

Legislative Council

Thursday, 2 November 1989

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

STATEMENT - BY THE PRESIDENT

Carpenter, Mr Doug - Clerk Assistant, Resignation

THE PRESIDENT : Honourable members, before I commence the proceedings today I take this opportunity to advise members of this House and others of some bad news, which is that our Clerk Assistant, Doug Carpenter, who commenced work in that position with us in May 1988, is leaving us today. This is his last day in this Chamber and it is a very sad one as far as we are concerned. It is very good as far as he is concerned because he has been successful in his application for the position of Deputy Clerk of the Legislative Assembly in this Parliament. The fact that the other House needs his services immediately distresses me. However, Doug is entitled to apply for that position and is to be congratulated by us all in having the qualifications necessary to get that position.

On behalf of everybody I thank Doug very much indeed for the contribution he has made to the Legislative Council in the time he has been here and, again, on behalf of everybody, I wish him well in the future and hope, from time to time, we will have the opportunity to see him.

Members: Hear, hear!

PETITIONS - PRESENTATION

Order of Subject Matter - As to Petitions

The PRESIDENT: I am aware that a number of members have petitions to present and that there are 13 in all. In order that petitions may be presented in order of subject matter, which would be more conducive to the smooth recording of them by the Clerks and Hansard, I propose to call on members by name to present their petitions. I have been given a list indicating the members who have petitions to present and will call members according to that list. One member has three separate petitions to present and I will call him on three separate occasions. If there is no real objection to that, that is what we will do.

PETITION - HOMOSEXUALITY

Decriminalisation - Opposition

Hon George Cash (Leader of the Opposition) presented two petitions bearing respectively the signatures of 680 and 71 citizens of Western Australia opposing the decriminalisation/legalisation of homosexual behaviour and -

- (1) regretting the Labor Party is attempting through a private member's Bill to decriminalise homosexual behaviour for the fifth time in Western Australia since 1973;
- (2) noting with alarm that homosexual behaviour is directly responsible for 88 per cent of all AIDS cases in Australia; and
- (3) rejecting the false argument that the way to combat AIDS is to decriminalise the unhygienic behaviour which is primarily responsible for the transmission of the disease.

And praying that all members of the House vote against the Criminal Code Amendment (Decriminalization of Homosexuality) Bill 1989.

[See papers Nos 538 and 544.]

Similar petitions were presented by Hon Muriel Patterson (455 persons), Hon Reg Davies (547 persons), Hon Peter Foss (500 persons), Hon P.G. Pandal (507 persons), Hon W.N. Stretch (136 persons).

[See papers Nos 539 to 543.]

PETITION - VIDEOS

X Rated - Ban Maintenance Request

Hon Derrick Tomlinson presented a petition bearing the signatures of 272 citizens of Western Australia expressing concern that X rated videos may be legalised in Western Australia and requesting that Parliament maintain the ban on X rated videos as it has a strong obligation to protect women and children.

[See paper No 545.]

Similar petitions were presented by Hon R.G. Pike (220 persons), Hon George Cash (Leader of the Opposition) (163 persons), Hon J.N. Caldwell (67 persons), and Hon M.S. Montgomery (256 persons).

[See papers Nos 546 to 549.]

PETITION - CHILD ABUSE

Child-Sex Offenders - Legislation Request

The following petition bearing the signatures of 18 persons was presented by Hon P.H. Lockyer requesting the Parliament of Western Australia to bring in legislation to deal with all cases of sexual and other crimes against children so that -

1. sentences imposed on adult child-sex-offenders reflect the seriousness of the crime;
2. that mandatory therapy for child-sex-offenders be a condition;
3. that magistrates have discretion to accept the evidence of a child irrespective of the age of the child.

[See paper No 550.]

ACTS AMENDMENT (PREVENTION OF ACCESS TO RECORDS) BILL

Introduction and First Reading

Bill introduced, on motion by Hon P.G. Pandal, and read a first time.

MOTION - JOHN SAMUEL PETITION

Order of the Day No 2 Request

HON N.F. MOORE (Mining and Pastoral) [2.44 pm]: I move -

That the Order of the Day for resumption of the debate on the motion to refer a petition from John Samuel to a committee of privilege be made Order of the Day No 2 for today and that the question be resolved at this sitting.

I have moved this unusual motion to ensure that this House resolves the matter raised in Order of the Day No 14 as soon as possible. The Government's intention is obvious as we find this Order of the Day is No 14 on the Notice Paper and I am advised that the Government is not interested in debating this issue. I therefore decided to take this rather unusual action to ask the House for its support to ensure that we debate this issue today.

Hon J.M. Berinson: Who advised you that we were not interested in debating it?

Hon George Cash: You did. You advised me the other day, and you know it.

Hon J.M. Berinson: You are again misrepresenting my position, Mr Cash.

The PRESIDENT: Order!

Hon N.F. MOORE: If the Government is prepared to debate the motion, the Leader of the Government will not be unhappy about supporting this motion. It is my view that there is a pressing need for us to consider this issue. I remind members that a petition was presented to this House about two weeks ago by me on behalf of Mr John Samuel, who made serious allegations about four citizens of Western Australia; that those four people gave false or misleading evidence to Select Committees of this House. Those Select Committees were dealing with issues relating to Burswood Management Ltd and matters surrounding a decision by the Commissioner for Corporate Affairs not to take action in respect of certain cost overruns. The petition was presented quite properly to the House by a citizen and I

maintain that he is quite entitled to present a petition such as that to the House. In fact, I suggest that he has very little other option available to him if he believes that certain wrongs have taken place. The man in question believes from his study of the evidence given to those two Select Committees that false or misleading evidence was given by four of the witnesses. He is confronted with a difficult situation as to what to do about that. In view of the fact that the Select Committees were committees of this House it is a legitimate course of action for him to take to petition the House to do something about this. His petition requested that we as a House set up an inquiry into the matters to resolve the issues once and for all. It is my view that the House has an obligation to deal with this matter.

By making his allegation Mr Samuel has cast aspersions on the character of four citizens of Western Australia. I maintain that he is entitled to do that, but we are obliged then to deal with the matter as quickly as possible. By dealing with the matter we can decide once and for all if Mr Samuel is having us all on; in other words, he can put up or shut up; or we can decide if there is substance to his allegation and that people have, in fact, perjured themselves before a Select Committee.

Hon Tom Stephens: Has he referred this matter to the police?

Hon P.G. Pendal: He has referred it to the highest authority.

Hon N.F. MOORE: That is quite right. As I endeavoured to explain to the House - and this is something Hon Tom Stephens has a lot of trouble understanding - they were committees of this House which were conducting inquiries into certain matters and it is the belief of a citizen of Western Australia that evidence given to those two Select Committees was false or misleading. He has come to this House and asked that we do something about that. It is my view that we are obliged to do something about it. More importantly, we are obliged to do something about it as soon as possible; we have an obligation to hear the evidence of Mr Samuel and an obligation to hear the evidence of the four gentlemen in question. We also have an obligation to do that as quickly as we can. That is why I have taken this course of action today, Mr President, regrettably to require this matter to be dealt with today.

I hope that the House will agree to bring forward this motion and that it is made No 2 on the Notice Paper. I make the point that I sought to make this motion No 2 on the Notice Paper rather than No 1, because at the time I gave notice of this motion there was an item on the Notice Paper dealing with the question of the disallowance of a regulation which automatically had to be No 1 on the Notice Paper. Under normal circumstances I would have sought to make this motion No 1 so that it could be dealt with today and resolved at this sitting.

I will quickly make a point with respect to an interjection made when I moved the original motion; that is, the suggestion that there was no obligation on me to present the petition in the first place. I made the point in my speech that I felt that in a sense I was a messenger rather than an antagonist or protagonist in the matter.

Point of Order

Hon J.M. BERINSON: I am quite happy at an appropriate time to debate all of these matters, but the present motion is narrow in its scope and relates only to the matter of the priority to be given to consideration of this item. I put to you, Mr President, that while reluctant to interfere with the member's presentation, he has already gone beyond the narrow scope of this matter previously and appears to be doing so again. The motion we now have to consider relates solely to the question of priority of consideration.

The PRESIDENT: The Leader of the House has indicated that he feels the honourable member is going outside the scope of the motion. I am pleased to hear that the leader is concerned about this type of thing. I suggest to the honourable member that he confine his remarks to his motion and ensure that his comments can indeed be related to the motion - that is the need to do it today.

Debate Resumed

Hon N.F. MOORE: I accept your ruling, Sir, and I shall quote from Odgers at a later stage of the sitting when we come to debate the original motion. I conclude my comments on this motion, which is to have this matter debated today. I believe the House has an absolute obligation to deal with this matter expeditiously. In my view that means that we must deal

with it now so that we can discover the truth of the allegations which have been made and determine a course of action. I urge members to support the motion.

HON J.M. BERINSON (North Metropolitan - Leader of the House) (2.51 pm): I oppose the motion, and because its scope is so narrow I believe I can do so briefly. It is wrong in principle, it is unnecessary, and it is unjustified. It is wrong in principle because it seeks to take the management of the House out of the hands of the Government.

Hon N.F. Moore: Standing Orders provide for that.

Hon J.M. BERINSON: We acknowledge the effect of the 17-16 majority against the Government on the floor of the House. That majority can be and has been used in many ways. It should not be used, however, to set aside the universally accepted standard that, with or without a majority in the upper House, it is for the Government to set the agenda of business. That is all the more the case in our own position, where I have made every effort to accommodate the priorities indicated to me by the Opposition in respect of their private members' business and Bills.

Mr Moore referred with some disappointment to the fact that his motion appears only at item 14 of the Orders of the Day. That motion was first presented to the House on 25 October. Item 17 was presented earlier - on 24 October; so was item 18. Both those items were presented before Mr Moore's motion and are listed later. Item 19, five places lower than Mr Moore's motion, was introduced on 19 October. Item 21, seven places down, has been listed since 18 October. It follows from this that an item presented to the House for consideration at least a week before Mr Moore's -

The PRESIDENT: Order! I ask the Leader of the House to come to order for a minute while I make it perfectly clear to everybody that audible conversations are totally out of order in this Chamber. Anybody who refrains from obeying my ruling will be removed from the House. The Leader of the House is addressing the Chamber and I suggest members listen to him.

Hon J.M. BERINSON: In the course of making that complaint, Mr Moore said that the Government is not interested in debating this item. I have to put it to Mr Moore that he is a victim of Mr Cash's frequent propensity for misrepresenting my position.

Hon P.G. Penda: Nothing of the kind!

Hon J.M. BERINSON: Mr Cash knows very well that we regularly discuss the order in which the Opposition's business is to be brought forward.

Hon George Cash: You refused to discuss this motion.

Hon J.M. BERINSON: He will recall precisely that what he put to me in relation to this motion was, was it my intention to have it brought up for discussion this week? I said no. He did not insist on it; he did not suggest to me that that matter should be given a higher order of priority than other Opposition business which we had agreed to list for this week; nothing like that. He asked me if I intended to bring the matter up this week, and I said no. That was the end of our discussion. Mr Cash has this unfortunate propensity; he cannot let well enough alone, and he constantly attempts to put words into my mouth and to misrepresent me.

Hon George Cash: You are running away.

Hon J.M. BERINSON: In this case that has done me no harm, but I am sad to say that it has done Mr Moore some harm because it has forced him to go on the record as totally misrepresenting the position. The truth of the matter is that this motion was listed only last week, and it relates, on Mr Moore's account, to events going back 18 months, to May of 1988. It is impossible to accept, especially on the bare and unsupported assertions of the petition, that any extraordinary priority should be given to this item, especially in this extraordinary way. To avoid any doubts on the issue, I make it perfectly clear that not only do I have no interest in avoiding debate on this matter -

Hon George Cash: Rubbish! Let us have it now.

Hon J.M. BERINSON: - but also I have no interest in obscuring my position in the debate when it comes up. In order to make both those matters perfectly clear, let me say now that I will oppose this motion, whenever it is discussed, even now, which I hope will not be the

case, or at some future date when it is brought up for discussion in the ordinary course of events. That, however, is not the current question. What we now have to decide is whether the ordinary management of the House should be overridden by such an extraordinary and quite unwarranted move as that proposed by Mr Moore. It should not be overridden in that way. I oppose the motion on that basis and I ask the House to reject it.

HON E.J. CHARLTON (Agricultural) [2.57 pm]: I acknowledge the comments of the Leader of the House in respect of taking the order of business out of the hands of the Government. The Leader of the House has frequently seen both the Leader of the Opposition and myself and brought various pieces of legislation forward at our request. I can speak only for myself, but I am sure the Leader of the Opposition will acknowledge that those points of view requested by us have been accommodated, items have been brought forward. I am disappointed that the Leader of the House did not take the initiative and bring this matter forward, particularly in view of the undercurrent of discussions or comments in regard to this motion by Hon Norman Moore. I do not want to be part of what might be called insignificant pieces of legislation. That sort of thing is a matter for the judgment of individual members from time to time. This dispute is not something new; and innuendoes connected with it have been made now for a couple of years.

The National Party's position is that we need to get this matter off the Notice Paper as soon as possible in order to make a decision one way or the other. We must decide whether a Select Committee will be set up. If this motion is passed, obviously we will then be able to debate the whys and wherefores and whether we need a Select Committee. This motion is not a new matter; it is a continuation of something which was introduced a while ago. I acknowledge the point made by the Leader of the Government but because of the circumstances and its long history, this matter should be clarified one way or the other.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.01 pm]: I think it is absolutely shameful that the Leader of the House should oppose such an important motion. He alleged that if we debate this today we will take the business of the House out of the hands of the Government.

Hon J.M. Berinson: So you would be.

Hon GEORGE CASH: Never before have I seen a motion which needed to be dealt with as urgently as one to which this motion refers. The mere fact the Government does not want to debate the motion today clearly leads one to the suspicion that the Government has something to hide.

Hon J.M. Berinson: Rubbish.

Hon GEORGE CASH: Let us consider the wording of the petition which Hon Norman Moore is inviting the House to debate.

Hon J.M. Berinson: Let's consider that in the substantive debate.

Hon GEORGE CASH: We will consider it in the substantive debate; the Leader of the House should not worry about that.

Hon J.M. Berinson: I am happy to consider it there.

The PRESIDENT: Order! For some reason honourable members need to be reminded that these interjections are totally out of order. It seems to me that the desire of members to be heard, particularly when there are people in the Gallery, increases with the number of people in the Gallery. I suggest that honourable members ignore that. I am not sure whether the members of the public have come along to listen to this debate, but if they did, honourable members should let them listen to it.

Hon GEORGE CASH: This matter is of such importance that it ought to be dealt with in accordance with the motion put forward by Hon Norman Moore. The proposition put forward by the Leader of the House is that by agreeing to this motion we are taking the business out of the hands of the Government. That might be so, but under the circumstances it is important that the Leader of the House allow this debate to occur immediately. For the Leader of the House to suggest that because I did not insist the other day that this matter be raised today in itself is some indication I did not believe it was important -

Hon J.M. Berinson: I did not say that. You are misrepresenting me. The Leader of the Opposition has the appalling habit of not sticking with the truth.

The PRESIDENT: Order! The Leader of the House knows that he is getting dangerously close to being out of order by using that sort of language. I suggest that he stop using it.

Hon GEORGE CASH: The Leader of the House knows that he and I met the other day on the floor of this House to discuss potential Opposition business for this week. I asked him whether he intended to deal with this item. That is, offering him the option of either agreeing or not agreeing. The Leader of the House's comment was, "Not under any circumstances."

Hon J.M. Berinson: This week.

Hon GEORGE CASH: Just a minute - the Leader of the House did not say "this week" at all. The Leader of the House said, "Not under any circumstances."

Hon J.M. Berinson: That was your question. You asked me whether I would do it this week and I said no.

Hon GEORGE CASH: The Leader of the House can twist and turn as much as he likes. The fact is that he knows that when I left him I then approached Hon Norman Moore to advise him that the Leader of the House would not be dealing with it under any circumstances.

Hon J.M. Berinson: This week.

Hon GEORGE CASH: Well, we were talking about this week's business.

Hon J.M. Berinson: Of course we were.

Hon GEORGE CASH: The Leader of the House understood immediate urgency was attached to discussing this matter. I approached Hon Norman Moore and suggested that the Leader of the House had no intention of debating the matter this week. However, because of the manner in which the petition was couched - it impugned the integrity and character of four citizens of Western Australia - I urged him to move this motion today to ensure that the matter was dealt with without further delay.

For the information of members, we are not dealing with any airy-fairy motion. We are dealing with a very serious allegation contained in the petition presented to this House. That petition alleged that certain persons misled a Select Committee of this House. I should not have to tell members that if this is proved to be correct, under the Criminal Code a person could be gaoled for seven years.

Hon J.M. Berinson: Precisely.

Hon GEORGE CASH: It is a very serious matter.

Hon J.M. Berinson: Under the Criminal Code.

Hon GEORGE CASH: Indeed, under the Criminal Code. The Leader of the House well knows that before a witness is able to give evidence to a Select Committee, that witness is sworn in and advised of the Criminal Code, and in particular section 57 of the Criminal Code, so that he understands that if he were to give false answers to any lawful or relevant question put to him in the course of examination, he would be guilty of a crime and liable for imprisonment with hard labour for seven years. This is an extremely serious petition. It deserves the immediate consideration of the House. The mere fact that the Leader of the House has urged the House not to support any consideration of this matter leads me to believe that he has, as an individual, a member, or acting in his ministerial capacity, something to hide, and that he believes the petition has some strength or truth in it. The Leader of the House is running as far as he can from discussing this matter. The sooner it is discussed, the sooner a Select Committee will be established to inquire into the validity or otherwise of the accusations and allegations made in the petition, and the sooner the black cloud hanging over the heads of the four people named in the petition will be dispersed. To allow the contrary is not the way to run this Parliament. I urge members to accept Hon Norman Moore's motion.

HON P.G. PENDAL (South Metropolitan) [3.08 pm]: There is another compelling reason for dealing with this matter with dispatch. Although we are not in a position to determine in this debate the truth of these allegations, the fact is that one of the people against whom allegations were made is not just an ordinary citizen of Western Australia, but someone who stands at the very pinnacle of the parliamentary system. Members would be aware that among the four people named in the petition is the Auditor General. Not only is the Auditor

General a senior public official - in the sense that one might describe someone attached to the civil service - he is actually an officer of this Parliament. Therefore, we are not just dealing with someone who is, if one likes, a rank and file member of the civil service.

It is not fair that a person facing an allegation of this nature, seriousness and magnitude should be left with the allegation hanging around indefinitely without having it dealt with in one form or another. From all the information I have of that high officer, he has dealt with his duties in a proper manner that befits someone who occupies his position; but, of course, that is not the point.

Hon T.G. Butler: No, we take the word of a ratbag.

Hon P.G. PENDAL: It is not competent for a member of this House to reflect upon a person by calling a citizen who has exercised the right to petition the House a ratbag.

Hon Tom Stephens: One of your own colleagues did it!

Hon P.G. PENDAL: If that occurs, I would offer the comment that I just offered the member's colleague.

Hon Tom Stephens: You sat there silently.

Hon P.G. PENDAL: The person who petitioned the Parliament exercised the right to petition a House of Parliament.

Hon T.G. Butler: Nobody denies that.

Hon P.G. PENDAL: The member is not in a position to interject and say that the man is a ratbag.

The PRESIDENT: Order! We are attempting to do something this week, but if we do not get on with it we will run out of time.

Hon E.J. Charlton: Let us get on with the vote.

Hon P.G. PENDAL: I hope the people interjecting keep that in mind.

This is a serious matter involving an important person; however, that is not to say that the other three people, who are private citizens, are not important. I suggest that if an allegation of this kind were made against, for example, a judge of the Supreme Court -

Hon E.J. Charlton: Do not get into that; get on with the vote!

Hon P.G. PENDAL: I will get on with the vote when I have made the point I wish to make.

If an allegation of this sort were made against a Supreme Court judge we would have voted on the matter a few weeks ago.

Hon J.M. Berinson: How could we have done that when the petition was presented last week?

Hon P.G. PENDAL: It is not fair that Alan Smith, the Auditor General, is to be left in that position. For that reason alone the motion moved by Hon Norman Moore ought to be supported and the matter dealt with in a very serious and quick manner.

HON N.F. MOORE (Mining and Pastoral) [3.12 pm]: I conclude the debate by referring to a point made by the Leader of the House regarding the question of taking the business out of the Government's hands. It is my view, and the view of many people, that this House controls its own destiny. We have Standing Orders which control the way the House operates. I quote from Standing Order No 118, for the benefit of those members who cannot read, which states -

Ministers may arrange the sequence of the Orders of the Day on the Notice Paper as they think fit. The Mover of any Order of the Day may move after notice that such Order of the Day shall be changed to another position on the Notice Paper.

It does not say that the Leader of the House may move after notice to put an Order of the Day somewhere else. It is clear that it allows for me to move the motion which I have moved, and if I happen to have the support of the House, that is my good luck; if I do not have the support of the House, that is my bad luck.

Hon J.M. Brown: It is not a matter of luck.

Hon N.F. MOORE: It is a matter of luck. If the Standing Orders allow for what I am doing, the Leader of the House's argument does not stand up. The Standing Orders of the House apply to the operations of this House, and it is quite within Standing Orders and the competence of the House to decide to support the motion or to do otherwise.

Question put and a division taken with the following result -

Ayes (15)			
Hon J.N. Caldwell	Hon Max Evans	Hon M.S. Montgomery	Hon Derrick Tomlinson
Hon George Cash	Hon Peter Foss	Hon N.F. Moore	Hon D.J. Wordsworth
Hon E.J. Charlton	Hon Barry House	Hon Muriel Patterson	Hon W.N. Stretch
Hon Reg Davies	Hon P.H. Lockyer	Hon R.G. Pike	(Teller)

Noes (14)			
Hon J.M. Berinson	Hon Graham Edwards	Hon Garry Kelly	Hon Doug Wenn
Hon J.M. Brown	Hon John Halden	Hon Sam Piantadosi	Hon Fred McKenzie
Hon T.G. Butler	Hon Kay Hallahan	Hon Tom Stephens	(Teller)
Hon Cheryl Davenport	Hon Tom Helm	Hon Bob Thomas	

Pairs	
Ayes	Noes
Hon Margaret McAleer	Hon B.L. Jones
Hon P.G. Pental	Hon Mark Nevill

Question thus passed.

CRIMINAL CODE AMENDMENT (DECRIMINALIZATION OF HOMOSEXUALITY) BILL

Second Reading

Debate resumed from 26 October.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.18 pm]: This Bill is designed to amend the Criminal Code primarily to repeal section 181 in order to substitute other words. It is important that members be aware of the current wording of section 181 because they are asked to repeal that section in its entirety with a view to substituting other words. For the benefit of the House I will quote the section as follows -

Any person who -

- (1) Has carnal knowledge of any person against the order of nature; or
- (2) Has carnal knowledge of an animal; or
- (3) Permits a male person to have carnal knowledge of him or her against the order of nature;

is guilty of a crime, and is liable to imprisonment with hard labour for fourteen years, with or without whipping.

Also, it is necessary to understand that the Bill will repeal sections 183 and 184 of the Criminal Code, and no other words are to be substituted. I quote section 183 for the benefit of the House -

Any person who unlawfully and indecently deals with a child under the age of fourteen years or who incites such a child to so deal with him or another is guilty of a crime, and is liable to imprisonment with hard labour for seven years, with or without whipping.

The term "deal with" includes doing any act which, if done without consent, would constitute an assault as hereinafter defined.

Section 184 of the Criminal Code states -

Any male person who, whether in public or private, commits any act of gross indecency with another male person, or procures another male person to commit any

act of gross indecency with him, or attempts to procure the commission of any such act by any male person with himself or with another male person, whether in public or private, is guilty of a misdemeanour, and is liable to imprisonment with hard labour for three years, with or without a whipping.

It is not my intention to read every section of the Criminal Code which the Bill proposes either to repeal or to alter in some way. The Criminal Code is available to all members. I expect, with the publicity that this debate has generated, members would have made themselves aware of the situation. In his second reading speech, Hon John Halden made some interesting statements. For instance, he said -

The reason I introduced this Bill is simply that I believe the present law is wrong.

I, as a member of this House, respect the right of Hon John Halden or any other member to decide whether he believes something to be right or wrong. However, I do not agree with that statement. I happen to think that the proposition Hon John Halden advances is very wrong. He also said -

This Bill is a morally and politically neutral one.

For the information of members and for the community of Western Australia which has already shown great interest in this Bill, I disagree with Hon John Halden's simplistic statement in respect of the likely consequences and ramifications of any change in the manner proposed by him to the Criminal Code. It is fair to say that many people in the community share the view that, if the Bill were passed in its present form, it would do great harm to the community and would have far reaching effects beyond our boundaries. If we were to agree to the various amendments proposed by Hon John Halden, we, as a group of elected people, would indicate to the community at large that the elected members of this House are prepared to support a situation which, in my view, would cause the lowering of general standards in the community. I believe also that, if we agreed with the proposition put by Hon John Halden, it would not be unreasonable for the community to believe that this Parliament was advancing a situation where it, as a Parliament, was encouraging and promoting homosexual behaviour in our community. It is my view that the laws are an educating force in the community and that the interpretation that members of Parliament attach to the laws gives a clear indication to the community of acceptable and unacceptable behaviour.

The Criminal Code, the Police Act and various other Acts indicate the actions or behaviour which this Parliament believes to be unacceptable and outside the law, and it often imposes penalties for breaches of that law. Section 181 of the Criminal Code setting a penalty of up to 14 years' hard labour with or without a whipping is this Parliament's statement about the behaviour to which that section of the Act is related.

I make it very clear to the House that members of the Liberal Party are entitled to a conscience vote on this issue that has been the subject of considerable public debate in recent times. I, therefore, have not actively put pressure on members on this side of the House, although I have sought their views on the way in which they might vote. Without exception they have advised me of the way in which they view the amendments proposed by Hon John Halden. I extend that comment by advising the House and the community that the views that I express today are personal views. However, as an elected representative of perhaps the most populous metropolitan electorate in Western Australia, I believe that my views are the views of the majority of that community.

I want also to place on record the public support that I have received from members of the community, not only from my electorate, but also from electorates across the State in recent weeks after I made a public statement that I was not prepared to accept any changes to the current law in respect of homosexual acts. At one stage, support was running in the order of 8:1 or 9:1 in favour of the strong stand that I took in opposing the amendments proposed by Hon John Halden. However, to be fair, a group in the community in recent days, clearly as an orchestrated exercise which was its democratic right, delivered to my electorate office a mailbag containing in excess of 200 letters all of which, to the best of my recollection, invited me to support the proposed amendments. To those people who urged my support I say that I recognise their right to invite me, as an elected representative, to alter my earlier stated views. However, equally as it was their democratic right to put that proposition to me,

it is my democratic right, as an elected representative, to vote according to my conscience. More than that, it is my right to vote in a manner which I believe reflects the majority view of the community in my electorate.

It would be possible to discuss the proposition before the House for a number of hours. I note by the clock that I have unlimited time. However, I make it clear to the House that I will not go on at length. I believe this matter has been canvassed publicly on numerous occasions. One has only to attend the Parliamentary Library or other libraries to seek the comments of others about the proposed changes in the law to enable one to understand that there are differing views in the community about this proposition. I again make no apology in stating that I am not prepared to support the Bill. I believe that to support these amendments would indicate to the community that the Parliament is prepared to encourage and promote the sort of activity that I find abhorrent. I will certainly not be a party to that occurring. Perhaps two areas in particular concern me most when dealing with these amendments. The first relates to health and, in particular, I refer to the disease AIDS that is currently in the community and, regrettably, on the increase within the community as a whole. The other is the question of education and the effect of changing education policy to enable homosexual acts and homosexuality generally to be promoted, encouraged and taught in our schools.

Hon T.G. Butler: Are you suggesting this Bill says it will be taught in schools?

Hon GEORGE CASH: Hon Tom Butler will know, if he has read the Bill carefully, that it will remove the illegality attaching to various acts and, if he is aware of current State School Teachers Union policy in this area, he will know that it is one of encouraging and promoting anti-sexism within schools. I will deal with the education question in a moment, but I will deal for the time being with Hon Tom Butler's interjection: If the Australian Labor Party and the State School Teachers Union of Western Australia by way of their stated policies are quite happy to work towards antisexist policies in our schools, it is a reasonable step in logic to believe that it would be possible for homosexual acts and homosexuality generally to be taught in schools.

Hon T.G. Butler: With your kind of imagination anything is possible.

Hon GEORGE CASH: That is where I regret Hon Tom Butler falls down. As much as he is a former president of the Western Australian branch of the Labor Party, and as much as I assume he is knowledgeable in respect of the Labor Party, at times he does not read legislation that comes before the House and, because he does not have a full understanding of the legislation, he makes ill-conceived, if not stupid, interjections.

I return to the health question I raised earlier. I advise the House that, along with other members in the last few days, I received a fairly lengthy submission from a group known as the National Civic Council. With very little exception, I agree with the comments made, but it is important that members recognise that I quote from the submission of the National Civic Council to members of this House, and no doubt to members of the other place, against the Bill seeking to decriminalise homosexuality in Western Australia. Under the heading "Health Reasons" the document states -

Homosexuals engage in behaviour which is inherently unhealthy. They are subject to a vast range of diseases amongst which is AIDS. It is now becoming recognised that anal intercourse between males even with a condom is not safe. The great bulk of evidence indicates that homosexuals are notoriously promiscuous and that if there are genuinely permanent monogamous relationships, they are extremely rare.

Legislation of the type suggested by Hon John Halden would simply encourage such acts. The submission goes on to discuss homosexual acts generally and states that -

In a survey in a recent research project conducted jointly by The Aids Council of NSW and the School of Behavioral Sciences at Macquarie University, it was found that 95% of homosexuals had had anal intercourse without condoms (81% with condoms), 100% had practised Oral-genital sex, and 86% had had Oral-anal contact.

As to AIDS and homosexuality, the National Civic Council suggests that -

From an immunological point of view, homosexuals are responsible for the spread of AIDS. The official figures as recently as August this year reveal that of all Aids cases in Australia 91% have a homosexual cause.

The article continues -

The virus is passed mainly by male to male anal intercourse. The lesions in the anal canal caused by the trauma of intercourse provides ready access of the virus into the bloodstream. The common incidence of perianal ulcers among homosexuals could also be a cause of the spread of Aids and other diseases.

It is argued by the Homosexual body that legislation will assist in the prevention of AIDS. This is a contentious strategy. This very matter is currently being examined by the recently appointed Legislative Assembly Select Committee enquiring into the National HIV/AIDS Strategy White Paper.

It continues -

Surely then, the proposed amendment should not be rushed through but should wait till the Committee Report is presented in March 1990.

I do not believe that there is any need to wait until after that Select Committee has reported to that other place. In my view this Bill should be struck out at its second reading stage.

Following the proposal that is advanced by the National Civic Council in respect of the AIDS Select Committee which is currently considering various matters, it seems passing strange that a Labor Government should, in fact, establish a Select Committee to inquire into the national HIV/AIDS strategy White Paper, and that the committee should meet and commence its discussions, only to find that in the Legislative Council another Labor Party member - no doubt acting either under instructions, or certainly with the consent of the Premier - has introduced amendments that would almost destroy, or at least hinder, the potential work of this committee. It seems to be an indication of a double standard within the Government. I come back to the document of the National Civic Council and continue to quote from it. It states under the heading of "AIDS and Homosexuality" -

Moreover from a commonsense point of view, it seems illogical to attempt to control a disease by liberating the practice of the very behaviour which is primarily responsible for its transmission. It is not like the prohibition of alcohol in America. More people are not having homosexual sex because it is illegal.

I support that view and put it to the House that if these amendments are carried there will be an increase in the incidence of homosexual acts in Western Australia. Also there will be, to the detriment of our society, a substantial increase in the number of notified acquired immune deficiency syndrome cases in Western Australia. It is only in recent years that the Federal Government has been spending hundreds of thousands of dollars of taxpayers' money to encourage people to recognise the dangers of participating in homosexual acts and to encourage the Australian public to understand the dangers of HIV/AIDS infection.

The National Party will contribute to this debate at a later stage, but I mention a report that was published in *The West Australian* on 25 October 1989. Dr Hilda Turnbull, the member for Collie in the Legislative Assembly and a member of the Select Committee on AIDS which is inquiring into the national HIV strategy White Paper, suggested that the move to decriminalise homosexual acts in private in Western Australia was no more than a political stunt. Hon John Halden can shake his head, but I happen to agree with the proposition that was advanced by Dr Hilda Turnbull, who is a medical professional and someone with a far greater medical knowledge of the incidence of the HIV/AIDS infection than many of the members in this House.

I have been besieged by people calling on me to continue to oppose any change to the law. I have also been approached by people who want me to support Hon John Halden's Bill. However, the Australian Family Association wrote to me and suggested in the opening paragraph that -

In the interests of public health this Association urges you to vote against the Honourable John Halden's Private Member's Bill to decriminalise homosexuality in this state.

The letter goes on to suggest that -

The play on words is a clever distraction. 'Decriminalise' has the allure of benevolent connotations which are emotively appealing. The word 'legalise' has far

less warmth. However the reality is that the 'decriminalising' an action removes legal impediment. Any action without legal impediment can be assumed lawful.

I do not want to engage in any legal argument on this because there is no need for it. That is the view of the Australian Family Association, which I strongly support.

In recent days we have seen comments in the newspapers from both the Anglican and the Catholic Churches. I do not intend to comment on matters raised by those bodies except to say that I do not agree with the propositions as I interpreted them. However, it is important to advise the House that this morning I received a letter from the Knights of the Southern Cross. The letter says -

I am writing on behalf of this Order which is a National Organisation of Catholic Laymen spread across Western Australia.

Hon Garry Kelly: You won't quote the archbishop, will you?

Hon GEORGE CASH: I appreciate Hon Garry Kelly's interjection. I thought I was being fair in acknowledging that both the Catholic Church and the Anglican Church have different views than I do on this matter.

Hon E.J. Charlton: They have been made public.

Hon GEORGE CASH: That is right. However, when it comes to understanding what is published in the newspapers one must not simply read but understand. Hon Garry Kelly has tremendous difficulty doing that.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon GEORGE CASH: I refer again to the letter from the Knights of the Southern Cross which states -

Since the introduction of the Criminal Code Amendment (Decriminalization of Homosexuality) Bill 1989 on October 25, our State Office has been inundated with representations - not only from our people but also from other organisations - expressing CONCERN.

Indeed, whilst we anticipated representation from within our ranks we are surprised to know of the extent and diversity of concern and alarm that exists.

We now know that our own expression of complete opposition to changing the existing law is not a singular or minority attitude and we are confident that this evidence is being manifested to you from the general community.

The letter goes on to deal with other matters. My only comment in respect of this letter is that they are perfectly correct because, as I stated earlier, the community in general has expressed to me its confidence and support for the position that I have taken; that is, not to support the amendments currently before the House.

Another letter I draw to the attention of members is an important one as it comes from a group of infected or affected people living with the HIV virus. It comes from a group "Positive Living WA" and is dated 24 October 1989. I understand this letter was directed to parliamentarians in both Houses in Western Australia and is in respect of legislation to decriminalise homosexuality. I wish to quote from this letter because it is clear that there are groups within the community who now suffer from the HIV virus who are frightfully concerned about what could develop should the amendments before the House be carried. The letter states -

We are writing as a group of infected and affected people living with the HIV virus and ask you not to support legislation to decriminalise sexual activity between consenting adult males in private by repeal of the section of the criminal code which make this an offence.

The move has been welcomed by the AIDS Reform Task Force and the Gay Law Reform lobbyists, and a spokesperson for the task force, Dr Rosemary Coates, said she was pleased that the Government agreed to move.

"This is not about morals but about human rights and the AIDS issues" she said.

We ask, where was Dr Rosemary Coates during the two years she was Chairperson of the Western Australian AIDS Council, or has AIDS only now become fashionable to the gay activists in their argument for gay rights.

Those infected and affected by the AIDS virus need the total continuing support of all those in the community and should not be used as pawns to suit the aims and objectives of the radical few. Will these people continue to support the AIDS issue, once they have homosexuality decriminalised. WE SAY NO.

Therefore, we will continue to ask for a negative vote when the legislation is tabled.

I express my appreciation to that group for writing to me advising of the concern that they have in respect of the legislation now before the House.

There are two specific areas that concern me: One is health, and I have tried in the limited time available to deal with this question. I accept that there are innumerable other areas which should be dealt with in this debate. However, the matter has been canvassed on many occasions in the community, and other members will wish to speak on the Bill and may expand on the health problems associated with it.

In respect of education, I made the point earlier that one of the frightening aspects of this Bill is its likely effect on educators in Western Australia and, through them, on our young children. Those in the community who believe decriminalising homosexual acts in private will not cause the encouragement or promotion of that activity are totally wrong. The mere fact of decriminalising homosexual acts in private is in itself sufficient, in the eyes of many, to give the impression that Parliament is condoning that action. There are those in the community who believe that once we have decriminalised homosexual acts in Western Australia, the logical extension will be to have homosexuality in general taught in our schools. That is a matter which concerns me greatly. Those who do not share that view are living in cloud cuckoo land; it will happen.

Hon Kay Hallahan: That is rubbish.

Hon GEORGE CASH: While I have a great regard for Hon Kay Hallahan when she is discussing matters within her portfolio, she herself is either badly informed on this matter or she is missing the point. It is the Labor Party itself which is likely to support the teaching of homosexuality in schools in Western Australia.

Hon P.G. Pendar: That is ALP policy.

Hon Kay Hallahan: That is outrageous!

Hon GEORGE CASH: The Minister said it was her policy.

Hon Kay Hallahan: I did not say that; it was Phil Pendar who said it.

Hon GEORGE CASH: I have some comments in relation to matters raised with members of my office the other day. The Parents and Friends Federation of Western Australia, as members would know, is a federation which represents more than 40 000 Catholic schoolchildren in Western Australia. It has expressed its surprise and deep concern at the number of attempts made by the Labor Party to introduce legislation to decriminalise homosexuality. This is the fifth occasion on which the Australian Labor Party, either as a result of Government policy or through a private member's Bill, has attempted to decriminalise homosexual acts in private in Western Australia. This has obviously raised the ire of the Parents and Friends Federation in Western Australia.

Hon Kay Hallahan: Have you seen what their Archbishop has said?

Hon GEORGE CASH: I think that the Parents and Friends Federation is aware of recent statements attributed to the Archbishop, the Most Reverend William Foley.

Hon Kay Hallahan: And you are also aware, are you?

Hon GEORGE CASH: I am aware of a report of what the Archbishop has said. I said earlier that while I have the utmost respect for both the Archbishop, the Most Reverend William Foley, and the Archbishop of the Anglican Church in Western Australia, the Most Reverend Dr Peter Carnley, I cannot support the views that they are alleged to support. I made that point earlier when I quoted the letter of the Knights of the Southern Cross, a Catholic organisation which clearly does not support those views either.

I want this debate to be handled in a constructive way. I acknowledge that there are people in the community who do not necessarily support the views I am putting to the House. This is a democratic place, and because we have a democracy people are able to write to their members of Parliament and express a view either in favour of legislation or against it. When the day comes that members of the community are not able to approach their members of Parliament and indicate that they wish them to give consideration to particular views, it will not be worth living in this State. I hope that day does not come, certainly in my lifetime.

In discussing the problems which will be caused in respect of education, I should like to quote this letter from the Parents and Friends Federation. One of the reason why I want to quote from specific correspondence is so that it cannot be said that I am misrepresenting anyone's view.

Hon Tom Stephens: By selectively quoting.

Hon GEORGE CASH: I hope I am not seen to be selectively quoting. Equally I hope it is seen that the member interjecting is a failed seminarian.

Several members interjected.

The PRESIDENT: Order! I ask Hon Tom Stephens to come to order. I draw his attention to the fact that I called for order three times. If he wants to stay around I suggest he listens to me.

Hon GEORGE CASH: For the benefit of Hon Tom Stephens, whom I understand was once a member of a seminary within the Catholic Church - so he would no doubt have knowledge of the Parents and Friends Federation of Western Australia which I understand to be a Catholic organisation - I shall table the paper. I do that so that he may be apprised of all the views of that federation rather than accuse me of quoting selectively.

Hon Tom Stephens: I have it.

Hon GEORGE CASH: Does the honourable member support the views given in the letter?

Hon Tom Stephens: No, I do not; I support the views of the Archbishop.

Hon GEORGE CASH: That is clearly one of the reasons why Hon Tom Stephens is a failed seminarian.

Hon Kay Hallahan: That is very nasty of the Leader of the Opposition.

Hon Tom Stephens: I confess I failed.

The PRESIDENT: Order! Before members proceed, I advise the honourable member that unlike another place, simply saying he will table a document in this House is not sufficient; he has to obtain leave to do it. If he is thinking of tabling a document he should ask for leave.

Hon GEORGE CASH: Mr President, Hon Tom Stephens has now indicated that he has a copy of this letter; that pleases me as there will be no need now for me to table it for his information. The letter refers to Premier Dowding in *The West Australian* of 24 October 1989 and reads -

The Government has stated . . . that it would not tolerate the gross indecency of a Sydney style homosexual Mardi Gras resulting from legalization of homosexual acts. We ask, "How could a Mardi Gras be prevented once homosexual acts are legal?" We quote the Sydney experience in evidence where even at the present height of the A.I.D.S. epidemic active homosexuals demand the right to parade in the centre of the City and publicize the event for weeks beforehand by placing posters in public venues and art and book exhibitions in a number of shops in Oxford Street. We do not wish to have our children and families subjected to the inevitable media reporting of such a Mardi Gras in Perth.

I support the federation's comments because it will not be illegal under the amendments proposed by Hon John Halden to make that sort of public event illegal. If anyone is under the impression it will be illegal for homosexuals to march in the streets and conduct Mardi Gras similar to those in Sydney, they should accept that on the passing of this legislation it is more likely to happen than it is now.

The other point in respect of education is a reference that I quoted from earlier, from the

State School Teachers Union of Western Australia. The document is headed "Elimination of Sexism Policy". I certainly do not intend to read the document in full, but in part it suggests that -

The union will seek ways to mobilise teacher support for ATF Campaigns aimed particularly at securing the resources required to achieve substantial gains in the elimination of sexism in education.

In general terms I would support that proposition, but as I move further through the paper I note that under the heading "Human Relations and Sexuality Education" it says -

The Union believes that there is a need for early and continuous human relations and sexuality education including contraceptive advice and comprehensive educational programmes which will help students to: -

And again I am quoting in part -

- (d) Defend the existing human relations and sexuality courses in schools from attacks by conservative groups which are seeking to both curtail these programmes and censor positive information on sexuality, especially in regard to homosexuality.

That in itself is a clear indication of the general position of the State School Teachers Union of Western Australia. I have quoted from a number of letters that I have received, and from other articles. Clearly there are numerous other letters, articles and publications on this subject urging members not to support the amendments before the House.

In conclusion, I again thank those people from the various church organisations around this State - and, indeed, interstate - and all those other members of the community who have offered support to me and many of my colleagues in the Opposition in our fight to oppose the legislation proposed by the Australian Labor Party through its member, Hon John Halden. I implore the House to reject this legislation. No good will be served if the amendments are carried. Western Australia as a community will be the eventual loser and, in respect of the question of the HIV-AIDS virus alone, if we carry these amendments we will see a significant upturn in the incidence of AIDS in this State. I ask my colleagues in this House to consider carefully this proposition and all those letters and other comments that have been made to them in respect of this legislation, and to oppose the Bill.

Point of Order

Hon P.G. PENDAL: Before I begin my remarks on the Bill I raise a point of order and ask you, Mr Deputy President (Hon Garry Kelly), to rule that this Bill is not properly before the Parliament in respect of Standing Order No 226. That Standing Order of this House deals with the title of a Bill. It tells us that no clause can appear in a Bill that is foreign to the title of that Bill. I point out that the short title, or clause 1 of this Bill, reads -

This Act may be cited as the *Criminal Code Amendment (Decriminalization of Homosexuality) Act 1989*.

I put it to you, Mr Deputy President, that we cannot decriminalise homosexuality. That is not what we are dealing with, and that is not the intention of the Bill. The Bill in its intent is to decriminalise homosexual conduct or homosexual acts.

Hon Tom Stephens: Or acts of homosexuality.

Hon P.G. PENDAL: It is an impossibility to either decriminalise or, indeed, criminalise homosexuality, any more than one can outlaw heterosexuality or make heterosexuality legal.

Hon Tom Stephens: It is a shame we cannot outlaw stupidity.

Hon P.G. PENDAL: I make the point that two people are able to play that game if Mr Stephens wants to play it. I can assure him, just as the Leader of the Opposition assured the House a few minutes ago, that if the members on the floor of the Chamber or people in other parts of the building want to make remarks that are designed to debase the debate, two people can play that game.

The DEPUTY PRESIDENT (Hon Garry Kelly): Order! I ask the member to continue his point of order on which I shall rule, because he is starting to debate the question.

Hon P.G. PENDAL: My point of order is that the Bill is out of order in terms of Standing

Order No 226, which prevents a Bill's being debated if any clause appears in the Bill that is foreign to its title. The title is the decriminalisation of homosexuality. That is not the intention of the Bill; the Bill is aimed at decriminalising homosexual acts. I ask you to rule accordingly.

Deputy President's Ruling

The DEPUTY PRESIDENT (Hon Garry Kelly): The title of the Bill is "A Bill for an Act to amend The Criminal Code." There is no point of order.

Hon P.G. PENDAL: Could I seek a further clarification from you, Mr Deputy President? The short title is clause 1 - I presume we all agree on that - and the short title says -

This Act may be cited as the *Criminal Code Amendment (Decriminalization of Homosexuality) Act 1989*.

Therefore I submit to you again, with the greatest of respect, that the words "Decriminalization of Homosexuality" actually form the short title of the Bill, which is an action not of the Opposition but the member who introduced the Bill. Again I seek your ruling, and I suggest that it might not be inappropriate were you to leave the Chair until that matter has been clarified.

The DEPUTY PRESIDENT: Be that as it may, Standing Order No 226 refers to the title of the Bill, and the title of the Bill is "A Bill for an Act to amend The Criminal Code." It does not refer to the short title at all.

Hon P.G. PENDAL: Mr Deputy President, I can see I can take the point no further, other than to state for the third time before I begin my remarks that I believe the Bill is before the House illegally.

The DEPUTY PRESIDENT: Order! I have ruled on your point of order. There is no point of order and you will not reflect on the decision.

Hon John Halden: Let's start the debate.

The DEPUTY PRESIDENT: Order!

Debate Resumed

HON P.G. PENDAL (South Metropolitan) [4.53 pm]: I oppose the Bill before the House. Unlike other members of the Chamber, and perhaps to the surprise of most of them, I do not intend to spend a lot of time debating the matter, not because I do not think it is an important public issue but because on two previous occasions in the past three years I have made my views known, and the views that I made known when the amendment was before the House in 1984 and 1987 have not altered. Indeed, they lead me to a situation where I am compelled for the third time in succession to oppose the Bill. Therefore I do not intend to go over much of the ground which I covered on those two occasions, when I was handling the Bill for the Opposition. Suffice it to say that I restate and affirm those views which I expressed on those occasions.

Secondly, there is no doubt we are now dealing with one of the most difficult pieces of social legislation and one of the most complex subjects on the public agenda anywhere in Australia today. To those people who suggest they know all the answers, I say with the greatest respect that such a person has yet to be found. One of the most important elements of the debate on decriminalisation is inevitably the claim on the part of those involved that no section of society should be required to tolerate the harassment of a person because of their sexual practices. I want to go on the record as saying, as I have said publicly on many other occasions, that I endorse that view. I have never believed there is justification for anyone to harass or demean a person because of his homosexuality. More than that, I do not believe there is any justification for harassing or demeaning a person because of his religious beliefs, his race, his colour or any other reason. I mentioned that because it is one of the ways in which I believe society can help address a major problem faced by the homosexual community without going to the step we are now being asked to go to, which is to decriminalise homosexual activity. As members know, we now have laws on the Statute books making it an offence to harass, demean or denigrate a person for the reasons I mentioned. If I were, for example, to reflect on someone because of his colour or religious beliefs, I would be dealt with by the due process of the law. I see no reason we could not, if

necessary, amend the Criminal Code to make it quite a specific offence and to make it unlawful to harass a person on the ground of his homosexuality.

Were that to be the case, I believe much of the argument would be taken away from those who advocate the position which now leads us to examine the Bill before Parliament today. I do not suggest for a minute that it would satisfy by any means the people who genuinely seek the reform of laws dealing with homosexuality. However, Parliaments are about compromises and about balancing the rights of one section of society against the demands of another section of society. Often that means the demands of one section of society cannot be fully met because the counter demands of another section of society are in conflict with those demands. Therefore, the role of Parliament very specifically is to decide how we might determine that the rights of people on one side of the argument might be met, even if in a limited way, with the rights of people on the other side of the argument. That suggestion offers at least a partial solution to the problem which indisputably affects some members of the homosexual community. I might say it does not affect all members of the homosexual community. However, to the extent that harassment affects members of the homosexual community, they have a right to come to Parliament to seek protection from that harassment. I have said before, and say it again here, that I would be happy to be among the first to support a Bill of that kind. I would be interested to hear the mover, rather than just grinning and shaking his head, address that point when he closes the second reading debate. I make no secret of the fact that I will not support the Bill in its present form. I make no secret of the fact that the Bill is designed to achieve more than just the decriminalisation of homosexuality; the Bill is in fact designed to be a signal to the rest of society that it should accept homosexuality as being the norm.

I know some people say that is precisely what should occur. Clearly I am not among them. Therefore, that is my first major point in the argument. It is possible for the criminal law to be amended in order to underscore the community's distaste for any act of harassment, on the part of anyone, against persons, whether it be because of their beliefs or, as in this case, because of their practices. It is significant that currently before the other place there are two Bills seeking to extend the sort of protection I am talking about here - protection against harassment - in respect of people of other racial origins. Both the Government and the Opposition parties have agreed at least that laws should be introduced preventing the vilification of a person based on his or her race. Therefore, it is not beyond the wit of this Parliament to introduce a Bill outlawing the harassment of people because of their homosexual activity. I suggest that the mover is not serious about this matter because he has failed even to begin to address that part of what I acknowledge is a very serious and complex problem.

Secondly, I do not believe anyone in the homosexual community will gain any comfort from a Government which is not prepared to have the courage of its convictions by introducing a Bill of this nature into Parliament through one of its Ministers. We have seen a disgraceful act - repeated on three occasions - where Ministers have refused to be seen to be associated publicly with this Bill.

Hon J.M. Berinson: That is not true. I have been associated with it publicly.

Hon P.G. PENDAL: They preferred to give that task to a backbencher in order to save themselves from what they believe is the odium attached to the introduction of such a Bill.

Hon J.M. Berinson: I expressly supported both private members' Bills on behalf of the Government.

Hon P.G. PENDAL: Then why did the Leader of the House not introduce them, as he introduces every other Bill?

Hon J.M. Berinson: Why don't you tell the truth?

The PRESIDENT: Order! When I call for order, it means that members should stop what they are doing. That includes talking. I suggest Hon Phillip Pendal talks about the Bill and not about the mechanics of who introduced it, because that is not in the Bill.

Hon P.G. PENDAL: What is in the Bill is an attempt by the Government to distance itself from this important issue. That attempt is on the front page of the Bill where the name of Hon John Halden appears. That is the legislation now before the Council and that is the action which I condemn. There are plenty of members of the homosexual community who

believe that this was an act of cowardice on behalf of a Government which does not have the courage of its convictions.

A lot of store has been placed on the statement issued by Archbishop Foley representing the Catholic Church - although that is not a document that purports to be a ruling of the Catholic Church. It seems quaint that members who are most often antagonistic towards the Catholic Church are so vigorous in hurrying to find refuge in a statement by one of the leaders in the same church.

Hon Kay Hallahan: Are you referring to us?

Hon T.G. Butler: That is denigrating the leaders of the Catholic Church.

Hon P.G. PENDAL: The member can make his own comments, and not just stupid interjections.

The PRESIDENT: Order! Hon Tom Butler will acknowledge that I am applying the rules in this place, and if he wants to have an argument with me about that and disregard my rulings, he runs a very serious risk of me taking some action. I suggest that this debate is difficult enough as it is and suggest that members take their turn as a turn will be available for each and every one to express views in a proper and orderly manner. In the meantime, as I have said on so many occasions, the one thing about this place is that members do not have to agree with what other members are saying, but members do have to listen to it.

Hon P.G. PENDAL: Before that interjection, I was referring to the statement issued by Archbishop Foley; this statement is difficult for me because I happen to be an active member of that faith.

Hon Doug Wenn: It does not mean that you are a good one.

Hon P.G. PENDAL: I know that it does not mean that I am a good one, you stupid individual! At least we agree on that and I will be interested to hear Mr Wenn's contribution, although I suspect he will not make one so I will not hold my breath.

The statement by Archbishop Foley was intended to be a guide upon which people may make a conscientious decision. In fact, I think those were the words he used in the covering note attached to his statement. Therefore, members of the Government are not in a position to wave around that document as though it is set in stone and reflects some immovable position of the Catholic Church, because if they were to do that they would be misusing and misrepresenting Archbishop Foley's position. Notwithstanding that he issued a statement with which I disagree, I nonetheless admire the fact that he issued a statement at all because the churches, like politicians, are often accused of lacking courage to take a public stand on issues. I imagine that it would have been a quieter life for Archbishop Foley if he had said nothing; it certainly would have been a quieter life for me not to have become embroiled in this debate.

Archbishop Foley issued a statement with which I can agree in many respects; for example, he went to some pains - in different language from mine, but nonetheless on a shared viewpoint - to comment about the way the community treats members of the homosexual community, and I thoroughly endorse those comments. With the greatest respect to my Archbishop, his statement is flawed in at least one fundamental aspect: I do not believe that one can have the luxury of saying on the one hand that the church maintains the view that homosexual behaviour is a morally reprehensible practice - which the Archbishop did - and on the other hand say that one would hesitate to support decriminalisation if this would be interpreted as publicly condoning homosexual activity. This is the point covered adequately by the Leader of the Opposition and I do not intend to dwell upon it other than to repeat my belief that one cannot have the luxury of saying those two things in the one statement.

As I have said to the Archbishop privately, it is indisputable that the passing of a Bill such as the one before the House is a signal to people, especially to young people who are growing into sexual maturity, that homosexuality is an acceptable practise and an acceptable lifestyle - even Hon John Halden does not pretend otherwise. We are dealing here with more than an attempt to take something off the Statute books; we are dealing with a measure that seeks to give community endorsement to the homosexual lifestyle. Parliament legislates to draw the line. Whether or not we, or the community, like it, society takes the lead from what Parliament does. Often, when Parliament acts in a disreputable manner, the community

certainly gets the message, but there is no escaping from the fact that when the Parliament prohibits something or says that something can be done, it is seen by the wider community as being a yardstick - the Leader of the Opposition spoke about this earlier. When Parliament says that something is no longer unacceptable, the natural corollary is to say that Parliament says that it is now acceptable. I was distressed to see that Archbishop Foley should say in his circular to members that it is not the role of the law to be a moral policeman.

Hon Kay Hallahan: Hear, hear!

Hon P.G. PENDAL: The Minister quietly interjects saying, "Hear, hear" and on other occasions I say the same, but every day of every week the Parliament deals with questions of morality and behaviour. Whether people like it or not, and whether parliamentarians like it or not, we do become in a very inexperienced way arbiters of what is right and what is wrong. There is no magic to that, because that is what Parliament exists for. I put it to the House that it is highly dangerous for someone in Archbishop Foley's position to use that argument, because I think it can be misused and turned back against him and his church, for example, in the abortion debate. I know that is not the subject before the House, but that is certainly an area which could find some comfort in the remarks he makes about the role of the law not being that of a moral policeman.

Hon J.M. Berinson: Surely you are not suggesting that anyone could be in any doubt about Archbishop Foley's views on abortion?

Hon P.G. PENDAL: Certainly not, and I am pleased to have the chance to clarify that point. I am saying that the advocates of abortion will be able to point to his statement in respect of homosexual activity and say that members of Parliament are free to legislate in favour of abortion because Archbishop Foley said in his statement on homosexuality that the law is not to be seen as a moral policeman. I regret that he said that and, no doubt, that will be interpreted by some as an attack by me on him. If that is the notion, I reject it. I disagree with his stance, but I have enormous respect for the man, and it certainly does not amount to an attack on him.

Finally, I make only one more relevant observation. It is not without significance that Archbishop Foley made that observation when he wrote to all members yesterday. He said that he earnestly hoped members of Parliament would apply a conscientious and free vote to the matter before the Parliament. I agree with that. I point out to the House, as I pointed out to the Archbishop, that the only people in this House who are capable of making a free and personal decision are people on this side of the House. Even if some of those people make a decision with which I disagree, I will defend their right to make it. Members of the Parliamentary Liberal Party - and I might add the National Party - are in a position to make a conscience or free vote. It is more difficult for a member of Parliament to exercise a free vote than to vote when a matter is dealt with as a caucus decision, as in the Australian Labor Party. I am not criticising the Labor Party for that, but the reality is that when members make a decision in caucus, they are obliged as a result of their pledge to carry it out. Archbishop Foley's remarks would have been better directed towards members of the Australian Labor Party, suggesting that the ALP members consider breaking ranks and making a serious, free, non-party and conscience vote. If a person ever held his breath in this House waiting for that to occur with the Labor Party members, he would soon asphyxiate himself. It is a great tragedy that when these issues arise they cannot genuinely be tested on their merits; the tragedy in this case is that no matter what individuals within the Labor Party may think - let no one be under the misapprehension that all members of the Labor Party would vote for this legislation if they had a free vote - I know they would not vote against it.

Hon John Halden: Name the names.

Hon P.G. PENDAL: I have no intention of embarrassing people within the Australian Labor Party who conscientiously hold to beliefs, and who believe they should have the fundamental right that is enjoyed by members on this side of the House to vote according to their conscience on these issues. With those remarks I signal my opposition to this Bill.

HON E.J. CHARLTON (Agricultural) [5.25 pm]: While obviously the National Party respects the right of individual members to comment on any legislation, as far as this Bill is concerned the National Party's comments will be very brief. The best way to demonstrate any member's position is not by words but by actions. Accordingly, that will be

demonstrated in the way we vote. The National Party has not debated this issue to any extent for the reasons stated; that is, it is an individual's responsibility to vote. We uphold that principle in relation to all legislation. In this case, on behalf of my colleagues in the upper House I indicate the National Party's opposition to the legislation.

A number of points of view have been expressed, to which the National Party would like to add. The National Party and its members believe in the basic principle that the family is the No 1 priority. We regard this legislation as an attack on the family. Never at any time in the recent history in Australia has the family been under such attack. It has been knocked from pillar to post; it is not a matter of its going down, but that society has broken down. The emphasis placed on the environment - trees, land, and so on - and animals and their wellbeing has gone to an extreme extent. Although we acknowledge that all these matters are terribly important, we consider they have been emphasised at the expense of the human race, particularly the people of this nation. In recent years a number of initiatives changing the law have repudiated the values of individuals in this nation. Legislation is continually introduced in this and other Parliaments in Australia that not only does nothing to enhance the rights of individuals but, more importantly, destroys their rights. One can see the results in some of the events that have taken place in recent years.

Actions speak louder than words, and today in this nation the results of a lack of acceptable home standards are emerging. Children are not being given the respect, care and, more importantly, the guidance they need from a truly caring family environment. That has resulted in a greater incidence of crime, and a host of misdemeanours, including drug taking, among young people. Family life in this country has broken down. As a consequence those law-abiding families who care have been subjected to the highest level of financial persecution in the Government's attempt to make up for the problems caused by the lack of care and guidance in other families.

In addition to that, we have now the situation where it is proposed to change the law in order to decriminalise homosexuality. I believe that many members, whichever way they vote on this issue, are not aware that the passage of this Bill will have the effect of creating a perception in the minds of the people of Australia that we are acknowledging homosexual behaviour as an acceptable way of life; but we have to look at the end result of the legislation, not at the written word and what is theoretically correct or incorrect. We should change the law to encourage the preservation of the family unit, which comprises a mother, a father, and children; and where the unfortunate circumstance prevails that that situation cannot be maintained, then those people deserve our full support and understanding.

It is a great pity that we seem to have lost our way; in losing our way, all sorts of other inroads have been made in trying to demonstrate the individuality of people. We are clutching at straws to try to preserve a way of life for those people who have been unfortunate enough to be subjected to the pressures of life that prevail in some instances. We respect totally the rights of the individual, but we respect also the right of society to put in place a mechanism whereby it can develop and prosper by encouraging people to live meaningful and rewarding lives. It is unfortunate that no-one can say we are successfully achieving that. The result is not for me to elaborate upon; members would all be aware of the problems in our society. Until we can come to terms with the factors which have created that situation, this nation will continue to deteriorate. It is time for all responsible people to come to terms with the facts of life, and to respond accordingly.

HON REG DAVIES (North Metropolitan) [5.33 pm]: Homosexuality is a major question facing the community today: Is it a crime, a medical issue, or a question of morality? This Bill does not affect the State of Western Australia as a whole; rather, it affects the lives of a few individuals who to date have been living outside the law. I would have liked this legislation to have been treated as part of the Government's legislation. It may not be well known within the community that the decriminalisation of homosexuality has for many years been part of the Australian Labor Party's platform. The "Australian Labor Party WA Branch State Platform 1989" states on page 26, under the heading "Sexual Preference" -

Ensure that in sex education programmes, homosexuality is presented as a capacity fundamental in some human beings, the expression of which is basic and natural.

This could be interpreted as teaching this alternate lifestyle in schools. With a general State election only a few months behind us, I would think the Government would have treated this

as a major election issue; we would then have been able to assess the true feelings of all Western Australians, to see if they generally accepted the decriminalisation or legalisation of homosexuality. This legislation would then not have been sneaked into the Parliament as a private member's Bill. I consider that this method of introduction has simply tended to lessen the significance of the issue.

The debate on this private member's Bill will centre around how best to represent the issue of homosexuality, and unravel either the truths or the myths which surround the preservation of legislation which maintains homosexuality as an illegal practice. I would like to discuss both sides of the case, as I have examined them. I initially began with a standpoint of utter repulsion at what I perceived to be a perversion in human sexuality. I did not and had never considered homosexuality to be an alternative sexual practice of persons who had not perhaps chosen their stigmatised lot in life, where they were living outside the law, the church, and the bounds of general community approval. I do not think I have ever really considered these people, with their differing sexual preference. Some members may ask why then should I wish to discuss or investigate such a sordid issue as homosexuality. My answer is that these people are not as few as the community pretends. They have parents, who hurt when their adult children are defamed; often other family members are affected detrimentally by society's treatment of loved ones, who are perceived as outcasts.

I want to discuss the issue in order to present a more enlightened approach and a more compassionate understanding of people within our community who are homosexual. I remind members that it was not so long ago that adulterers were condemned as criminals before the courts; shunned as moral lepers. Members may recall that in early biblical times female adulterers were stoned to death. There was a time when attempts at suicide were punishable by imprisonment. In examining the moral issue, I am sure that many members are aware of the stance taken by the mainstream Christian church. The Anglican church recently issued a decree, emanating from Archbishop Peter Carnley, which said that homosexuality was regarded by the church as a moral issue; as was adultery. During the second session of the fortieth synod 1989, a resolution was passed which commenced by saying -

That this Synod opposes criminal prosecution for homosexual activity practised privately by consenting adults.

In recent days all members would have received a fairly comprehensive study or summary from the Catholic Archbishop of Perth outlining the Catholic church's attitude, which in essence says that these are matters of judgment and of conscience, and politicians should be permitted freedom by their parties to vote according to their own assessments, as Liberal members will do. While the church's views suggest that our youth should be protected at all costs, they suggest that ultimately homosexual activity between consenting male adults in private should not be on the Statute book. I trust that I am not misrepresenting the Catholic viewpoint. I felt that the statement was not clear enough for me to determine the absolute stance of this faith. The media release of 31 October emanating from the Uniting Church in Australia states that the Church's social responsibility and justice working groups support the present attempt in the Western Australian Parliament to decriminalise private sexual activity between consenting adult males. I might add that I have been contacted by some clergy from those religious groups dissociating themselves from their churches' position. I am of the opinion, after discussions with leaders and members from independent Christian churches, that there is strong opposition to any attempt to change the law. They hold that there are sound moral religious grounds to maintain the status quo and they are concerned that this legislation, if enacted, would eventually lead to the teaching of homosexuality as an alternative lifestyle, particularly in our schools.

During my assessment of this case I examined the teachings of the Bible in order to firmly establish for myself the actual teachings of Christ. We are all aware that the Bible has many translations. It was written at a particular time in history within its own particular cultural context. Nonetheless the Bible is still today the foundation of our moral and social mores, when addressing contemporary issues. I have examined several biblical passages of the teachings upon which the outlawing of homosexuality are based and I would like to draw attention to two of those well known passages. The most commonly discussed is that relating to Genesis, chapter 19 verses 1 to 28, the story of the destruction of Sodom and Gomorrah. It is traditionally held that God was displeased with Sodom and Gomorrah for

homosexual activity. The words "to know" usually claim to mean homosexuality. This was clearly expressed in the Bible. However, the same words which are often illustrated as pertaining to homosexuality are used 943 times in the Old Testament and on only 10 occasions do they relate to the sexual act, and each time the reference is to heterosexual activity. In the Old Testament of Leviticus, chapter 18 verse 22, it states -

Thou shalt not lie with a man as thou would with a woman.

This is a clear illustration which I cannot dispute, but further on that same chapter prohibits the eating of pork, lobster, shrimp, oysters, and blood and states, "No inbreeding of cattle" and the same passage contains an instruction to kill all divorced people who remarry. It could be held that to single out one passage and retain only that section for the application of prohibition is somewhat selective or represents the bias of the people who chose to structure the law to suit their personal preference. After all, we are no longer outraged by divorced people who choose to remarry. These passages may well be condemning of homosexuality, but they are condemning of many other aspects of life, which we have, over time, come to accept and have even rationalised as necessary within contemporary society. Consenting adult homosexuality in private amongst males is still illegal in Western Australia. We all recognise that it is very difficult for authorities to confront the spread of AIDS with any degree of success where respondents are subjected to stigma and risk penalties because of their sexual activity.

Hon John Halden: That's probably true with 14 years in gaol.

Hon REG DAVIES: However, in the absence of any firm statement from the Australian Medical Association which has taken the position that this issue be treated similarly to abortion, I am unable to present irrefutable evidence that decriminalisation of homosexuality will positively influence AIDS control. For me, this is purely a speculative matter and could only be reflected in retrospect following decriminalisation. I acknowledge that we are heading towards the twenty-first century and I believe that our laws must be brought into line with contemporary social circumstances. On this issue of homosexuality we are currently in line with two other States in Australia - Queensland and Tasmania - and other less progressive countries such as Iran, South Africa, the Soviet Union, China and Northern Ireland.

Hon Tom Helm: We rest our case.

Hon REG DAVIES: However, as responsible legislators we must seriously consider the wisdom of legalising an activity which, by its very nature, has brought to our society one of the most insidious diseases known to mankind. I believe that in this current climate, the issue of homosexuality must be viewed in a medical sense and until we find ways to stem the flow of AIDS we cannot even begin to consider the moral or the criminal implications of changing this law. I can assure members that I have considered this issue in a most sensitive manner. I have devoted many hours to research, spoken with recognised leaders within the homosexual community, with medical, legal and religious leaders; I have had many phone conversations and many hundreds of letters from constituents proffering their viewpoint. In the end I have searched my conscience. I believe there is a need to bring the laws of this State closer in line with contemporary social circumstances, but I am sure within myself that today is not the time. I have already outlined that until we are able to find a cure for AIDS and are successful in preventing the spread of this disease, it would be irresponsible for this Parliament to pass a Bill which might in the long run prove to assist in its spreading. If one person contracts AIDS and dies because of this legislation being passed, we have acted irresponsibly.

[Interruption from the gallery.]

The PRESIDENT: Order! People in the gallery are not permitted to carry on like that.

Hon REG DAVIES: I would encourage any attempt to increase scientific funding which recognises the need to find a cure for the insidious disease of AIDS. Our scientists could achieve this were the Government, or Governments generally, to provide adequate funding and support. After considering all the aspects of the implications of this Bill, I find I am unable to give my support to any changes to the legislation.

HON MURIEL PATTERSON (South West) [5.51 pm]: I listened with great interest to Hon Eric Charlton when he spoke earlier. His words were of value and were very close to my heart.

I want to make one thing clear: I am not standing in judgment on homosexuals. I do not condemn them, nor do I lack awareness of the difficulties they face in society. Being different is often a heavy burden to carry. I quote J.R. Barich, President of the Parents and Friends Federation, as follows -

The law has an educational role which encourages or discourages inclinations of one kind or another. The current law, whilst perhaps appearing draconian to a vocal minority in our community, is not forcibly implemented, unless those concerned become publicly threatening, and therefore the law adequately serves as a deterrent without resulting in disproportionate punishment.

However, there are areas of great concern to me.

The PRESIDENT: Order! The honourable member addressing the Chair has a very soft voice, and Hansard reporters have difficulty in hearing her. I ask honourable members to cease their audible conversations to allow the reporters to carry out their task with a minimum of disruption.

Hon MURIEL PATTERSON: If this legislation dealing with decriminalisation were to be passed, there are areas which could cause concern. I draw the attention of members to the comments of Derek Branton, a spokesman for the Gay Law Reform Group, on 10 October, when he said that the gay community was prepared to accept and support 18 as the age of consent to ensure that legislation went through next time. As the article pointed out, some homosexuals have argued that the age of consent should be 16 years of age, which is the same as for heterosexuals. I am left to wonder whether the gay community has opted for 18 in the hope of getting a foot in the door and whether once it has done that it will renew a campaign to lower the age of consent to 16. In other words all they are doing is changing the timetable. I have three dearly loved grandsons and I want the law to be there to protect them, as it was in the case of the son of one of my friends. My friend has a teenage son who was seduced into a relationship with a much older man. My friend and her husband were able to use the law to protect their son in the future. That has been a great comfort to them as it is to other parents.

It is assumed that this legislation will encourage safe sex practices and therefore reduce the likelihood of the killer disease AIDS which is overwhelmingly a problem within the homosexual community. I question that assumption. It was suggested that decriminalisation might encourage homosexuals to come forward for testing -

Hon J.M. Berinson: Mr President, I seek your forbearance to ask the honourable member whether she would be prepared to seek leave to continue her remarks at a later of the sitting in order to allow the time of sitting to be extended?

The PRESIDENT: Order! That is up to the honourable member. By way of interjection, the Leader of the House has given the honourable member an opportunity to seek to continue her remarks at a later stage. It is up to the honourable member. She can proceed or can take that action.

Hon MURIEL PATTERSON: I do not have much more to say and I will only take a few more minutes of the House's time.

Hon J.M. Berinson: But we will not be able to extend the time.

Hon George Cash: That is the understanding we already had with you.

Hon J.M. Berinson: But we had other understandings with other people.

Hon John Halden: You are running away from this debate.

The PRESIDENT: Order!

Hon MURIEL PATTERSON: It has been suggested that decriminalisation will encourage more homosexuals to come forward for testing. At the moment they fear recrimination. I make this suggestion: There is a way to assist the AIDS campaign without changing the law, and that is by granting an amnesty to all homosexuals for a specific period. Similar amnesties have occurred in the past; for example, people, with complete impunity, could hand in firearms they might have been holding illegally. If the Government is serious about wanting to maximise the benefits of the AIDS campaign - which I hope it is, and as it should be - an amnesty is worth considering. If homosexuals throughout the State know they could

lodge any health report they wanted in connection with AIDS for a period of three months or six months, this might go a long way towards resolving what some people claim is a crisis situation. The answer is not in legislation. As members of Parliament we should represent our constituents, as members of Parliament must, by upholding the law of God and of this country as it is. I therefore oppose legislation to decriminalise homosexuality.

Adjournment of Debate

HON TOM STEPHENS (Mining and Pastoral) [5.58 pm]: I move -

That the debate be adjourned to a later stage of this sitting.

Hon P.G. PENDAL: I oppose the motion. It was made clear but a few minutes ago by the Leader of the Opposition, and the Leader of the House accepted it with several nods, that this was not to be the case.

Hon J.M. Berinson: We also understood that Hon Peter Foss was to be given an opportunity to speak.

Hon John Halden: You are deliberately blocking this.

The PRESIDENT: Order!

Hon P.G. PENDAL: I oppose the motion moved by Hon Tom Stephens because the Government set the agenda for the day -

Hon John Halden: You are blocking his opportunity. We saw the Whip go up there.

Hon P.G. PENDAL: No one is blocking anyone's opportunity. Indeed I hope the debate continues into next week.

Hon Tom Stephens: Yes, you want to work on him during the break.

Hon P.G. PENDAL: That is an offensive remark which suggests that improper pressure is being brought to bear on members. That cuts both ways.

The PRESIDENT: Order! I would just remind the honourable member that if he is debating the motion to adjourn the debate, he is out of order. I was under the impression the member was raising a point of order.

Hon P.G. PENDAL: No, I was opposing his motion.

The PRESIDENT: The member can only oppose the motion by voting against it; the member cannot speak against it because it is not a motion members can speak against. I was under the impression that the honourable member was raising a point of order. I will put the question.

Point of Order

Hon GEORGE CASH: Mr President, I seek your clarification inasmuch as you said it was a motion that could not be spoken to or against.

The PRESIDENT: That is correct. The question is that the debate be adjourned until a later stage of this day's sitting.

Debate Resumed

Hon TOM STEPHENS: Mr President, I seek leave of the House to withdraw my motion now that the devices have been deployed to prevent this debate.

The PRESIDENT: Order! The member seeks leave to withdraw that motion. Is leave granted?

Leave granted.

The PRESIDENT: Honourable members it is six o'clock and I must now interrupt the debate in order to adjourn the House. Prior to doing that the Standing Orders provide for me to deal with any messages. I suggest to the House that there is a Bill before it on which I have no instruction and I recommend to members that if they want it to remain on the Notice Paper someone should hastily do something about it.

Debate adjourned, on motion by Hon W.N. Stretch.

STAMP AMENDMENT BILL (No 4)

Assembly's Message

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

Third Reading

Bill read a third time, on motion by Hon J.M. Berinson (Minister for Budget Management), and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [6.02 pm]: I move -

That the House do now adjourn until Tuesday, 14 November.

Adjournment Debate - Homosexuality Bill - Further Debate

I will speak briefly to three matters. The first relates to various moves connected with the timing of the debate which has just concluded. There are some unfortunate aspects to it to which I should refer briefly.

The position is that I had hoped to have the agreement of members opposite to at least some extension of this sitting to allow further debate on the homosexuality Bill. When that agreement was not forthcoming, I took the position that it was not the sort of question that should be pursued as one had to accept the point of view put forward by the Leader of the Opposition, in particular, that members had other obligations and that it would unfairly cut across those obligations to pursue the effort to extend time. At that point an unfortunate situation arose in that I was given clearly to understand that Mr Foss - who has distributed substantial amendments and whose views, in my view, were important to hear so as to enable consideration over a period of time - would speak after the completion of Mr Davies' comments.

Hon W.N. Stretch: Who gave you that impression?

Hon J.M. BERINSON: Mr Foss.

Hon W.N. Stretch: The Leader of the House has been here long enough to know that you deal with the leaders or with the Whips; you don't make deals with private members.

Several members interjected.

Hon J.M. BERINSON: I will say it at once: It was not the Whip, but Mr Foss personally, and if he misunderstood the position I simply misunderstood it along with him. On the basis of our belief that it was important at least to hear his views in part, speakers on this side of the House refrained from taking their opportunity to speak. When it appeared from the contribution by Hon Muriel Patterson that all that would be frustrated, I asked whether she would be prepared to accommodate an opportunity that would, in the last resort, allow Mr Foss to address us for a short period. I did not have in mind to move for any extension beyond 15 or 20 minutes, nor would any more have been necessary. That is what I had in mind. It did cut across what was said previously: There was no opportunity to clarify the position further once I was taken by surprise by the contribution by Hon Muriel Patterson. That is all I have to say on that issue.

Adjournment Debate - Document Tabling - Missing Page - Tabling Confirmation

The second matter I wish to raise relates to a question without notice by the Leader of the Opposition in which he drew attention to a missing page in one of the documents tabled last week and asked whether I would arrange to have it tabled before the conclusion of today's sitting. I have that page, which is page No 2, which I will now table.

[See paper No 505A.]

*Adjournment Debate - Motion, Hon Norman Moore
Privilege Committee Appointment - First Order of the Day*

Finally, members will be aware that earlier in the day the House, after some discussion, and indeed against my wishes, agreed that Hon Norman Moore's motion for the appointment of a Privilege Committee should be brought on and disposed of today. Circumstances have

prevented that and I wish to put on the record that I have given an undertaking to Hon Norman Moore that his motion will be listed as the first order of business when the Parliament resumes.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [6.08 pm]: I take this opportunity to respond, in part, to some of the statements made by the Leader of the House. First, it is agreed between the Opposition and the Leader of the House that Hon Norman Moore's motion should now become the first Order of the Day to be dealt with at the next sitting of the House. I have no problems in that respect.

The **PRESIDENT**: Order! I do not know how many times I have to say this: Members, the House has not adjourned; the Parliament is still sitting and that means that members are heard in silence. I hope that by 14 November members will have rid themselves of these practices.

Adjournment Debate - Homosexuality Bill - Further Debate

Hon GEORGE CASH: As to the question of extending today's sitting, I want it placed on record that on at least two occasions this afternoon I indicated to the Leader of the House that it would not be convenient to sit beyond six o'clock, which is the normal finishing time, because certain members had advised me of prior commitments and I gave them an undertaking that they would be able to honour those commitments. For the Leader of the House to suggest that the House could sit just a few minutes beyond six o'clock to enable other members of the Opposition to speak on this motion is unsatisfactory, inasmuch as a number of members of the Opposition may wish to speak at length on the decriminalisation of homosexuality in Western Australia when the matter is next before the House.

Hon J.M. Berinson: They will not be prevented from doing so. Only one member has listed two pages of amendments.

Hon GEORGE CASH: With regard to the comments of the Leader of the House about the listing of amendments, in my view it would have been grossly unfair to Hon Peter Foss to require him to speak for only a few minutes prior to six o'clock, had it not been the intention of the House to extend its sitting time. Even if the sitting time had been extended, Hon Peter Foss would be entitled, as would any member who wished to speak on a motion before the House, to speak for the whole 45 minutes he is allowed.

Hon J.M. Berinson: Is he entitled to make his own judgment on that?

Hon GEORGE CASH: I reject the clear mischievousness that the Leader of the House attempts to generate. We are very happy that this Bill will be debated at length at the next sitting of the House.

Question put and passed.

House adjourned at 6.12 pm

QUESTIONS ON NOTICE

POLICE - RANDOM BREATH TESTS

Stoppings - Convictions and Deaths

466. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

Can the Minister indicate, on a monthly basis, since the introduction of random breath testing -

- (a) the number of drivers stopped at RBT stations;
- (b) the number of persons charged and convicted of a drink driving offence as a result of having been stopped by police on random breath test duties; and
- (c) the number of persons killed, as a result of traffic accidents, on a monthly basis since the introduction of random breath testing into Western Australia and the corresponding monthly figures for the previous three years?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(a)	Period 1988-1989	01.10 - 31.10	-	35 809
		01.11 - 28.11	-	35 630
		29.11 - 02.01	-	71 514
		03.01 - 30.01	-	50 172
		31.01 - 27.02	-	38 439
		28.02 - 27.03	-	47 090
		28.03 - 01.05	-	61 092
		02.05 - 05.06	-	54 249
		06.06 - 03.07	-	42 162
		04.07 - 31.07	-	33 687
		01.08 - 28.08	-	<u>39 100</u>

Total drivers stopped 508 944

(b)	Period 1988-1989	01.10 - 31.10	-	472
		01.11 - 28.11	-	501
		29.11 - 02.01	-	604
		03.01 - 30.01	-	371
		31.01 - 27.02	-	354
		28.02 - 27.03	-	386
		28.03 - 01.05	-	464
		02.05 - 05.06	-	555
		06.06 - 03.07	-	447
		04.07 - 31.07	-	383
		01.08 - 28.08	-	<u>452</u>

Total drivers charged 4 989

(c)	Persons Killed			
	1988-89	1987-88	1986-87	1985-86
October	11	15	10	15
November	22	26	15	16
December	22	16	11	37
January	25	16	15	21
February	12	17	21	22
March	20	17	23	26
April	15	16	12	25
May	15	16	22	16

June	21	16	10	22
July	22	14	18	21
August	<u>22</u>	<u>33</u>	<u>12</u>	<u>24</u>
	207	202	169	245

A simple comparison of the number of persons killed before and after RBT is not a good measure of the effectiveness of this strategy.

- (a) There may be variations in the number of crashes involving multiple deaths.
- (b) Alcohol is not involved in all fatal crashes. RBT seeks to deter motorists from driving after drinking, and so reduce the number of crashes involving drink drivers.
- (c) The number of fatal crashes which occur in WA is relatively small and may fluctuate widely due to random factors.
- (d) Alcohol is a factor of some importance in the occurrence of fatal and injury accidents; other factors can also influence the number of such accidents.

Rigorous statistical analysis of crashes before and after RBT taking into account the above factors is nearing completion and a report on the effectiveness of RBT will be tabled in Parliament.

POLICE - RANDOM BREATH TESTS

Man-hours - Officer Statistics

559. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

With reference to the item titled "Policemen tell of RBT Pressure" published on page 8 of *The West Australian* on 31 August 1989 -

- (1) What proportion of police man-hours have been devoted to RBT duties in each of the months since the introduction of RBT?
- (2) What number of police officers have been engaged in such duties in each of the months?
- (3) Have any instructions been issued to officers to conduct RBT duties without provision of appropriate equipment?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1)-(3)

The proportion of police man-hours dedicated solely to random breath testing cannot be identified precisely. Neither is it possible to identify precisely the number of officers engaged in random breath testing as statistics are not kept on that basis.

Police officers have not been given instructions to undertake random testing without proper equipment, and appropriate equipment is readily available.

The efficiency of random breath testing is indicated by the fact that from 4 January to 27 June 1987, prior to random breath testing, 8 333 police officer/hours were involved in 65 118 driver tests, whereas from 3 January to 3 July 1989, 4 795 police officer/hours were involved in conducting 191 622 driver tests.

The effectiveness of random breath testing as a deterrent is clearly demonstrated by the fact that for October/April period during 1987-88, 3 114 drivers were charged with the offence of driving while under the influence of alcohol, yet for the same period during 1988-89 with random breath testing there were 2 332 charges.

**PENGUIN ISLAND - CONSERVATION AND LAND MANAGEMENT
DEPARTMENT**

Management Development Plan - Pickersgill, Mr Steve, Caretaker Duties

599. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) Has the department prepared a management development plan for Penguin Island?
- (2) If yes, is the plan complete and when will it be made available to the public and the Rockingham City Council?
- (3) Is Mr Steve Pickersgill carrying out the duties of caretaker on Penguin Island?
- (4) Is Mr Pickersgill conducting any commercial activity with the department's knowledge and permission from the island and if so, will he provide details?
- (5) Has Mr Pickersgill been asked to leave the island by CALM and if so, will he provide details of the current situation and the reasons for the request?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

- (1) A draft management plan for Penguin Island and other nature reserve islands in Shoalwater Bay is in preparation.
- (2) The draft plan will be released for public and local government comment early in 1990. The Rockingham City Council has been represented on the Shoalwater Bay islands advisory committee during the planning process.
- (3) No.
- (4) Mr Pickersgill provides a public ferry service between Mersey Point and Penguin Island under contract arrangements with the Department of Conservation and Land Management. Additionally his tour of Shoalwater Bay operates from the Penguin Island jetty under a CALM permit.
- (5) Because of the need to upgrade public education and habitat protection with the presence of a mobile ranger there was no requirement to renew Mr Pickersgill's contract as caretaker.

TREE FUND LTD - HARDWOOD SHAREFARMING SCHEME

Replanted Areas

606. Hon W.N. STRETCH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

Further to question 440 of 1989, with regard to the hardwood joint venture sharing scheme -

- (1) Have any areas had to be replanted?
- (2) If so, what area of planting has had to be replanted?
- (3) In what locations have such replantings taken place?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

- (1) Yes.
- (2) 156 hectares.
- (3) Peel-Harvey, Central Hills, Augusta and Albany.

STATE FINANCE - CONSOLIDATED REVENUE FUND

State Emergency Service - Funding Reduction

613. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

With reference to the 1989-90 Consolidated Revenue Fund statements, why was there a substantial reduction in the funding for the State Emergency Service for 1989-90, as compared to 1988-89?

Hon GRAHAM EDWARDS replied:

See answer to Legislative Council question 463.

POLICE OFFICERS - POLICE REGULATIONS

Business Participation - Commissioner of Police's Permission

620. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Do police regulations or police standing orders require serving police officers to seek the permission of the Commissioner of Police if they conduct or participate in a business while they serve as police officers?
- (2) If so, will the Minister tell me which regulation or standing order applies?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1)-(2)

For business generally, no. However, the Commissioner of Police requires any member intending to be involved in or connected with the sale of liquor to notify him in writing. Regulation 621 requires any member directed by the commissioner to cease carrying on any business after having been so ordered.

EMERGENCY SERVICES - VOLUNTARY STATE UNITS

Inadequate Funding - Newspaper Report

623. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Minister aware of a report in the *Daily News* on Friday, 6 October 1989 in which it was stated that "Voluntary State Emergency Service units are so short of money members are buying their own overalls, boots and safety helmets"?
- (2) Is this report correct?
- (3) Has the lack of adequate funding for the State Emergency Service volunteers created a problem of low morale in the service?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1) I am aware of the report.

(2) No. Overalls, boots, safety helmets, belts and water bottles are provided by the SES.

(3) No.

CHEMICAL SPILLS - CORRIGIN AREA

Perth "Rescue Squads"

626. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Is the Minister aware of any chemical spills in the Corrigin area in past months which necessitated dispatch of "rescue squads" from Perth?

- (2) If so, will the Minister provide details?
- (3) Is the Minister aware of complaints voiced at the annual general meeting of the Country Regional Councils that response time for "rescue squads" from Perth to that region has on occasion been in the order of five to six hours?
- (4) Is the Minister aware that local emergency services who were required to contain those incidents were not in possession of the necessary specialist equipment and protective clothing?
- (5) Will the Minister ensure that all emergency services whose role it is to act in a combatant manner in respect of hazardous materials spillages are comprehensively equipped?
- (6) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Fire service operational statistics show no chemical emergency response requirements requested to the Corrigin area.
- (2) Not applicable.
- (3) The brigade is not in a position to answer; however, a response to the Corrigin area from Perth - 230 kilometres - would take two to three hours from time of notification. Local resources could be mobilised from Lake Grace and Beverley in far lesser time.
- (4) To date, there are 42 country centres adequately equipped to attend chemical emergencies. A further 20 country centres will be commissioned as the necessary training is completed.
- (5) If an emergency services unit is required to act in a combatant role in dealing with hazardous materials, it will be suitable equipped. If equipment is not sufficient to deal with an incident, suitable backup will be called in.
- (6) Not applicable.

FIRE BRIGADE - ROCKINGHAM

Budget Commitment

648. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

Will the Minister give an unequivocal commitment to provide in next year's Budget a permanent fire brigade for Rockingham, consistent with such a request from the Rockingham City Council?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

The Rockingham City Council at this time has not requested a permanent fire brigade. The council is happy with the effective service provided by the Rockingham volunteer brigade.

FIRE STATION - CASUARINA PRISON AREA

Non-permanent Service

654. Hon P.G. PENDAL to the Minister for Corrective Services:

Is it correct that, in the area of the new Casuarina Prison, there is no permanently manned fire station the services of which could be needed if riots occurred similar to those at Fremantle Prison?

Hon J.M. BERINSON replied:

There is no permanently manned fire station in the immediate vicinity of

Casuarina Prison; however, first response to an incident would be provided by the Spearwood brigade backed up by other metropolitan resources and the Kwinana and Rockingham volunteer brigades.

ABORIGINAL COMMUNITY - WESTERN AUSTRALIA
Bicentennial Grant - State Government Matching Grant

670. Hon P.G. PENDAL to the Minister for Local Government representing the Minister for Aboriginal Affairs:

- (1) Did the State Government promise to match a \$700 000 bicentennial grant to the WA Aboriginal community?
- (2) If so, has this matching grant and the \$700 000 bicentennial grant been paid to the Aboriginal community?
- (3) If so, how has the matching grant been used?
- (4) If (2) is no, why have not these grants been paid?
- (5) If the matching grant is still to be paid, for what purpose will it be used?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) The State and Commonwealth agreed in principle jointly to fund an Aboriginal commemorative centre on a dollar for dollar basis under the Commonwealth/State bicentennial commemorative program.
- (2) No.
- (3) Not applicable.
- (4) The proposal lapsed because delays put the development beyond the bicentennial year.
- (5) Not applicable.

ABORIGINAL COMMUNITY - ABORIGINAL CULTURAL CENTRE
Belmont or East Perth Site - Development Request

671. Hon P.G. PENDAL to the Minister for Local Government representing the Minister for Aboriginal Affairs:

- (1) Is it correct that the Aboriginal community has expressed a wish that an Aboriginal cultural centre be developed on a site in either Belmont or East Perth, rather than on the Old Brewery site?
- (2) If so, why did he decide that an Aboriginal cultural centre be established at the Brewery site when other sites were preferred by those who would use the cultural centre?
- (3) Were Aborigines consulted before he made this decision?
- (4) Was the opinion of a professional consultancy firm sought on the matter?
- (5) If so, what is the name of the firm and how is it qualified to offer advice on the siting of an Aboriginal cultural centre?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following reply -

- (1) A number of proposals for the siting of an Aboriginal commemorative centre in the metropolitan area were put forward and considered. A reference group of Aboriginal people advised both the State Government and its project consultants, Helen Cattalini and Associates, on this matter. Cattalini and Associates is experienced in consulting with Aboriginal people.
- (2) The Swan brewery location was considered by the Government to be the most appropriate location for a commemorative centre because the site was recognised as part of an area having significance to Aboriginal culture.

- (3) Yes.
- (4) Yes. See (1).
- (5) See (1).

SOUTH WEST DEVELOPMENT AUTHORITY - INDUSTRIAL PARKS

Development Plans - Funding

708. Hon BARRY HOUSE to the Minister for Racing and Gaming representing the Minister for South-West:

What funding has been -

- (a) proposed; and
- (b) spent

through the South West Development Authority to plan for the development of industrial parks (based on the Kemerton model) at -

- (i) Collie;
- (ii) Pinjarra; and
- (iii) any other sites in the south west?

Hon GRAHAM EDWARDS replied:

The Minister for South-West has provided the following reply -

(a)-(b)

- (i) In May 1988 consultants Gutteridge Haskins & Davey Pty Ltd produced a report titled "Collie Economic Development Study - Stage 2: Consultation and Concept Planning" for the Industrial Lands Development Authority. In January 1989 the Minister for South-West established a task force with strong local representation to oversee the development of the Collie industrial park. Planning for the park is subsequently proceeding.
- (ii) Currently, Wilson Sayer Core Pty Ltd, consultants, is preparing a document to be titled "Pinjarra Industrial Land Use Study". The South West Development Authority's share of the cost is \$10 000. Associated studies dealing with social impact and social infrastructure have also been commenced. \$3 000 has been spent to date and it is anticipated that a further \$7 000 will be spent this financial year.
- (iii) None.

CULHAM INLET - FLOODING

Water Level Reduction - Design Tenders

710. Hon D.J. WORDSWORTH to the Minister for Racing and Gaming representing the Minister for Conservation and Land Management:

- (1) What steps have been taken to reduce the water level at Culham Inlet?
- (2) Have tenders been called for designs to ensure that flooding will not occur again?
- (3) Has any tender been accepted?
- (4) If not, when is it expected that -
 - (a) plans will be completed; and
 - (b) such planning will be put into action?

Hon GRAHAM EDWARDS replied:

The Minister for Conservation and Land Management has provided the following reply -

- (1) Consultation has occurred between the shire and the Department of Conservation and Land Management to determine a long term engineering solution to the flooding problem.

- (2) Yes.
- (3) Yes. A consultant has been appointed by the shire and a draft design proposal has been received as the first stage of the tender. The design proposes to link Culham Inlet to the ocean and has been referred to the Environmental Protection Authority with the shire's comments. The EPA will need to access the environmental and engineering aspects of the design proposal.
- (4) See (3).

CRIME - ILLICIT DRUGS

Offence Statistics - Rockingham, Kwinana Areas

711. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) How many offences concerning illicit drugs have been detected in the Rockingham and Kwinana areas in each of the years -
 - (a) 1986;
 - (b) 1987;
 - (c) 1988; and
 - (d) 1989 (to present date)?
- (2) How many convictions have been achieved?
- (3) How many convicted were juveniles?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) (a)-(b)

Prior to 1988 there was no provision at the drug squad to record statistics of illicit drug offences for individual police station jurisdictions.

 - (c) In 1988 there were 53 offences in Rockingham and 23 in Kwinana.
 - (d) In 1989 there were 77 offences in Rockingham and 28 in Kwinana.
- (2) (a)-(b)

Answered by (1).

 - (c) In 1988 there were 53 convictions relating to offences in Rockingham and 23 for Kwinana.
 - (d) In 1989 there were 77 convictions relating to offences in Rockingham and 28 for Kwinana.
- (3) (a)-(b)

Answered by (1).

 - (c) In 1988 there were 19 juveniles from Rockingham and two from Kwinana.
 - (d) In 1989 there were 18 juveniles from Rockingham and four from Kwinana.

PRISONS - CASUARINA

Security Screens - Tenders

717. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Have tenders been recalled for the supply of security screens at the Casuarina Prison?
- (2) If yes, was a company successful in the first tender process and, if so, which company was it?
- (3) Why is that company no longer able to proceed with the contract?

- (4) What delay in completion of the prison is now expected as a result of this recalling of tenders?
- (5) Has further cost been incurred as a result of this recalling of tenders?
- (6) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Yes.
- (2) No contract was awarded. A recommendation and nomination were proceeding in favour of Crewe and Sons until the company withdrew.
- (3) The company was no longer able to proceed because it had been under official receiver manager management for some period and had advised it was in a position where it could not undertake these new works.
- (4) The extent of any delay due to the recall of tenders is not yet known, however it is expected to be minimal.
- (5) Yes, additional costs will be incurred as a result of the retender.
- (6) Full cost details are not yet available as the builder's claims for costs associated with the retender have not yet been received and acceptance of the recommended tenderers on the retender have not yet been formalised.

WATER RESOURCES - SEWER HEADWORK CONNECTION CHARGES

Rural Areas - Government Consideration

719. Hon MURIEL PATTERSON to the Minister for Racing and Gaming representing the Minister for Water Resources:

- (1) Has the Government considered the heavy cost of sewerage headwork connection charges in country areas?
- (2) If so, what are the charges?
- (3) If not, when will the charges be made available?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following reply -

- (1)-(2) The standard sewerage headworks contribution is the same throughout the State. It is indexed monthly in accordance with a formula agreed to by the development industry and which has been in operation for a number of years. The standard contribution amount for November 1989 is \$578 per single residential equivalent. This is considerably less than the actual cost of providing headworks.
- (3) Not applicable.

SKELETON WEED - FARMS

Active Infestations

721. Hon MARGARET McALEER to the Minister for Racing and Gaming representing the Minister for Agriculture:

How many active farm infestations of skeleton weed are there currently, and in what locations?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

One hundred and sixty nine properties are in quarantine with skeleton weed. The number of actual infestations would be substantially less as properties are quarantined until three clean crops are on the affected area.

The quarantined properties are located in the municipal districts of Chapman Valley, Greenough, Mullewa, Irwin, Corrow, Dandaragan, Moora,

Dalwallinu, Wongan-Ballidu, Gingin, Chittering, Goomalling, Cunderdin, Tammin, Dowerin, Merredin, Narembeen, Bruce Rock, Yilgarn, Westonia, Corrigin, Kondinin, Kulin, Lake Grace and Albany.

STATE FINANCE - BUDGET

Northern Suburbs Railway - Funds Expenditure

725. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

What funds have been expended to date on the proposed northern suburbs railway investigations and which Budget items provided for expenditure incurred in the 1988-89 financial year?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

Funds expended to date on the northern suburbs railway investigations amount to \$1.6 million. The expenditure was incurred under the heading of Suburban Passenger Service Special Works.

STATE FINANCE - BUDGET

Northern Suburbs Railway - \$10 Million, Funding Areas

726. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) What specific areas of funding are to be paid out of the \$10 million which has been included in the 1989-90 Budget for the northern suburbs railway?
- (2) In arriving at a \$10 million Budget, what works are expected to be completed from this funding?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Project planning, infrastructure design, preliminary works, works necessary in conjunction with the Perth urban rail electrification project and land acquisition will be funded from the \$10 million included in the 1989-90 Budget for the northern suburbs railway.
- (2) The expenditure in 1989-90 will cover the commencement of the whole northern suburbs railway and the works commenced will be ongoing.

POLICE - INTERNAL INVESTIGATIONS DIVISION

Complaints Against Police - Investigation Statistics

727. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) How many complaints against the police have been investigated by the police internal investigations division in each of the past six years?
- (2) How much of the police budget was expended in each of those years investigating the various complaints set out in (1)?
- (3) Were any of these costs recovered from complainants and, if so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

- (1) Records show the number of complaints investigated by the police internal investigation branch for each of the past six years to be -

01.07.83 - 30.06.84	140
01.07.84 - 30.06.85	133
01.07.85 - 30.06.86	154
01.07.86 - 30.06.87	139

01.07.87 - 30.06.88	153
01.07.88 - 30.06.89	<u>185</u>
	904

- (2) Costs are not readily available further back than two years. It is advised during the year 1987-88 the sum of \$701 313 or 0.53 per cent of the Police Department's salary budget was expended on salaries for the internal investigation branch. For the year 1988-89 the figure expended on salaries was \$820 336 or 0.53 per cent of the Police Department's salary budget.
- (3) The only costs recovered from complainants are those awarded by magistrates against complainants who are charged and convicted of making false reports to police. Records at the internal investigation branch show charges of this nature have been preferred on 14 occasions over the past one and a half years. Costs and restitution ordered amount to \$4 253. Due to time constraints it has not been possible to examine court records to ascertain whether these moneys have been recovered.

POLICE - RECRUIT TRAINING COURSES

Driver Training

728. Hon GEORGE CASH to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Are all police recruits given driver training as part of the recruit training courses and, if not, why not?
- (2) Is driver training considered to be an important part of recruit training?
- (3) If recruits are not provided with the necessary driver training during their recruit training courses, are they sufficiently skilled when leaving the Police Academy to carry out high speed pursuit work?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

(1)-(2)

Yes.

- (3) Recruits graduate with a basic car course qualification which is supplemented by an advanced car course when they transfer to traffic or other specialist areas. Only officers possessing advanced car course qualifications are permitted to carry out high speed pursuit work.

FIREARMS - LICENCE FEE

Increase - Purpose

739. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Police and Emergency Services:

- (1) Why has the licence fee for possession of a firearm been raised from \$12, in 1988, to \$16 this year?
- (2) Was any prior notification of this fee increase given to firearm licence holders?
- (3) Given the Premier's pledge to hold all charges to the inflation rate, why has this fee increased by a massive 33 and one third per cent?

Hon GRAHAM EDWARDS replied:

The Minister for Police and Emergency Services has provided the following reply -

This question has been referred to the Minister for Budget Management for reply.

GREAT SOUTHERN DEVELOPMENT AUTHORITY - FUNDS ALLOCATION
Tourism Marketing Purposes

743. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Regional Development:

- (1) What funds have been allocated to the Great Southern Development Authority this year for tourism-related marketing/promotions purposes?
- (2) What other funds, if any, have been allocated direct from the Consolidated Revenue Fund or any other sources for the same purpose - excluding regional travel associations and tourist bureaus?

Hon GRAHAM EDWARDS replied:

The Minister for Regional Development has provided the following reply -

- (1) The Board of the Great Southern Development Authority has approved the following allocations for 1989-90 -
 Up to \$30 000 to the Rainbow Coast Tourism Directorate for programs to promote the great southern region as a tourist designation;
 \$5 000 towards the cost of staging the inaugural State Masters Games in Albany in May 1990;
 \$7 000 towards the cost of planning for the inaugural Rainbow Coast Yachting Masters Classic.
- (2) Nil.

ELECTIONS 1990 - LOCAL GOVERNMENT
Wyndham-East Kimberley Shire Council - Ward System

744. Hon P.H. LOCKYER to the Minister for Local Government:

- (1) Will the Wyndham-East Kimberley Shire Council have a ward system in place for the 1990 local government elections?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

- (1) To date no formal request to implement a ward system in the shire has been received.
- (2) Not applicable.

ROADS - MAIN ROADS DEPARTMENT
Trucks, Scrapers and Bulldozers - Private Contractors

745. Hon P.H. LOCKYER to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) Does the Main Roads Department use private contractors wherever possible with reference to the use of trucks, scrapers and bulldozers?
- (2) Is the department buying more of its own equipment, such as tip trucks, to service Carnarvon?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) Yes.
- (2) A truck is being purchased for use in maintenance work in Carnarvon and replaces an existing unit that has reached the end of its serviceable life.

AIRLINES - ANSETT WA
Services Resumption - Carnarvon, Learmonth, Geraldton, Kalgoorlie

746. Hon P.H. LOCKYER to the Minister for Racing and Gaming representing the Minister for Transport:

- (1) When will Ansett WA resume services to -

- (a) Carnarvon;
 - (b) Learmonth;
 - (c) Geraldton; and
 - (d) Kalgoorlie?
- (2) With what frequency does Ansett WA call at -
- (a) Karratha;
 - (b) Newman;
 - (c) Port Hedland;
 - (d) Broome;
 - (e) Derby; and
 - (f) Kununurra?
- (3) What steps is the State Government taking in the interim for ports not serviced at present?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) (a) Carnarvon; (b) Learmonth; (c) Geraldton
- Ansett WA plans to recommence servicing these ports towards the end of November, subject to the availability of additional crews.
- (d) Kalgoorlie - as from 19 November 1989.
- (2) Following are details of minimum service frequencies per week between Perth and the ports nominated hereunder, for the two weeks commencing Monday, 6 November 1989 -
- | | |
|------------------|--|
| (a) Karratha | 20 single services. |
| (b) Newman | 3 single services. |
| (c) Port Hedland | 26 single services. |
| (d) Broome | 12 single services. |
| (e) Derby | 10 single services -
bus transfers between
Broome and Derby. |
| (f) Kununurra | 10 single services. |

Additional flights will be scheduled subject to crew availability and passenger demand. As from 19 November Ansett WA plans to commence a daily service to Newman and Paraburdoo; to provide increased capacity into the Kimberley; and to extend through to Darwin.

- (3) Hereunder are details of services being provided by operators other than Ansett WA to the ports nominated -

Carnarvon - Western Airlines is operating 16 single services per week between Perth and Carnarvon.

Learmonth (Exmouth) - Western Airlines has applied to the Department of Transport to operate six single services per week between Perth and Exmouth - one return service on Monday, Wednesday and Friday.

Geraldton - Skywest is operating normal scheduled flights, which total 14 single services per week between Perth and Geraldton. Western Airlines is operating 22 single services per week between Perth and Geraldton as part of its service to Carnarvon, and to Kalbarri and Denham.

Kalgoorlie - Skywest is operating normal scheduled flights, which total 46 single services per week between Perth and Kalgoorlie. Rottneest Air Bus is operating 17 single services per week between Perth and Kalgoorlie.

EDUCATION - TEACHERS
Three Year Break - Retraining

749. Hon P.H. LOCKYER to the Minister for Local Government representing the Minister for Education:

- (1) Is any retraining being given to teachers who have rejoined or have resumed teaching after a break of more than three years?
- (2) If so, what training is given?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

- (1) Yes.
- (2) A re-entry program for 45 teachers - mainly secondary - is planned this year as well as several district office-based programs designed to attract local re-entrants. Individual re-entry assistance is provided by a central office contact person.
- (3) Not applicable.

EDUCATION - CLASS SIZES
Year 1 Students

750. Hon P.H. LOCKYER to the Minister for Local Government representing the Minister for Education:

- (1) Will class sizes for year 1 students in 1990 be restricted to 25?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

The reduction of class sizes in junior primary classes is Government policy. For 1990 an additional 75 full time equivalent teachers will be employed at a cost of \$1.9 million specifically to address years 1 and 2 class sizes. In subsequent years further increases in staff will be phased in until the target referred to in the question is reached Statewide.

QUESTIONS WITHOUT NOTICE

HORGAN, MR JOHN - DOCUMENT TABLING
Attorney General's Advice

391. Hon GEORGE CASH to the Attorney General:

Why did he not advise the House that he had tabled the Horgan documents last Thursday when he tabled the Petrochemical Industries Co Ltd documents? I invite him to check in *Hansard* if he is about to suggest that he made any reference to the tabling of the Horgan documents.

Hon J.M. BERINSON replied:

I do not care what *Hansard* says, the fact is that before tabling the documents I also sought leave to table them. I also sought leave "to table the following documents and to make comments". If *Hansard* has not recorded my request for leave that is an unfortunate oversight by *Hansard*.

DOCUMENT TABLING - ATTORNEY GENERAL
Paper No 505A-1 - Missing Page

392. Hon GEORGE CASH to the Attorney General:

- (1) Is the Attorney General aware that one of the documents he tabled in this House last Thursday - namely, the contract dated 21 October 1988 which is the Variation of Construction and Supply Contract between WA Government Holdings Ltd and JGC and JEA and Clough, which was tabled paper No 505A to I - was incomplete in that page 2 was missing?

- (2) Will the Attorney General indicate if there was any reason for this omission?
- (3) If there was not, will he endeavour to have page 2 tabled before the end of this day's sitting?

Hon J.M. BERINSON replied:

(1)-(3)

I was not aware that any pages were missing and it follows from that that I am not aware of any reason why it should be missing. I am happy to make an inquiry as to whether that page can be obtained, and it will just be a matter of our physical capacity to comply.

TOURISM COMMISSION - NAVY CONTRACT

Tour Operator - Selection Grounds

393. Hon P.G. PENDAL to the Minister for Racing and Gaming representing the Minister for Tourism:

Notice of this question has been given.

With regard to the selection of a tour operator to handle the Navy contract -

- (1) What were the grounds for selection?
- (2) If the grounds were based on prior expertise, why did the Tourism Commission bother calling for tenders and why were other tour operators put to the time and trouble of preparing detailed submissions at a time when the pilots' dispute is already hurting the industry badly?

Hon GRAHAM EDWARDS replied:

I thank the member for prior notice of the question, and I am advised by the Minister for Tourism of the following -

(1)-(2)

The grounds for selection of a successful operator were outlined fully in an advertisement which called for expressions of interest from licensed travel agents, a copy of which I will seek leave to table at the end of my reply. The previous company which had responsibility for this service is no longer in business in the industry so there were no previously experienced operators as has been intimated in the honourable member's question. This is the reason that expressions of interest were called for. If the honourable member is suggesting that the Tourism Commission should have just selected an operator without advertising I am sure the industry and the honourable member would be complaining that the Tourism Commission should have called publicly for expressions of interest. The honourable member cannot have it both ways.

I am not sure how the honourable member can complain about the time and trouble taken by unsuccessful applicants in preparing submissions. Certainly no operator was forced to apply. At a time when the tourism industry is feeling the pinch I think the Tourism Commission should be applauded for offering this contract, which will bring some income to the industry.

[See paper No 551.]

COMMISSION OF THE PEACE - APPOINTMENTS

Statistics - Members of Parliament Nominators

394. Hon P.G. PENDAL to the Attorney General:

- (1) Will he arrange to table in this House the total number of appointments to the Commission of the Peace in the past three years?
- (2) Will he arrange for such a report to be accompanied by a list of all those members of Parliament who nominated those successful appointees?
- (3) In the meantime, will he give the House an assurance that appointments have not been made on the basis of the politics of the nominating member of Parliament?

Hon J.M. BERINSON replied:

(1)-(3)

I answer the third question first, if only because it is the easiest. Of course I can give an assurance that appointments have not been made on that basis -

Hon Kay Hallahan: We can't get any.

Hon P.G. Pendal: So this is one of those occasions where you are acting as a statesman!

Hon J.M. BERINSON: - and I have no doubt that I could extract an enormous file of communications from my colleagues expressing some disappointment with the very few appointments that are made.

Going back to question (1), I can see no problem in obtaining the total number of justices appointed in each of the last three years. As to whether we have a ready-made breakdown of the nominees, I would not know.

Hon P.G. Pendal: You realise that is the crucial bit, to back up what you are saying in answer to question (3)?

Hon J.M. BERINSON: If it is the crucial part I will ask to have that information collated, as long as it does not involve an excessive amount of work. If we are looking, for example, at the need for perhaps 600 files -

Hon Max Evans: There would not be many.

Hon J.M. BERINSON: Only somewhere between 100 and 200.

Hon Max Evans: Appointments?

Hon J.M. BERINSON: Appointments in recent years - something over 100. Maybe I have been more parsimonious than I think. Certainly if we are talking about only 300 and the files can be extracted by date, I am quite happy to have that breakdown provided. I must say that my only fear is whether it will increase the ire of my colleagues rather than the honourable member's.

WARDS - COUNTRY SHIRES

Government Policy

395. Hon P.H. LOCKYER to the Minister for Local Government:

Will the Minister inform members of the Government's view of country shires in Western Australia not having wards? Is it a view of both the Minister and the Government that shires, especially large ones, should have a ward system, or should all councillors be elected en masse? If they have no policy on this matter, I remind the Minister that her predecessor's policy was that numbers of electors in wards should be as close as possible to being equal.

Hon KAY HALLAHAN replied:

The Government believes that we should have as near equal representation as we can, both within this sphere of Government and within local government. I have not in recent times looked at the question of a definite policy about wards or elections across local government. I will consider the matter, although I was leaving some of the policy issues in the hands of the large review of the new Local Government Act. If the member wishes to take up a particular point, I will consider it in the interim.

COMPANIES CODE - GOVERNMENT PRINTER

Public Sale Withdrawal

396. Hon GEORGE CASH to the Attorney General:

(1) Is the Attorney aware that copies of the Companies Code have been withdrawn from sale to the public by the Government Printer?

(2) If so, who advised or requested that withdrawal?

(3) If they have been withdrawn, could he indicate the reason for such action being taken?

In addition, because it is possible the Attorney General might want to slide sideways and say that the Government Printer is not under his control -

- (4) Have any Federal Acts been passed which have overridden or caused amendments to the Companies Code?
- (5) If so, have all the necessary copies of such Acts affecting the Companies Code been made available to the Government Printer?

Hon J.M. BERINSON replied:

(1)-(5)

I hope that the Leader of the Opposition will not proceed to say that I am sliding away from my responsibility when I indicate to him that I was not aware of any withdrawal of the code from sale; it follows I am not aware of the reason for it. I am happy to inquire as to the background of that action, if that is in fact the position rather than the printer's simply running out of stock, which would be more readily understandable. I will follow that up.

SUBIACO OVAL - A CLASS RESERVE

Government Confiscation - Subiaco City Council Consultations

397. Hon BARRY HOUSE to the Minister for Local Government:

- (1) I refer to an article in today's *Daily News* headed "Subi Oval wrangle" referring to talks to be held today with the Subiaco City Council relating to the State Government's confiscation of the A Class reserve containing Subiaco Oval. Have the talks been held?
- (2) If so, was compensation considered for the council?

Hon KAY HALLAHAN replied:

(1)-(2)

The meeting held today was a very useful meeting indeed. The Minister for Sport and Recreation and I propose that a further meeting be convened between the representatives of the City of Subiaco and the Western Australian Football Commission. I cannot say that compensation was a matter addressed directly by the meeting today.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE ACT - PROCLAMATION

Section 49 Provisions - Prohibition Notices

398. Hon GEORGE CASH to the Leader of the House representing the Minister for Labour:

- (1) When was the Occupational Health, Safety and Welfare Act proclaimed?
- (2) How many prohibition notices have been issued under the provisions of section 49 of the Act and how many of these prohibition notices have resulted in a summons being issued?
- (3) How many of those matters have been dealt with by the appropriate court?
- (4) What discussions were held with the companies or persons to whom prohibition notices 1855-1858 were issued on 14 April 1989?
- (5) Is it usual for an inspector or representative of the Department of Occupational Health, Safety and Welfare to satisfy himself that the alleged contravention of a section or regulation of the Act or regulations have been rectified and, if not, why not?
- (6) Was this procedure carried out in respect of prohibition notices 1855-1858 and, if not, why not?

Hon J.M. BERINSON replied:

The Minister for Labour has provided the following response -

- (1) The Occupational Health, Safety and Welfare Act 1984 was proclaimed on 4 April 1985; the Occupational Health, Safety and Welfare (Amendment) Act 1987 was proclaimed on 16 September 1988.

- (2) (a) 1 063 prohibition notices were issued to 31 August 1989.
(b) Seven were issued under section 49(5) of the Act.
- (3) One, with six pending.
- (4) 14 April 1989 - A DOHSAW inspector inspected the site and issued prohibition notices; a statement was taken from Mr Bailey and the prohibition notices served on him - refer section 3(2) of Act.
17 April 1989 - A telephone conversation between a DOHSAW inspector and the managing director advising of compliance with notices.
20 April 1989 - A letter was received by DOHSAW advising of compliance with notices.
2 June 1989 - A statement was taken from the managing director.
4 August 1989 - A subsequent statement was taken from the managing director.
- (5) Inspectors are required to ensure notices are complied with. This may be achieved by telephone, verbal advice from someone with knowledge of the site, by letter or a revisit. Inspectors are encouraged to ensure this is done in the most cost effective way.
- (6) In relation to prohibition notices 1855-1858, the above procedure was carried out via action by the managing director on 17 April and 20 April 1989.
Glenell Pty Ltd is not being prosecuted under section 49 of the Act but on three counts under section 19 of the Act.

ROADS - NORTHERN PERIMETER HIGHWAY

Relocation - Noranda Residents Association, Information Request

399. Hon GEORGE CASH to the Leader of the House representing the Minister for Planning:

- (1) Did the Minister receive a letter dated 19 September 1989 from the Noranda Residents Association requesting information on the Northern Perimeter Highway being relocated further north in the Noranda area?
- (2) If yes, when may the association expect a reply?
- (3) Will the Minister meet with members of the Noranda Residents Association on site in order to understand the impact of the proposed road alignment on the residential amenity of the Noranda area and, if not, why not?

Hon J.M. BERINSON replied:

The Minister for Planning has provided the following response -

- (1) Yes.
- (2) As a result of the Noranda Residents Association's letter and further representation to the Minister for Planning by the member for Nollamara on behalf of the association, discussions have taken place between the Ministers for Planning and Transport. The Ministers have sought additional technical advice from their respective departments on the feasibility of relocating sections of the Northern Perimeter Highway alignment further north from residential developments. As soon as the technical advice has been evaluated the association will be formally advised of the outcome of those deliberations. A representative of the Noranda Residents Association has been advised by telephone of the reasons for the delay in receipt of an early response to their correspondence.
- (3) The need for a meeting between the Noranda Residents Association and the Minister for Planning will be determined when evaluation of the technical advice is completed.

STAMP ACT - AMENDMENTS

Business Interest Groups - Attorney General's Advice

400. Hon MAX EVANS to the Attorney General:

(1) On Tuesday the Attorney informed the House that business interest groups had not been advised of amendments to the Stamp Act. Has he made an attempt to redress the situation and advise the groups about the legislation?

(2) If not, why not?

Hon J.M. BERINSON replied:

(1)-(2)

I believe the legislation is now well known; in fact a number of representations that have been received from groups which were not originally circulated indicate that it is well known. In the circumstances I have not thought it necessary to have any further circulation.

SUBIACO OVAL - SUBIACO CITY COUNCIL

Takeover - Expenditure Reimbursement

401. Hon R.G. PIKE to the Minister for Sport and Recreation:

In the event that Subiaco Oval is taken over by legislation from the Subiaco City Council, does the Minister now intend to reimburse the council the approximately, \$725 000 that I understand has been spent by the council on that oval over the years?

Hon GRAHAM EDWARDS replied:

I get the feeling that the Opposition is being mischievous in addressing this issue.

Several members interjected.

Hon GRAHAM EDWARDS: I would have thought that by now the Opposition could have adopted a position on what is to my mind a fairly clear cut issue, particularly when it was not so long ago that members of the Opposition were claiming in this House that local government was sending football down the gurgler.

Point of Order

Hon R.G. PIKE: The Minister should answer the question and not give us a prologue.

The PRESIDENT: Order!

Hon Kay Hallahan: You, of all people.

The PRESIDENT: Order! The House can fiddle around as long as it likes; I am happy to stay here. When we have questions without notice I will handle the rules. The Minister shall answer the question.

Questions without Notice Resumed

Hon GRAHAM EDWARDS: I am not surprised that the member blanches on the comments I make because he knows the Opposition is being mischievous.

The PRESIDENT: Order! The Minister is embarking on a course of action that he knows is out of order. As I have said before, if Ministers do not desire to answer a question they do not have to answer it. If the Minister for Sport and Recreation wants to answer the question, I suggest he does so and does not embark on some sort of discussion with the member on the other side.

Hon GRAHAM EDWARDS: I am happy to move to the substantive part of the answer I wish to give. Judging from the question that was asked it would seem that there is an assumption that expenditure on Subiaco Oval has been a one-way street. That is simply not the case. For a number of years the Subiaco City Council has enjoyed an income simply because football has been played at Subiaco Oval. I do not have the specific details with me, but in

recent years the Subiaco City Council has enjoyed a percentage of gate takings. In more recent times, it received a set figure which has been indexed. The question of compensation is not one that, in my view, should be addressed simply because the Government does not intend to confiscate anything from the council.

GOLD - CHANNEL 7

Responsible Person - Immunity from Prosecution

402. Hon P.H. LOCKYER to the Attorney General:

With the advent of a substantial amount of gold turning up at Channel 7 during the week, is it his intention to recommend to Cabinet that an offer of immunity from prosecution be given with a view to the person responsible explaining how and from where the gold came?

Hon J.M. BERINSON replied:

Any decision on a question of that kind at this stage would be premature. The matter is under investigation by the police in the first place and that investigation will certainly have to be completed before consideration is given to any other matters which might follow.

CARAVANS - NEW LEGISLATION

Implementation Date

403. Hon E.J. CHARLTON to the Minister for Local Government:

My question relates to a question I asked some time ago regarding a working party's report on possible changes to legislation covering the caravan industry. I again ask: Will the legislation be introduced during this session of Parliament?

Hon KAY HALLAHAN replied:

I am not sure what I said in my last answer.

Hon J.M. Berinson: I am sure it was right.

Hon KAY HALLAHAN: I am sure that it would have been right. Several weeks have passed since the honourable member took an interest in this matter. Work is continuing on analysing the submissions. I can advise the House - I can be almost categorical - that it will not make the legislative agenda this session. It is something we will have to deal with in 1990.

WOMEN'S FELLOWSHIP - BENEFITS

404. Hon CHERYL DAVENPORT to the Minister assisting the Minister for Women's Interests:

I notice the advertisement for the 1990 Women's Fellowship was advertised in *The West Australian* last weekend. Can the Minister indicate how this fellowship benefits women in Western Australia?

Hon KAY HALLAHAN replied:

I thank the member for the question. It is an important fellowship and one of the few offered to benefit women. It is now in its fifteenth year and provides the opportunity for women to travel interstate or overseas to research matters of particular interest to women. No doubt members would be interested to know that past recipients of fellowship awards have examined topics as diverse as the effect of family law legislation on women and children, work being done for Aboriginal women and girls, how to involve women in the aged, and the treatment of repetition strain injuries. The most recent fellow looked at developing a program to meet the long term needs of victims of sexual assault.

Part of the criteria for selection is that recipients are able to illustrate the benefit of their projects to the Western Australian community in general, and to women in particular. The advertisement appeared in the newspaper last

weekend and I would ask members to encourage people to apply for that fellowship to study either interstate or overseas.

SPORT AND RECREATION DEPARTMENT - ANNUAL REPORT
Grants Fund - Criteria

405. Hon MAX EVANS to the Minister for Sport and Recreation:

The annual report of the Department for Sport and Recreation refers to a special fund of \$1 021 286 which was not included in the Budget papers. The amount refers to grants approved by Ministers specifically for sport. I ask -

- (1) What were the criteria for these grants?
- (2) When were the payments commenced?
- (3) Who authorised the specific payments?
- (4) Can I apply in writing for a list of those grants?

Hon GRAHAM EDWARDS replied:

(1)-(4)

I do not have a copy of the report in front of me. I am not sure which grants the member is referring to. If he puts the question on notice I will respond in detail.

SPORT AND RECREATION DEPARTMENT - SPORTING AND RECREATION FACILITIES FUND
No Funds - Closing Balance Allocation

406. Hon MAX EVANS to the Minister for Sport and Recreation:

It is the only major grant of over \$1 million which is not included in the Budget and which has been approved by the Minister. I thought it was unusual that the Minister had to apply to the Minister for Budget Management for another \$957 000 and, therefore, he would have recalled it.

It has been advertised that no funds will be available from the sporting and recreation facilities funds. However, there was a closing balance last year of \$743 000. Is this to be allocated or are pre-grants to be given?

Hon GRAHAM EDWARDS replied:

The member should be aware that the Consolidated Revenue Fund is not fully expended each year. Approvals which might be granted in one financial year might not be expended in a couple of financial years. The member should understand that at the end of each financial year the fund has an overhang. This year the Government has allocated an amount of about \$2.7 million which will completely clear up the overhang or the committed funds within that fund.

SPORT AND RECREATION - SUPERDROME
Bulldozers and Tractors - Swimming Facilities Extensions

407. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) Last Saturday I attended the Riding for the Disabled Association's activities and I noticed a lot of movement in the way of bulldozers and tractors at the Superdrome. Is that work connected with the extensions to the swimming facilities?
- (2) If not, what is being built?
- (3) Were tenders called for further contracts?
- (4) What is the total cost?
- (5) What is the proposed date of completion?
- (6) What will be retained after the World Swimming Championships?

Hon GRAHAM EDWARDS replied:

(1)-(6)

It may have been a short question, but it requires a long answer and some of the questions are not applicable to my responsibilities. However, this activity is at the Superdrome, for which I have responsibility.

Hon Max Evans: Answer what you know.

Hon GRAHAM EDWARDS: Work has been started to provide the necessary extensions that will enable Western Australia to host the 1991 World Swimming Championships. I have twice offered the Opposition in this House a full briefing on the World Swimming Championships and I encourage Hon Max Evans to take up that offer because it is an important event for Western Australia and an event that will be bigger than the 1962 Commonwealth Games. The answers required to a question like this cannot be given during a short question and answer period in this House. If Hon Max Evans requires a briefing, I will arrange it. The answers to the other questions will be more fully supplied if Hon Max Evans puts them on notice.

Hon Max Evans: To which Minister should I address the questions?

Hon GRAHAM EDWARDS: I will have to consider that because I think the member asked about five different questions. If he puts them on notice I will ensure that they are answered.

JUSTICES OF THE PEACE - COURTS

Phase-out - Timetable

408. Hon W.N. STRETCH to the Attorney General:

This question follows up on one asked by Hon Phillip Pental relating to justices of the peace. The Attorney General would be aware of my interest in this matter because of the important part justices of the peace play in the country court system.

- (1) Has the Attorney General set a timetable for phasing out justices of the peace from the court system in Western Australia?
- (2) If not, has he been requested by the Western Australian branch of the Australian Labor Party to prepare a timetable to ensure that wherever practicable JPs should no longer hear matters before courts or to phase them out of the court system?
- (3) If not, is he aware of the latest platform of his party which says as a foreword to resolution 55 on page 30, "for so long as justices of the peace continue to sit on the bench," and in resolution 56, "ensure for so long as justices of the peace continue to sit on the bench," and in resolution 59 at page 31, "accordingly, where practicable, justices of the peace should no longer hear matters before the court"?
- (4) Has the Attorney General a timetable prepared by Cabinet or forced on him by the party, or is he aware of the background as it appears he will introduce this proposal at some time?

Hon J.M. BERINSON replied:

(1)-(4)

It may be obvious to Hon Bill Stretch but it is not obvious at all to me.

Hon W.N. Stretch: It is in black and white.

Hon J.M. BERINSON: At risk of expulsion from the party, Hon Bill Stretch apparently knows my party's platform better than I do. No doubt he has been encouraged in the study of it by Hon Bob Pike, who has demonstrated a certain fascination for the printed word.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: There is no phasing out program either being implemented by me or suggested to me. In recent times the only change contemplated to the services of justices of the peace in the courts related to legislation which I introduced with a view to reducing the sentencing powers of justices under certain circumstances. I have since made clear, both to the Royal Association of Justices directly and by public statement, that I do not intend to proceed with that measure. That is the current position. No other amendment to either the sentencing powers of justices or the general use of justices within the court system has been contemplated.
