Legislative Council

Thursday, 17 October 1985

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

PARLIAMENTARY REFORM

Referendum: Petition

The following petition bearing the signatures of 18 persons was presented by Hon. Garry Kelly—

> To the Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.
>
> We the undersigned request that a referendum be held to allow us to show our support for a parliamentary reform which:
>
> 1. will prevent the Legislative Council from blocking supply and thereby forcing only the government in the Legislative Assembly to resign because it cannot pay its employees and ordinary ongoing expenses and;
> 2. will allow a disagreement between the two Houses of Parliament over any other proposed law to be resolved, as it can be in the Commonwealth Parliament, by a double dissolution election.
>
> 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. 221.*)

ACTS AMENDMENT (SEXUAL ASSAULTS) BILL

Report

Report of Committee adopted.

CASINO CONTROL AMENDMENT BILL

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.35 p.m.]: On behalf of Hon. D. K. Dans, the Minister for Racing and Gaming, I move—

That the Bill be now read a second time.

The purpose of this Bill is to ensure that officers and inspectors necessary to carry out the powers and functions conferred on the Casino Control Committee are employed under the provisions of the Public Service Act.

Members may recall that when the Casino Control Bill was introduced to Parliament in the autumn session of 1984, it was envisaged that the Totalisator Agency Board would be the controlling authority. For this reason, the Bill was structured so that officers to carry out casino control duties would not be employed under the Public Service Act. However, amendments to the original Bill in the Legislative Council changed the controlling authority to a Casino Control Committee consisting of four persons appointed by the Governor.

When the Casino Control Act was enacted the Casino Control Committee had power to appoint a chief casino officer and such other inspectors and officers as were necessary. Section 9(3) of the Act provided that the Public Service Act did not apply to such officers. The Government felt that as the TAB was not to be the controlling authority, officers employed to service the committee should be employed under the Public Service Act as officers of the Office of Racing and Gaming.

It was thought that this could be achieved by utilising the provisions of section 10 of the Act which provides for the use by the committee of officers employed in departments of the Public Service. However, the Crown Solicitor's office has advised that this arrangement would not enable such officers to exercise the powers conferred on the committee under section 9 of the Act.

The Bill now before the House repeals and re-enacts section 9 so that all permanent officers servicing the committee are appointed under the Public Service Act and are empowered to carry out the powers and duties conferred on the committee by the Act. It is emphasised that the Bill does not increase the existing powers and functions of the committee.

The committee will still have the power under the provisions of section 9(2) of the Act to engage temporary, casual or contract employees, with the approval of the Minister. This is desirable to cover any unforeseen circumstances which may arise. The amendment now before the House is of a technical nature to provide officers with security of employment under the Public Service Act as officers of the Office of Racing and Gaming.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

REGISTRATION OF BIRTHS, DEATHS AND MARRIAGES AMENDMENT BILL

Second Reading

Debate resumed from 10 October.

HON. P. G. PENDAL (South Central Metropolitan) [2.39 p.m.]: The Bill before the House is one of those that gives the appearance of being tolerant legislation. To that extent, I have no objection to any Bill that extends to others that belief in tolerance.

However, I do object to tokenism and this Bill is a very good example of that practice. It is at the very least an example in which one can create a legislative nightmare for a community—perhaps not today but for years or even generations down the track. The option available to use a combination of two parents' names under the amending Bill will not, I suggest, be too much of a problem for the first generation which uses its provisions.

However, taken to its logical conclusion this could in fact become ludicrous for subsequent generations. For example, Tom Fletcher-Jones marries Rosemary Smith. Between them they produce young Thomas, and under this Bill he assumes the name Thomas Fletcher-Jones-Smith. Years later young Thomas marries Susan Lawson-Smith-Brown-Cooper who has that convoluted name because her own parents exercised their right under the Attorney General's amendment of 1985. How on earth does their son, young Thomas, get on with having to cope with his name of Thomas Fletcher-Jones-Smith-Lawson-Brown-Cooper?

Hon. J. M. Berinson: Do you really think his parents would agree on that proposition?

Hon. P. G. PENDAL: Stranger things have happened. My point in voicing all of that is that one would suspect—and in answer to the Attorney General's interjection—that out of all of that, young Thomas would probably become totally confused, change his name by deed poll and adopt the new name of Tommy Rot. Taken at a conservative guess, that is the extent to which the Act could be made to look quite silly. I would be the first to admit that that overstates the position somewhat dramatically, but nonetheless it is an indication of the can of worms that the Government has opened in this case.

I do not want to spend a lot of time on the Bill but I wish to make two other observations about it. One of these is that these changes will have some impact on the sense of continuity and security that exists within families within our community. For example, two children from one marriage could conceivably grow up side by side bearing different names.

Hon. J. M. Berinson: That is specifically precluded by the Bill.

Hon. P. G. PENDAL: I shall return to that later. That alone is seen to occur many times in our society right now because of the high rate of divorce and of the merging of families in that "second time" situation that members in this place are all too familiar with. I put it to the House that it is a great pity that that lack of continuity or that watering down of personal identity is now being formalised by this Bill in this way.

Finally, I turn to one of the principal reasons that the Government gives for the changes; that is, that they will accommodate members of, at least, the Islamic community in this State. There are two things which should be said about that. Firstly, why not leave the existing Act the way it is? After all, it can be strongly argued that the use of the father's name at all material times reflects many centuries of Anglo-Saxon practice and heritage. At the same time we could have some form of amendment or practice of exception whereby people from backgrounds different from our own in terms of religion or culture could be accommodated.

Secondly, I would pose the question—perhaps rhetorically—why should we repeatedly in this and in other Parliaments around Australia alter our laws to accommodate people from other lands? After all, those people invariably have decided to migrate here, often because their native lands offered them no hope or no future or, in many cases, no self-respect and integrity. I do not know of many migrants who would object to becoming Australianised. I would have thought that is largely the motivation for them to come here in the first place. These concerns—especially those that relate to the attack that the Bill represents on the family environment—are shared by people in my community and in particular by a body known as the Australian Family Association.

I would be the first to admit that my comments about the names were somewhat exaggerated, but the body to which I have referred is one with which I have consulted on the con-

tents of this Bill. I do not believe that there is any urgent need for the legislation and I suggest that it really has not been thought through by the Government.

HON. TOM STEPHENS (North) [2.46 p.m.]: I am delighted to see this piece of legislation before the House. I want to take the opportunity in the first instance to congratulate the Attorney General for proceeding with this Bill.

I think one of the satisfactions of being in this job is that when somebody comes to one with a problem, one is able to say to him, "I will see what I can do about it; I will see if I can solve it."

In November 1981 an Islamic man, whose name was Aladdin Bin Ain, came to me when I was working in Port Hedland with the Federal member for Kalgoorlie, Mr Campbell. The Islamic gentleman said that he had a problem with the naming process that related to his child. Mr Bin Ain is a member of the Islamic community of Port Hedland, which is now a sizeable community in the Pilbara, and he said that he had a child whose name was Hudzaifah. Mr Bin Ain was being forced to call the child Hudzaifah Bin Ain. He explained to me that under Islamic custom a child receives the first name of his father so that he was Aladdin Bin Ain, or Aladdin, the son of Ain. By being forced to use the naming custom of our country, Mr Bin Ain was being asked to name his child as the son of his grandfather, or Hudzaifah, son of Ain. Mr Bin Ain found this to be a terrible discrepancy between his religious and cultural practices and those of this country.

I raised the matter soon after with the Registrar General and received a response which basically pointed out the law, as it then stood, made it impossible to proceed with the naming process that was sought by Mr Bin Ain. I raised this matter with the Chief Secretary of the time, Bob Pike, and I asked whether he would consider an amendment to the Registration of Births, Deaths and Marriages Act. Mr Pike responded to me indicating that he would take the matter on board and ask for a study to be done to see whether such an amendment could be contemplated. He indicated that a study would be carried out into the practices that applied in other multicultural societies where large numbers of people came from different cultures and religions into a mainstream community that had different practices from their own. When the study was completed, Mr Pike felt that the timing was not opportune and he responded by saying that the Liberal Government, in September 1982, was not prepared to proceed with this matter.

I relayed this to Mr Bin Ain and the Islamic community in the Pilbara and the community expressed considerable concern. I then raised the matter with the then shadow Attorney General, Mr Joe Berinson, and asked him if it would be possible for the Opposition, at that time our party, to contemplate undertaking to look at an amendment to this Act once we formed the Government. I was delighted to receive his response after this matter had come before the shadow Cabinet towards the end of 1982. I relayed to the Malay community of the Pilbara the indication that our party, when it formed the Government, would look at amending the Registration of Births, Deaths and Marriages Act in such a way as to permit the naming systems required by the Islamic community. This Bill is in part a result of that commitment.

In the process of considering that change, however, it became clear from a consideration of other matters that other changes were also necessary. If one looks around the Australian community today one finds that the Registration of Births, Deaths and Marriages Acts which apply in other States have already been amended in the way that we now propose to amend our Act. Indeed, the summary I have had prepared for me which relates to the naming of the children whose births occur inside marriages indicates that the States of New South Wales, South Australia, Tasmania, Victoria, the Australian Capital Territory and the Northern Territory have all either amended their Registration of Births, Deaths and Marriages Acts or are in the process of amending them in such a way as to permit the naming process we suggest in this legislation. That is, in a situation where parents agree to an amendment of the normal process of adopting the name of the father as the name of the child, they may instead opt for another name, either the name of the mother or even the names of the two parents.

In my view that is an appropriate response to the present attitudes which apply to the naming of children in today's community.

This amendment also addreses another problem which has perhaps been experienced only by small numbers in the past, but by increasing numbers in the present, and I suspect by larger numbers in the future. That is the process whereby a child is conceived outside of wed-

lock and the mother has the task of filling in the registration of that birth. She is faced with a piece of paper which asks her to indicate whether the father is known or unknown. If she records the name of the father and the father agrees that his name be recorded, despite the fact that she is not married to him, then under the current Act the name of that man must be the surname of that child.

One can appreciate that many people in that situation would want their records to be accurate; that is, that the name of the father should not be ignored and avoided as a person unknown—*pater ignotus*, as they used to say on the Catholic baptismal register. It should not be required, in my view and in the view of many people, placed in this situation, that the name of the father should be given to the child. Indeed the only connection between the child and the father in many cases may simply have been a one-night stand. That would be a ridiculous connection to inflict upon the child—that he should carry the name of the father throughout his life even though the father and mother had agreed on another alternative.

The alternative put forward in this legislation would allow for the mother and the father to agree on an alternative name for the child. It may be the maiden name, the only name, of the woman involved. She would be responsible for raising that child throughout its life in a situation such as I have outlined. There is no reason to impose on that woman or on the child the name of a father who has no connection with the raising of that progeny.

This legislation links together those two amendments. One is an amendment which takes into consideration the multicultural nature of our community—the deeply felt needs in particular of the Islamic community with which I am most familiar in the Pilbara. The other provides for the changing thoughts of the wider community with the influence it has experienced, I suppose, from the feminist philosophy that we are no longer simply to assume the patriarchal nature of the society—as some people would say, the sexist nature of the society—where one records the father's name on the birth certificate and assumes that surname should become the name of the child.

The situation Mr Medcalf raised indicates that perhaps he has had so many Bills coming before the Parliament to consider on this occasion that he has missed the significance of this legislation. In fact, he has many substantive parts of this Bill wrong. He has not understood what is proposed with regard to the Islamic communities or other religious communities in Western Australia; for this situation would apply also to the mutual consent of parents wanting to utilise alternative names for their children other than the surname of the father.

It is wrong to suggest that the tradition we follow of using the surname of the father for naming the child is a long tradition. It has, in fact, been a short tradition in our community. It has only been formalised for 150 years in British history, and that is the history with which we are most familiar.

I have spent a considerable time chasing the ancestry of my family.

Hon. P. G. Pendal: That would be risky.

Hon. TOM STEPHENS: It was a great pleasure.

Hon. P. G. Pendal: I agree, I have done mine, but I would have thought yours would have been risky.

Hon. TOM STEPHENS: It was not risky, it was good, Irish peasant stock whose names have varied from generation to generation—or the spellings have—as a result of different recording systems throughout the history we have been able to trace. That has not made the family tree impossible to trace, although it has been a little difficult. One can use registrations to trace one's family tree, despite differences in the spelling of names, or the names themselves, from one generation to the next.

This amendment will not destroy the process of checking from generation to generation, as Mr Medcalf has suggested. In fact, with sensitivity on the part of anyone doing such a pursuit, one would simply be able to check family trees from registrations in much the same way as one does at present.

The amendments are extremely commendable and have been greeted with considerable enthusiasm. On the part of the Malay community in my constituency the difficulties with which they have been faced to date have been both disturbing and amusing. The process of assisting the Malay community in enrolling on the electoral rolls was interesting, because it was the first time for many of them. In the doorknocks we have had, one can ask a Malay person, "Are you on the electoral roll?" and he says, "I think so." When asked, "What is your name?", and they are Australian citizens who may have been born on Cocos or Christmas Island he might say, "Aladdin." When asked, "What is your surname?" he scratches his head

and looks totally confused. This does not occur in the majority of cases but in many cases their systems have clashed with ours and they have had to record many different names as being their surname because one surname might be the name by which they are known in the community, one is the name recorded by the hospitals in Australia or on the islands, and the other name might be in accord with that system, perhaps a grandfather's name. So the whole situation is chaotic for the Malay community, to the point where they have not been able instinctively to answer a question as to what their surname is. They are confused as to which name to give, whether it is the name they are known by, the name they use, or the name that has ended up on their birth certificates.

This amendment also provides for people who have experienced difficulties with the current legislation that requires them to name their children in accord with existing practices of the wider community to now have the opportunity of six months, from recollection, within which to amend the births, deaths and marriages records so they can be successful in having recorded on those certificates names that are in accord with the practice of both their ethnic group and their religious community.

I was sorry that I was not able to convince the previous Government of the need to move earlier on this amendment. I was able to succeed in convincing our shadow Cabinet that we needed to move in this direction. I was pleased with the cooperation on the part of the Attorney General and his predecessors who had handled this particular Act of Parliament, especially David Parker MLA, Hon. Des Dans, and subsequently Hon. Joe Berinson in ensuring that consideration of the necessary amendments required by the Pilbara community could be brought to Parliament in this Bill and in this shape to ensure a more appropriate naming system is available to the wider community and in particular the ethnic community.

I am pleased to see, along the way, that we have picked up the needs of a modern society that need to give consideration to changing circumstances of men and women as they face parenting children, sometimes out of wedlock. I commend the Attorney General and the Government on this Bill to amend the Registration of Births, Deaths and Marriages Act.

HON. H. W. GAYFER (Central) [3.04 p.m.]: I might be old fashioned but I am not in agreement with this Bill and I do not like it. I say to the Government that if this is social reform, in my opinion, it is going too far. Members opposite may say that their particular communities want it, and I appreciate that, but it has been the laugh of my community ever since it first made headlines in the country. They are not ready for it.

The tradition of people preferring to keep their names is still in existence. Tradition is what they like and appreciate. I did not think Hon. J. M. Berinson would argue because I thought he would have been on my side. Everyone is totally confused with everything these days, in standards of living, traditions, and the very way of life that is Australian. Members opposite will see this view expressed when they look at the ballot box next year. Why can we not continue the traditions and way of life which have existed for generations?

This system we are approving of now is clashing with something I would like to think is totally Australian, if indeed, we have anything left that is totally Australian. Do members think that if I went to Malaysia and lived with the Islamic people they would alter their way of life? Not on your sweet nelly!

I might have it wrong but if I do, then everyone else in my electorate with whom I have spoken has it wrong also. We do not want to cater for something else that might be around the corner and is the easier way out. We want to keep certain traditions that are Australian. I am opposed to the measure.

HON. KAY HALLAHAN (South-East Metropolitan) [3.07 p.m.]: I would like to support the Bill and respond to what we have just heard from Hon. H. W. Gayfer, who is a person who feels very strongly about points he brings to the attention of the House. I say to him that I too want to maintain those things which are particularly Australian and which I think are the sorts of things that are fair-minded and do give, as Mr Pendal said, a strengthening sense of personal identity. I think that is important and I do not disagree with the sentiment of what both honourable members expressed. However, there are some things in our society which do not conform to that spirit and which we have to address.

I very much hope that Hon. H. W. Gayfer will reconsider his point of view on this Bill and give it his support because there are many women, particularly, who have been very seriously affected by the implementation of this legislation. We have had it through the years and it has worked to cause distress. I

cannot imagine that Hon. H. W. Gayfer would want to see a law continue which causes people distress. People do not have to change the way they register their children but we must consider the effect on those where there is a need to register children without embarrassment and to keep strong ties going by not having their relationships denigrated. We must move from that or we will be doing our children a great disservice as well.

Another thing that I think is interesting, but unfortunate, is the fact that we have had to omit the name of the father and deny his parenthood of the children. In the past with children born out of wedlock, some men have not wanted their names given to the child. That is of the utmost irresponsibility. I think we should be encouraging the groundswell of men in our community who want their parentage registered on the birth certificate of the child. It could be a fact that, in a relationship which the parties do not perceive to be a continuing one for many years, they could make a decision to name the child after the mother who, after all, will be the carer of that child for the rest of her life; but they may also like the father's name on the birth certificate so that that side of the child's parentage cannot be denied. As it is, the father's name and details cannot appear on the birth certificate when the child is registered in the mother's name. Our society has allowed that to continue.

I assure members that I do not think we are doing anything radical with this Bill, but that we are doing something humane.

Educated women are a feature in our community and are experiencing a very strong sense of frustration and of agitation with such a law as it exists today. I had a discussion with Hon. Ian Medcalf about this matter. I agree that people can change their names by deed poll. However, that is not the answer. Children's identities develop early and parents should not be hassled about such matters. They should have a choice. Where a couple is married, a child will usually be registered according to the custom as we know it today. However, I have heard of cases of people wanting to make a choice who do not necessarily want to be constrained in the choice they make.

The Act as it exists, is causing distress. It is that distress that has moved me to speak on this legislation. Hon. Ian Medcalf and I were sent a paper this week by the Women's Electoral Lobby. It was responding to a broadcast by Hon. Ian Medcalf and me on the Australian Broadcasting Corporation radio news last Friday. Sections from the paper state—

> Our case studies show instances of women retaining their maiden name after marriage but being unable to pass their name on to their child, even with the agreement of the father. This has caused anxiety and distress to parents, to whom it is important for a variety of reasons to have their child assume the mother's surname.
>
> We believe that it is a basic right that parents have a choice in the naming of their child, whether it be the mother's or the father's surname, or a combination of both.

Apparently the Women's Electoral Lobby carried out a survey in 1980 and found certain categories where the Act was causing some problems. Those categories are—

1. The mother may have a relationship with a man; but not be living with him. She may wish that she and the child of the relationship have the same surname, not the surname of the father with whom the child does not live. However, she may not wish to deny the father his parental rights nor the child knowledge of his father by omitting his name from the Register of Births which is currently the only way a child can adopt the mother's name.

2. Couples living in a de-facto relationship may prefer their children to use a combination of their surnames, or where the father has children from a previous marriage, adopt the mother's surname.

3. In a marriage where the woman retains her maiden name, the parents may wish to use a combination of their surnames or use the mother's name.

4. If a woman has finished a relationship with the child's father before the child's birth and yet would like the child to have knowledge of its father, she currently has no choice but to have the child's registered surname as that of the father whom the child might never see. The alternative is not to name the father, the child is then

> classified as "illegitimate" and does not have access to his/her birth certificate.

I think that has changed in recent times since the survey was conducted. I wish to read another letter which I received not long after I was elected. It requested some change in the Act that we are seeking to amend. I have omitted the first part of the letter because it is personal and congratulates me on being elected. It states—

> I've enclosed a photocopy of a letter I received from the Registrar General concerning the register of births. I think this is a State matter—if not, correct me and I'll contact a Federal MP. I wondered if the ALP is aware of the biased nature of birth registration and whether there is any chance of having it changed. I am pregnant and wish to register the child in my name, but to do so it seems I have to declare the father unknown, or else pay for a change of name—and this will require the father's agreement. I don't understand why the father should have all the rights, especially if you are in an unmarried situation. I can imagine that cases occur when a man will not give his consent to a change of name—and yet that man may not even be living with the woman and child, or assisting in their maintenance. In any case why should a woman have to find $30? In my case, I am in a de facto relationship. My fellow is in complete agreement that the child take my name, but naturally wishes his name to appear on the certificate as we will be living as a family. We are likely to be unemployed by the time I give birth and thirty dollars will not exactly be chickenfeed.
>
> Anyway the basic issue is the rights of the mother (who is the person usually left with responsibility for the child in broken relationships) versus the complete rights given to the father—who can exercise these rights and yet doesn't have to lift a finger for the child if he's that way inclined.
>
> Is there anything that can be done about this situation?

We live in a changing social structure and I know that causes some discomfort. Nevertheless, it does not mean that we should ignore this issue. If we do, we will consciously add to people's distress in situations where there is no need to add to that distress. Women are emerging from a situation where they were seen as the property of the men to whom they are married. We took their names and we lost our identity. If I had my life over I would not change my name on marriage. I would have preferred to accept the name I grew up with, the name which my parents gave me.

We have a changing situation now to which we must adapt if we are to provide sensitive legislation and standards for the community to live by. I do not think this legislation will be detrimental or produce difficult administrative problems. I do not see also that the argument relating to identification will be difficult because women have always been faced with that problem.

I hope that members will consider the Bill as it stands and not see any need to amend it.

HON. W. N. STRETCH (Lower Central) [3.20 p.m.]: Any moves by the Australian Labor Party to change this sort of quasi-social legislation—I used the word "social" in the real sense of the word—do pose certain dangers to the community, both now and in the future.

Despite the remarks made by the last speaker about the unimportance of tracing family trees through the community, I believe such exercises are important, not only for the sake of self-aggrandisement to find out whether one is related to convicts or to anyone else, but also, as Hon. Tom Stephens has said, because genealogy is a matter of great concern and curiosity to many people.

I wish to underline some more important reasons for tracing people. I am sure the Attorney General would recognise that in some cases of adversity such as serious accident, insurance claims, or even deceased estates, it is sometimes very difficult to trace people from half-way around the world. I have serious concerns that this Bill will actually make the tangled web even more tangled.

One of the most important reasons for questioning this Bill is that of medical research. We are now finding a genetic cause for many diseases which were thought in the middle ages to be caused by such incidents as a pregnant woman seeing a goat or other animal. In the puritanical days of old, the birth of an afflicted child was regarded as an act of God, but now, with medical research developing very fast, we are finding that many medical afflictions have a genetic background. So genetics is becoming more important. For example, one of our own scientists, Professor Byron Kakulas, has performed extensive work in tracing the genetic

effects of muscular dystrophy. One realises how important one's genealogy can be, and there are serious dangers in making the tracing of people more difficult.

Hon. Tom Stephens: This will help in that tracing.

Hon. W. N. STRETCH: Hon. Tom Stephens may be able to convince me of that during the Committee stage. I have strong reservations about it, and I hope the Government has taken this matter into consideration.

There is a danger that a child, rather than having an identity, could actually be damned into anonymity in the future by the wish of both the parents or by one parent for whatever reason. This would be not only dangerous to the child in his development, but also dangerous to the rest of the community as our development advances.

The points I have raised are important, and I hope the Attorney General will be in a position to convince me that this Bill will make the tracing of people, for whatever reason, easier. I am blessed if I can see that it will.

HON. ROBERT HETHERINGTON (South-East Metropolitan) [3.23 p.m.]: I listened to Hon. Bill Stretch, and one would have thought that his arguments led to the support of the Bill. One of the problems we are faced with at present in regard to the requirements about naming is that in the case of exnuptial births, the name of the father is left off the birth certificate so there are many children who do not know their father. I think it is important that a person should be able to trace his father particularly as far as hereditary diseases are concerned. It is something about which we should think, in conjunction with the rights of adopted children. However, I do not want to raise that question now.

We have to rethink our whole attitude and wonder why we are doing things. For instance, there is a proposal in this Bill which I personally do not like and I hope that the Attorney will give it consideration and that in due course he will change it. In order to give balance and give equality of rights, we are putting the occupation of mothers, as well as that of fathers on birth certificates. I wonder why. Why do we want occupations on birth certificates at all? Is it any help to a person to find out, when he or she is older, that his or her parents were unemployed at the time? This could happen frequently in this time of adversity. Does it help to find that one's parents were wealthy? I do not think it makes any difference at all.

Hon. P. G. Pendal: Yes, it does. It is very important. It is important for genealogical research. Your friend Mr Stephens just conceded that.

Hon. Tom Stephens: Mr Hetherington and I differ on this matter.

Hon. ROBERT HETHERINGTON: As far as I am concerned I have gone back as far as my grandparents and having gone back that far I do not want to go back any further.

Hon. P. G. Pendal: In your case we can understand it.

Hon. G. C. MacKinnon: Why inflict your fears of your heredity on all of us?

Hon. ROBERT HETHERINGTON: I can go back further because my name is a place name. The name "Hetherington" means the town of the kin of the people who live on the heather. I ran across it quite by accident once and found Hetherington is a village in Northumberland and the Hetheringtons—

Several members interjected.

Hon. ROBERT HETHERINGTON: —were border raiders. Perhaps it was quite fun, but it did not make any difference to me. I think that the important thing about a person is what he is now and not what his parents were. However, they do need to know from whom they are descended as far as hereditary diseases are concerned. I am not terribly interested in this genealogical nonsense. I am rather interested in the rights of the individual and in the rights of men and women to decide on the names of their children.

Many of the things which we now do had some point in the past. At one stage we did not have surnames so the occupation of the father was included on forms because he was known in that way. He may have been John, the smith or Henry, the baker, and so it went on.

Not so very long ago some of our forebears did what some Muslims do now. They were known as John, the son of Thomas, John MacThomas, and it was passed down the line.

When I had Malays in the school in which I was teaching one of them was called Hussein ibn Salleh and his father was son of Hussein—not the son of his own son but the son of his grandfather. People have different genealogical needs.

Several members interjected.

Hon. ROBERT HETHERINGTON: Of course, I do not believe and I never have accepted the kind of argument that because something is done in the Soviet Union or that something is done in General Zia's Pakistan, it is a model for us to follow. I believe in freedom.

I believe in freedom for the Muslims who come to live in this country and they should not be forced into the procrustean bed of our traditions and habit. I think we can coexist with theirs. They came here for all sorts of reasons. Members can argue that if they want to come to this country they should do what we do, but I do not see why we should ask them to. I happen to believe in freedom. We should say to them, "Come to our country and as far as possible we will allow you to keep your ways." We should not change our ways to suit them, but we should allow them to keep their ways.

Men and women who have children should be able to choose the names of their children. I do not believe we should put the occupations of parents on birth certificates, although I will support this Bill at this stage because what is included in it is useful.

I think we should ask why we did it, why it was done in the past, and whether it is necessary. I do not believe it is necessary.

My wife has told me quite amicably—we are quite friendly about this—that were we young in this generation and to be married now, she would keep her own name. She has had mine for a long time and she does not mind it or, for that matter, me. Therefore, she is not going to make this radical departure because she is comfortable enough as it is now. She does not see any reason that any other woman should change her name. Of course, it is not required in law for a woman to change her name. On the marriage certificate she signs her maiden name—the name with which she was born, and she can continue to use it throughout her life. Many women do. It is not required by law that one follows the old patriarchal custom of losing one's identity and calling oneself, as would be the case with my wife, Mrs Robert Hetherington. She certainly would not do that and I would not ask her to do so. She is an individual with her own Christian name which I use. She is not part of my property, and she is an equal individual with whom I happen to cohabit under the law.

I believe she should be able to do as she wishes. If the pair of us had decided that we would give our children her name, we should have been allowed to do it. That is all I am asking.

A Government member: Have one each.

Hon. ROBERT HETHERINGTON: I personally have no objection to that; but what will happen next, I have no idea. We will probably have less concern and fewer feelings of being threatened by others when people become used to things. We might find that we can accept change more easily.

Certainly I support this Bill quite strongly. I do not find it perfect, but members here would not expect me to because I find that few things are perfect. We are fallible human beings and I believe that all the legislation that we pass is likely to have flaws in it and we will have to look at it again later. However I think this is a worthy Bill and it is one which follows the principle of liberalism; that is, the right of the individual to decide his own destiny.

Hon. John Williams: How would you know about that?

Hon. ROBERT HETHERINGTON: I happen to have read John Stuart Mill very carefully.

Hon. John Williams: You can't practise it.

The PRESIDENT: Order!

Hon. ROBERT HETHERINGTON: To answer the interjection—which I know you, Mr President will chide me for—it was because I am a liberal that I joined the Labor Party.

Hon. P. G. Pendal: You sound confused.

Hon. ROBERT HETHERINGTON: I am not confused but every time Hon. Phillip Pendal gets to his feet he shows his fears and psychological problems. I think it would be a good idea if we looked at this Bill and saw that it does not force any people to give up their traditional habits and in fact allows some people to keep their traditional habits while allowing others to exercise their individual freedoms. I think that is something that we need to stand up for in our liberal society.

HON. G. C. MacKINNON (South-West) [3.32 p.m.]: Some members in this place might be sorry that I have changed my mind and decided to speak on this matter. I refer in particular to the woolly thinking of Hon. Robert Hetherington. He seems to have come down severely since he left the lecturer's dias. He referred to Russia; well, the Russians may have

their system and I am certain it is a good system—for them. However I must admit that I am basically abhorrent of the ALP's idea of change for change's sake. One has only to look at the electoral lobby situation—

Hon. Kay Hallahan: That is not true.

Hon. G. C. MacKINNON: Of course it is true. It is almost enough to make one cry when one observes the way that members of the Labor Party try to wriggle out of this sort of situation. I feel terribly sorry for them. We have seen some exercises in the last couple of days in which they have been forced to do several things against their charter.

There is no book so genealogically-oriented as the Old Testament.

Hon. J. M. Berinson: The Old Testament does not have surnames.

Hon. G. C. MacKINNON: The point I want to make is that every country develops a system of identification of its families and to proliferate the methods of identification is a mistake. I do not care what system is used in Muslim countries because it is their own and they can follow it. The system we have in this country is the one we should follow. I have studied the customs and habits of various tribes very carefully and I know that these tribes have constructed systems of recognition which are specifically designed to avoid incest, intermarriage and inbreeding. I know of no tribe which has not developed rigid and elaborate systems to maintain these proscriptions.

One can look at the most primitive tribes—the Aborigines of Western Australia, the Hottentots of Africa, even the tribes of ancient Israel and China—and observe that they have laws, customs and habits of family identification which have been inbuilt into their social structure. We all know the reasons for this and perhaps these reasons have been overstated. Some geneticists say that these worries in respect of genetic inheritance of diseases is overstated. I was interested to hear Hon. W. M. Stretch mention Professor Byron Kakulas, who is still in this State because of the actions of Michael Kailis and myself. I know of all the work that has been done by Professor Kakulas on muscular dystrophy research and I know that this State has made progress because we were able to follow the families which had this particular problem over a long period of time because of our system of registration of births and marriages and the naming of our people. We were able to succeed, and very effectively so; but that is not the only hereditary complaint. I am alarmed that Hon. Joe Berinson has been able to use his influence—which must be in favour of the Old Testament—because the old customs were put in place with good reason and to cast them aside with the elan demonstrated by the ALP is foolish.

One only has to look at the question of incest. The system of naming used in this country has over the millennia been developed to avoid this. As a general rule, one can trace one's name through the male side of the family. If we develop the system of putting it through the female side of the family we could become accustomed to that but to proliferate the methods of naming will I think create trouble in some ways. We are already seeing some problems developing with the increase of single-mother families where there are families which are not families. I think we are making it easier and giving encouragement to the idea of not having families, which I think is a pity. The old hackneyed story, which all members no doubt have heard, concerns a man meeting a woman, getting together, and finally discovering that they are in reality brother and sister who had been given different names by estranged parents. Often the children which result from that union have inherited undesirable traits—not always, but frequently. The point is that customs that are established should be changed with reluctance.

I do not think that the present system imposes any real hardship on anyone. I have been a politician for 30 years and for most of that time, living together was regarded as being in bad taste, to put it mildly. One could look at the housing estates and see that perhaps one in every 10 couples was actually living in a *de facto* relationship. At least three or four times a year it was common practice for me to advise people that they could change their names by deed poll. That does not happen very much now but in those days it generally happened because a woman in a *de facto* relationship was embarrassed when the mail came to her home and her name differed from that of her partner. The neighbours could learn about her relationship and she would be ostracised. All that has changed and it has perhaps overcome that problem. However, I do not believe that we should change the present system because I think that a system like ours should not be changed with such gay abandon.

I repeat that every race has developed its own system of identification and many have followed the same system through the male line.

Hon. Tom Stephens: We are the only ones out of kilter in Australia.

Hon. G. C. MacKINNON: I do not care if we are out of kilter. I agree with the comments made by Mr Hetherington, who said that if the Russians want their system let them have it. We have our system; it is recognised and understood.

Hon. Robert Hetherington: They were not my words you are twisting what I said, as usual.

Hon. G. C. MacKINNON: I am not wily enough or quick enough to twist Mr Hetherington's words. He said other people had their systems and they were satisfactory.

Hon. Robert Hetherington: I did not say that they were satisfactory.

Hon. G. C. MacKINNON: All right, the member said that they were satisfactory to them and that he did not want to copy their systems.

Hon. Robert Hetherington interjected.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I do not think we should develop a mishmash and adopt a heap of different systems. It is up to the Minister to convince us that this is a clearly understood system.

I do not go along with the complicated set up explained by Mr Pendal. Very few people would adopt half a dozen surnames and if they did, they would be so nutty that nobody would take any notice of them. Mr Pendal exaggerated to make a point, and he did it skilfully.

Many suggestions come forward from the Labor Party when it wants to woo certain sections in the community. In this case I think it is trying to woo the Women's Electoral Lobby; it has dashed in and is trying to change the system. It will finish up throwing the baby out with the bath water.

I suggest that we should be more careful. I have not witnessed any cases in which real hardship can be shown. We did have one problem which was settled within the law and the charming person involved in that case is sitting in this Chamber at the moment. I think there was also another case. I have represented areas in which there have been a whole range of social structures and I have never struck any problems in this field. The Labor Party is approaching this matter in the same way it is approaching everything these days, purely and simply to get on the band wagon. I think it is necessary to retain a system which we understand and under which we can recognise people. It is a system that leads to fairly easy identification of individuals which is necessary for a whole host of reasons.

HON. E. J. CHARLTON (Central) [3.43 p.m.]: I have a few brief comments. At this stage it has not been demonstrated what the long-term effects of the legislation might be. I am concerned about this Bill and any other legislation introduced which changes a custom that has been practised over a long period, and which may lead to the breakdown of the family unit. Before any member interjects and asks how this could result from legislation dealing with the use of surnames, I indicate that that may be the case.

One thing of which I am certain, and it has been demonstrated over a long period, is that although change is inevitable we should remember to take the good things of the past with us into the future. One of the foundations of our society is the family unit. There is no doubt in my mind that over the last few years almost all legislation introduced which is directly concerned with people—making it easier for people to survive, to exist economically, to raise children, and to pay taxes, etc.—seems to be dealing with people as individuals rather than as members of a family unit or members of a community. This situation seems to apply more to the metropolitan area than it does to the country areas of this State. The family unit has respect for all members within that family and we must have rules, regulations, and customs that will encourage that respect. Many people have suffered as a result of experiences they have gone through and situations they have been in through no fault of their own.

Sitting suspended from 3.45 to 4.00 p.m.

[Questions taken.]

Hon. E. J. CHARLTON: I think that this legislation and other legislation that has come before this House in recent times will be detrimental to the future of the family unit. We should all consider very seriously the fact that we should have some guidance in these matters if society is to meet the challenges confronting it daily.

We have seen many changes in society in recent years. For example, one thing which has received major publicity is equal opportunity, and everyone on this earth should be entitled to

it. While I agree with that, the fact remains that in certain situations we must have a basis on which to work.

Hon. Kay Hallahan: What about fairness?

Hon. E. J. CHARLTON: One thing that is important in every organisation, whether it be Hon. Kay Hallahan's party, my party, or the Liberal Party, is that certain rules and regulations must be stipulated. If this is not done the organisation breaks down and falls apart.

It is important that this legislation be given serious consideration. The legislation should be considered in regard to its long-term effects because if we are to make changes, we must bear the responsibility for the changes which will occur to other legislation as a result of it.

It is fair to say that in respect of equal opportunity and fairness, as Hon. Kay Hallahan mentioned, not all things are equal. Not everyone is equal in the strict sense of the word. We all go about our affairs in a different way. We are not born equal and we will not die equal.

If we amend the method of registering births, deaths, and marriages, a set procedure must be laid down. For example, it would not be possible for one particular group or family to have one method of recording these statistics, while another group or family has another method. If that were to occur the system would end up in a shambles.

I refer now to people in ethnic groups who are migrating to this country. I am not against anyone being given the opportunity to live in this nation. It is a practice which has occurred throughout history, and it has happened in many countries of the world. This argument could be related to other matters, for example, the Aboriginal situation.

No-one has a God-given right to a particular piece of land. However, one important aspect which should be taken into consideration is that the affairs of this country must operate on a solid basis of which the family unit must be a part. While we would not have the backing of 100 per cent of the people in this country, it is still important to have a basis on which society can function.

Hon. Tom Stephens: We will have a different system from the other States.

Hon. E. J. CHARLTON: That is a very important point and I am well aware of it. It appears that every time another State makes a certain decision we are required to make the same change. It might apply to equal opportunity or to anything else, but I make the point that if Hon. Tom Stephens were to jump off a cliff, not everyone would follow him. I have used a paltry example, but the fact is that every time another State does something we must follow. There are certain things that we should not do.

We are paying a high price economically to keep the family structure. It will remain to be seen whether we pay a high price in regard to this legislation once it is set up.

I turn now to broken marriages and broken homes. Why should a mother and her children retain the name of the person who may have caused the family break-up? A mother may rear a family, do all the right things, yet the family, under the existing law, must keep the name of the father.

Hon. Tom Stephens: We are not changing that.

Hon. E. J. CHARLTON: I am speaking about the broader aspects of the effects of this legislation which could have an effect on our lifestyle in the future. These things do happen. I am not suggesting that we should legislate to put everyone into a certain category and make them follow one another like a flock of sheep. No-one wants to do that. We must encourage society to have a few basic principles that will enable it to pursue a culture successfully.

I have said to many people that a lot of things are wrong in our society and that the main reason they are wrong is that the generation of people who occupy the seats in this House are those people who have made decisions in the past and must bear the responsibility for them. We often hear that if a person had not done a certain thing we would not have to put up with the situation as it now stands. In some cases the decisions may have been made 100 years ago. Members of this House are in a position to make decisions and that is what they are paid to do. While I receive a small remuneration for being a member of Parliament, I think it is important for me to make my position clear in regard to this legislation. I am one of those people who has a family which is very important to me. Whether my family uses my name or my wife's name does not matter as long as we have some incentive to keep our family group together in times of adversity. Members might ask what this has to do with this legislation. My belief is that we must have a basis on which to build everything, and that applies to society also. If one is to erect a build-

ing it must have proper foundations to begin with; if he does not, it will take only a few years before the building starts to fall down.

With regard to the unemployment situation, in many cases young people are encouraged to move away from their homes because they will receive a bigger allowance than if they were to stay in the home situation. Some young people who live at home and who attend tertiary education institutions have their fees paid by their family. However, if they move away from home, they receive Government help.

This legislation will encourage people not to follow the traditional way in which people have previously grown up. While I am one who says that we should make changes, I believe that we must make sure that those changes will be for the better. They must be of benefit to someone and not just untenable. We must take into consideration the majority of the people. We seem to have been spending a lot of time lately debating matters which involve minority groups. I am not saying that the minority is always wrong. I do not believe in that philosophy, but I am very perturbed about the consequences of this legislation.

If we free everything up to a point where we have a willy-nilly situation, we will find that some members of the family will have one surname and the other members will have another.

Those of us who have studied history will know that at various stages nations have tried to free up society and, as a result, such nations have risen and then fallen.

It has happened because of certain circumstances during particular periods which the people of that time have encouraged or discouraged.

Hon. Tom Stephens: The families have a better chance of survival if the relationship is based on love rather than on laws. You cannot suggest that these laws will make the families survive.

Hon. E. J. CHARLTON: I have a bit of a problem with the word "love".

Hon. S. M. Piantadosi: You don't believe in it?

Hon. E. J. CHARLTON: I do not have a problem with love but with the word "love". It is used so many times out of context that it has become a joke. The word is used far too freely and too much encouragement is given to free love. The word is used to cover passing phases in relationships and in my opinion it is not worth two bob. I think "respect" is a better word than "love" and it is time we had respect for one another. With this respect we should ensure that our decisions are made on a broader basis which will enable families to survive. This Bill is primarily to do with families because it relates to the names of the members of families.

We are spending time on this rather paltry legislation when there are other more important issues further down the line. We should be creating a climate in which changes will be made for the benefit of society in the long term.

In the Committee stage of this Bill I believe we should consider specific clauses in the legislation before we give the Bill the green light.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.32 p.m.]: I understood from Mr Medcalf, who led for the Opposition in this debate, that general agreement could be expected at least on those provisions of the Bill which are designed to accommodate religious and ethnic traditional practices. I very much hope that that is still the case. Nonetheless I accept the obligation to respond to some of the criticisms of that aspect of the Bill advanced by a number of members.

Mr Gayfer led this attack and this was because, in his own words, people want to maintain their traditions. I agree with that. I believe that the ability of people to maintain their traditions should indeed be facilitated. The fact of the matter is that that is the very purpose of this Bill. There is no compulsion here; at every point it is a matter of agreement between the parents as to the manner in which their children should be named. For those with special religious or ethnic traditions there is capacity to agree that those traditions should be maintained. I would expect that only a proportion, even of the communities for which we are concerned, will adopt the facility which this Bill is designed to provide. Nonetheless, that is no argument against freeing up the system for them.

Mr Gayfer is quite right, of course, when he says that the tradition in our community in respect of naming children in general is to give the child the father's surname. There is another tradition also; the tradition of tolerance. It is a tradition of accommodating alternative views. As it happens I do not regard that as a very long-established tradition. We like to persuade ourselves that that is the way Australia has always been. The truth is that it is not the way Australia has always been and the earlier re-

strictions on immigration, for example, not simply in respect of coloured immigration but of any non-English speaking immigration, testify to the fact that the tolerance with which this matter is now approached in the community is of fairly recent origin.

It dates to a great extent from the end of the second World War and, much as we like to believe that it predates that period, I do not think the facts support that. Nonetheless, in many other areas Australia, from its early period, established a tradition of tolerance which was not reflected in other communities and in the field of migration. We have caught up with that in the more recent period.

I agree with the comments of Hon. Bob Hetherington in urging Hon. H. W. Gayfer and other members who may have been inclined to accept his argument, that we should not be looking to the example of countries with a lesser degree of tolerance in such matters than our own. Mr Gayfer in particular chose the example of Malaysia, and I suppose that was because it was a concern for the traditional Muslim naming practices that gave the original impetus to this Bill. I do not want to get into the field of foreign affairs; that is not my business. However, I have to say that if I were to be offered a model to follow in our own community, I would not be anxious to follow the Malaysian model; and that does not relate only to what their attitudes might be in respect of naming practices but also to a number of other matters.

Our aim should be to follow and to build on our own traditions and standards. I seriously put it to the House that this measure, modest as it is, is in conformity with our own standard and that is the standard on which we should build, not those of countries whose examples we would not want to follow in a number of other aspects.

It is only fair to acknowledge that more extensive reservations were expressed on the other major aspects of this Bill which permit parents a choice in respect of their child's name to the extent of allowing the child's surname to be that of the father or the mother, or a hyphenated combination of both.

I emphasise that this is a question not only of choice but also of agreement between parents. Mr Medcalf asked, why should we change? I respond, why should we not change? Indeed, the answer to Mr Medcalf's question was best provided by a comment by that honourable member in another part of his speech.

At one stage Mr Medcalf was discussing the provision in this Bill which would require birth certificates, which have always shown the father's occupation only, to make provision also for the mother's occupation. Mr Medcalf did not oppose that. He did not much like the justification based on equality of the sexes. On the other hand he acknowledged a case for the amendment on the basis of developments in recent years which have produced a vastly increased rate of participation on the part of women in the workforce. In other words he was saying that times have changed and we have to acknowledge and reflect that.

Of course times have changed. With that change has come an increasing acceptance of equality of status between men and women. Although it is not generally recognised, there is no requirement in the current law for a wife upon marriage to take her husband's surname. She is perfectly entitled to retain her maiden surname. That has always been regarded as acceptable, and as I understand it there is an increasing tendency for women to retain their maiden surnames after marriage. In those circumstances and in the context of the wider movement for equal status of men and women in the community, why indeed should the choice provided by this Bill not be allowed?

Ironically it is the least contentious aspect of this Bill—I refer to the question of religious and ethnic traditional practice—which is genuinely progressive. So far as I am aware a similar measure has not been enacted in other States.

In contrast, that part of the Bill which has led to the more substantial disagreement in this House is not at all novel. Legislation presently enables parents in other States to choose the surnames of their children. This applies in New South Wales, South Australia, Tasmania, the Australian Capital Territory and the Northern Territory, and I am advised that similar provisions are now being considered in Victoria. With the ever-increasing movement of population between States there is a clear and obvious advantage in uniform legislation to enable families with children born in different States to be similarly registered.

A member: Uniform confusion!

Hon. J. M. BERINSON: This is not an argument of uniformity for its own sake. This is an argument based on the one hand on the merits of the case, and on the other hand on the availability of experience in other jurisdictions which has not led to an indication of any problems emerging from the difference.

I confess that the debate on the second reading went on much longer than I had anticipated. I am not complaining about that.

A member: It was a good review of the Bill.

Hon. J. M. BERINSON: I am just saying the debate went on longer than I expected. Interestingly, at no point of that debate, in spite of the existence of similar provisions elsewhere, was any suggestion made that the provision could actually lead to difficulty, either in the tracing of families or in exaggerating some tendency to family breakdown or in any other way.

I put it to the House that the reason no such example was offered is that no such example exists, and that this is a measure which we can properly support as accommodating the best traditions of the community without in any respect presenting the prospect of difficulty or embarrassment or disadvantage in any other way.

I commend the Bill to the House.

Question put and passed.

Bill read a second time.

LAW SOCIETY PUBLIC PURPOSES TRUST BILL

Returned

Bill returned from the Assembly without amendment.

QUEEN ELIZABETH II MEDICAL CENTRE ADMENDMENT BILL

Second Reading

Debate resumed from 15 October.

HON. JOHN WILLIAMS (Metropolitan) [4.47 p.m.]: This is an interesting little Bill. When it came to the House it took me back a little in time. Hon. Lyla Elliott herself played a significant role last time this Act was before the House, which was eight years ago in 1977. Hon. Lyla Elliott was a little aghast at the confusion which would reign because the Perth Medical Centre was to be renamed the Queen Elizabeth II Medical Centre. She felt this would cause confusion in the minds of people.

The debate appears on page 1554 of *Hansard* in 1977. Hon. Lyla Elliott said—

> It is still confusing to have two Queen Elizabeth Hospitals in Australia.

She was assured there were about 102 Princess Margaret hospitals throughout the world, and that people would not confuse the Queen Elizabeth II Medical Centre in Perth with the Queen Elizabeth in Adelaide.

Hon. Robert Hetherington followed at 8.35 p.m. and said he felt we were losing a wonderful name, the Sir Charles Gairdner Hospital. People were surprised that the Minister who introduced the Bill, Hon. David Wordsworth, sat still. The then Leader of the House, Hon. Graham MacKinnon, stood up and took both members to task for saying what they had said; he said they should have done their research a little more accurately.

The upshot was that we still have the Sir Charles Gairdner Hospital. It will still be there and it will still be named in that way. This was an interesting little debate because at that time I said there would be difficulties with the Queen Elizabeth II Medical Centre, and indeed so it has proved.

When Hon. Graham MacKinnon in 1966 put forward to Cabinet the suggestion that the present building should be called the Perth Medical Centre, he regarded that as a step towards the progression of buildings appearing on that site.

In 1977 there was a change of name to honour Her Majesty's Silver Jubilee. It became the Queen Elizabeth II Medical Centre. That did not alter the fact that remaining on the site was the Sir Charles Gairdner Hospital. Today it houses the State Pathology Laboratories, the University of WA Medical School, and perhaps two or three other organisations, the names of which I cannot readily bring to mind. Each is an individual authority in its own right. The Queen Elizabeth II Medical Centre Act set up a trust to take care of the development of the site in 1977.

In the intervening period these organisations, not one of them having any responsibility, consequently caused certain things to happen by default. For instance, it may be a surprise to the House to know that nobody is responsible for the traffic coming into and out of the centre. This problem has caused a great deal of heartburn for the Subiaco City Council and the Nedlands City Council, whose boundaries abut the centre. Sometimes one council will want to close off a street, do some road widening, or create a different traffic flow. Instead of negotiating with one body as we would expect the

trust to do, it must negotiate with both city councils. It has been brought to the Government's attention that this is a difficult area.

The Government has introduced this Bill which I welcome very much. I will support it and will ask my colleagues to do the same, because a trustee from Sir Charles Gairdner Hospital will now be appointed, if my reading between the lines is correct, and that body will liaise with the whole centre; so instead of the Town Clerk of Subiaco (Jim McKeogh) going from one body to the other to achieve coordination, he can now approach one person within the trust and draw his attention to a certain matter.

Other implications of the Bill do not need to be explained because they all come under the umbrella of creating a body which is easily and quickly recognised. This was the intention when it was set up in the first place, but it did not materialise because each group felt it wanted to retain its own identity and board. There was a falling away between the schools of authoritative procedures and administration when it came to the crunch.

I commend the Bill to my colleagues. I intend to support it.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ELECTORAL AMENDMENT BILL

In Committee

Resumed from 10 October. The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short Title and principal Act—

Progress was reported on clause 1.

Clause put and passed.

Clause 2 put and passed.

Clause 3: Section 4 amended—

Hon. P. G. PENDAL: I wish to direct a question to the Minister handling the Bill. It is not one of the more substantial points that the Opposition wants to raise, but it deals with a proposal to delete the definition of Christian name from the Electoral Act. I am aware that I am not permitted to refer too closely to subsequent clauses, but the Deputy Chairman will perhaps allow me the latitude to point out that in clause 7 the Committee is being asked to insert the words "given names". It seems odd those words are being added and the words "christian names" will be deleted. It is not unlike some of the arguments that we had in relation to a Bill recently dealt with by this Chamber. Without wanting to take up too much time of the Committee, I would have thought that a better solution might have been to leave in the definition of Christian name and to add a further definition of a person's given name. Could the Attorney General comment on that matter?

Hon. J. M. BERINSON: I wish to clarify a point with the honourable member. Is his argument that the definition of Christian name should be retained in the clause, or is he saying that a definition of given name should be added?

Hon. P. G. PENDAL: That is the argument I am raising and, for the sake of consistency, one could have done one thing or the other; but it does not seem to be sensible to do both. We have been asked to delete the definition of Christian name, but later in clause 7 we deal with section 23 where we intend to insert after the words "Christian name" the words "or given names". It seems that we will be referring to words which we are now in the process of deleting.

In conclusion, the Attorney General's most recent comments would be more sensible because we should have retained in the definitions the definition of Christian names but added a definition of given names which would cover people other than those who subscribe to Christian beliefs. It is merely an observation on the part of the Opposition and, I repeat, we do not intend to pursue any amendments. I am asking whether or not it is one of those things that has been overlooked and amounts to some sloppy drafting.

Hon. J. M. BERINSON: I have no particular advice on this point, but I suspect that it is a drafting decision rather than a policy decision. I would also say that it is not to be construed as sloppy drafting, but as reflecting a view by Parliamentary Counsel that both terms—namely, Christian names and given names—are so generally understood as not to require definition. That may well not have been the position when there was no capacity to enrol in the given

name. At that time it must have been open for a person to believe that, not being a Christian, it was either inappropriate or inaccurate to ask him to indicate what the Christian name was. The new form provides the capacity to use either the Christian name or given name and that question could not conceivably arise. I repeat that I have no instructions on this matter, but I will offer it to the honourable member as a proposition that makes sense.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Section 17A, 17B and 17C inserted—

Hon. P. G. PENDAL: Clause 5 deals with three separate matters. The first part of clause 5—that is, the part dealing with proposed new section 17A—refers to a new concept of provisionally allowing 17-year-olds to enrol in the year leading up to their eighteenth birthday when they will be eligible to vote.

As I indicated during the second reading debate the Opposition commends the Government for that proposal. It sees no problem with it and, therefore, intends to support it.

Proposed new section 17B deals with the concept of an itinerant voter and the Opposition opposes it and will now seek to defeat it.

I covered most of the arguments regarding this clause during the second reading debate. It does surprise me, however, that by way of interjection the Chamber was informed that the concept of the itinerant voter would extend to perhaps a little over 100 people in Western Australia. I expressed some surprise that the Government should spend a seemingly inordinate amount of time on this part of the Bill when other parts of the Bill will disadvantage, in some cases, up to 65 000 voters.

Hon. Garry Kelly: Rubbish!

Hon. P. G. PENDAL: I repeat to the Chamber that that is the number of people who it is presumed will vote between the hours of 6.00 a.m. and 8.00 p.m. I know I am not to talk about that at this stage in the Committee debate. However, it puzzles me that we should be dealing with a most extensive clause, which runs into several pages, in an attempt to look after the interests of a little more than 100 people. I put forward many arguments during the second reading speech which were forcible arguments and at this point I do not intend to repeat them except to say that the Opposition is concerned that the itinerant voter provision would be capable of easy manipulation and in its view it would lead to a situation where it would not be a difficult task for voters to swamp different electorates.

We take the view that the very fact that the Government should define what is an itinerant voter and then allegedly set out on the path of producing precautions against abuse is in itself an admission, I suggest, that it is being capable of abuse by people who do not take the electoral system to heart. I move an amendment—

To delete all words from Page 3 line 19 to Page 7 line 31.

Amendment put and passed.

Hon. P. G. PENDAL: As I understand it, because the Government's amendment went onto the Notice Paper prior to the Opposition's amendment regarding the absent eligible voter, it is now the Government's task to move its amendment. If that amendment is passed the Opposition will be satisfied with that additional safeguard and, therefore, will withdraw the amendments it intended to move in relation to page 13.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Order! There seems to be some confusion. It is difficult to work this out and I do not want any assistance from the floor.

Hon. A. A. Lewis: You are expected to be in charge.

The DEPUTY CHAIRMAN: I do not want Hon. A. A. Lewis to advise me how to run the affairs of this Chamber. I ask members to be patient in order that I can make sure that the Committee gets a fair say in this matter.

I will leave the Chair until the ringing of the bells.

Sitting suspended from 5.18 to 5.22 p.m.

The DEPUTY CHAIRMAN (Hon. P. H. Lockyer): Honourable members, we will continue with clause 5 and take matters as they come to hand.

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

Page 12, line 23—To delete "or".

I should indicate to the Chamber that I failed to speak on the earlier amendment moved by Hon. Phillip Pendal and then carried, simply because I did not hear the question being put. I accept that it was put and that everybody else heard it put, but I did not. The result of that will be that at a later stage of the proceedings I will move for the recommittal of that item to

ensure that the Chamber is able to again consider that part of clause 5 with knowledge of the Government's attitude to it.

I believe that the amendment I am now moving will not be contentious if only because it sets out in other words a proposal moved by Hon. Phillip Pendal. In debate in the Legislative Assembly, some concern was expressed as to the possibility of persons registering under these provisions retaining or obtaining registration elsewhere as well. It is the view of the Government that the possibility of that sort of abuse arising is not a likely threat to the integrity of the system. Nonetheless, the possibility does exist and has been raised, and the amendment which I have moved is designed to overcome those reservations.

Hon. P. G. PENDAL: The position as explained by the Attorney General represents our view of the matter too. It was a matter of considerable concern to the Opposition because it could have the effect of allowing people to be on a number of interstate rolls. If anything, the Attorney General's amendment goes one step further than ours. However, that point aside, there is another matter which I think is of a drafting nature and I feel that the Government's attention should be drawn to it.

On pages 7 and 8 of the Bill there is reference to eligible absentee voters. I will read the words because I suggest that at their worst they are ambiguous and at the best they are the result of very poor drafting. The section in question is 17C(1)(b) which concerns an elector—

> (b) who intends to cease to reside in the State then, not later than 3 years after the day on which the elector so ceases, to resume residing in the State, whether in that District or elsewhere,

I suggest that there may be some difficulty with this in the future. I suggest that the words "to resume" should read "resumes". It is not a pivotal point and I do not think that any future State election will hang in the balance because of it. The Opposition does no more than draw the Government's attention to this matter and signify that we will support the Government's amendment in relation to eligible absentee voters because it is something that accords with our view of the matter.

Hon. J. M. BERINSON: I think the best way I can respond to that comment is to say that I am happy to put it to Parliamentary Counsel for further consideration. If necessary I will make a comment on that later in the course of the Committee stage.

Amendment put and passed.

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

> Page 13, line 4—To delete "expires." and substitute the following—
>
> " expires; or
>
> (g) the person is enrolled as an elector for a legislative assembly of a State or Territory of the Commonwealth other than this State or is enrolled as an elector under the Commonwealth Electoral Act 1918 of the Parliament of the Commonwealth in respect of an address that is outside this State.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 6: Section 22 amended—

Hon. P. G. PENDAL: As the lead speaker for the Opposition, I confess that at the second reading stage I did not refer to this intended amendment; however, it has been on the Notice Paper for some time.

Essentially, the Opposition seeks to maintain the status quo in relation to section 22 of the principal Act by maintaining the provision for a person's occupation on the electoral roll. The Government is asking us to delete the passage "christian name, sex, residence, and occupation" and to substitute the passage "christian or given name, sex and residence". Were the Committee to agree to that, then clearly the word "occupation" would be removed and the requirement for a person's occupation to be shown would disappear from the Electoral Act.

There has been much public and parliamentary debate about the value or otherwise of having a person's occupation on an electoral roll. The Opposition acknowledges the Government's argument, which says in part that a person's occupation can alter and therefore, within a year or two, or 10 years down the track, the original occupation remains on the electoral roll, and that in itself does not assist anybody looking at the electoral roll. The famous example was given of the former permanent head of the Premier's Department, the late Mr Lonnie, who throughout his life had his

occupation listed on the electoral roll as Government driver, which was what he was at the time his name was put on the electoral roll.

The answer to that argument was partly supplied in one of the other debates in this Chamber in recent hours. As one who has used an electoral roll in this State, I can suggest that the occupations of people going back for the last 90-odd years is a very helpful device. It may well be that some would take the view that it is not helpful, but I would suggest that for the purpose of checking on one's own electors alone, it is worth retaining the occupations. Of course a person listed in 1922 as a truck driver may in fact end his life as a multi-millionaire, but that does not alter the fact that he was a truck driver in 1922.

Hon. Garry Kelly: What relevance does that have in 1985?

Hon. P. G. PENDAL: It may well have relevance to a person wanting to know the occupation of Mr Kelly's grandfather in 1922. It is not a pivotal argument of the Opposition, but it is one of them. At present one can consult any electoral roll from 1890 until the present in the Battye Library, and can obtain that helpful information.

The Opposition is not terribly concerned with that argument, but the argument put by the Government—that the occupation is of no great value since one frequently changes occupations—can of course be applied to a person's address. It is very likely that a person will change his or her address as often throughout life as his or her occupation. Is that an argument, therefore, to take everyone's address out of the electoral roll, because of the possibility that they may change? As another example, people change their names on the electoral roll because they marry.

In other words, there is a responsibility on the part of the voter to update certain information on the public record concerning their name, marital status and other things. It cannot be argued that this is an onerous task to be asked to perform.

Finally, I suggest to the Committee that in a practical, everyday sense there is value in having one's occupation listed on an electoral roll. Perhaps members of Parliament, more than any other group in the community, would refer to their electoral rolls on a daily basis. That is a practice in my own office. When a caller is put through to my phone and I am told that "Mr Tom Smith of Coode Street, Como, wants to speak to you" I immediately turn to the electoral roll to find out if he is an elector. I not only look for the person's name to check that he is on the roll, but I also check his occupation. Very often that can be indicative of what he will speak about.

For those reasons the Opposition believes we should not remove the requirement that a person's occupation be on the electoral roll. I remind members that the Government has put forward no substantial argument to say why it should be removed or that it is some barrier to democratic principles.

I move an amendment—

> Page 14, line 9—To insert after the word "sex" the word, "occupation".

Hon. J. M. BERINSON: With all due respect to Hon. Phillip Pendal, I am bound to say that his contribution on this clause is among his more imaginative but less persuasive in this Chamber.

Hon. N. F. Moore: We will see how persuasive it is when it comes to the vote.

Hon. J. M. BERINSON: I agree that that will be the test. In particular, it will be a test as to whether the members in this Chamber are interested in voting on the merits of a position or in exerting their voting strength irrespective of merit. However, I am sure that Hon. Norman Moore, having given close attention to Mr Pendal, will be open to some contrary arguments which I will put to him.

It goes without saying this is not one of those amendments, nor indeed is the original proposition one of those propositions, on which the political fate of the State will depend.

It is a very modest measure and arises only because the whole of the Act in relation to election procedures is under review. It is not the sort of measure anyone would dream of bringing to Parliament for its own sake. The fact of the matter is, that we have the procedures under review, and if in the course of that process it is possible to improve the procedures, to simplify them even to some small extent, the opportunity ought to be taken.

The first argument against this amendment is that occupations are the least accurate information appearing on the rolls. I do not need to expand on that because Mr Pendal has done a good job for me. We heard about the director general of the Premier's department who was listed throughout his life as a Government driver.

Occupations are not only the least accurate part of the rolls but also the least useful. Indeed, I take that further by saying that from the point of view of the electoral process itself, they are irrelevant.

Compare that with the other provisions for enrolment. Three are proposed to be retained. The first is the name, and that speaks for itself as a requirement of any enrolment procedure.

The second is residence, which is obviously essential in order to categorise each elector into his or her own appropriate division.

The third is sex, and that has somewhat limited value in respect of persons who claim a vote and whose names may be gender neutral. To some small extent we might say that that might have some relevance to the process, but I hasten to add that whatever the utility of that part of the enrolment detail, it is very minor indeed. I concede that, but at least it has some conceivable use.

What conceivable use, from the point of view of the election process itself, does the listing of a person's occupation offer? It has no use whatever. It does not help the returning officer if someone is claiming a vote. It does not help to resolve any dispute about whether a person is entitled to claim a vote in one electorate or another. It has no conceivable use from the point of view of the election process itself.

If we are going to say, "Oh well, it might help some members", let us add more detail. Let us ask for voting intentions so that when Mr Smith from Coode Street rings Mr Pendal, he will know more about him. Let us look at the Bureau of Statistics returns. Let us ask someone enrolling about all sorts of other matters. Let us ask about his family, about how many dependants he has and whether he has private health insurance. Why not? If the electoral roll is to serve purposes other than that of the election process, there is almost a limitless range of questions which could be asked.

The point is that a person's occupation serves no useful purpose in terms of the electoral process itself. It is consistently inaccurate by the nature of the roll. It has a mass of information in respect of entries such as home duties, pensioner, and business proprietor, which are effectively meaningless. All in all it makes no useful contribution to the election process, and now that we have the opportunity to get rid of it, let us do so.

Hon. P. H. WELLS: Could the Attorney tell me why the Electoral Office requires to know a person's sex? Does the department perhaps give males 1.1 votes? Does it discriminate against females? Are there members of Parliament who do not want to deal with females? With the Government's interest in equal opportunities I am surprised it still wants to know a person's sex. For a long time now both males and females have had the right to vote.

Some time ago a lady phoned me about a problem she had with the Electoral Department's computer—it was at the time when people were being asked to register for the first time on the roll. She explained that she had just received a request from the department to put her name on the roll for the first time, yet she had been on the roll, at her present address, for 10 years. I looked at my books and found that that indeed was the case. I phoned the department and found what the problem was.

To explain, imagine that I am wanting to enrol. I go to the department and say that my name is Peter Henry Wells and that the Christian name I use is Peter. When people address things to me, I explain that they are addressed to P. H. Wells. In the case of the lady in question, her initials had been reversed. Using my example, instead of being recorded as P. H. Wells the department had me recorded as H. P. Wells, but at the same address. It seems that the computer was unable to handle that situation. Despite the fact that the lady was still at the same address and was still shown as a housewife, the computer could not handle it. I do not see why it could not have recognised that the problem was just a reversal of initials.

Hon. Garry Kelly: It could have been two different people at the same address.

Hon P. H. WELLS: What, with the same name but with the initials in reverse order?

In America there is a system whereby if a person has just a single Christian name they record the letters "NOSEC" which stands for "no second name". This avoids any chance of duplication because they require two Christian names on the roll to avoid duplication.

Last month in my electorate I signed a letter to a Peter Wells. What would happen if two Peter Wells arrived at the Electoral Office's counter and the first one said, "I am Peter Henry Wells", and the second one said, "I am Peter Henry Wells"? I imagine that the department could use the sex requirement to check that they were both males. If they both lived at the same address, one could then separate the two people to ascertain whether both were entitled to a vote, by ascertaining their

occupations. The Attorney's romantic roaming could have been settled by a reference to the sex.

There should be, if required, one additional parameter used to ensure that the right person is being dealt with. Whether the need for this is strong enough is debatable, but it is no more debatable than the parameter of sex. The Attorney says that the reason he wants to keep a person's sex listed on the roll is that he wants to know to whom he is writing. I am continually in trouble with females who go crook because I have addressed them by their Christian names or because they feel I have been discriminating against them because I address men as "Mr". But I do not know whether they are "Miss" or "Mrs". If I use "Ms" I also have problems. So I do not believe the retention of sex has anything to do with the Attorney's wanting to write to people on the roll. The reason the Attorney is keeping that parameter is not for the reason he has given.

If we take the historical approach, we must accept that the original requirement for people to list their occupation was to provide a further parameter that would ensure that the person being dealt with at the counter was the correct person.

We may adopt a number of these details or we may change them to other parameters, but their inclusion is just as debatable as the inclusion of sex or occupation. We are saying that it would seem reasonable to leave occupation on the electoral roll.

Hon. P. G. PENDAL: The Attorney General asked us, "Why stop at occupation?" He said we could put a limitless range of detailed information on the electoral roll, such as whether a person is a pensioner or a millionaire. We are not asking for that trivial and absurd information to be included, as the Chamber well knows. We are simply asking for an occupation to be given; that appears to us to be not too much to ask and to be a piece of information which many people find helpful. It is no more or less than that.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 7 to 14 put and passed.

Clause 15: Section 56 amended—

Hon. P. G. PENDAL: I make this observation about the Government's amendment: we do not have a great deal of difficulty with the principle of it, but I suggest the choice of words could lead to confusion. It is intended to delete the reference to a woman's maiden name and to substitute the words "Name prior to marriage". I think the intention is to cover the situation of a woman having married for a second time. I ask the Attorney General why we are not using a form of words such as "Previous name"? My reason for asking that is that I suggest we are going to run into the odd situation where the term "Name prior to marriage" will confuse some people. We may be talking about a small percentage of people, but we are also talking about a small percentage of people when making other amendments throughout the Act.

Confusion may arise where some women are not sure which marriage is referred to. It may be they will add to their confusion by using their maiden name. It would remove any ambiguity and achieve the Government's aim if the words "Previous name" were used. It would then be quite clear to a woman whose name today is Jones by her second marriage that the name she is being asked to submit is not her maiden name but her first married name. We may well have some confusion in future, but it is not sufficiently important for us to move an amendment at this stage.

Hon. J. M. BERINSON: I can only stress that this section of the Act does not deal with the provision of any detail by electors themselves; it deals with the provision of information by the Registrar General, and the information he would provide would be taken from the marriage certificate. The Act indicates that that is to be the source of his return.

Clause put and passed.

Clause 16: Section 61 substituted—

Hon. P. G. PENDAL: Again the Opposition wants to draw the Government's attention to a point which is not unrelated to that we dealt with in the previous clause. We are told this new clause will give the Chief Electoral Officer a discretion under proposed subsection (1)(b) to "cause each such elector to nominate under which of the surnames the elector is entitled to use the elector wishes to be enrolled". The first point is that the drafting is very poor. It is about as convoluted a sentence as one could find in the Bill. The second and more substantial point is that I do not believe the Chief Electoral Officer should have any discretion in that matter.

We have just dealt with the point that a woman has a legal name. Surely there is a requirement for that legal name to be used and there should not be some option in the matter.

Although the Chief Electoral Officer will not have a load placed on him in considering that option, it is a little extra that I am sure that individual could do without.

Hon. J. M. BERINSON: I do not believe Mr Pendal's comments on this clause require any substantial debate, but in view of the time this may be an appropriate stage to report progress.

Progress

Progress reported and leave given to sit again, on motion by Hon. J. M. Berinson (Attorney General).

House adjourned at 5.59 p.m.

QUESTIONS ON NOTICE

TRANSPORT

Stateships: International Services

247. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Transport:

(1) Is it intended that Stateships institute a freight service to and from—

(a) New Zealand;

(b) west coast of the United States?

(2) If so, what cargo is it anticipated will be carried by State-ships to and from—

(a) New Zealand;

(b) west coast of the United States?

Hon. PETER DOWDING replied:

(1) and (2) Stateships and the Office of the Coordinator General of Transport are examining a number of options to extend the profitable aspects of Stateships' operations. The Government has not as yet considered these options.

PORTS AND HARBOURS

Derby: Construction

248. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Transport:

(1) Is it intended to construct a new port at Derby?

(2) If so—

(a) Where will it be located;

(b) what is the anticipated capital cost of the project; and

(c) what capacity ships will be able to use the port?

Hon. PETER DOWDING replied:

(1) There is no commitment to construct such a port. However, it is intended to examine the potential cargoes which such a port may serve, to assist in considering the possible need for it.

(2) Not applicable.

PORTS AND HARBOURS: DISPUTE

Fremantle: Shipping

258. Hon. G. E. MASTERS, to the Minister for Employment and Training representing the Minister for Transport:

(1) Is the Minister aware that two container ships bypassed Fremantle port late last week because of a port dispute?

(2) If so—

(a) What were the ships due to discharge;

(b) has the Minister or his office been contacted by people badly affected by the ships' action; and

(c) how many other ships this year have made the same decision because of disputes at the port of Fremantle?

Hon. PETER DOWDING replied:

(1) Yes.

(2) (a) European general cargo;

(b) no;

(c) one.

HORTICULTURE

Plantations: Yandoo Creek Development

261. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Agriculture:

When does the Minister expect the report from the Agriculture Department on the feasibility of the Yandoo Creek development in regard to the plantation area on the Gascoyne River?

Hon. D. K. DANS replied:

A draft report has been prepared by the Department of Agriculture and has been forwarded to the Western Australian Water Authority.

265. *Postponed.*

MINERALS: GOLD

Hamersley Range National Park: Benefits

266. Hon. TOM STEPHENS, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

(1) What are the anticipated benefits to the State of WA in granting approval for the Armway Mining Pty Ltd's mining proposal in the Hamersley Range National Park?

(2) Specifically, what will be the economic return to the State Treasury with any development of this mine site?

(3) What costs can the State expect to have to meet if this project proceeds?

Hon. PETER DOWDING replied:

(1) A percentage of all gold won from the project will be paid to the nature conservation and national parks trust fund for the benefit of all national parks in the State.

(2) Rentals of $6 per hectare on mining leases will be paid to Consolidated Revenue.

(3) No costs to the State are anticipated.

267. *Postponed.*

ENERGY

Oil Exploration: Ships

268. Hon. G. E. MASTERS, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

How many foreign-owned oil exploration ships and/or jack-ups are presently operating off the coast of Western Australia?

Hon. PETER DOWDING replied:

Two.

ENERGY

Oil Exploration: Ships

269. Hon. G. E. MASTERS, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

In view of the fact that there is at present one Australian-owned oil exploration drill ship idle, will the Government permit further foreign-owned oil exploration drill ships and/or jack-ups to work in Western Australian waters?

Hon. PETER DOWDING replied:

The importation of foreign drilling vessels is a Federal responsibility. Drilling vessels such as drillships and/or jack-ups are designed to work under different environmental conditions. This Government will support the use of the most suitable and cost-effective vessel.

QUESTIONS WITHOUT NOTICE

PORTS AND HARBOURS: DISPUTE

Fremantle: Shipping

230. Hon. PETER DOWDING (Minister for Industrial Relations):

I would like to correct an answer to question on notice 258 which appears in Supplementary Notice Paper No. 18. The office of the Minister for Transport has informed me that the answer to the question needs correcting.

The PRESIDENT: Order! The Minister should seek leave to do so first.

Hon. PETER DOWDING: I am seeking to correct the question.

The PRESIDENT: Order! We are dealing with questions without notice. If the Minister wants to do something else, he should seek leave. I have already advised the Government Whip what the procedure is.

Hon. PETER DOWDING: When would be the appropriate time?

The PRESIDENT: Now. In order to proceed with questions without notice it is right and proper that answers to questions on notice which need to be corrected are corrected. The Government Whip came to me and asked what procedure should be adopted, and I explained to him that the Minister should, when I called for questions without notice, stand and seek leave of the House to correct an earlier answer. That is quite simple, I suggest, and it is the way it ought to be done.

Hon. PETER DOWDING: I have some concern about this because, if the House did not grant leave, the answer could not be corrected. I am trying to assist the House with this matter. I do not want to establish a precedent of

seeking leave to do this because, if the House chooses to have incorrect answers left on the Notice Paper—

The PRESIDENT: Order! That is for the House to decide, surely. Anyway, if the Minister does not want to seek leave, I cannot force him. Are there any questions without notice?

QUESTIONS ON NOTICE

Answers: Conflict

231. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Is he aware of the conflict of answers to questions 258 and 259?

Hon. PETER DOWDING replied:

I thank the honourable member for his question, which I am delighted to answer. It has been drawn to the attention of the Minister for Transport that the answer provided to question 258 is incorrect in that the answer to part 2(b) should be "yes", and the answer to part 2(c) should be "two".

DTX AUSTRALIA LTD

Employees: Dismissal

232. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

(1) Is he aware that the Electrical Trades Union has lodged a claim with the Industrial Relations Commission alleging unfair dismissal of seven DTX Australia Ltd employees?

(2) If so, does he agree that the decision of the Industrial Relations Commission should be final?

Hon. PETER DOWDING replied:

(1) I do not have a report about who has lodged what with whom and when. I am not aware that such an application has been lodged.

(2) The Government's support for the industrial relations system is well known, as opposed to the position of the Opposition, which wants to dismantle the commission. We will continue to give full support to the commission and the system.

INDUSTRIAL RELATIONS COMMISSION

Decision: ETU Action

233. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

In view of the Minister's last answer, I have a further question—

(1) Is he aware that the Electrical Trades Union intends to carry out industrial action regardless of the decision of the Industrial Relations Commission?

(2) If so, would he accept that, unless the commission's decisions are adhered to, the commission appears to have very little power.

Hon. PETER DOWDING replied:

(1) and (2) I do not understand how the honourable member can stand in this House to seek the suggestion from the Government that we ought to do other than fully support the Industrial Relations Commission and the system. It is Mr Masters' own party that wants to dismantle the system, that wants to deregulate the system, that wants to give individuals the right to choose whether to join a union and, if so, which union. Members will understand the chaos that that sort of freedom would cause if they remember the Bunbury port dispute. I fully support the Industrial Relations Commission. My Government remains committed to giving the commission and its processes the Government's full support.

UNION

Electrical Trades Union: Condemnation

234. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

I am pleased with the Minister's last answer. Will he join with the Opposition in condemning any action by the Electrical Trades Union, which proposes to ignore the decisions of the Industrial Relations Commission?

Hon. PETER DOWDING replied:

Does the honourable member have trouble writing his Press releases that he must ask questions of this sort in the House?

Hon. G. E. Masters: A "yes" or "no" will do.

Hon. PETER DOWDING: I am not going to join with him in admonishing, condemning, or congratulating people for doing things, (a) of which I have no knowledge, or (b) of which there is no evidence that they have actually done something. I suggest he gets publicity for his views in some other way.

INDUSTRIAL RELATIONS

Disputes: Report

235. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Does he have a daily report on industrial disputes placed on his desk?

Hon. PETER DOWDING replied:

When I took over the office previously occupied by Hon. Gordon Masters, I discovered that the previous Government—probably Mr Masters himself—had in place a long bureaucratic procedure which was wasting the time of public servants who had to produce a report which analysed how many man-days were lost each day and full details of every hiccup in every work place that the office could get its hands on. I have taken the view that we want to deal with substantial issues and not just collect statistics.

Hon. G. E. Masters: You do not want to know.

Hon. PETER DOWDING: I have arranged for the Office of Industrial Relations to give me a report which lists the significant issues as it sees them and give me the details of which I ought to be aware.

MINISTERS OF THE CROWN: GIFTS

Rules: Breach

236. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

(1) Does the Minister recall a policy adopted by Cabinet on 20 June 1983 setting out strict guidelines on the receiving of gifts and free air travel for Ministers?

(2) If so, has the Minister, his spouse, or family accepted any gifts which would give the appearance of a conflict of interest, past, present or future, with public duty?

Hon. PETER DOWDING replied:

(1) and (2) As the Minister for Industrial Relations I do not think anyone has given me a gift. It does not seem to go with that portfolio. Certainly, when I was the Minister for Mines, and Fuel and Energy, and when I have acted in other portfolios, there has been the occasional exchange of gifts.

As far as I am aware the terms of that Cabinet requirement have been complied with. I am not aware of any breach of it.

Hon. A. A. Lewis: No flights to Fiji?

Hon. PETER DOWDING: No, no flights to Fiji.

I have no information of any gifts which would fall outside of those criteria. I have not really thought about it. All I can say is that, to the best of my knowledge, I have not received anything which conflicts with those criteria.

MINISTERS OF THE CROWN: GIFTS

Rules: Breach

237. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Getting away from the question of gifts, has the Minister accepted, while he has been a Minister, any free accommodation in Western Australia, Australia, or overseas?

Hon. PETER DOWDING replied:

Of course, I have been put up in people's homes from time to time in this State. I cannot think of any occasion on which I would have received any accommodation paid for by anyone else. So that the record is straight, let me clear this matter up. I go to lunches organised for me and so forth. However, I do not recall any occasion where accommodation has been paid for me by other than through the ordinary ministerial mechanism.

MINISTERS OF THE CROWN: GIFTS

Rules: Breach

238. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister accepted, while he has been a Minister, any free air travel in Western Australia, Australia, or overseas?

Hon. PETER DOWDING replied:

I think the answer to that is "no". I have certainly been a passenger on charter flights that other people have been responsible for arranging. Hon. Tom Stephens might have chartered a plane from one point to another and I could have gone as a passenger and not paid for it.

The PRESIDENT: Order! I interrupt the Minister to advise the stranger in the President's Gallery that entering the President's Gallery is a privilege that I extend; it is not a right of ministerial staff or of any other person to wander into the President's Gallery. When he does come into the President's Gallery he is not to make conversation, and certainly not to engage a staff member in carrying messages.

[The stranger apologised.]

Hon. PETER DOWDING: I cannot think of any occasion where I have flown on a plane or had any transport which has been paid for by any commercial person with whom I have been dealing. On one occasion I had to go to Canberra for urgent ministerial duties. There was no commercial flight. I understand that my office arranged for me to be a passenger on a company jet that was already going to Canberra. I do not know whether that company submitted a bill to the department. I was going to Canberra for urgent consultations and was not able to get there in the time scale by ordinary commercial means. That is the only occasion that I can think of that would faintly fall within that criteria.

PRISON: MAXIMUM SECURITY

New Site

239. Hon. N. F. MOORE, to the Minister for Prisons:

Is it correct that the question of the location of a metropolitan site for a proposed 368-bed maximum security prison is before Cabinet?

Hon. J. M. BERINSON replied:

No.

PRISON: MAXIMUM SECURITY

New Site

240. Hon. N. F. MOORE, to the Minister for Prisons:

Is the Minister or his department considering the location of a new maximum security prison?

Hon. J. M. BERINSON replied:

Yes.

PRISON: MAXIMUM SECURITY

New Site

241. Hon. N. F. MOORE, to the Minister for Prisons:

(1) In light of the Minister's previous answer that the location for a prison is being considered, is it correct, as reported in the media last night, that the location of the prison will not be made public until after the election?

(2) If so, why will it not be made public?

(3) Can the Minister assure the House that it will not be located in the Shires of Mundaring or Wanneroo?

Hon. J. M. BERINSON replied:

(1) to (3) Any comment in the Press about the timing of the prison selection being related to the date of the election was not by way of a quote from me. I can only ascribe it to media speculation. I cannot comment on the location of the prison because no selection has been made.

MINISTERS OF THE CROWN: GIFTS

Rules: Rescission

242. Hon. G. E. MASTERS, to the Attorney General:

(1) Has the Cabinet requirement of 20 June 1983 dealing with gifts and free travel been rescinded?

(2) If so, when?

Hon. J. M. BERINSON, replied:

(1) and (2) The policy is not a matter of my ministerial authority. To that extent, it is not a question that is properly addressed to me.

MINISTERS OF THE CROWN: GIFTS

Rules: Rescission

243. Hon. G. E. MASTERS, to the Attorney General:

(1) I understand that the policy is not directly the Minister's responsibility; however I ask if such a decision rescinding the guidelines would not affect every Minister?

(2) If so, would he have some knowledge of the rescinding of the policy dated 30 June 1983?

(3) If that decision has been rescinded, can the Ministers now accept free travel and gifts?

Hon. J. M. BERINSON replied:

(1) to (3) Not to my knowledge.