. We may hoist the Minister with her own petard.

CRIMINAL APPEALS - EDWARDS, MR BRIAN

123. Hon G.E. MASTERS to the Minister for Corrective Services:

This morning I took the opportunity to speak to the Minister's secretary on this matter. If the Minister does not have the information I will put the question on notice.

In May of this year I raised the matter of the double killer Brian Edwards' appeal against his sentence, asking for an earlier release due to an impending marriage. At that time the Minister said he could not give an answer because the appeal had not been heard and no decision had been made. Has the Minister yet had the opportunity to find out the situation? Does the sentence on Brian Edwards still stand and is he still in Fremantle Gaol?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some advance notice of this question. As I indicated would be the case, the appeal against sentence in this matter was vigorously opposed by the Crown. In the end I am advised that the appeal was withdrawn; the original sentence therefore stands.

TEACHERS CREDIT SOCIETY - SWAN BUILDING SOCIETY
New South Wales - Treasurer

124. Hon MAX EVANS to the Minister for Budget Management:

Can the Minister explain the basis on which payments are made to the Teachers Credit Society and the Swan Building Society by the Treasurer? The Government has paid \$13 million to Swan Building Society and \$18 million to Teachers Credit Society, and the Minister has stated that the amounts would be paid as the debts emerged. Does the Government still owe \$25 million from last year?

Hon J.M. BERINSON replied:

I have not been involved in the detail of the processing of payments. That would have proceeded, I believe, through the Treasurer's authority directly.

Hon Max Evans: The Minister might drop the word "budget" and just be the Minister for money management, which he does very well.

The PRESIDENT: That is out of order.