

## LEGISLATIVE COUNCIL

Thursday, 12 November 1987

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 11.00 am, and read prayers.

## CHILD WELFARE AMENDMENT BILL (No 2)

*Third Reading*

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [11.02 am]: I move --

That the Bill be now read a third time.

In moving the third reading of this Bill, I want to advise members that the amendment that was made to the Bill in this place is causing considerable concern about how effective it will make the legislation when it is enacted. The initial advice I have received is that the Bill would be much better without that amendment because some serious problems are associated with it.

I will be asking the Government in the lower House to not support the inclusion of that amendment in the Bill, and we will also be taking much broader and in depth advice in the time that we have, so I want members to know that the initial response to the amendment is one of very serious concern about its implications.

Hon P.G. Pendal: In that case, you should not be putting the Bill through.

Hon KAY HALLAHAN: I am telling members what the situation is.

Hon P.G. Pendal: That is absolute nonsense. You should not be putting the Bill through.

Hon KAY HALLAHAN: Would the member mind telling me what I should do when we do not have the numbers and the Opposition has insisted on an amendment?

Hon P.G. Pendal: You should not put the Bill through. The Minister is moving that the Bill be read a third time.

Hon KAY HALLAHAN: Yes, I am. There is feeling around the place that what was in principle in the Bill is very important, and until I receive further advice, I am still of the view that this Bill should continue its passage through this Parliament, but I am also telling members that we have received --

Hon P.G. Pendal: Where is the opposition coming from?

Hon KAY HALLAHAN: -- strong legal advice.

HON P.G. PENDAL (South Central Metropolitan) [11.06 am]: I would like to add one point to the exchange across the Chamber. I understand that the Minister spoke on ABC regional radio this morning and said that the Bill would probably not proceed in the light of the Opposition's amendment. If that is the case, I put it to the Minister that she ought to be honest and not proceed with the third reading.

Hon Mark Nevill: Mr Innuendo!

Hon P.G. PENDAL: I had some fine teachers in innuendo in politics, and they were found on that side of the House. However, that is irrelevant to this debate. What the Minister is saying is that the Opposition does not have any right to challenge legislation, and it has even less right to amend legislation.

Hon J.M. Berinson: Rubbish!

Hon P.G. PENDAL: I put it to the Minister that if this is such a difficult and bad amendment, then she ought not to be proceeding with the third reading of the Bill.

I will recap what the amendment does, because this is important. The Opposition's amendment -- which the Minister takes so much exception to -- is a very important principle at law, and what the Opposition has done is to ensure that in future where there are segregated court proceedings, those court proceedings, first, can be applied for by the prosecutor; and secondly, the judge or the magistrate is given the opportunity to say, "No, we will not have segregated court proceedings."

It has come to my notice since the debate on Tuesday night that certain remarks were made by Dr Paul Wilson of the Australian Institute of Criminology, about whom I questioned the Minister yesterday in questions without notice on the very subject that we are talking about within this Bill. Dr Wilson, who is acknowledged around Australia as a leading expert in his field, made the point that there is a growing difficulty in this country with the number of people who make false accusations where it is alleged that children are being molested by adults. I do not have the figures with me because I did not expect -- and neither did any other member -- that the Minister would seek to make those comments on the third reading of the Bill. However, my recollection of Dr Wilson's comments is that something like 20 per cent of the accusations made in cases relating to child molestation turn out to be false and malicious --

Hon J.M. Berinson: They don't make it to court.

Hon P.G. PENDAL: The Attorney General now wants to take part in the debate. He had his opportunity the other night when we talked about what the Law Society's attitude might have been to this matter.

Hon J.M. Berinson: I was just trying to help you out of an error. You did not hear Dr Wilson's point, which was that although his comments related to complaints that never came to court, to that extent --

Hon P.G. PENDAL: That is correct.

Hon J.M. Berinson: To that extent, they bear no relation to the subject matter of the Bill.

Hon P.G. PENDAL: They do because the Attorney General is suggesting that every complaint which goes to court results in a conviction.

Hon J.M. Berinson: I did not suggest that at all.

Hon P.G. PENDAL: That is the logical extension of the Attorney General's comments.

Hon J.M. Berinson: You are wrong.

Hon A.A. Lewis: They seem to be very touchy, don't they?

Hon P.G. PENDAL: They do. I, for one, take great exception to the Minister going on a radio programme in the course of a Bill being discussed by this House and telling that radio programme one thing and telling this Parliament another. The Minister did not have the courage to say a few minutes ago what she is alleged to have said on that ABC regional programme.

Hon Kay Hallahan: Yes, alleged. Let's get a transcript.

Hon P.G. PENDAL: That is on the way, but unfortunately the Opposition does not have available to it the vast monitoring system that is available to the members of the Government. Therefore, if the Government wants us to defeat the Bill, it should be honest and say so at this stage.

Hon Kay Hallahan: I don't want you to.

Hon P.G. PENDAL: Neither does the Opposition want to defeat the Bill, because there were some Opposition speakers -- including members of the National Party -- who made it very clear that the Bill is a good Bill insofar as it attempts to reduce the trauma to children involved in that sort of sordid court case. The Opposition in fact thought the Government should be commended for the Bill, and indeed said so time and time again.

In suggesting that the Bill should be read a third time, we are talking about the very important principle as to whether or not the Opposition has any right to amend legislation. This Minister has gone about it the wrong way.

Hon Tom Helm: You've got the numbers.

Hon P.G. PENDAL: We got the numbers only two weeks ago, because that was when the people of the South West Province ensured that we would have the numbers to do exactly what we are doing.

Hon Graham Edwards: That election would not have made any difference. Be honest.

The PRESIDENT: Order! Honourable members, I am becoming quite concerned about

members' fanatical desire to show to the people who go into the Public Gallery their total lack of decorum in this place. It seems to me it is becoming more evident every day that honourable members want to display their ignorance of the rules of this place. I suggest that members cease to interject and allow the member to complete his speech. They may contradict him when they have the opportunity after the member concludes his speech.

Hon P.G. PENDAL: Thank you, Mr President. I agree entirely.

The Minister for Sport and Recreation revealed -- with the greatest respect to him -- his ignorance of what we have just done. He said that the election in the South West Province of Hon Barry House would not have made any difference in this case. The Minister does not know the situation. If that election had not occurred, the amendments the other day would not have been passed. It is as clear as that. If anybody wants to talk about "Let's be accurate, let's be truthful", they should understand that the election was an endorsement of what the Opposition did the other night. The result in that by-election restored to the Opposition exactly what this House is set up to do. The fact that Labor members in this place --

Several members interjected.

The PRESIDENT: Order!

Hon P.G. PENDAL: The fact that Labor Party members in this House object to their actions being scrutinised, as they did in relation to the Australia Card and the homosexual Bill --

The PRESIDENT: Order! When I asked that honourable members comply with the decorum of this place, that is exactly what I meant. I said that honourable members have to obey the rules. That applies to everybody, including Hon P.G. Pendal, who has the right to talk on the third reading as to whether this Bill should or should not be passed. However, I think that in talking about the by-election results the member is drawing a longbow as to the justification for passing the Bill. I suggest that he sticks a bit closer to the point.

Hon P.G. PENDAL: Thank you, Mr President. We are seeing the actions of a Government prepared to govern by media and not by parliamentary process. That was evidenced by the Minister this morning choosing to say on a regional broadcast programme what the Government might or might not do about this Bill. The Government will have to make up its mind. If the Bill passes this third reading and goes to the other House, the other House will presumably do what the Minister says and take out that amendment. The Bill will come back to this House and this House will then have to reassess its position as to what it does. That is a perfectly proper course which the debate may well take.

Hon Kay Hallahan: Hear, hear! That is right.

Hon P.G. PENDAL: I am pleased to hear the Minister actually has a place for the parliamentary system and does not just want to make her decisions through the media without having the good grace to make them in this House beforehand.

I believe the Bill should be read a third time. The Opposition supports this Bill; indeed I suggest that if the Opposition were in Government it would have introduced the Bill itself. It is for all intents and purposes a bipartisan Bill, not only to take advantage of new technology but also to try to alleviate some of the trauma to which we earlier referred. However, the point at issue in the amendment to which the Minister has taken objection is whether or not the courts will decide those things in the interests of justice to every party. Those words are in the amendment. That is what is at stake here -- whether or not the prosecutor can decide the way in which a court shall be run. Frankly, I am astonished to learn that the Law Society has not bothered to comment on that point. We do not have courts of law for the convenience of prosecutors. Prosecutors are merely one part of the whole scheme of things.

Therefore, I will make no apology that the Opposition the other night -- and I am glad to say, with the National Party -- saw the value in saying that decisions about whether there will be segregated court hearings along the lines of the Government's suggestion should occur if the magistrate says they should, and not because the prosecutor says they should occur.

The Opposition supports the third reading.

HON G.E. MASTERS (West -- Leader of the Opposition) [11.20 am]: I, like my colleagues, support the third reading of this Bill as amended. It is no good the Minister for

Community Services being in a foul mood and objecting to this House daring to change legislation. I remind her that that is what Parliament is all about and that is why members are elected. Neither the Executive, nor the Minister, has a God-given right to dictate to the Parliament about what it shall decide or whether legislation shall pass in the form presented. If the Minister, with that attitude, expects the Parliament and my members to endorse legislation without querying or amending it, she is in the wrong job.

I remind the Minister that Liberal Party members will object to that attitude every time it is raised in this House in the next 18 months. The Minister should think carefully before she adopts that attitude and begins abusing members of this House for daring to amend her legislation. It is unfortunate she has taken an attitude that I have never seen her adopt before.

I urge the House to support the third reading of the Bill, as amended.

**HON KAY HALLAHAN** (South East Metropolitan -- Minister for Community Services) [11.22 am]: In an attempt to take this debate to a higher plain, it seems that there are always problems when debating matters involving children. I believe that, as a society, we have a real problem about giving priority to and focusing on child-centred activities and provisions. That is virtually the basis of the amendment about which I am concerned.

I am genuinely concerned about the amendment that has been inserted in the Bill. I have done nothing that cuts across the parliamentary process or in any way detracts from that process. In fact, I am a great upholder of that process.

In relation to the Australian Broadcasting Corporation, I was asked to go on the radio programme; I did not seek to go on it. However, I was not unhappy when I was invited on it. In the process of the interview, I said that there was some concern about the amendment. As Hon Phillip Pendal seems to be upset about what I said, I will look at the transcript of that interview to see precisely what I said. However, in no way did I attempt to cut across the parliamentary process and I resent the innuendo that Hon Phillip Pendal is so good at making.

As Hon Phillip Pendal said, Dr Paul Wilson is a respected member of the criminology community. He is a prolific researcher, speaker, and writer on criminal topics. The Attorney General quite rightly said that the point made by Paul Wilson was that allegations of abuse were increasing and, as I pointed out in an answer I gave to a question yesterday, that problem has been experienced in other places where there has been much community hype about the topic, something that we have not experienced here yet and I hope we will not. Paul Wilson said that some cases could not be substantiated to go to court. When cases are substantiated enough to go to court, usually very serious abuse and even physical violence against the child is involved.

**Hon P.G. Pendal:** We don't dispute that.

**Hon KAY HALLAHAN:** Okay. One of my concerns about the amendment is that we may end up with the child within a trial situation and, instead of looking at making it easier for perpetrators of violence against children to be brought to book, we are placing obstacles in the way. I am of the opinion that the Bill before the House as originally presented in no way denigrated the rights of the defendants or put them in a compromised situation. It also gave some sense of predictability to the child witnesses.

**Hon P.G. Pendal:** That is exactly what you said in the case of the so-called 30-second rapist.

**Hon KAY HALLAHAN:** I do not want to go into great detail. The fact is that, at present, many people commit serious assaults on children and are not being convicted by society. I am surprised by the Opposition's argument in this matter because it usually goes around proclaiming its law and order philosophy. However, at the drop of a hat, it changes its mind and does everything to stop the institution of proceedings that will make it easier for victims to give evidence in order to convict alleged offenders.

**Hon P.G. Pendal:** That is why we are supporting your Bill.

**Hon KAY HALLAHAN:** I am pleased, but the Opposition wants to have a bob each way.

**Hon P.G. Pendal:** We are protecting everyone's rights.

**Hon KAY HALLAHAN:** My contention is the Bill as it stands protects everyone's rights to the maximum that it can. It is not a very pleasant experience for children to give evidence in

these matters. One day we might have a sophisticated society where we will have good procedures for children giving evidence in court.

Several members interjected.

The PRESIDENT: Order! The Minister seems to be inviting conversations between other members of the House, and I suggest that they stop it. She is endeavouring to wind-up the debate and to provide information to the House. I think it is rude of members to have a three-way general debate in competition with her. I ask the members to stop and the Minister to proceed.

Hon KAY HALLAHAN: Thank you, Mr President. I was heartened by the fact that the Hansard reporter kept listening to me.

After I received advice concerning the amendment to the Bill, I was going to telephone Hon Phillip Pandal this morning and alert him to my concerns. However, events overtook me and I did not get the chance. I was going to ring him to attempt to set up a dialogue with him. I now make that offer to members of the Liberal Party and to members of the National Party. As I receive further advice on this matter, I will be happy to make it available to them because I believe that we will regret inserting this amendment in the Bill and we do not know now whether it makes it unworkable. I will certainly obtain further advice on the matter and am happy to inform members opposite if they are interested.

Many other issues in the Bill are quite significant administratively, and I support the Bill.

Question put and passed.

Bill read a third time and transmitted to the Assembly.

#### BILLS (2): RETURNED

1. Evidence Amendment Bill.
  2. Criminal Investigation (Extra-territorial Offences) Bill.
- Bills returned from the Assembly without amendment.

#### HEALTH AMENDMENT BILL

##### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Kay Hallahan (Minister for Community Services), read a first time.

##### *Second Reading*

HON KAY HALLAHAN (South East Metropolitan -- Minister for Community Services) [11.32 am]: I move --

That the Bill be now read a second time.

This Bill provides for a number of amendments to the Health Act 1911, including new provisions relating to roles of the Perinatal and Infant Mortality Committee and the Pesticides Advisory Committee. The Bill also introduces comprehensive controls over therapeutic goods, pet food, and aquatic facilities such as spa pools and water slides. Penalties for breaches of the Act are increased. A number of minor amendments and clerical errors are also addressed in the Bill.

The Health Act 1911, since its passage through Parliament over 70 years ago, has provided the basis for the control and regulation of public health matters for the State. The Act, like other legislation, sets the standards that society considers appropriate in dealing with public health problems. When a person breaches the standards of behaviour that the Act sets, he must be accountable for his actions. He may be prosecuted for his actions and should be discouraged from re-offending.

Unfortunately the low penalties in the Health Act have not acted as a deterrent to offenders. Penalties in the Act for offences presently range from maximums of \$10 to \$200. Breaches of regulations have only been liable for a maximum penalty of \$200. The low penalties have also meant that two things have occurred. Firstly, the low range of fines handed out by the

courts under the present Act has offered little encouragement for persons breaching the Act to mend their ways. If they chose to disregard health standards or orders of local authorities, they might only find themselves paying a \$25 or \$50 fine if they were taken to court. Members will agree that a fine of this size would be regarded as merely a light "overhead" for some businesses, especially if it represented an alternative to costly structural work.

As a consequence of the low level of fines being imposed by courts, local authorities have understandably been reluctant to initiate prosecutions. The amount of the fines has not changed behaviour patterns. Prosecutions have been costly, and the time and effort spent on them have been unproductive in terms of reducing breaches of the Act and regulations.

Following advice from Parliamentary Counsel, the Act has been amended to place all penalties in a schedule to the Act. The penalties are now grouped in seven groups ranging from \$500 maximum penalty to \$10 000 maximum penalty. If they continue to offend, offenders will also attract a daily penalty of between five and 10 per cent of the maximum penalty for the offence. In addition the Act specifies minimum penalties for first, second, and subsequent offences. The aim of this is to discourage re-offending.

Penalties for breaches of regulations have been increased from \$200 to between \$500 and \$2 500. Penalties for breaches of regulations for overcrowding of public buildings have been increased to \$15 000.

References to the commission of offences throughout the Act have been standardised and ensure that there is no doubt as to what constitutes an offence.

The Bill also introduces controls over aquatic facilities. Presently under the Act regulations can only be made to cover matters related to swimming pools. The regulation-making powers are enlarged to cover all types of aquatic facilities including lakes used for cable skiing, spa pools, swimming baths, swimming pools, water slides, and wave pools. Where these facilities are operated on a non-private basis, controls can be exercised to ensure the quality and treatment of water and facilities. The regulations would also allow the closing down of such facilities in the event that they posed a threat to public health.

Part VI of the Act is amended to deal more effectively with the approval of plans and specifications for public buildings. Approval of plans and specifications is presently required prior to the construction, alteration, or extension of a public building. A public building is any building or structure in which numbers of persons are able to assemble and includes churches and licensed premises. This approval is necessary to ensure that the health and safety of members of the public using the building is protected.

Inspection of plans and specifications of public building developments is presently undertaken by the Building Management Authority on behalf of the Executive Director, Public Health. The Building Management Authority has indicated its intention to charge for such assistance. Presently the maximum fee which can be charged for inspection of plans and specifications under the Act is \$100, which is well below the actual costs involved. The amendment allows actual costs of inspection to be recovered from public building developers.

There may also be instances where outside engineering experience would be of assistance to the authority, for example in reducing the time required for assessment. This amendment provides that in these instances, certification as to the soundness of the building's construction should be provided by an approved structural engineer. Approval of the plans and specifications could be given accordingly.

Amendment of the Act is also necessary to allow the construction of a public building to proceed prior to the full approval being given in instances where the particular method of design does not involve the development of complete plans and specifications prior to construction or where other special circumstances exist. An example of this is the "fast-track" method used in construction of the Burswood Island Casino.

In the 1982 report of the Royal Commission into the Australian Meat Industry, Justice Woodward recommended the dyeing of pet food. Following from this proposal an interdepartmental working party consulted with Department of Primary Industry representatives and pet food industry representatives to develop a set of guidelines. In order to implement these guidelines, it is necessary to extend the Act's regulation-making powers to place controls over the slaughter, processing, and sale of meat which is unfit for human consumption and which is intended to be sold as pet food.

No controls presently exist over the manufacture, sale, and use of goods and devices which are designed to be of therapeutic value to humans such as appliances, drugs, nutritional supplements, and cosmetics. This does not cover poisons or food. The potential for danger in the manufacture and use of therapeutic goods is a very real one.

Part VIIA of the Act already provides controls over therapeutic substances. Division 7 of this part is repealed by the Bill and new comprehensive controls over therapeutic devices, goods, substances, and cosmetics are introduced. These provisions are based on equivalent provisions in New South Wales. Licences will be required for the manufacture and wholesale sale of therapeutic goods. Standards will be prescribed which may relate to the composition, quality, and other properties of therapeutic goods and their manufacture and labelling. Standards may also prohibit or limit the quantity of a prescribed substance in goods and may place prohibitions or requirements in relation to claims appearing on packages. Similar controls in relation to what representations can be made in advertisements will also apply. The amendment will also prohibit the sale of therapeutic goods by automatic vending machines and the door-to-door sales of such goods.

The provisions will provide flexibility to allow orders to be made declaring goods to be or not to be therapeutic goods if doubts exist. Also specific goods, or classes of goods or persons can be declared to be exempt from the provisions of the Act.

The Bill also introduces some very important provisions in relation to the role of the Pesticides Advisory Committee. Its role of acting as an expert advisory body is clarified by these provisions. Its function in recommending pesticides for use is strengthened as well as its advisory role in relation to the making of regulations. This amendment clarifies and strengthens the regulation-making powers to regulate or prohibit the manufacture, labelling, sale, and use of pesticides and to control the disposal of pesticides and used pesticide containers. It continues to provide control over commercial pesticide operations and will now also apply to Government bodies in the application of pesticides. The new provisions provide the power to make regulations recognising the national clearance system, which presently operates on a non-statutory basis, to ensure efficient and uniform control of pesticides by the various States of Australia.

Members will note that the definition of "pesticide" has been widened to cover plant growth regulators such as gibberellic acid, which is used to improve berry development and bunch size in grapes. Controls are necessary to regulate this use. It is also envisaged regulations will be made requiring persons using pesticides to submit themselves to medical examinations for the purpose of ascertaining the effect on their health of exposure to pesticides. Standards for the composition of pesticides will also be the subject of regulations under these provisions. All these provisions will bind the Crown. I think members will agree that these amendments are very timely and will serve to improve and strengthen the controls in this area.

Parts XIII and XIII A of the Act relate to the reporting and subsequent investigation of maternal, infant, perinatal, and anaesthetic deaths. Committees are set up to inquire into these deaths for the purpose of establishing what went wrong with a view to establishing whether there were any preventable factors. In order to undertake such investigations records must be made available to the committees and the cases discussed frankly by the committees. The present confidentiality provisions of the Act in relation to the committees are strengthened to ensure that documentation relating to matters before them is inadmissible in a court of law. Any person divulging information placed before the committee, other than to the Coroner, commits an offence which carries a penalty of \$2 500.

The Bill also increases the number of investigators for these committees and also authorises the Chairman of the Perinatal and Infant Mortality Committee to notify medical practitioners who attend perinatal or infant deaths or stillbirths about the committee's findings in relation to those cases.

Following advice from Parliamentary Counsel, a number of clerical errors and stylistic inconsistencies have been addressed in this Bill. The Bill also extends the time for laying of complaints in respect of breaches of food provisions from 90 days to 12 months.

I commend the Bill to the House.

Debate adjourned, on motion by Hon John Williams.

**ROAD TRAFFIC AMENDMENT BILL (No 2)**

*Second Reading*

Debate resumed from 15 September.

**HON G.E. MASTERS** (West -- Leader of the Opposition) [11.40 am]: I was intrigued to note that this Bill was brought on from obscurity to the top of the Notice Paper in the 12 hours since the last time we sat. I hope that Orders of the Day Nos 13, 15, 16, 17, 18, 20, and 21 will receive the same consideration from the Government, but I have no doubt it will be a little more cautious.

I suggest that this Bill should not be opposed --

Hon Neil Oliver: What about the newspapers?

The PRESIDENT: Order!

Hon G.E. MASTERS: The legislation contains a number of matters of importance, and clause 6 in particular, dealing with random breath-testing, will cause a great deal of interest. I will urge my members, so that the Government knows our position, to support the second reading, but if I have my way we will oppose some of the clauses in the Bill.

The Bill itself seeks to authorise a new breath analyser called the "Draeger Alcotest 7110". I have to take it from the comments made in another place and from various people that the reason for authorising this equipment is because it is a new type. The existing legislation does not cater for the authorisation of this equipment, and I support that if the comments made are correct -- and I am sure they are -- that it is a self-testing machine and it is the best machine available on the market today, with a proven performance. If that is the case, the police and those responsible for carrying out tests with this equipment deserve the best possible equipment.

The next change proposed in the Bill is to remove an anomaly with regard to tendering evidence concerning probationary drivers. Members will know that the maximum permissible level of alcohol, when an adult or normal driver is tested, is 0.08 per cent. For probationary drivers the figure is 0.02 per cent. The legislation is inadequate and a change is necessary, so we support it.

Another change covers the tendering of evidence when a person has refused to undergo breath-testing. At the moment I understand the law seems to require the director of the chemical laboratories to travel all over the State to give evidence. It is quite unacceptable if that is the case; it puts an enormous strain on the director and should not be necessary. Therefore the legislation requires this change.

Another change deals with mopeds, their licensing and definition. The amendment changes the situation from the present position where the maximum capacity for a moped is 50 cc, and they must have pedals. The maximum speed should not be above 60 kilometres an hour. It is now proposed that the vehicle should be 50 cc and no more. It can be less, but it does not have to have pedals. The maximum speed is still the same. I cannot see anything wrong with that at all. Many members would have received letters and submissions from various people opposing what the Government is putting forward, but I cannot see anything which would justify the Opposition taking on the Government in this change, and I support that change.

Hon Graham Edwards: You are supporting what?

Hon G.E. MASTERS: I am supporting the Government's proposal to bring in the maximum capacity of 50 cc for mopeds with or without pedals. There is nothing to stop a moped from having pedals, but it does not have to have them, as I understand the proposal.

The area which will cause some vigorous debate is that of random breath-testing, which is contained, in the main, in clause 6. I make it absolutely clear before I continue that the Opposition acknowledges that there is a serious road problem. There are grave dangers when people consume too much alcohol and cause death and destruction. We also acknowledge that the traumas suffered by the victims of these people are very great. The argument is whether random breath-testing is the right direction in which to go. I am not impressed by the arguments which have been put to me up to now. Most members of Parliament have received a large number of letters and submissions both for and against random breath-testing. The Bill has been on our Notice Paper for a long time.



I make it clear that I will be supporting the second reading of this Bill. During the Committee stage, unless events change -- and I see no reason why they should, although the Minister still has to reply -- I will oppose random breath-testing and urge my members to oppose it too.

Hon Fred McKenzie: Just that one clause? Is that all you are opposed to?

Hon G.E. MASTERS: There is a consequential clause. I think probably clause 7 or clause 8 is involved; but the most likely clause is the main one, clause 6, which deals with random breath-testing. Except for the consequential clauses, I shall support most of this Bill, and therefore the second reading.

I am not going into great detail at this stage. There is no point in my doing any more than making general comments that the Opposition opposes random breath-testing. I noted with some interest that in the other place there was lengthy debate, and they went into great detail as to why clause 6 should be opposed. In my view the proper time to debate this clause is when the clause itself is debated during the Committee stage, and at that time I shall present most of the backup information which I will use to try to persuade my members to oppose clause 6. All too often in the past we have gone into great detail, only to hear the Minister say, "Well, that is fine, I have listened to it, but I shall not reply now because we will debate it all over again in the Committee." Having done that on a number of occasions -- and there are occasions when one needs to do it, but this is not one of them --

Hon J.M. Brown: Would it not be advantageous to have your views during the second reading debate?

Hon G.E. MASTERS: I have a great deal of material, facts, figures, documents, and quotes, but there is no point in going through all that detail now because I will simply repeat it in the Committee stage. In any event, the Minister can sit there and have the whole weekend to consider my reports.

Hon Graham Edwards: If you give details I may be able to refute them.

Hon G.E. MASTERS: I have been caught many times.

Hon Graham Edwards: Not by me.

Hon G.E. MASTERS: That will be my position. The legislation as it exists at the moment is adequate to deal with the situation. I am sure members who are taking an interest in this legislation will have addressed themselves to the relevant clause. Section 66 of the Act, which is to be amended, will allow any police officer at all to call upon the driver of a vehicle, to stop the vehicle, to direct the driver of the vehicle to wait at a place indicated by a member of the Police Force, and he can do that for any number of reasons. If he thinks there is a possibility that that person is under the influence of alcohol, the policeman can ask the person to submit himself to a test. That is a reasonable situation.

What I oppose now is what I see as a massive imposition once again -- yet another example of what seems to be emerging as a police state, for want of a better term -- where people are subjected to actions by public authorities, whether it be the police or some other authority, and where those actions intrude on the rights of the individual. That sort of thing goes on day after day. Legislation goes through this Parliament to which I am opposed for the reasons I have just given. This Bill is yet another example of the infringement of basic rights, and further erodes the rights of people in the community. I point out that the police will be able to stop any car, at any time, for no reason at all. They will be able to hold up a line of traffic, pull up motorists, and say, "We will impose these requirements on you."

Hon Graham Edwards: That is not true.

Hon G.E. MASTERS: I am sorry, Mr Minister, but it is true.

Hon Graham Edwards: There is no suggestion that every person who is pulled over will be tested. Indeed, the police are saying it will not happen. Were you briefed on the Bill?

The DEPUTY PRESIDENT (Hon John Williams): Order! This is not three debates but just one debate, and there should be only one speaker.

Hon G.E. MASTERS: I dispute the comments made by the Minister. My understanding of the legislation is that a police officer, or a number of them, can stop a car or any number of

cars at any time, for no reason at all so far as the drivers are concerned, and say, "Pull in over there, please. We are going to test you." They can do that to 120 cars if they wish.

Hon Graham Edwards: That is not the case.

Hon G.E. MASTERS: The legislation enables that to happen. What the Minister is saying is that it is not the intention of the police to do it.

Hon Graham Edwards: It is not the intention of the police. I will reply later on.

Hon G.E. MASTERS: We must not get mixed up about this. The legislation says what can happen and our concern is that at some time it certainly will happen. What this Minister or the Minister in another place says is his view or contention can change the minute the Minister changes his portfolio, or changes his mind. These provisions in the legislation will enable police officers, if they wish, to take the action I have just described. That is what we are worried about -- a mass stoppage of literally thousands of vehicles, as was the experience in New South Wales and other places. I repeat that it is an infringement of basic rights when there is absolutely no need for it. The current Act enables a police officer to take the required action with good reason, and surely that is all we should ask.

We have ample evidence, which I will bring forward in the Committee stage, to support my view that there is no need for this legislation; indeed, there is every possibility -- it is almost a certainty -- that the provisions of this legislation will be abused and that people will suffer unnecessarily. That has been the experience in other States and sooner or later -- I suggest sooner -- it will happen again. Certainly if there are a large number of alcohol-related accidents the police will respond fiercely as they have done in the past. This provision is unnecessary; the existing legislation is adequate for that purpose.

Hon Fred McKenzie: Don't they pull you up for that now under the current legislation?

Hon G.E. MASTERS: The Government Whip has really supported me in my comments. Does not this legislation exist at the moment? Indeed it does; section 66 of the Act enables a police officer to take adequate action. I am particularly glad that Hon Mick Gayfer is present. I shall listen with great interest to his contribution to the debate, and I am very pleased he is here.

Hon H.W. Gayfer: If interjections are being allowed, will the Government Whip speak up? I cannot hear him.

Hon G.E. MASTERS: I have said before that there is no shadow of doubt in my mind that action will be taken which will greatly embarrass and make life difficult for the average motorist. This measure will punish the majority for the actions of a minority. That is no good, and it seems to me that in this State we are saying time after time, in piece after piece of legislation, that where there are a few naughty boys in the community, "We will rap the whole damned lot of you over the knuckles."

Several members interjected.

Hon Tom Stephens: I can well appreciate that the Opposition has spent the last five years punch drunk, but you would not have to worry about this Bill.

The DEPUTY PRESIDENT: Order! Order! I remind the House once again that in a debate one person, the person on his feet, is allowed to speak. May I suggest that if Hon Tom Stephens wants to carry on a conversation across the Chamber he should do what other members do discreetly; that is, move over and sit by the side of whichever member he is addressing and talk to him quietly.

Hon G.E. MASTERS: The honourable member said "punch drunk". I remember a fellow who had a slap on the face and ran to the police, but we will not talk about that.

Hon P.H. Lockyer: That's right.

Hon Tom Stephens: You should be too embarrassed to --

The DEPUTY PRESIDENT: Order! That is the last time. Hon Tom Stephens will have the right to speak when the speaker sits down.

Hon G.E. MASTERS: Thank you very much, Mr Deputy President. We are talking about the impositions on the majority of people because of the misdeeds of a small group of people. There is no need for this sort of action when the legislation now existing is adequate.

More and more in recent times -- I keep raising this point and will continue to fight such legislation -- we have given people the authority to enter property without a warrant, we have given people the right to enter homes, we have passed legislation where it is possible for inspectors to knock down doors, grab books, take records, confiscate goods, and so on, without warrant. The Federal Government of the day, supported by this State Government, has sought to intrude on our basic rights by introducing an ID card which fortunately was opposed and defeated by a vast number of people in our community.

Examples of such Bills include the environmental legislation, the Occupational Health, Safety and Welfare Amendment Bill, the fisheries legislation, the flora and fauna legislation, the Business Franchise (Tobacco) Amendment Bill, the industrial relations legislation, and the Dog Amendment Bill. I could go on.

Hon Graham Edwards: What was that about the Fisheries Act?

Hon G.E. MASTERS: This Government has not brought it in, but I had strong reservations about the flora and fauna legislation. If the Minister looks at the record he will see that not only did I oppose that legislation but also I crossed the floor on it, which is something he will never experience. But that is beside the point.

We are fast becoming a model for a totalitarian state -- a model that many of those states would be proud to follow. I will continue to talk about these things when they infringe on people's basic rights.

This legislation is brought forward in the misguided belief that it will prevent accidents. I agree that the experience with the legislation when first introduced in other States has been that accidents as a result of alcohol have dropped dramatically; but experience also has demonstrated that after a short period, without a mass stoppage of vehicles by police, the legislation becomes ineffective once again. That was the experience in New South Wales. I will quote the information and details for the Minister at the appropriate time.

All the Government is trying to do is to make an impression on the community and say, "We are dealing with the problem." The Government is not spending enough money on roads. It has imposed a massive fuel tax --

Hon P.G. Pandal: An increase of 94 per cent.

Hon G.E. MASTERS: -- and is pocketing most of the money. The evidence of the reports brought forward by experts is that one of the main reasons for the deaths on our roads and our high level of accidents is our bad and badly engineered roads. If, instead of pocketing the hard-earned money that the public are forced to pay as a result of the Government's massive fuel tax, it spent just part of, or much more of, that money on roads, much of this difficulty would be overcome. The Government took the easy way out. They will have to pay for a lot of the guarantees they have given, so they need all the money they can get. They will be up for \$100 million at least with all those guarantees, and they will pocket more and more to pay for it. To cover themselves they are bringing in random breath-testing to try to demonstrate to the public that they are dealing with road problems and trauma. The experience in other States is that that is not the case. It will not succeed, and people will be greatly inconvenienced as a result of what the police must and will do.

Hon Graham Edwards: That is simply not true.

Hon G.E. MASTERS: It is true. The Minister should bring forward information in the Committee stage to show that that has not happened in New South Wales.

The DEPUTY PRESIDENT: Order! I understand from the Leader of the Opposition's speech that further details are to be brought out in the Committee stage, just to reassure the Minister.

Hon G.E. MASTERS: I am sure you do not want me to go through all this information, Mr Deputy President. I would love to save it up so I can debate the matter properly.

Hon Graham Edwards: This is a most serious subject. You should produce your figures.

Hon G.E. MASTERS: It certainly is a most serious subject, but the Opposition will support the second reading of the Bill, so what is the Minister worried about? There is plenty of time to debate the Committee stage today or next week, and we will do that, but the appropriate time is in the Committee stage, so I am making my remarks general.

The experience in other States, New South Wales for example, is that not tens of thousands of cars, or even hundreds of thousands, but one million have been stopped by the police undertaking random breath-testing. Out of all those cars, the drivers of one in 200 have been charged. What is the cost to the public? There are far better ways of doing it.

Hon Graham Edwards: What is the saving to the public?

Hon P.G. Pandal: The police are resentful about the waste of manpower.

Hon G.E. MASTERS: If one million cars are stopped, each for 15 or 20 minutes, what is the cost to the public? It must be astronomical. What is a person's time worth if he is going to work or if he is in business?

Hon Mark Nevill: What is a person's life worth?

Hon G.E. MASTERS: All right, it is balanced against a person's life, but the evidence is that this proposal will not change things. If we say the police can stop vehicles at any time for any reason -- it does not matter whether the Minister says it will not happen; this legislation says it can happen, and I believe it will -- where do we go next? What else can we look at which involves trauma and death in the community?

Let us look at drugs. They wreak havoc in our community, especially with our young people. Drugs cause much of the crime in our community and lead to the death of many hundreds, perhaps thousands of young people -- I do not know the figures. Will the Government bring in legislation to allow police to stop cars at any time, not just for breath testing, but to search the vehicles for drugs or firearms?

Hon T.G. Butler: What is wrong with that?

Hon G.E. MASTERS: Government members are saying "Good, bring it in; next week let us bring in legislation so that your car or mine or anybody's car can be stopped and searched for drugs." That is what the member has just said. It is unbelievable. That is the direction in which we are going. What do we do next? Do we enter homes without warrants to search for drugs and firearms?

Hon A.A. Lewis: Do they think they can even stop you for a broken tail light?

Hon G.E. MASTERS: They will not need that excuse now; all they need do is to say they will stop the next 100 cars. I am sure anyone can be caught with a broken tail light at some time or other; it is most embarrassing. The answers to these problems are not the mass inconvenience to the community and the stopping of hundreds of thousands of vehicles every year. The answers are, firstly, in educating young people and the community. That is already done to a great extent, and it can be done through the media and schools. It means the Government needs to spend in this area some of the money it collects from fuel taxes. When I was a Minister I spoke in a debate on a road traffic Bill and brought in photographs which showed the destruction and turmoil on the roads. One only has to shock people to get a result and to educate them. One has to tell them what is going to happen on the road in order to get better results. It needs a commitment from the Government which it is not giving.

We also need better road engineering. There is a useful local government booklet which calls on the Government to spend more money on the roads. It points out that out of every \$20 a person pays for fuel the Government gets \$11.08 and puts only \$2.40 back into the roads. It pockets something like \$9 of the tax it receives and puts that into general revenue for other purposes. Surely petrol and fuel taxes should be used for the improvement of our roads.

In the Committee stage I will give examples and figures relating to other States. It is interesting that the most successful State or Territory in Australia in 1986 was the Australian Capital Territory, whose accident rate was lower than any other State. The argument strongly put forward was that it was the result of better engineered roads rather than random breath testing.

Hon Graham Edwards: Who was putting the argument forward?

Hon G.E. MASTERS: I have the reports, and the Minister has them. I will not go through them now, but the reports are documented.

I referred to education as an important aspect. We must educate people on how road trauma occurs and the results of drinking alcohol. I have referred to road engineering, and I will go into detail about that in the Committee stage. I refer now to methods of policing.

I can never understand why the police are moving more towards the idea that the best way of policing is to hide behind bushes and sheds and keep out of sight. The police all too often are waiting for people to break the law -- almost encouraging them -- and then grabbing them by the scruff of the neck and charging them. It infuriates me to see that sort of thing happen. I will give members a good example by referring to what happened to me a couple of weeks ago. I was caught for speeding; I was doing 75 kmh in a 60 kmh zone. I got caught, and fair enough. There was a speed trap around Maida Vale and there were two police cars, four police motorcycles, and nearly 15 policemen involved. There were one or two hidden elsewhere. It was just madness. That method of policing allows people to break the law so that the police can grab them. A week later there were two police motorcyclists patrolling the road and no-one was speeding; they were all being very careful.

That is the method by which the police should control traffic. One does not wait for people to speed and then grab them. The police should use a visual approach. They do that very successfully in Tasmania. Imagine what those two cars, four motorcycles, and 15 policemen will do once this legislation is passed. How many cars will they stop then? I worked out well over 100 vehicles an hour, maybe more, would be put through the test.

I turn now to Commissioner Bull's letter. This was circulated by the Minister for Police and Emergency Services, Mr Gordon Hill, and used as a justification for this legislation. The Commissioner said it was not the intention of the police to stop hundreds, or thousands, or tens of thousands of motorists. Eventually there will be a change of commissioner and a completely different attitude may be taken. If the document was put forward in good faith -- I am not saying it was not -- it simply recognises that the police already have the authority to stop vehicles.

Hon Garry Kelly: Not for random breath-testing.

Hon G.E. MASTERS: The police only need reasonable grounds to stop a vehicle and reasonable grounds to believe that a person may have had a drink. It is a judgment the police can make, and they do make. That is as far as I need to go.

I point out again that I shall make the major part of my contribution during the debate on clause 6 in the Committee stage. I will do all I can at the appropriate time to have the clause defeated. At the same time, I am prepared to allow the second reading of the Bill to proceed because it contains other changes to the Road Traffic Act which the Opposition supports.

HON H.W. GAYFER (Central) [12.11 pm]: If I had my way I would vote the Bill out at its second reading stage because of the suggested alteration to section 66 of the Act -- that is, to introduce random breath-testing -- but I would not use my influence on any member on this side of the House to do likewise. Indeed, the opinion of members of my party on this matter is well known, but it is for them to make up their own minds. Any amendment relating to random breath-testing should be deleted.

As the Leader of the Opposition said, there are certain parts of the Bill which are of great moment as far as the Road Traffic Act is concerned. I refer to the amendment proposed in relation to mopeds -- the motor bike with pedals. Amendments are proposed in relation to new equipment and the need for the director of chemical laboratories, where blood tests are analysed, to be present in court to give certain information which will lead to the validity of the blood test. This is all very well, but it appears to me that the Government has introduced a Bill which deals with the mammoth subject of random breath-testing and it has tried to pretty it up by including other matters of interest which are necessary and which require distinct and separate decisions to be made. For this reason one cannot oppose the Bill at the second reading stage. I am absolutely aghast that this type of legislation is being considered in Western Australia.

I happen to know section 66 of the Act very well, and I might as well advise the House at this stage that I have been convicted under this section. The section states that where a member of the Police Force has reasonable grounds to believe that a person, while driving or attempting to drive a motor vehicle, has alcohol or drugs in his body, then he may be required by the police to stop. The crunch is if the police have reasonable grounds to believe he has alcohol in his body.

Section 66 of the Act has been abused time and time again, but that does not give the Government the right, in its endeavour to take away the abuse that has been exercised, to amend section 66. The amendment still contains the words "reasonable grounds" but nullifies the way in which it is used. Anyone who reads the amendment will know what I mean, and I will make further remarks on this subject when we debate clause 6 during the Committee stage.

I mentioned that section 66 of the Act had been abused. I know, through my experience, that that is the case. Despite the fact that I had a blood test which proved that I had no alcohol in my body, I was pulled up and charged with driving under the influence because the tail light on my vehicle was not working. I was said to have been smelling of alcohol. I do not know how one can smell of alcohol. However, I was summarily convicted because I refused to take a breathalyser test on the grounds that I believed the police did not have reasonable grounds to believe that I had been drinking. In fact, I had positive proof that there was no chance of alcohol being in my system. Certainly, the blood test I had taken proved that. I might add that I had to go to considerable trouble to get a laboratory that would take a blood test from me that the police would recognise and which would stand up against the other blood test that the police were doing in their own laboratory. I did not refuse the blood test, but I was not going to have a breathalyser test on the side of the road under the guise that the police had reasonable grounds to believe that I had been drinking.

As the members who have been in this House for a long time know, I took the matter to court and I won the first round. That is where the case would have finished, but the magistrate awarded costs against the Government and as a result it took me to the Supreme Court and I did not do as well in the second round. I advise any member who wants to aspire to greater heights that if he wins the first time he may not necessarily win the second time.

I am surprised that the Minister for Sport and Recreation has brought this legislation into this House because many sporting functions in the country are being attended by people who fear that on their way home they may be apprehended and tested for drinking or for some other offence. I do not care which country member on the other side of the House tries to defend the Bill, but I suggest that those who do go out into the country and try to find one person who agrees with random breath-testing. They will not find one person, particularly in the country area I am proud to represent. By introducing legislation of this type the Government is killing country towns. It is killing the will of even women to drive in to country towns whether they drink or not; it is killing their initiative to attend sporting or any other functions. Members may laugh, but there is only one road into a town and one road out, and not many vehicles are required to block it.

Several members interjected.

Hon H.W. GAYFER: Government members should shut up -- they can make their speeches later.

I recall a case where a member of a bowling club had had a few drinks at the club and he drove within one quarter of a mile, or less, of his front gate before he was pulled up by the traffic police. He was required to undergo a breathalyser test, but was told not to go to the police station because its unit was not functioning properly. The police found that out previously and let another person go. They took him to the local hospital which refused to give a blood test; he was then taken to another town 40 miles away where a blood test was conducted. The police then took him home and let him fry for about four months. His licence was taken away, but will be returned to him on 16 November this year. This was a case of rank intimidation. How is a man to get home? How can anyone go to town and take the risk that high blood pressure will cause a row with the police if pulled over on reasonable grounds? People will be herded into corrals like cattle and drafted out at the other end, after having a bag literally pulled over their heads and suffering all sorts of indignities. Respectable people will be affected; and I ask how far is the Government prepared to go?

Hon G.E. Masters: This law goes further than that.

Hon H.W. GAYFER: I know. We will feel the full brunt of these provisions in another direction. I can imagine how people in the districts represented by members opposite, as well as myself, will appreciate the introduction of random breath-testing.

Hon Tom Stephens: Do you feel strongly about this provision?

Hon H.W. GAYFER: Do I ever! Hon Tom Stephens should wait until the residents of the country towns in his area are subjected to reasonable grounds for thinking they have been drinking.

Hon G.E. Masters: The police only need reasonable grounds to think they are driving.

Hon H.W. GAYFER: The provision even says the policeman only has to believe that the person was in charge of a vehicle. It does not say "driving"; the provision is very broad. If one reads the provisions one realises the situation is farcical. Country sport has been injured in the past; the fear within country areas of the term "reasonable grounds" will kill country sport. The right to have a drink has been taken away and people who used to have a drink will now not do so as they will be too frightened by the idea of being herded into corrals like cattle, with bags over their heads -- broadly speaking. Members will know what I mean: Blowing into straws and being subjected to indignities which the rights of the individual should not allow.

Hon John Halden: What about my two-year-old walking across the street and being hit by a drunk driver?

Hon H.W. GAYFER: Now Hon John Halden argues against the rights of individuals, saying, "What about my two year-old walking across the road and being hit by a drunk driver?" If that child were to fall down from Bond's new building and die, should Parliament introduce a law to prevent Bond buildings being higher than six inches from the ground? Should we have told the person involved in a skiing accident recently and suffering injuries to his head -- his ear was torn off and his neck almost torn in two -- that he had no right to be skiing? How far does Parliament go in relation to the licence to live?

Hon Garry Kelly: He didn't hurt anyone else.

Hon H.W. GAYFER: Hon Garry Kelly hurts me. I am totally against random breath-testing. If the need exists for this in city areas, then put a ring around the city, around the MRPA boundary, but leave the country areas alone.

Several members interjected.

Hon H.W. GAYFER: I hope the interjections of the country members are coming through in *Hansard*. I will circulate them later to the country newspapers.

I repeat, for the sake of the Leader of the House who has now entered the Chamber --

Hon J.M. Berinson: I could hear you outside.

Hon H.W. GAYFER: I don't doubt that.

Not one country town would have the support of the majority for this legislation. The Police Force uses enough arrogance now in implementing section 66 of the Act. I emphasise that point, and if my car CR-500 goes off again tonight, as it did last time I attacked this legislation, everyone will know what I am talking about. I will use the strongest possible language to cause irritation in relation to the term "reasonable grounds". I have criticised this section in the House previously, gaining much publicity. Make no error about this matter, I know the circumstances -- as do many others. If members care to read the Crown case they will find out what was said under oath.

I will never support random breath-testing. The present Act goes too far now in allowing arrogant abuse to take over. Of course, reasonable grounds may exist for believing a person is driving under the influence of alcohol. If a driver went through a traffic light, that would be reasonable grounds; but to pull a driver over because a tail-light has gone is not reasonable grounds.

This provision goes one step further -- to allow random breath-testing, and to stop every vehicle on the highway. According to my advice and investigation, the police may stop 20 cars in a row and tell them to pull over. This situation will create more work for the police. At the moment the police can stop one car and 10 may slip by. The reasonable grounds concept will allow the police to easily move vehicles to the side of the road saying, "You wait a while in that corral; we will get to you later. We will let you out the drafting gate, one way or the other."

Hon G.E. Masters: Imagine the country races. They will stop every car.

Hon H.W. GAYFER: I can imagine that. I hope this debate does not reach the media. I may be apprehended by five o'clock at Northam tonight --

Hon J.M. Berinson: Where will you be at five o'clock tonight?

Hon H.W. GAYFER: I do not know. This Bill is a rotten piece of legislation. If the majority of people in the metropolitan area want this legislation, let them have it -- let them bring it upon themselves. However, I can tell honourable members that there is not one country town where the majority of people would vote in favour of this legislation, and that includes the Methodist Church, or anyone else. They would not agree because it violates our rights as individuals and our freedom in the way we live.

People in country towns must walk as they have no public transport and no taxis. Wives will not drive husbands home from clubs now because they are frightened that they will be pulled up and told to blow in the bag. This removes the possibility of being able to obey the law as it is presently written. I absolutely oppose any amendment to section 66 of the principal Act, and certainly oppose the clauses in the amending Bill.

Has the Leader of the Opposition any means of altering this legislation so that people are not picked up using the excuse of "reasonable grounds"? Police using this provision should be made to stick a little more closely to the truth. Some police abuse people, stand over them, are arrogant, or are inclined in many cases to use the excuse of reasonable grounds to abuse the rights of this Parliament, which inserted reasonable grounds in the legislation believing that that provision would be used reasonably. However, I claim that it is not so used. When the legislation is amended and that provision of reasonable grounds appears in the new legislation -- if it does appear -- it will do so in the section referring to random testing. That will be abused even further than it is at the moment.

HON J.M. BROWN (South East) [12.34 pm]: It is important to reflect on the background of random breath-testing and to review what has taken place in country areas of Western Australia as those happenings relate to the Bill before us. I can state clearly that a very unsatisfactory arrangement existed when country local authorities were responsible for traffic control and appointed their own traffic inspectors. That created a period of frustration for local councillors and the community generally in relation to traffic control and the role of traffic inspectors.

I will give some background in relation to this matter. In 1972 legislation was introduced under which local authorities could, if they thought fit, hand over traffic control to the Commissioner of Police so that the police could control traffic in country areas. It was nearly a decade before amendments to the Traffic Act were introduced and the police assumed control for not only licensing fees but also vehicle movements and traffic control under the direction of the Commissioner of Police. That was far more effective and beneficial for the people of Western Australia.

The legislation we are now discussing must be considered rationally. We must assume that what is taking place will lead to more effective control by the police. At one time we had two branches of the Police Force -- the Road Traffic Authority and the Police Force. However, both were controlled by the Commissioner of Police. Herein lies a tale of great distress in rural communities because of that divided Police Force and conflict that existed between the Road Traffic Authority and the Police Department. A Labor Government effectively amalgamated those two departments. I am of the opinion that police control is now far more effective and beneficial than it was under the old system.

There are several matters that I will now raise in relation to traffic control, particularly in the country. The first line of public relations for the Police Force is usually the patrolman. The way in which that person conducts himself creates the impression that people have of the Police Force, so it is essential that traffic patrolmen are well skilled in public relations as well as in their control and knowledge of the Traffic Code.

As a country member who travels 36 000 kilometres each year in his own car, I have received infringement notices, which I have paid. However, I have paid particular attention to the officers who have apprehended me. On one occasion I did not appreciate an officer standing over me with a revolver at his side. This occurred at 4 o'clock in the afternoon on the side of the road. I asked him why he carried a revolver and he said that he was allowed to carry one and could have carried a shotgun as well. I believe that that sort of approach



should be corrected. I pointed out to him that he was apprehending me as I was just leaving the town, that I was not driving into the town, and that I had been within the confines of the speed limit. He said that when the Main Roads Department shifted the signs to a different position he would take note of them, but that he was only doing his job. One could question what that job was -- whether he was just collecting fines or enforcing controls.

I have raised this matter because I have a cruise control in my car so that I can maintain the speed limit. I had been in the 80 kilometres per hour limit, but when he apprehended me I was in the 110 kilometres per hour zone, but was apprehended for doing 102 kilometres per hour in the 80 kilometres per hour zone. That resulted in a fine of some \$60. Had I been travelling at under 100 kilometres per hour in the 80 kilometres per hour zone, that would have resulted in a fine of only \$40.

There is a great responsibility on traffic officers to not only carry out their job of apprehending erring motorists and exercising control, but also to ensure that road signs are correctly exhibited. They should be in a position to make recommendations to superiors relating to improvements to traffic signs on highways. If one drives from Kalgoorlie to Perth, as I often do, one notices great variation in the signs at the end of roads -- and where does one find traffic inspectors? At the entrance or exit to a town. They do not seem to understand that there are different speeds that an unsuspecting motorist must face along the highway. Cunderdin has zones of 70, 80, 90 and 110 kilometres per hour. Those speed limits have not been changed even though there is a causeway, similar to the metropolitan freeways, through the centre of Cunderdin where the speed limit is 70 kilometres per hour. In contrast to that, the speed limit on the metropolitan freeway system has just been increased from 80 to 90 kilometres per hour.

Patrolmen have a responsibility to use initiative in respect of traffic controls. I have outlined some of the initiatives that I think they could utilise in their service. On the day that I was apprehended I abhorred the fact that the officer carried a gun while on the highway as I saw no need whatever for him to do that. I know that the sergeant in charge of a station has the responsibility for permitting the shouldering of arms, but I believe that such exposure does nothing to enhance relations between police officers and motorists. I am well aware of the reaction of motorists in relation to speeding along the road, and their responses to the traffic officer could be very testy. So it is a two-way conflict in many instances.

I want to say to the Parliament and to the Police Force that it is essential that traffic inspectors go beyond the role of revenue collectors. It is essential, in country areas especially, that their rapport with people be on a basis whereby they have a job to do, they are part of the community, they have initiatives within themselves, and as a result of those initiatives we will have less trouble on the roads.

Hon P.H. Lockyer: It is generally quite good really, though, isn't it?

Hon J.M. BROWN: There are times when responses are rather testy. As Hon Gordon Masters has just said, if one is an erring motorist one must accept one's responsibilities and meet one's commitments because, when all is said and done, the laws are passed by the Parliament.

As to random breath-testing, while I disagree with some of the comments made by Hon Mick Gayfer, I believe that anything that regularises the situation would be far better than the situation we have now. The police, and the traffic patrolmen especially, are able to carry out random breath-testing now. Hon Graham Edwards indicated in his second reading speech that it is a de facto arrangement. It is a most unsatisfactory arrangement between the law enforcement officers and the public. It should be righted, and that is the aim of the Minister.

Hon P.H. Lockyer: Why is it?

Hon J.M. BROWN: Hon P.H. Lockyer asks why it is that it should be regularised. Is that the question?

Hon P.H. Lockyer: Why is it an unsatisfactory arrangement? In fact you called it a de facto arrangement. Why is it unsatisfactory?

Hon J.M. BROWN: In the country areas people generally know that they can be apprehended for any reason whatsoever. With the knowledge in country areas, with everybody being part of the community -- such as in the Shire of Corrigin which has a

population of several thousand people and everybody knows everybody and what each other's habits are -- sometimes the police might single someone out.

Hon P.H. Lockyer: What difference will this legislation make?

Hon J.M. BROWN: It will give the police, especially those in the metropolitan area, an opportunity for random breath-testing. The way I saw it work last week in Victoria was that the police have a special laneway available into which they direct cars at random. The laneway appeared to hold about eight cars.

Hon G.E. Masters: Do they keep it full all the time?

Hon J.M. BROWN: As the Bill indicates, it is a random breath-test. I saw it operate for the first time last week. But I have sat on the Bench and witnessed a case in which a road traffic inspector with the Road Traffic Authority charged a person driving in a dual carriageway with being too far to the right-hand side of the carriageway when he should have been on the left. That was the charge. When we think about it, perhaps he was going to turn right on the dual carriageway. But that was the reason the inspector gave the court for stopping the motorist. However, the real reason was that he thought the driver had been drinking. He was quite right, and the driver was charged with the offence of driving under the influence of liquor. I saw that happen; the police have that right. Why give them the right to do it that way when we could do it in a regularised way which everybody understands?

*Sitting suspended from 12.45 to 2.30 pm*

Hon J.M. BROWN: People in the country understand that they should look for a skipper. It is recognised throughout the State that if one is going to partake of intoxicating liquor one either appoints a skipper to drive or finds alternative means of transport. That practice is certainly recognised in the area I represent. It is also wisely advocated by the Australian Hotels Association and the licensed clubs, to their great credit, as part of the campaign to reduce the road toll.

Random breath-testing, as proposed in the Bill, will empower the police to test anybody without having to have an excuse to do so. In my opinion, it will generate far more public respect for the Police Force. Country police officers are highly regarded by local communities. One has only to try to close a country police station down to see the strong opposition from the community. They are an integral part of the community and contribute to the wellbeing of the people. In Norseman, the police are very much involved in sporting clubs and are leaders in the community. The sergeant is the captain of the local bowling club. The police officers have a great deal of responsibility placed on them, particularly because they have to control traffic coming and going across the Nullarbor Plain and they are also required to maintain law and order.

I support very much the Police Force. I believe that all members of Parliament would want to see them properly housed in quality police stations with high quality equipment to enhance their positions as upholders of the law. If the police have the ability to random breath-test drivers, their operations will be far more effective than the de facto power under which they have had to operate until now.

Unfortunately, Hon Gordon Masters did not give us a great deal of information on why the Opposition is opposed to the legislation. That is a shame because it would have been far better for him to explain to the House exactly why the Opposition feels that way when he spoke during the second reading debate than to do it during the Committee stage of the Bill.

Hon G.E. Masters: We are supporting the second reading.

Hon J.M. BROWN: Yes, but I felt it would have been more constructive for the Opposition to have informed the House of its objections during the second reading debate. Unfortunately, the Leader of the Opposition raised irrelevant matters including the cuts in road funding. That is a different matter and should not have been raised in this Bill. By the way, I believe that the bicentennial road funding programme is achieving great results with improvements to roads throughout Australia.

This Bill deals with certain matters one of which is random breath-testing. The police have a de facto power to do that now, but it should not be a de facto power. I believe the police would prefer the alternative -- that is, the power to randomly breath-test motorists in this

State. The traffic patrolman has the front-line contact with many people who are usually pulled over for some reason.

Hon P.H. Lockyer: This Bill will not stop police from pulling over drivers to produce their licences. Do you want that power taken from them?

Hon J.M. BROWN: No, but the excuses they have used for pulling people over for breath-tests are usually just that -- excuses. I have known police to use the excuse that a car's tail lights are out and when the driver gets out to investigate finds they are on. However, I believe that the provisions of this Bill will reduce the carnage on our roads. The fact that it has been decreasing is a credit to the Police Force. If these provisions reduce the toll even further, they should be supported.

I dissociate myself from the remarks made by Hon H.W. Gayfer. I note that he is not here.

Hon P.H. Lockyer: He is away on parliamentary business in his electorate.

Hon J.M. BROWN: I know. He said that country people are strongly opposed to any provisions relating to random breath-testing. What he meant was that country people are opposed to being apprehended by police using the de facto provisions available to them now, as they are opposed to the new provisions. However, I believe the manpower of the Police Force will be far better utilised with the new provisions.

I believe that traffic patrolmen should be encouraged and rewarded not only for their control of traffic on highways but also for ensuring that road signs and conditions are improved in order that the public can drive with far greater safety. When one drives into a country town the speed signs indicate a reduction in speed from 90 kilometres an hour to 60 kilometres an hour, just as they indicate an increase in speed from 90 kilometres to 110 kilometres an hour as one leaves the town. I am sure the 90-kilometre signs one sees when leaving the towns are only put on the posts because the posts are there to show speed limits for incoming traffic; they serve no useful purpose.

The Main Roads Department and the Police Department carry out continuous studies of road signs. I took them to task on their study of signs in the lakes district. I believed it was foolish to have a large sign with distance information on it and then a speed sign. Police officers should be encouraged to advise the departments on how travelling on these roads can be improved.

The Government believes that safety on our roads will be improved by the introduction of random breath-testing. I believe that Western Australians generally, and particularly country people, do not like being apprehended under these de facto provisions and would have far greater respect for the Police Force if they knew that random breath-testing was provided for under legislation of this Parliament.

I support the Bill.

HON TOM STEPHENS (North) [2.40 pm]: From time to time we are faced with arguments from the Opposition parties which indicate that they really have become the funny parties. In this case they are trotting out arguments for the cause and defence of drunken drivers, and they are now the champions of yet another disadvantaged group within our community -- the potential drunken drivers who will be caught on our roads by the Police Force.

Hon P.G. Pandal: Who wrote this for you, one of Burkie's mob?

Hon TOM STEPHENS: It amazes me that Opposition members have the gall to sit on that side of the Chamber and trot out the nonsense to which we have been subjected during the debate on this Bill. From time to time I try to work out whose pay they are in.

The DEPUTY PRESIDENT (Hon John Williams): Order! Perhaps in the excitement of making a speech the member has not realised that he is sailing very close to using insulting language which cannot be allowed by the Chair.

Hon TOM STEPHENS: I am confident that in the long run anyone with insight into the nature of the Liberal Party would know that it was not worth asking it to do a job because it could not do that job well.

Several members interjected.

The DEPUTY PRESIDENT (Hon John Williams): Hon Phillip Pandal needs no reminding that he has the right to speak after Hon Tom Stephens has resumed his seat, and the same applies to Hon Tom Butler.

Hon TOM STEPHENS: I am amazed by the arguments put forward on this issue of random breath-testing, and I am quite confident that the Minister in charge of this Bill will handle this aspect of the Opposition's argument more than satisfactorily, as did the previous speaker, Hon Jim Brown.

I move to a small component of the Bill which I am pleased to see included in the amending legislation. I refer to that section dealing with mopeds. I am delighted to see this amendment because it is an example of legislation introduced as a result of representations I received in my electorate from a businessman, Mr Frank Pinner. Unfortunately he had misjudged the situation with regard to the importation of mopeds into this State. Mr Pinner operates the Roebuck Bay Resort in Broome and is keen to attract to that resort complex visitors who would be interested in riding mopeds around my beautiful home town of Broome.

Hon P.H. Lockyer: It is not your home town; you are a visitor and a tourist.

Hon TOM STEPHENS: My wife says that I have become a visitor and tourist, and unfortunately it might be the case that one becomes a visitor and tourist in one's home. Nonetheless, that is where I lay my swag and in the end where my home is.

Hon P.H. Lockyer: Without shame.

Hon TOM STEPHENS: The proprietor of the Roebuck Bay village had purchased 15 brand new Suzuki mopeds and then discovered that the existing legislation would prevent those mopeds being available for use in the way he had envisaged, simply because the mopeds had no "peds". What does one call a moped without a ped -- is it a mo?

Hon P.G. Pandal: This is high-powered stuff!

Hon TOM STEPHENS: These vehicles have a step-through, push-bike type operation, lights and indicators, are less than 50 cc, and have front and rear hand brakes -- in this case automatic. In normal circumstances they would be required to have a set of pedals to be classified as mopeds. However, the Suzuki mopeds do not have a set of pedals and the existing legislation would require the driver of such a vehicle to have a motor cycle licence. In that context I raised the matter with the Minister for Police and Emergency Services, Mr Gordon Hill, and told him of the problem facing Mr Frank Pinner.

Hon P.H. Lockyer: A good Liberal.

Hon TOM STEPHENS: He will not be if you oppose this legislation.

Hon P.G. Pandal: We are supporting it.

Hon TOM STEPHENS: As long as the Opposition gets it straight. Frank asked me to take up this issue, which I did.

Hon J.M. Brown: What is a good Liberal?

Hon Garry Kelly: We will dig one up.

Hon TOM STEPHENS: Did I hear someone say, "The only good Liberal is a dead Liberal"?

The Minister for Police and Emergency Services considered the proposition I put to him and agreed that when the legislation governing the licensing of drivers of mopeds was amended, he would take the opportunity of amending the Act to allow mopeds without pedals to be driven by people without motor cycle driving licences. Such people could be as young as 16 years of age, and they should be allowed to drive this brand of moped despite the fact that it does not have pedals.

Under the current Road Traffic Act the word "moped" is used to describe a motor cycle that has a piston displacement of 50 millilitres or less, is capable of being propelled as a pedal cycle, and is not designed to be capable of exceeding 60 kilometres an hour. The criteria under the proposed amendment relating to piston displacement and design speed will be retained; however, there will no longer be a requirement for pedals to be fitted to the machines.

Frank Pinner rang me in my office in Broome on 4 April and I wrote the following letter to the Minister on 14 April --

I have received representations from Mr Frank Pinner of the Roebuck Bay Resort. Mr Pinner purchased 15 Suzuki mopeds some six months ago and is still awaiting for them to be licensed. I understand these mopeds conform with all moped By-laws, but they do not have pedals, which current Legislation required. Mr Pinner acquired these mopeds as a feature of his just new Resort here in Broome, to be hired out to tourists.

I am writing to you, in the hope, if there is any way possible for you to prevail upon Cabinet to have the Bill relating to the Amendments to the Traffic Act, specifically Legislation of Mopeds (without pedals) to be placed on a higher priority this Parliamentary Session, to enable Mr Pinner to continue with this tourist venture of his.

I expressed my desire to have a favourable response to those representations to the Minister for Police and Emergency Services. The Minister responded to my representations a couple of weeks later and indicated that he was quite sympathetic about Mr Pinner's situation and he was interested to see how the legislation could be amended in order to accommodate the mopeds that had been imported into Broome. The Police Department eventually responded to the Minister in such a way as to show that it would be possible to amend the legislation, so Mr Pinner's Roebuck Bay Resort in Broome will be blessed by the addition of 15 mopeds. The members who are familiar with my home town can just imagine the advantages to that town of --

Hon Mark Nevill interjected.

Hon TOM STEPHENS: I have no idea; we will leave that to the imagination of Mr Pinner. Members can imagine the sight of Hon Phil Lockyer -- if I ever invited him to Broome -- driving around on one of those mopeds. They would see elephant pants over the side of one of these mopeds, driving around Broome.

Broome is a delightful environment, a beautiful spot, and is blessed with very good weather. A bike such as this moped would be a tremendous asset to somebody who wanted to go around the township to look at the beauty of this locality and at places like Chinatown, with its old buildings, and the old area with its examples of early colonial architecture.

The DEPUTY CHAIRMAN (Hon John Williams): Order! We are dealing with the Road Traffic Act.

Hon TOM STEPHENS: Yes, we are, and this particular piece of road traffic legislation provides my home town of Broome with the opportunity of --

Hon G.E. Masters: Do you have any idea how many mopeds are up there?

Hon TOM STEPHENS: There will be 15 when this legislation passes through the House, all without pedals.

Several members interjected.

Hon TOM STEPHENS: Mr Pinner, like many other people in the past who have supported the Liberal Party, would no doubt have been as shocked and horrified by its performance in recent years as I have been, and no doubt that is one of the reasons why he chose to come to me.

Hon P.H. Lockyer: You should hear some of the stories I get about you in the mail. I can tell you they do not all love you.

Hon TOM STEPHENS: That letter looks interesting. Who is it from? It appears to have a crest on it.

Several members interjected.

Hon TOM STEPHENS: The opportunity will be there for tourists coming into Broome to utilise these vehicles and to take in the sights and the beauty of this locality. The moped is of such a low cubic capacity that it should not be necessary for people to have a motorcycle licence in order to operate it. The moped is not a powerful motorcycle; it is very low powered.

Hon G.E. Masters: My colleague, Hon Phil Pental, would like to know how many wheels it has.

Hon TOM STEPHENS: I can appreciate that most of the member's colleagues would need to know the number of wheels on a moped motorcycle. That is the sort of fundamental question they would be asking about most of the issues that come to this House; and that is one of the reasons why the member and his colleagues will stay on that side of the House while we are likely to have a very long term on this side of the House.

The moped is most likely to have only two wheels, if that comes as any great surprise to Hon Phil Pental.

I am delighted that the Minister has seen fit to accept the amendment to this legislation. This amendment was necessary in order to accommodate the importation of these particular vehicles into Western Australia. I support the Bill.

HON P.H. LOCKYER (Lower North) [2.57 pm]: Can members imagine visiting the fair city of Broome and seeing, next to that famous bronze statue of Sam Male, the founder of the Kimberleys, a bronze statue of Hon Tom Stephens with a pair of moped pedals in his hand! What a wonderful contribution that would be. I can assure the member that his contribution is noted and that we on this side of the House have no objection to the clause in this Bill dealing with mopeds; in fact, we support it and find it to be a sensible amendment.

The member knows that the reason this clause is in the Bill does not have anything to do with him but is something which has been handled by the Police Department for a number of years. The Police Department has been trying to find a compromise to suit everybody in the road traffic section of the Police Department, and it has managed to do that; consequently it has been made part of this legislation -- as Hon H.W. Gayfer said this morning -- to try to sweeten it up and to convince us to support clause 66, which relates to random breath-testing.

I assure the House that I support the Bill, except for the section relating to random breath-testing. I listened carefully to the arguments of Hon J.M. Brown, for whom I have great respect, but he failed to convince me that there is any reason to follow this sort of legislation with the bad legislation that is already there which allows policemen to pull a person up whenever they wish; which is what they can do now.

I do not agree that policemen should be able to do that. I believe we live in a supposedly free society, and no argument from the other side of the House will ever convince me that we should allow policemen to do what they are presently doing. However, my compromise is that I will reluctantly accept that policemen are able to do that, even though I dislike that intensely -- almost as intensely as being pulled up by a traffic patrolman in a motor vehicle only to find that when he gets out of his vehicle, he has leather leggings on.

My recollection of these leggings is of the Brown Shirts during the 1939-45 conflict when they were worn for other reasons. However, I see no reason whatsoever for policemen to wear them. I have the highest respect for the Western Australian Police Force. I think its members, by and large, do a first-class job. They do what they are charged to do but among them there is an element who think that it is not a bad idea to strut around in those balloon-like leggings, which incidentally were designed for motorcycles. However, these days it seems whether the policemen are riding motorcycles or driving cars, or a moped, it is fashionable for them to wear these leggings. I do not like it.

I dislike intensely the possibility of bringing to this Parliament legislation giving the police the right to random breath-test the general public. I will not have that for a number of reasons, not the least of which is concerned with the public's right to do what they want to do.

Hon T.G. Butler: Drink and drive?

Hon P.H. LOCKYER: Do not be silly. I do not condone drunken driving any more than Hon Tom Butler does -- and he probably does it as much as I do; do not deny it.

The Opposition believes that the police at the present time have at their fingertips every opportunity to take advantage of apprehending people who they suspect are driving under the influence of liquor, drugs, or both. We do not see any reason whatsoever that the public's civil liberties should be any more invaded than they are at present. So many times we have heard the Government say that it cannot afford to put more policemen into the force,

but where is the manpower going to come from to man this new section which is required to mount the random breath-testing invasion on the public? The Minister, by way of interjection, said that even though the police have the right to wave in 100 motorists at a time, it will not be their intention to test each one of them. I respect that the Minister means what he says, but that does not mean that the police will not do it, whether it is the intention of the legislation or not. There may be, for example, some good reason that a particular policeman, or policemen, may choose to random breath-test all of the motorists, regardless of the inconvenience that it may cause.

I agree with Hon H.W. Gayfer and Hon G.E. Masters; the right way to get the public to think is to make sure policemen are more visible on the roads. The Government should stop them hiding behind trees. I implore the Government, as a first step, to go down to Jandakot Airport and put the two aeroplanes owned by the Police Department on the market. Whenever the Government gets what it can for those two craft, it should put the money into more patrol cars and into more personnel.

Hon T.G. Butler: They are very efficient.

Hon P.H. LOCKYER: For what?

Hon T.G. Butler: Picking up speeding drivers.

Hon P.H. LOCKYER: Do not be ridiculous. I would say that Hon Tom Butler would be easy meat. I am not saying that they could not get people like him and me, I am saying that the aircraft will not pick up anywhere near as many people that the money channelled into patrol cars and personnel would catch. Suppose the aircraft are worth \$100 000; that money could probably buy 10 patrol cars. As far as I am concerned there is no requirement for a spy in the sky. If the Police Force is insistent upon doing it, it should hire a plane from time to time. If they need one to move personnel around -- I understand they use the Partenavia aircraft which has a bubble nose on it -- they could do that too. The Government had no trouble hiring a Citation jet to take Ministers to electorates during the recent election; so there would be no trouble hiring a plane to cart police personnel around at short notice.

It is my view, and it has been for some time, that sections of the Police Force, as I forecast in a speech in 1981, have turned themselves into a private air force. It is totally unnecessary. There is no requirement for a Police Air Wing as they have now, and members would find that a high proportion of the Police Force would agree with me. It is a waste of funds which could be put to better use.

It is evident to those of us who read the back of the *Daily News* -- I have not been reading in my speech because that is against Standing Orders -- that the road toll chart on the back of that newspaper details for the 316th day of the year that the total deaths in 1987 are 180; while at the same time last year the number was 208 deaths. That is 28 fewer deaths, and although it is nowhere near low enough as far as I am concerned, the steps that have been taken are justified in those figures. There is a natural increase in the number of people using the roads every year, and taking into account the adjusted figures, the Police Force is to be congratulated for bringing the road toll down so considerably. In percentage terms the reduction is quite significant. There is not one skerrick of evidence -- and Hon Gordon Masters is quite right; technical evidence should wait until the Committee stage; I have a considerable amount of technical information that I will introduce, as my colleagues no doubt will do as well -- that proves that random breath-testing in the long term does any good whatsoever.

People say that if one life is saved, that is by itself proof enough. I say that if 10 more patrol cars were put on the road, another 20 lives might be saved. It is my firm belief that not a member of this Chamber would not be put off and pay more attention to his driving by the sight of a police car or motorcycle on the road. That is the way to bring the road toll down, as are educational programmes. The public must be educated.

I congratulate the Western Australian Hotels Association and the Licensed Clubs Association for their efforts and awareness of the problem. However, as I have said in this Chamber many times before, we cannot keep attacking that particular area. They are the people who have borne the brunt of much legislation, and this is another piece of legislation which will affect them. I have no doubt that the first place the police will conduct their random breath-testing will be outside hotels. If I were a policeman, that would be the first place I would go. If they are going to get a few positives, that would be the place to do it.

Hon T.G. Butler: They do it now.

Hon P.H. LOCKYER: I am quite aware of that, and they do. I do not think we should condemn the police for using the bad legislation they have to work with at the moment because that is all they have to work with. If a policeman has a slight suspicion that a driver may have been drinking, he uses the available legislation to pull that driver over. He might do so just to see the driver's licence, which he is quite entitled to do and, like Hon H.W. Gayfer, that driver might have alcohol on his breath. Then the policeman is entitled to put the driver through the procedure of having either a blood test or a breath test. For the love of me, I cannot see why they would also want to have random breath-testing because it is already available to them, whether it be de facto or not. I have spoken to many policemen on the matter and not one of them -- except a very senior officer -- is fussed about the whole thing. Why all of a sudden is it that the Police Force had this change of heart and wants random breath-testing? I cannot work it out.

If Hon Tom Stephens and his moped mates are so anxious to have this legislation, why can they not bring it in separately? I am sure it would take about five minutes to get through this House. However, they well know that the community does not like random breath-testing. Many people in the community think we are now over-policed; they believe that the Police Force has far too much power. Members opposite should not think off the top of their heads that everybody supports this legislation, because they do not. There are members of the Police Force who believe they have more than enough powers available at present. So why is the Government so anxious to introduce this?

I listened carefully to Hon Jim Brown's comments, and he did not even half convince me that there is any reason in country areas why we should change the legislation. He said police at present could look at one's personal bad habits -- and some of us have more than others -- and take advantage of them when one is leaving a hotel. If this legislation is passed, there is no question of taking away from the police the opportunity to stop a car and check a licence, a bald tyre, or a broken tail light. This simply adds to the existing legislation. So the argument that the de facto legislation would go away does not hold water; the police will still be left with the right to random breath-test. That means a policeman can stand on the side of the road and wave 10 or 80 cars onto the side. The drivers of those cars can be put through the breath test.

Should not the general public's opinion be taken into consideration? What about someone who is on the way to the airport and is running five minutes late to catch his aeroplane? What happens if he is No 71 in a queue of 80 cars? Does he put up his hand and say, "Mr Policeman, I am on the way to catch a plane." I know what will happen if he does. The policeman will tell him to wait where he is until they get to him in 15 or 20 minutes' time.

Hon Tom Helm: What does he do now? He can get picked up now.

Hon P.H. LOCKYER: Yes, but only one at a time. What if he is in a big line? Hon Tom Helm would be nice and cranky if that happened to him.

Hon Fred McKenzie: What if someone gets caught in an accident caused by a drunken driver?

Hon P.H. LOCKYER: There are all sorts of "ifs".

Hon Tom Stephens: Logic was never your strong point.

Hon P.H. LOCKYER: Be very careful, my friend. I may check with that cattle buyer out at Dunham River -- the one the member tried to get a sling off.

Hon Tom Stephens: Go ahead! Do you agree with what Cardinal Sin had to say?

Hon P.H. LOCKYER: This type of legislation will inconvenience the general public more than people think. Hon Gordon Masters said earlier that in New South Wales one out of 200 drivers is caught. That is 0.5 per cent. That is not enough to convince the general public that they should be inconvenienced.

Hon G.E. Masters: And their record is still worse than ours.

Hon P.H. LOCKYER: Both New South Wales and Victoria have road tolls which, per capita, are far worse than ours. Ours is improving, and theirs are getting worse.



There is not a skerrick of evidence which will convince me that we need to support this proposal. I will not support it. I will support the second reading of the Bill because, like other members, I believe there are some clauses which deserve to be passed. There is no way in the wide world I will support random breath-testing. Members opposite can consider it doomed. I hope my colleagues support me.

**HON TOM McNEIL** (Upper West) [3.14 pm]: Unfortunately I was absent this morning when Hon Mick Gayfer made his speech, but I have been told it was a top performance. I can assure Government members that I in no way reiterate the remarks he made because I did not hear his speech.

Let me make my position clear as I did to Assistant Police Commissioner Frank Peters six months ago. In no way can I support the part of the legislation dealing with random breath-testing. The reasons I gave him at the time are those which comprise my argument at the moment. I take umbrage at the suggestion by Hon Tom Stephens that members on this side of the House are in some way derelict in their duty by not supporting the Government's action.

I do not see that by turning down this legislation and opposing it we are taking away any of the rights which the Police Force currently has to pull drivers over to the side for whatever reason, whether erratic driving, a faulty vehicle, or suspicion that the driver may not have a licence. They have that right, be it *de facto* or anything else, and by opposing random breath-testing we are in no way reducing the present powers of the police. We are not taking something away from them; they have that right. They only have to pull the guy to the side of the road and say, "Right, breathe in the bag", and that is the end of it.

We are living in a society which is being regulated more and more. I have read the statistics of what has happened in the Eastern States and the benefits to the general public from catching drink drivers. I also listened to Hon Philip Lockyer when he said that only one in 200 was charged. I cannot recall the figures which were presented to me.

Commonsense would decree that if the police currently have the power to pull a guy over to the side of the road and slam a bag on him, nothing is taken away by our opposing random breath-testing. Members opposite have to convince me that I am doing something to harm the general public, and they cannot convince members on this side that we are harming the people of this State by suggesting that we will not approve of random breath-testing.

I know many guys on the other side who would like a drink, as would many on this side, but if members have ever been in a position where they have been drinking and the police may be on the roads, they will know they always drive with double care and not in a manner which will cause them to be pulled to the side of the road.

There are many people in the country who would be more greatly disadvantaged by this legislation than those in the metropolitan area. If a guy in the country likes a beer and he has to go a fair way to get it, he has to get a driver to take him from the farm to the local tavern. It is all right in the metropolitan area; he can get on the Citylink bus and ask to be dropped at the nearest boozier. Then he gets back on the Citylink and is taken home again. It is not like that in the country, and I am not going back to my area and suggesting for one moment that I voted for something that will have a triple effect on country people compared with that on metropolitan people. At the same time I know I am not decreasing the powers which the police currently have. I am vehemently opposed to the random breath-testing part of this Bill.

**HON FRED McKENZIE** (North East Metropolitan) [3.18 pm]: I support the Bill. It is clear to me from the debate and the remarks of country members that they are driving on the roads while under the influence of alcohol.

Hon Tom Stephens: Some of them.

Hon FRED McKENZIE: The point has been made about the adverse effect it would have on people in the country. If people are not drinking, why are they worried about being pulled over by a policeman to go through a random breath-test? It appears that way; I do not know that that is happening, but it appears they are going on the road with alcohol levels in excess of 0.08 per cent.

My support for this Bill relates to an interjection I made earlier about the *de facto* random

breath-test which is carried out when we are pulled over by a policeman and asked to produce our driving licence. That is going on, and it has been acknowledged by everybody here. In addition to asking for one's driving licence, the police ask whether one has been drinking. The constable or traffic officer is close enough to be able to detect from one's breath whether a driver has been drinking, because one of the telltale effects of alcohol is the smell on the breath. We are proposing to get rid of the de facto effects of random breath-testing and bring it into the open. The Government, by introducing this legislation, is proposing to introduce a more efficient method of random breath-testing and, therefore, it will be more effective. Members should take note of the fact that the proposed system will be more efficient. Surely members opposite would not argue with the Government because it is trying to increase the efficiency of a service. Members opposite may not regard it as a service, but I do.

Although there may have been a reduction in the number of people killed on the roads, it has been established that alcohol is responsible for a large percentage of road deaths.

Recently I was provided with a copy of an article from the *British Medical Journal* entitled, "Medical Practice". I do not know how many members received a copy of it, but I refer to volume 215 dated 11 July 1987. It deals with the situation in Finland and contrasts it with what took place in Britain when it had the opportunity to introduce random breath-testing.

If we do not vote on party lines and a member of the Opposition is not prepared to cross the floor to support clause 6 as it stands, it is obvious that the clause will be defeated.

Hon G.E. Masters: There is no chance that one of your members will cross the floor!

Hon FRED McKENZIE: No, we are serious about this matter. Members of my party have discussed it thoroughly and we are aware of the advantages. I am trying to point out the advantages to members in this House. It will require only one member from the Liberal Party or the National Party to cross the floor. We will see if there is a conscience vote. I have been in this place since 1977 and I have seen many conscience votes.

Hon G.E. Masters: From the Labor Party side?

Hon FRED McKENZIE: All of a sudden those types of votes have stopped.

The article states that the position in Finland is as follows --

Since the introduction of random breath-testing in Finland in 1977 the drinking and driving rate has halved, . . .

Do members get the point that the drinking and driving rate has halved in that country because of the introduction of random breath-testing? Are members opposite supporting the Australian Hotels Association at the risk of more deaths on the road caused by people driving under the influence of alcohol. Perhaps they would like to see those statistics improved!

Hon G.E. Masters: We are looking after the rights of people as well as we can.

Hon FRED McKENZIE: That is an old cry.

Hon G.E. Masters: It is not an old cry. We are concerned about the rights of people.

Hon FRED McKENZIE: Members opposite are not doing that and they know it. The speakers who have spoken in this debate have admitted that it is a de facto situation. If it is, how are they protecting the civil liberties of people, because it can be stopped?

Hon G.E. Masters: I am surprised at you.

Hon FRED McKENZIE: Do members opposite know what they are doing? They are preventing an education campaign.

Hon G.E. Masters: What education campaign?

Hon FRED McKENZIE: As the roadblocks have done, it will have a visual effect on people when they see other people being subjected to random breath-testing. As a result, fewer people will drive on the roads under the influence of alcohol. The statistics have been reduced dramatically because people now think about whether they should drive after they have been drinking, but it has not had a maximum effect. This legislation will assist in having a maximum effect and this has been proved by the Finland figures.

The article continues --

... and there has been an appreciable reduction in the rates of death and injury from road accidents associated with drinking.

Surely that is a very important point. I acknowledge that some people believe that random breath-testing is not a popular measure. However, I am prepared to say that it is, and the figures quoted in the article prove it. The article continues --

Random breath-testing is a popular measure and has not only saved lives but has paid for itself by savings in health service and other resources.

We have not really considered the cost of providing health services to people who are injured in accidents caused by people driving under the influence of alcohol. Some of those people are never able to work or walk again, and it is not always their fault that the accident occurred. Innocent people are often injured through these types of accidents. They may not drink themselves, but they are injured for the rest of their life, and that means that the community has to keep them.

Hon W.N. Stretch: The same goes for people injured in train accidents and the like.

Hon FRED McKENZIE: Clause 6 of the Bill has not been included to prosecute more people for drink driving offences, but it will have a visual effect on the community.

Hon W.N. Stretch: If you take manpower away from stopping speeding and other dangerous driving offences and put them into stationary blocks, it is hard to see how you can improve the figures.

Hon Graham Edwards: The police do not share that sentiment.

Hon FRED McKENZIE: Quite often drink and speed are linked. The two go hand in hand. Many people become carefree and therefore careless after they have had a few drinks. The Government is not seeking to ban alcohol -- that may be down the track. It is seeking to protect people.

The article states --

Each year roughly a quarter of a million road accidents occur in Britain in which over 5500 people die at a cost to the community of 2700m pounds. This compares with 127 deaths a year from opiates, but opiates receive more official attention.

They certainly do. It continues --

The Department of Transport estimates that a quarter of deaths from road traffic accidents are associated with alcohol ...

That is an understatement. We are not talking about injury, we are talking about deaths. It has been estimated that one quarter of the deaths from road accidents are associated with alcohol, and that is believed to be an understatement.

We often hear mention of the question of civil liberties in this House. It is always trotted out when we are subjected to this type of legislation. What we have to do is to protect people from the predators, and in this case the predators are the drinkers. What about the civil liberties of those people?

In Britain a departmental committee of inquiry, known as the Blennerhassett committee, was set up in 1976, and it recommended discretionary breath-testing of drivers. That is what took place in Britain as a result of the concern about drink drivers. The committee's recommendation was rejected by the British Government as an infringement of civil liberties, a burden on police resources, and damaging to police relations with the public. The British Government claimed that the present law gives the police adequate powers to test drivers at random, but this power has not been used. How many times have we heard that sort of comment today? Practically every Opposition member who has spoken today has made a similar claim. What have been the effects? To compare Finland with the UK, I quote from this article --

In 1977 discretionary or random breath-testing was introduced in Finland with a legal limit to 50mg alcohol/dl blood. None of the political parties opposed random breath-testing because education and publicity campaigns, breath-testing of drivers in accidents, and severe legal penalties such as imprisonment had all failed. Over the

next five years Finland had one of the greatest reductions in injuries from accidents and Britain the smallest.

Both had reduced, but Finland had the greatest reduction.

Hon G.E. Masters: There were greatly increased penalties as well.

Hon FRED McKENZIE: There is nothing about that here.

Hon G.E. Masters: What were the increased penalties?

Hon FRED McKENZIE: It is not in the article.

Hon G.E. Masters: That is all part of it, and an important part of it.

Hon FRED McKENZIE: We have increased the penalties here, and not very long back -- certainly in the last three to six years.

Hon Graham Edwards: You would support the Bill if we increased the penalties?

Several members interjected.

Hon FRED McKENZIE: This article speaks about random breath-testing. I want Mr Masters to listen to this. The article continues --

Random breath-testing is a highly visible deterrent and attracts press reporting, which magnifies the effect.

If I can convince Mr Masters I shall not have any difficulty.

Several members interjected.

The DEPUTY PRESIDENT (Hon John Williams): Order!

Hon FRED McKENZIE: That is exactly what I have said we are chasing; it is the visual effect. We talk about public acceptability. This is what the article says about that --

There is universal public support for random breath testing, and the Finnish police regard it as an important part of their work . . . Finnish drivers warn each other of speed checks by citizens' band radio or flashing lights but usually do not warn each other of checkpoints for random breath-testing.

That is a very important point. While they warn about speed traps, they will not warn about random breath-testing. That could demonstrate the acceptance of what is quoted in this article. It demonstrates the acceptance of random breath-testing by people. Once people learn, through the harsh reality, they are prepared to accept it. That is what will happen here.

Let us look at this situation. Before random breath-testing was introduced in New South Wales, public opinion showed an acceptance of 60 per cent. After 12 months that went up to 90 per cent. People began to realise the value of it. No doubt the reduction in road deaths contributed, but for whatever reason there was that acceptance.

With those few words I conclude my contribution to this important debate, and I am hopeful that as a result I will have convinced at least one member on the other side of the House.

Hon Tom Stephens: Excellent contribution!

HON NEIL OLIVER (West) [3.34 pm]: It is interesting to note the manner in which this legislation has progressed. The contribution of Hon Fred McKenzie is without doubt the best I have heard from any speaker from the Labor Party. What astounds me is the way in which we move around this Notice Paper so that no member can anticipate what legislation will come forward next.

Hon Graham Edwards: You have had all day to think about this Bill. Do not whinge.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon NEIL OLIVER: I presume the Minister is making his second reading speech, if he intends to make one.

Hon D.J. Wordsworth: He is being very unministerial.

Hon NEIL OLIVER: Why is it that the Government members should suddenly bring on this

item on a Thursday, when it has been languishing at No 17 on the Notice Paper? It becomes No 10, and suddenly today it is No 3.

Hon Tom Stephens: Because your side is not prepared to debate most of the legislation on the flaming Notice Paper.

The DEPUTY PRESIDENT: Order! I warn Hon Tom Stephens that I will not tolerate another outburst like that. It is a reflection on the Whips in this House, and it is most unbecoming.

Hon NEIL OLIVER: Why it should languish on the Notice Paper until this point in time I do not know. There has been a lack of sincerity on the part of the Government and many Government members who have spoken on this subject. The only valuable contribution I have heard is that from Hon Fred McKenzie, and I presume the Minister responsible for the Bill, if he does not continue to interject.

This unusual approach must be for some reason to do with recent by-elections, the results of those elections, and how the vote in this House may be affected. However, for the benefit of members, as with all Bills, members other than members of the Labor Party can vote on this Bill according to their own consciences. I do not wish to be repetitive and hold in my back pocket the speeches which used to be presented by various members of the Government who are not here; I do not wish to reflect on them.

Hon Graham Edwards: Do you support the Bill?

Hon NEIL OLIVER: They delivered their No 1 speech so often it was unbelievable. I will not be repetitive and remind members that in future they should read *Hansard* and find out how many times members of the Labor Party have voted against Government Bills introduced by the Labor Party in this House. If any member has voted contrary to the Caucus decision, what has happened to him? If the Government is going to bring this matter forward constantly, I will never cease to remind members of the fact, as their grey matter is unable to absorb that fact.

The vote on this Bill will not be taken on party lines. I commend the various speeches made on this matter by Hon H.W. Gayfer, and previously by Hon N.E. Baxter. They were very valuable contributions.

Hon Graham Edwards: What is your position?

Hon D.J. Wordsworth: Listen to him and you will hear.

Hon NEIL OLIVER: Government members seem to have some problem. Their approach is lukewarm for a start. Not one decent speech has been made, apart from that by Hon Fred McKenzie. One member devoted his entire speech to moped.

Hon Graham Edwards: At least he drew attention to something.

Hon NEIL OLIVER: I presume, when I sit down, I will hear more about the same, or will there be a lead speaker who has been waiting with all his carefully prepared notes to come up with the most convincing argument that this Bill should be passed? Because of the interjections that are occurring, I presume that that is what is about to happen.

The DEPUTY PRESIDENT (Hon John Williams): Order! I will ensure that the honourable member can speak freely without interjection. I ask the Minister to set an example for his backbenchers in this regard.

Hon NEIL OLIVER: When one examines speeches made in relation to this legislation and the circumstances in which it operates in Western Australia, one finds that where there is a likelihood beyond reasonable doubt that an offence has been committed an officer may cause a vehicle to draw to the side of the road in order to speak with the driver. This has been the fairly genuine approach undertaken here in Western Australia over many years. Frankly, I have seen it abused at times, and when that has happened it has caused considerable inconvenience to the public. I have seen a roadblock on the Great Eastern Highway at 11.00 am on a Saturday when parents were taking children to sporting activities and people were trying to get to the airport to catch planes. People were signalled to move into an appropriate area off-road. They formed a line of up to 100 cars with people waiting patiently to be processed. That took from an hour to an hour and a half. That is not the way to go about seeking the cooperation of the general public. In addition it results in our Police Force being

subjected to criticism. It also results in a lack of cooperation from members of the general public.

One of my first observations in Western Australia was that at times there was a lack of respect for law and order as administered by the Police Force in this State. As a matter of fact, this is currently causing major concern among members of the Western Australian public. It is a major concern because of violence in the community and the major criminal offences that have been occurring. I know that the police union has expressed concern about planning and staffing levels in the force. My observations of roadblocks in Western Australia, and more particularly in Victoria and New South Wales -- where I have driven through them and been subjected to their process -- is that without doubt they are a very labour intensive project. They are mounted in an endeavour to check licences, vehicle roadworthiness, vehicle registration, age of driver, and other general matters.

It appears to me that the major thrust of this Bill, which is to introduce random roadblocks, is not the way to go. Even Hon Fred McKenzie spoke about this matter and stressed the need for a strong educational programme in relation to it. I could not but give my full support to what he said in that regard.

*Sitting suspended from 3.45 to 4.00 pm*

[Questions taken.]

Hon NEIL OLIVER: I believe that Hon Fred McKenzie's suggestion that drivers should be educated is commendable. It should be interwoven with the current programme of the commissioner for improving the public's relationship with the force. I believe that, in Western Australia, that relationship has been an unfortunate one. We have witnessed members of the force being attacked in public without members of the public coming to their assistance. I know that this is not connected with the general attitude of the public towards police officers. Often police officers find themselves in the middle of minority groups of our society and are often attacked without members of the public coming to their aid. I commend our Police Force for the job it does.

While I was interested in the statistics presented by Hon Fred McKenzie who, as far as I am concerned, is the only person from the Government who has made a significant contribution to this debate, I doubt whether what is proposed in the legislation will have the desired effect. Roadblocks are extremely inefficient in manpower terms, irrespective of the manner in which they are undertaken in Melbourne. I believe they have a certain deterrent effect, but I also believe that the presence of police cars and motorcycles in prominent positions on our roads and highways is a far better proposition. They limit the use of police manpower which can then be increased to ensure that there is a larger police presence throughout our State.

Only a few years ago, if a person was holding a charitable or social function at a public place in Perth, he could obtain the assistance of police officers who were off duty but who were permitted by the commissioner to be present at those functions, which ensured there was no unruly behaviour. I therefore find it extremely hard to accept the Government's arguments.

I am extremely disappointed at the manner in which our traffic officers are required to police the traffic laws by hiding in some spot along a highway to apprehend people for speeding when the vehicle density per kilometre would be in the vicinity of between 0.5 and 0.75 on roads which are obviously safe to travel at speeds of between 80 and 90 kilometres an hour when the speed limit is 60 kilometres an hour and when, only 200 metres on, a road traffic sign indicates a change of zone to 70 kilometres an hour. From that example, it seems that the Government is either placing requirements on the Police Force to increase Budget revenue by imposing fines and penalties under the Road Traffic Act, or the commissioner or senior officers of the department measure the performance of our officers by the number of fines they are able to accumulate in an hour's or a day's duty. I have seen them apprehending people in that way close to your home, Mr President, and the way they go about it almost makes one believe that the latter is the case. I trust that it is not. I hope that this great Government's efforts to tax, fine, and to raise the maximum amount of revenue for this State is the reason for that behaviour.

I have not seen our method of placement of roadblocks anywhere else in the world; in fact, the opposite seems to be the case. I believe that the Police Force should be on view to the

public at all times. On most of the main roads in Europe, and particularly on the autobahns, many of which have unrestricted speed limits, traffic officers and police officers are located in full public view. While our roads in Western Australia are not up to the standards of the autobahns in Europe and the highways in the United States, they are still very good roads when compared with roads in many other countries. As an example, where I previously lived, a subsidiary road which ran from Forrestfield through to what is called the Sixways had a speed limit of 110 kilometres an hour. It was a single carriageway and created a dangerous situation. I felt that the speed limit should be reduced, but when I raised this matter I was told that the speed limit of 110 kilometres to Forrestfield and Hawtin Road through to the Sixways crossing at Kalamunda Road was satisfactory. Three months later there was a serious accident and two young boys, aged about 19 years, were killed almost instantly. When I arrived on the scene one was within minutes of death. Eventually the speed limit on that road was reduced to 90 kilometres an hour. That road has now been duplicated by the Roe Freeway which is a two-lane dual carriageway with a large median strip through the centre. The speed limit on that freeway, which has no entries in or out, apart from overpasses and exits in common with autobahns and other freeways, is 90 kilometres an hour. That brings the laws encompassing traffic rules and regulations into disrepute with the general public.

I referred earlier to the speed of traffic along the Great Eastern Highway, which has a speed limit of 60 kilometres an hour, and people being detected by radar gun and stopped for travelling at speeds of 80 kilometres an hour. I invite any member to arrange to go in a Q-car with the Police Force and try to observe any motorist driving at less than 75 or 80 kilometres an hour. People will continue to drive at those speeds and will continue to be apprehended by the police with their radar guns -- they make no difference. The same will happen in connection with this legislation.

We need to adopt the proposal put forward by Hon Fred McKenzie regarding education. We need to take note of what happens in other countries when visibility is poor and there are road hazards; flashing lights are installed which indicate to the public that they should slow down because there is danger ahead. It is an indication that although there is a certain speed limit, a lower speed limit should be observed because of certain conditions. That is the way to attack this problem.

I had the opportunity to discuss this matter with officers of the Victorian Police Force who have been in Western Australia on exchange. They were amazed at the manner in which patrol cars were used to apprehend drivers under the influence of alcohol. It is totally different from the situation in Victoria even after it introduced the bus system, in which a number of police are transported in buses to set up road blocks in specific areas. In these days of car telephones and the radios operated by taxis it is not long before everyone becomes aware of such road blocks. Incidentally, I understand all Ministers' cars are now equipped with telephones. The whole purpose of these road blocks is defeated because the large number of officers needed to man them in order to avoid inconvenience to the public outweighs any advantages.

I also query whether the Government has been conscientious in its approach to this issue; that is not a reflection on the Minister for he has the job of defending the Government. This Bill has been on the Notice Paper for some time and its passage has been a very lengthy process. I thought that was to enable members to undertake research and receive letters from interested parties. I have certainly received many letters in the last fortnight, more than I have received since the Bill was introduced. I wonder why so many have been forthcoming recently. I do not wish to be disrespectful to the people forwarding their proposals; I value those letters and I have written and indicated my position with regard to this legislation. However, prior to the introduction of this legislation I had received no approaches at all on this subject.

Hon W.N. Stretch: Significantly a lot of them may be from Government employees.

Hon NEIL OLIVER: It has been suggested by Hon W.N. Stretch that the letters may be from Government employees. I noticed that one of them was and I have a question on the Notice Paper with regard to smoking education. I understand that Western Australians are consuming more tobacco than ever.

This legislation was listed towards the end of the Notice Paper, after motions moved by

members of this House which have been adjourned and will probably never see the light of day. Why was it in that position two days prior to the South West Province election? The Government was having a bet each way; it did not expect to win but if it had, that Bill would have dropped off the Notice Paper at the end of this session. However, the Opposition won the seat of South West Province and very speedily, within three sitting days of that poll being declared, the Bill was rushed from the bottom of the Notice Paper to No 2 priority. This never happened when the now Opposition was in Government -- the order of the Notice Paper was set --

**The PRESIDENT:** Order! I have been incredibly patient. I suggest to the member that the subject matter to which he is now referring is a matter that would more properly be dealt with under some other heading, such as a motion that could be moved to express a point of view on the order in which business is dealt with. It has nothing to do with the Chair and I suggest that the main purpose of this present debate is to discuss the merits or demerits of the Road Traffic Amendment Bill (No 2) -- its location on the Notice Paper certainly is not contained in the Bill.

**Hon NEIL OLIVER:** I was endeavouring to indicate that there has always been cooperation in this place and I was not aware that this Bill would be given high priority on the Notice Paper. Therefore, I was not prepared for the debate in this Chamber, unlike Government members who have prepared speeches specifically for this Bill. I was not granted that opportunity. I was not able to come into this House with all my quotations; unfortunately, they are still in my electorate office. Nevertheless, I have been prepared to debate the Bill.

Frankly, debate put forward by members of the Government has not in any way convinced me that this legislation should have my support; neither will their merriment or laughter. The Road Trauma Committee of surgeons of this State considers the matter a serious one. Government members might treat this Bill in a trivial manner, but that is not the way all members should treat it.

**HON W.N. STRETCH (Lower Central) [4.32 pm]:** Members on this side of the House have presented a series of cogent and sensible arguments which show clearly these extra powers are not required by the Police Force of this State. Extra powers will do the Police Force a lot of harm, and will not benefit the public by defending them from the dangers on the roads.

**Hon B.L. Jones:** It might save a few lives.

**Hon W.N. STRETCH:** The Opposition supports the general thrust of the Bill but does not agree with random breath-testing. The Opposition applauds the fact that Hon Tom Stephens saw fit to support the entrepreneurial Liberal in Broome when introducing mopeds -- whether or not they have "peds" does not worry us very much.

Hon Fred McKenzie's contribution was a notable one. However, to introduce Finnish figures into this place is very dangerous and totally misleading without explaining other factors which come to bear on those figures. Within the rest of the Scandinavian countries, the penalties for driving under the influence of alcohol are horrific. Offenders do not go home the same night -- perhaps in six months' time. Whether the figures are applicable to random breath-testing, or relate to the fear of being locked up for six months as well as losing one's licence, is hard to say. The drinking habits in Scandinavian countries are undesirable.

My major concern with this legislation is the effect on the morale of the Police Force, as well as the impression the public gain of the operations of the Police Force. A Gilbert and Sullivan operetta states that a policeman's lot is not a happy one -- and since the Burke Government came to power in 1983, relations between the Police Force and the Government have deteriorated rapidly and seriously. Mr Wenn can laugh, but it is true. During the early part of this year, relations between the Government and the Police Force were at their lowest ebb within my memory, and probably ever. When the RTA legislation was passed, the previous Government had problems; but the general morale and deterioration in the level of police/Government relationships were at an all time low earlier this year.

Figures submitted to the House in relation to random breath-test roadblocks show that approximately two in every 200 offenders are charged. Can members imagine the feelings of the other 198 persons held up for testing? This system does not enhance the image of the Police Force in Western Australia; indeed, it does a lot of harm. If the Police Force is to



combat crime generally, as well as chasing road traffic offenders, it must have the trust of the public. This legislation is not the way to go about winning the trust of the public. The Government should not consider this legislation a panacea to cure the ills between it and the Police Force -- nor should these provisions be considered a panacea to cure the road toll. Hon Gordon Masters pointed out clearly that one of the major factors is the deteriorating state of country roads. I have addressed this matter in other debates in this House.

I do not agree with the argument that costs are no higher to run a random breath-testing system than plucking offenders out of the air on suspicion of reasonable grounds, as police do now. Random breath-testing will take more manpower to set up the roadblocks; and even if one policeman was required to step out and wave his arms to bring vehicles into the testing bay, while another two officers carry out the tests, the system would not be cost efficient. A policeman of great experience has pointed out to me that a well-trained police officer can spot an offending drunken driver from a quarter of a mile away on an open road. I believe the Government should not be dabbling around with this sort of system but looking --

Hon Graham Edwards: What about in the city?

Hon W.N. STRETCH: I will come to the city in a moment, if the Minister wishes. I have a long way to drive home on a country road and I do not want to have a drink before I go. I certainly will not have time if the Minister wishes me to explain additional points.

Offenders are picked up reasonably effectively. The Government must concentrate on recruitment into the force, building up morale and skills, providing experience and appropriate backup. The Police Force has had a belting from the Burke Government over the last five years.

Hon Graham Edwards: They have had a belting from your side.

Hon W.N. STRETCH: The Police Force deserves the Government's support. However, this legislation is not the way to go. As Hon Phil Lockyer pointed out, in relation to the problems in regard to the road toll, the figures are improving without random breath-testing. The Police Force is doing a reasonable job now without offending the general public in the way that it would if it began to pull in hundreds of motorists for the sake of catching one or two offenders. The proposal is not efficient or effective and in the long run will do the Police Force a disservice -- which is the last thing the force needs to overcome the problems within the community, apart from the road toll.

I support parts of the Bill but I cannot in any way support the random breath-testing provisions.

**HON GRAHAM EDWARDS** (North Metropolitan -- Minister for Sport and Recreation) [4.38 pm]: I thank members from both sides of this House for their contributions to the debate. This Bill should be treated as a serious attempt to decrease the number of road deaths which can, unfortunately, be expected in the future. Of course, the Bill should also be treated as an attempt to reduce the trauma and costs associated with road accidents which occur as a result of undetected drink-driving.

The thrust of this attempt is reliant upon the police in this State being provided with a more efficient and effective means of detecting drink-drivers before an accident happens -- indeed, by creating a far stronger deterrent than currently exists in order to decrease the occurrence of drink-driving. The ability to do this is complemented by the advent of a breath analysing machine identified as the Draeger Alcotest 7110. The capacity of this machine will speed up -- which is something members of the Opposition should be aware of -- the process of random breath-testing, and at the same time make it possible for police to scrutinise more members of the driving public without requiring all of them to undergo a breath-test.

The other night while driving home, I was pulled up by a policeman who was very polite. He asked me where my licence was, and a couple of other questions, and I was on my way within two or three minutes. I did not see that to be an impingement on my freedom as a citizen. As a matter of fact, I was very pleased to see the police out and about on the road conducting this type of service -- as I consider it can well be viewed as a service to the general public. The responsibility rests with the police officer, who will use his experience, education, training, intuition, and powers of observation in talking to the driver -- as that particular policeman was talking to me -- to decide whether he feels it is appropriate for the

driver of the vehicle to undergo closer scrutiny. I believe most of our police officers are able to make these judgments soon after joining the Police Force.

I must say that I have never yet come across a crooked policeman in this State. Every policeman that I have ever had dealings with has been excellent in his presentation and manner. That is not true of a lot of policemen in other States, but it is true of those in this State, and I have never found a policeman whom I could identify as being even remotely related to those people who were referred to earlier today.

Hon G.E. Masters: There is no argument about that from this side.

Hon GRAHAM EDWARDS: I want to quote from a letter from the Commissioner of Police, Mr Brian Bull, which was directed to the Minister for Police and Emergency Services, Hon Gordon Hill. This letter is very pertinent to this debate, and reads --

On Thursday, June 4, 1987, an article appeared in *The West Australian* newspaper wherein the Hon Leader of the Opposition, Mr MacKinnon, was quoted as saying:

- a) that there is no evidence to prove that random breath testing reduces road accidents
- b) there was not adequate manpower in the Western Australian Police Force to cope with random breath testing in the form proposed by the Government
- c) the introduction of 'booze buses' - as breath testing units are known in the Eastern States - would result in officers being diverted from other critical duties.

The statements are misleading and I consider it necessary to briefly clarify the position.

Studies conducted by the Federal Office of Road Safety and published in July 1986 under the title Road Crash Statistics Australia, show clearly that random breath testing in New South Wales resulted in an estimated saving of 133 deaths and 364 serious accidents per year since its introduction. Estimates based on these figures, and costings of \$300 000 per fatality and \$52 000 per serious injury (FORS, 1985), suggest a minimum saving of \$177 million over the three years since 1982 in that State.

The introduction of random breath testing in the manner proposed will formalise and simplify the present operational policy based on road blocks for drivers licence checks. It is not, and has never been, the intention of this department to use 'booze buses' as it is recognised that this type of policing is labour intensive and could mean taking Police from other duties.

The present strategy of stopping motorists near liquor outlets and parties will continue. However, these road blocks will be set up specifically for random breath testing.

Rather than being labour intensive, the legislation would permit an increase in police efficiency and effectiveness by permitting all police officers, at any time, to stop a vehicle for the specific purpose of scrutinising the driver's state of sobriety.

The point which appears to have been missed by the article is that measures which maximise the exposure of drivers to close observation by patrolmen should act as a deterrent to drink-driving. It is not necessary that, neither is it intended, to require that every motorist stopped undergo a breath test.

We will be dealing, no doubt, with some of the statements that have been made in that letter a little more closely during the Committee stages of this debate, but I do not know how members could fail to consider seriously that advice, which was given to the Minister and has now been shared with the Legislative Council. It will be interesting to see how much support members opposite are prepared to give to the police in this State when we vote on this Bill.

Hon P.G. Penda: After all the morale kicking in the guts you blokes have done!

Hon GRAHAM EDWARDS: The member has not even had the decency to contribute to this debate, apart from interjections.

Hon G.E. Masters: I have contributed, and I am not very impressed with Hon Gordon Hill,

and the police are not either. I am disgusted with him; he is the worst Minister that we in this State have had for a long time.

Hon GRAHAM EDWARDS: I will introduce three amendments during the Committee stage. The first amendment will be to define "authorised person" as referred to in the Act. The second amendment will be to limit the number of times a person must submit to a retest. The third amendment is to make it easier for a person whose car has been subjected to unlawful use to get an order for compensation. I shall circulate those amendments to members as quickly as possible.

I now return to the contribution made to this debate by Hon H.W. Gayfer, in which he implied that we should perhaps defeat this Bill at the second reading stage. I appreciate the comments made by other members on the Opposition side of the House, who said they were prepared to support the second reading but did forecast opposition to the clause which deals with random breath-testing. However, I am disappointed that someone of the standing -- particularly in country areas -- of Hon H.W. Gayfer should suggest that we do not debate those matters in the Committee stage.

I believe that drink-driving is a problem which confronts the whole community; it is not just a problem which confronts country areas. Drink-driving is a massive problem across the whole length and breadth of this State. I was appalled to hear Hon H.W. Gayfer stand up and attempt to make out a case which really supports drinking and driving.

Hon G.E. Masters: I did not hear that in the speech.

Hon GRAHAM EDWARDS: The member certainly was not supporting what this Bill had to say, and I have no doubt that at the appropriate time, the member will be able to defend himself.

Hon G.E. Masters: He is not here, and I am defending him.

Hon GRAHAM EDWARDS: I was absolutely appalled at what the member said, and I find it even more appalling that other members of the Opposition can support the same sorts of statements.

Hon P.G. Pental: That is just a distortion.

Hon GRAHAM EDWARDS: I was going to say, before I was interrupted -- and the Opposition does not seem to want to listen to what this debate is really about -- that road deaths comprise the fifth highest cause of deaths in Australia. It is interesting to note that the first four causes of death are caused by diseases which are more closely related to age, being heart disease, malignant disease, strokes and chronic lung disease. Road deaths are the single greatest cause of death in the under-45 age group. Hon H.W. Gayfer asked me how I as the Minister for Sport and Recreation could support this Bill. I fear that many of those thousands of people who have been killed in that under-45 age group were people who were often involved in sport and recreation in this country, so I have absolutely no difficulty in supporting this legislation. I believe that if one drinks and drives and gets caught, one must accept the consequences. In this country there used to be a tradition that when one had done the wrong thing, one copped it sweet and took the consequences fairly and squarely. I would not have gathered that to be the case after listening to some of the comments made this afternoon.

I was interested and appalled to hear the thrust of Hon Gordon Masters' speech because he was the lead speaker for the Opposition. I could have guessed that he would start off his speech by acknowledging the massive problem that confronts our society today in terms of accidents and deaths which occur as a result of drink-driving; then, however, in the next breath he went on to oppose random breath-testing. Indeed he said that the current situation is adequate and there is no need for any further provisions such as those being proposed. I suggest that the number of deaths resulting from traffic accidents has grown higher than the number of Australians killed in the Second World War. If that is not crook enough, it is estimated that between now and the end of the century somewhere between 42 000 and 45 000 Australians will be killed in road accidents and a further 500 000 will be injured. The Opposition's comments, in the face of those undeniable statistics, was to say that the situation is "adequate." I would have thought that is a deplorable summation of the problem which we face.

Hon G.E. Masters: We didn't say that; we said that the legislation is adequate and there were other things which could be done.

Hon GRAHAM EDWARDS: I am not surprised that Hon Gordon Masters is running from his words but he cannot because they are recorded in *Hansard* and are there for all to read.

To say that the situation in which we are looking at something between 42 000 and 45 000 deaths between now and the turn of the century is adequate and that we should glibly and glumly sit on our hands and do nothing, which is what the Opposition advocates, is untenable to me and to the Government.

Without further ado, I commend the Bill to the House.

Question put and passed.

Bill read a second time.

## ACTS AMENDMENT (LEGAL PRACTITIONERS, COSTS AND TAXATION) BILL

### *Returned*

Bill returned from the Assembly without amendment.

## ADJOURNMENT OF THE HOUSE: ORDINARY

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [4.55 pm]: I move --

That the House do now adjourn.

### *Parliament House: Fire Alarm*

HON DOUG WENN (South West) [4.56 pm]: I would like to talk briefly about something which happened on Tuesday, when the fire alarm bells decided to do their thing. I am a stickler for safety within any building where individuals are working and I was very alarmed that when the alarm system went off there was so much confusion in this place that no-one, for nearly a full minute, knew what to do.

Hon Graham Edwards: What's new?

Hon DOUG WENN: It alarmed me that we sat around looking at each other, wondering, in the first place, what the noise was. I have spoken to some of the senior members in this place, some of whom have been here for 10 years or more, and they had no idea whatsoever what that alarm was. They had never heard it before.

Hon Barry House: It was during my maiden speech!

Hon DOUG WENN: I will make more noise about that later.

I was concerned that nothing happened. Although some other areas of the building were vacated, we did not leave this Chamber. The worst thing is that the alarm was actually turned off by a member of the staff before the Fire Brigade even got here. As soon as the alarm was turned off, the area which was isolated by the alarm was cut off. That means that the Fire Brigade could not find out where the alarm went off in the first place. That is deplorable because if the alarm was caused by a faulty switch, it should be looked at immediately. It might be just some dirt in the contacts and cleaning them will fix the problem. However, if the alarm sounds when there is actually a fire, the Fire Brigade will not have a chance to get here, and members will sit around here like stuffed dummies, looking at each other and wondering what is going on --

Hon G.E. Masters: Speak for yourself.

Hon DOUG WENN: Sorry, the Opposition will sit around like stuffed dummies.

In the event we would be surrounded by a fire until somebody stood up and said, "I think that's the fire bell, we had better get out of here." Members can be sure that I will be one of the first out, too. That is irrelevant; but I would return to the point about turning the switch off.

To satisfy my curiosity I asked to see the switch panel from which the fire system extends. There is a note sitting on the switch panel which says, in effect, that the switch will stay in a

manual position while this House is sitting. That means that if a fire breaks out anywhere in this building, we will be the very last people to know about it. No alarm will extend throughout the building until somebody accidentally spots a light on the switch panel and says, "Shoot, there is a fire over there, throw the switch and tell everyone" or we hear someone standing out near the waterfalls yelling "Fire!"

I put it to the House that we should take seriously what happened on Tuesday. It was serious and it should not have been allowed to happen as it did, nor should it be allowed to happen again. There should be regular fire drills throughout the year so that everyone knows where the exit points are. Members do, but if there are spectators in the gallery or visitors in the President's Gallery, we will be stuck because no-one will know where to charge for.

Hon Mark Nevill: The Opposition will jump out the side windows.

Hon DOUG WENN: Well, we could toss them out the side windows.

I think I have made my point. We must take this matter seriously. I truly want to see that switch left in an automatic position at all times. If it is a faulty switch, we can find it and fix it, otherwise we will not know what is happening in this place. Obviously every member now knows what the alarm sounds like.

Mr President, I ask you to give this matter serious consideration, as I hope every member of this place will do.

**THE PRESIDENT** (Hon Clive Griffiths): It is not normal for me to make any comment on the adjournment debate but I think in the interests of what Hon Doug Wenn has spoken of I ought to say that I share his concern.

I have called for a report and it is my intention to read that report to this House when it comes to me. I was equally concerned about what happened and, indeed, that it occurred twice; perhaps the honourable member did not hear it the second time. However, I will advise the House in full detail when I am advised fully.

Honourable members are not to take it as a precedent that I intend to talk on the adjournment debate.

Question put and passed.

*House adjourned at 5.00 pm*

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**QUESTIONS ON NOTICE**

**GRAIN: LUPINS**

*Complaints*

406. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Agriculture:

Has the Government received any complaints from the Grain Pool with regard to the standard of the lupins being received by the pool?

Hon GRAHAM EDWARDS replied:

No.

**AGRICULTURE PROTECTION BOARD**

*Boyup Brook Officer*

407. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Agriculture:

Is it the intention of the Government to build a house for the Agriculture Protection Board officer stationed at Boyup Brook?

Hon GRAHAM EDWARDS replied:

Government housing for Agriculture Protection Board officers in country centres is provided by the Government Employees' Housing Authority. The GEHA advises that new housing for the APB officer at Boyup Brook is not included in its 1987-88 works programme. If an existing house becomes available there, it will be offered to the Agriculture Protection Board.

The Agriculture Protection Board will include housing at Boyup Brook in its submission to GEHA on accommodation requirements for 1988-89.

**AGRICULTURE: AERIAL SPRAYING**

*Act: Manjimup Shire*

408. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Agriculture:

(1) Is the Aerial Spraying Act in force in the Manjimup Shire?

(2) If yes, in which areas?

Hon GRAHAM EDWARDS replied:

(1) Yes.

(2) All areas.

**HOSPITAL**

*Warren District: Construction*

410. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Health:

When is it anticipated that work will commence on building the new Warren District Hospital?

Hon KAY HALLAHAN replied:

Planning work has been undertaken, and work will commence as for all projects, subject to the availability of funds.

**POLICE OFFICER**

*Boyup Brook: Housing*

412. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

(1) Is it the intention of the Government to build a house for a police officer in Boyup Brook?

(2) If so, when?

Hon GRAHAM EDWARDS replied:

- (1) The Commissioner of Police constantly monitors police requirements throughout the State, and has informed me that a review of police services and the need for a new house at Boyup Brook is currently under assessment.
- (2) Not applicable.

**POLICE: TRAFFIC PATROLMEN**

*Sirens: Use*

413. Hon A.A. LEWIS, to the Minister for Sport and Recreation representing the Minister for Police and Emergency Services:

Is it usual for traffic patrolmen to use their sirens when apprehending children on bicycles?

Hon GRAHAM EDWARDS replied:

No.

**LAND: NATIONAL PARK**

*Shannon: Costs*

415. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

With regard to the new Shannon National Park --

- (1) What is the estimated cost of hazard reduction burning in the park per annum?
- (2) What is the estimated cost per annum of rubbish collection in the park?
- (3) How many rangers will be situated in the park?
- (4) What is the estimated cost per annum of the upkeep of buildings in the park?
- (5) What is the estimated cost per annum of the upkeep of trails in the park?
- (6) Is it the intention of the Government to use volunteers in any of the functions mentioned in parts (1), (2), (4), and (5) above?

Hon KAY HALLAHAN replied:

- (1) Approximately \$57 000.
- (2) Approximately \$7 500 per annum is spent on day-to-day site and building maintenance. Specific costs of rubbish collection cannot be separated.
- (3) One. Rangers from Walpole, Nornalup, and D'Entrecasteaux National Parks will assist.
- (4) Cost included in costs indicated for (2) above.
- (5) \$8 000.
- (6) Yes.

**FORESTS: HAWKE BLOCK**

*Royalties*

416. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

With regard to the Hawke block --

- (1) What areas will be cut in the next three years?
- (2) What royalties will this bring to the Government's revenue?
- (3) Is it the intention of the Government to make any or all of the Hawke Block a national park?

Hon KAY HALLAHAN replied:

- (1) Under the current four year logging plans, it is proposed to cut one area of 124 ha in the next three years.
- (2) The estimated royalty from these planned logging operations is \$788 000 at 1987 royalty rates.
- (3) The recently published draft regional plan for the southern forest region of the Department of Conservation and Land Management proposed that approximately 1 000 ha of the Hawke Block be added to the Warren National Park.

## FORESTS

### *Hazard Reduction Burning*

418. Hon A.A. LEWIS, to the Minister for Community Services representing the Minister for Conservation and Land Management:

What proportion of planned hazard reduction burning was completed in --

- (a) 1985;
- (b) 1986;
- (c) 1987 to date?

Hon KAY HALLAHAN replied:

No information of this sort is available by calendar years, as departmental records are maintained for fire seasons; nor is any information available for areas outside the forest zone where broadscale hazard reduction burning is programmed each year.

Therefore, for forest regions only --

- (a) 1985-86 fire season -- 77 per cent;
- (b) 1986-87 fire season -- 72 per cent;
- (c) 1987-88 fire season -- data to early November 1987 only -- 67 per cent.

## AGRICULTURE PROTECTION BOARD

### *Amalgamation: Department of Agriculture*

419. Hon H.W. GAYFER, to the Minister for Sport and Recreation representing the Minister for Agriculture:

- (1) Is it correct that the Agriculture Protection Board is to be totally incorporated within the Department of Agriculture?
- (2) If so, why?
- (3) Will this incorporation make any difference to the operations of the regional advisory committees and zone control authorities?
- (4) If so, in what direction?

Hon GRAHAM EDWARDS replied:

(1) No.

(2)-(4)

Not applicable.

## EDUCATION

### *Hedland College: Advertising*

420. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Tourism:

- (1) Is the Minister aware of the concern of moteliere and accommodation providers in the Pilbara over the actions of the Hedland College in advertising its facilities in competition with them?



- (2) Will she take action in concert with the Ministers for Education and Small Business to end this practice of offering Government accommodation in competition with the private sector?
- (3) Is it correct that private businessmen have invested millions of dollars in the accommodation industry and are understandably upset that a Government-funded body can act as a competitor?

Hon GRAHAM EDWARDS replied:

(1)-(3)

I have not received any complaints from members of the accommodation industry in Port Hedland. However, inquiries are being made to determine whether there is any concern in the private sector about the operations of Hedland College.

#### STATE GOVERNMENT INSURANCE COMMISSION

##### *Road Service*

423. Hon P.G. PENDAL, to the Leader of the House representing the Treasurer:

- (1) Does the State Government Insurance Commission have any plans to introduce a road service similar to that currently operated by the RAC?
- (2) If so --
  - (a) how long has the proposal been under study;
  - (b) what are the establishment costs expected to be;
  - (c) were any consultants engaged to investigate the matter, and if so, will he release their report?
- (3) If yes to (1), when is the service expected to begin?

Hon J.M. BERINSON replied:

(1) No.

(2)-(3)

Not applicable.

#### RIVER SWAN

##### *Management Strategy: Guidelines*

424. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Is the Minister aware of the grave concern expressed by the South Perth City Council over the guidelines for the Swan River management strategy?
- (2) Is it correct that legislation on the management of the Swan and Canning rivers is to be completed this session?
- (3) If so, why is 31 December named as the final date for submissions on the strategy?
- (4) Would not it be more sensible to delay the legislation till after the submissions on the strategy have been received and considered?
- (5) Why have no invitations been issued for public comment or submissions on the review of legislation and administrative arrangements?
- (6) In view of this, will he halt the passage of the legislation and meet with local members on the matter?

Hon KAY HALLAHAN replied:

(1)-(6)

It appears from the tenor of the question that the City of South Perth and Hon P.G. Pendal may have some misunderstanding of the purpose and recommendations of both the review of legislation and administrative arrangements for use of the Swan and Canning Rivers which was prepared

for the Government by Mr Chris Zelestis, and the draft Swan River management strategy. I am prepared to arrange a briefing on the reports for both the City of South Perth and the member if he requires it.

# OLD ROCKINGHAM BOWLING GREEN

## *Lease*

425. Hon P.G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Tourism:

- (1) How many tenders were received by 16 October 1987 for a lease on the old bowling "green" land?
- (2) Will she list the general nature of each proposal for a "recreational activity"?
- (3) Has a decision yet been made on the successful tender?
- (4) Will any public input be allowed before a decision is taken?

Hon GRAHAM EDWARDS replied:

- (1) Three.
- (2) All three proposals centred around sporting-type recreational activities such as garden or mini golf, table tennis, roller skating, and skateboard ramp, and associated activities.
- (3) Yes.
- (4) Not applicable.

## HEALTH

### *Mentally Handicapped Offenders: Security Institutions*

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

I refer to question 297 of 10 September 1987 in which she replied --

In view of the existing resources available, the establishment of a special security institution for mentally handicapped offenders is not considered appropriate.

Would the Minister provide me with a detailed list of those "existing resources"?

Hon KAY HALLAHAN replied:

In cases where secure detention is required, a young offender may be accommodated at Longmore Remand Centre, Longmore Training Centre, Nyandi Training Centre, or Riverbank Training Centre. If a child requires specialist psychiatric services, liaison would follow with Health Department officers. This liaison may result in a referral to "inpatient" facilities.

## WATER RESOURCES

### *Harris River Dam: Construction*

429. Hon W.N. STRETCH, to the Minister for Community Services representing the Minister for Water Resources:

- (1) What is the current stage of planning for the construction of the Harris River Dam at Collie?
- (2) Have financial arrangements between the State and Commonwealth Governments been finalised and guaranteed?
- (3) When is on-site engineering work planned to commence at Collie?

Hon KAY HALLAHAN replied:

- (1) The Minister for Environment is finalising the conditions of approval to proceed. Formal environmental clearance is therefore expected in the very near future. Tenders are expected to be called in March 1988, and a construction contract awarded in August 1988.

- (2) Commonwealth funding for expenditure in 1987-88 has already been awarded. Future funding by the Commonwealth over the period of construction has been guaranteed under the normal terms and conditions of the Federal water resources assistance programme.
- (3) It is anticipated the main construction contract will be let in August 1988. However, once environmental clearance is obtained, minor preparatory work will commence immediately, to be followed by road access upgrading.

#### GRIMWADE TOWNSHIP

##### *Closure*

431. Hon W.N. STRETCH, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Has the Minister reviewed his earlier decision to close down the forestry township of Grimwade?
- (2) If so, what is the result of this review?
- (3) If not, will the Minister take immediate steps to ensure that --
  - (a) all present residents are offered the opportunity to buy the houses and land in which they reside;
  - (b) no more houses at Grimwade are removed from the townsite for at least two years, or until a community and tourist study has been made of the Grimwade area?

Hon KAY HALLAHAN replied:

- (1) No.
- (2) See (1).
- (3) I refer the member's attention to my answer to question 294 on 8 September 1987.

#### WILDLIFE

##### *Duck Shooting: Licences*

432. Hon H.W. GAYFER, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Is it correct that country shire councils can no longer issue duck shooting licences and that all such licences must be obtained at CALM offices?
- (2) Is the Minister aware of the great inconvenience that this will cause many country residents who would have to travel considerable distances, often hundreds of kilometres, to obtain such a permit -- for example from Beverley to Pingelly?
- (3) If the foregoing is the case, why has the change been deemed necessary?
- (4) Were councils individually or collectively, through the Country Shire Councils Association, consulted on this matter?

Hon KAY HALLAHAN replied:

- (1)-(4) Four shires have previously been authorised to issue duck shooters' licences. CALM has recently reviewed its future licensing operations and has decided that licensing should only be undertaken through its offices. The four shires involved have recently been advised on the change. The Country Shire Councils Association has not been consulted.

#### HEALTH

##### *Handicapped Children: Respite Care*

433. Hon P.G. PENDAL, to the Minister for Community Services representing the Minister for Health:

- (1) Have respite care places in residentials been available to handicapped children, so that their care givers may have a temporary rest from the constant care that these children need?
- (2) If so, are there any plans to phase-out these respite places?
- (3) If the answer to (2) is yes --
  - (a) what are the reasons for the phasing-out;
  - (b) what alternatives are available to parents needing temporary respite from caring for their handicapped children?

Hon KAY HALLAHAN replied:

- (1) Respite care places are provided in residential accommodation operated by the Authority for Intellectually Handicapped Persons and non-Government agencies.
- (2) There are no plans to phase out the respite care provision.

### QUESTIONS WITHOUT NOTICE SHEFFIELD SHIELD CRICKET MATCHES *Direct Telecasts*

416. Hon P.H. LOCKYER, to the Minister for Sport and Recreation:

I preface my question by inquiring of the Minister whether he has seen today's copy of the *Daily News* where, on the back page, it says "Fans face TV blackout". It refers to the Western Australian Cricket Association's announcement that it is at loggerheads with Channel 9 about the direct telecast of Sheffield Shield cricket.

Will the Minister convene an urgent meeting between the Western Australian Cricket Association and Channel 9 with a view to overcoming the problems so the people of Western Australia can enjoy the direct telecast of Sheffield Shield cricket this season?

Hon GRAHAM EDWARDS replied:

I have not seen this afternoon's newspaper. However, of course, I would be happy to convene a meeting between those interested parties.

I remind members opposite that this is an ongoing problem and is something about which we have very little influence to affect, but where we can try to resolve something to the benefit of people, especially those in country areas, I would be only too happy to use my good offices to do so.

### COMMUNITY SERVICES *Children's Court: Effect on Witnesses*

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

- (1) I refer to the Minister's remarks on ABC regional talkback radio this morning and specifically to her comment that, "We are finding they . . ." -- that is, the children -- ". . . are freezing up in a court situation." Will she say how many such instances have occurred in each of the past three years?
- (2) In view of the Opposition's support for the Bill, will she examine the extra options available, which were outlined in my speech and which would decrease the trauma experienced by children in these court hearings?

Hon KAY HALLAHAN replied:

(1)-(2)

I doubt that the data the honourable member is seeking is available. Certainly in some files that have come across my desk there has been reference to children being unable to give evidence. In some cases it is referred to in an inaudible way or in a way that the court cannot hear, or in fact they give no evidence at all.

The resources of the department are being put to work in areas that I think are more useful than having an officer go through applications before the courts to bring out that sort of statistical information for the last three years. I would be reluctant to instruct the department to do that.

Hon P.G. Pendal: But it was your claim; that is all.

Hon KAY HALLAHAN: It was my claim because it has come across my desk in files. It was a legitimate claim.

I think I answered the member's reference to making the court process less traumatic, and I indicated to members that the things to which the honourable member referred had been addressed. I agreed that the question of speedily dealing with cases is something that needed further attention, but that was the only area that I thought did need further attention. I think the honourable member is looking for some reason to pursue the course he has embarked upon, and I do not think they are options to assist in that way.

### COMMUNITY SERVICES

#### *Children's Court: Effect on Witnesses*

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

(1) Supplementary to my previous question, I thank the Minister for her answer and ask her specifically whether such options as were mentioned -- such options as placing a vulnerable child witness in close proximity to the judge or examining magistrate; in other words, almost alongside him or her, which was one of a range of options I quoted from that article -- were examined?

(2) If not, will they be?

Hon KAY HALLAHAN replied:

(1)-(2)

I thought I had made my position very clear. I will examine whether people think sitting the child beside the examining judge or magistrate would give a greater sense of comfort or not. We could embark on a great thesis about this -- about whom the child will be most comfortable beside --

Hon P.G. Pendal: That is the object of it.

Hon KAY HALLAHAN: Exactly.

Hon P.G. Pendal: You are running away.

Hon KAY HALLAHAN: I am not running away. What the member is failing to accept is that --

The PRESIDENT: Order! Order!

Hon P.G. Pendal: You do not know how many cases there were. You gave that information on radio.

Hon KAY HALLAHAN: The honourable member is pathetic.

Hon P.G. Pendal: I am not pathetic.

Hon KAY HALLAHAN: The member is pathetic, and he is not interested in protecting children, either.

### CORPORATE AFFAIRS COMMISSIONER

#### *Selection*

419. Hon MAX EVANS, to the Attorney General:

Yesterday the Attorney General was proud to announce the appointment of a new Commissioner for Corporate Affairs. Could he explain how he went about the selection of the commissioner in the way of advertising, and how the selection was made?

Hon J.M. BERINSON replied:

Yesterday I announced the appointment of Mr Graham McDonald as the Commissioner for Corporate Affairs. I believe that he is a first-class officer who will perform the duties of that office very well, all the more in the special circumstances which the Corporate Affairs Department now faces.

His appointment followed the ordinary procedures of the Public Service in all respects. The position was advertised by the Public Service Board, it was recommended by the Public Service Board, and my recommendation to Cabinet reflected the view and the recommendation of the board.

**CORPORATE AFFAIRS COMMISSIONER**

*Appointment: Delay*

420. Hon MAX EVANS, to the Attorney General:

Has there been a long delay in making this appointment?

Hon J.M. BERINSON replied:

No.

**CORPORATE AFFAIRS COMMISSIONER**

*Appointment: Delay*

421. Hon MAX EVANS, to the Attorney General:

It does seem strange that on 9 September I was told at a business function that it was almost certain that Mr Graham McDonald would be appointed Commissioner for Corporate Affairs. I raised the matter in this House the day after that. It seems to have taken a long time, as it seems to have been well known then that Mr McDonald would have the job. Is that unusual?

The PRESIDENT: Order! Is that a question?

Hon MAX EVANS: Yes. On 9 September there was talk outside the Parliament that Mr McDonald would get that job, yet the announcement was made only yesterday.

Hon J.M. BERINSON replied:

I suggest the honourable member address that question to the person who told him that. It certainly was not me.

Hon P.G. Pandal: It was one of those open secrets.

**CORPORATE AFFAIRS COMMISSIONER**

*Experience*

422. Hon MAX EVANS, to the Attorney General:

The Attorney General explained the changing circumstances experienced, and negotiations with the Federal Government. What experience does Mr McDonald have in corporate business matters to stand him in good stead for this job? The newspaper did not give very much information as to his formal experience.

Hon J.M. BERINSON replied:

The new commissioner is very well experienced in a broad range of legal and Government-related activities. All of these were taken into consideration by the Public Service Board and were referred to specifically in the course of the board's recommendation.

**CORPORATE AFFAIRS COMMISSIONER**

*Experience*

423. Hon MAX EVANS, to the Attorney General:

By the briefing given by the Attorney General yesterday, Mr McDonald seemed to me to be lacking experience. Is the Attorney General convinced

Mr McDonald has the experience to administer a large department when he has been dealing with a small department and practising on his own?

Hon J.M. BERINSON replied:

I have no reason to doubt the judgment of the Public Service Board in this matter.

**CORPORATE AFFAIRS COMMISSIONER**

*Advertisements*

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

Was the position of Commissioner for Corporate Affairs advertised nationally?

Hon J.M. BERINSON replied:

To the best of my knowledge it was, but I would need to check that to be certain of it. I believe that the answer is yes.

**CORPORATE AFFAIRS COMMISSIONER**

*Applications*

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

How many applications were received for the position of Commissioner for Corporate Affairs?

Hon J.M. BERINSON replied:

From memory, at least six were on the list interviewed by the Public Service Board.

**CORPORATE AFFAIRS COMMISSIONER**

*Future*

426. Hon NEIL OLIVER, to the Attorney General:

In view of the fact that the Corporate Affairs Department will be handed over to the National Companies and Securities Commission on 31 December and that Mr MacDonald has been appointed for a five-year period, have negotiations been concluded with the Federal Government for the absorption of that position into the Commonwealth Public Service?

Hon J.M. BERINSON replied:

I have no knowledge of any hand over of the department for which I am responsible to the Commonwealth Government on 31 December or on any other date. My response to the remainder of the question is that it is not applicable.

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