

Legislative Council

Thursday, 28 February 1985

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

MR J. J. O'CONNOR: CHARGE

Withdrawal: Ministerial Statement

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.32 p.m.]: Mr President, I seek leave of the House to make a ministerial statement on the position of Mr J. J. O'Connor, Secretary of the Transport Workers Union of Australia.

Leave granted.

Hon. J. M. BERINSON: Members will be aware that Mr O'Connor has been the subject of a charge pursuant to section 397 (2) of the Criminal Code, and that he has been committed to stand trial in the District Court.

I have today advised the District Court that an indictment is not to be presented against Mr O'Connor, the effect of which is that the Crown will take no further action in this case. Before going further, I wish to make clear that there has been no decision by the Government in this matter. The decision has been taken in my personal capacity as Attorney General and in the exercise of the professional duties of that office.

In keeping with my invariable practice in such cases, I have obtained and considered the advice of the Solicitor General. In fairness to the Solicitor General, I make it clear that he has not positively recommended the course I have taken. What he has done is to clarify the issues and to indicate the various considerations which must be put in the balance in deciding whether or not to present an indictment. As to which side the balance comes down, it is a matter for my own judgment. I accept that as an important responsibility of the office of Attorney General and have acted in accordance with that.

On the one hand, the Solicitor General points out that although it cannot be said that the case is compelling, nonetheless, a *prima facie* case has been established and this, together with the fact of committal, are considerations which strongly favour an indictment being presented.

He also makes this comment about the threats of industrial action which followed the laying of the charge—

... there are industrial relations implications if this present case proceeds. There is the

prospect of industrial disruption which could harm many members of the community who have no connection with the events of this case. The prospect of harmful consequences to the community may properly be taken into account, of course, in deciding whether an indictment should be presented. The significance of the prosecution for the well-being of the community needs to be weighed against the potential harm.

... this prosecution does not have great significance to the well-being of the community, but the nature and source of the threats of harm in this particular case complicate this issue, as it would be quite harmful to public confidence in the administration of justice if it appeared that a union official could be got off a criminal charge by threats of industrial trouble.

As against these considerations, which favour an indictment, the Solicitor General says this—

I must say that had it been for the Attorney General rather than the Police to decide whether a complaint should have been laid in the first place, I would have advised against instituting proceedings. In essence my reasons for that advice would have been that, despite the existence of a *prima facie* case, the use of the criminal law in the totality of these circumstances was unnecessary and inappropriate.

That view is based on the particular circumstances of this case ... It is also relevant that this case has arisen in the area of employer/employee relations. This is one of many areas of activity of considerable importance to the community where the too ready, or too rigid, application of the criminal law can be counter-productive and contrary to the ultimate interests of the community.

In summary, the conflicting considerations which as Attorney General I must put in the balance are these: the existence of a *prima facie* case, the committal for trial, the inappropriateness of criminal proceedings to the particular facts of this case, the interaction of criminal law and industrial relations, the prospects of industrial unrest and the importance of maintaining public confidence in the administration of justice.

Relevant facts in the background to the O'Connor case, as far as these appear on the information available to the Solicitor General, include the following—

It is not disputed that Mr Holly, a member of the T.W.U., performed work for cartage

companies of which Mr Leishman was a director.

A claim by Holly against Leishman for about \$3 000 was dismissed by the Industrial Magistrate on a narrow point which did not go to the merits of the case. It was necessary for Holly to establish, among others, that he was a member of the T.W.U. and Mr O'Connor, in conducting the case, had failed to bring evidence to that effect, although such evidence was readily available.

The subsequent payment by Leishman was to Holly personally, and neither O'Connor nor the T.W.U. received any payment themselves.

The payment was agreed and processed with the good offices of the Confederation of W.A. Industry. On the face of it, all parties to the transaction at that time dealt with it as being founded on an industrial dispute.

I interpolate to again quote the Solicitor General's comments—

A legal analysis of these facts would emphasise that there were legal processes available for the recovery of any monies lawfully due to Holly, that it was simply Holly's misfortune that O'Connor had not presented the case well, and that the imposition of the bans was not lawful. That is all correct, but it also appears that the whole affair may well have stemmed from an attempt by Leishman and the companies to avoid the award and ignore the Act to their financial advantage, and, at the least, there was a strong moral claim by Holly to the moneys the subject of the 'demand'.

This is not a context, in my view, for the sledgehammer approach which the invoking of the criminal law would involve.

There is one other general consideration which requires special mention. It is sometimes said that the criminal law has no place at all where acts in the course of industrial disputes are involved.

I trust that no-one will draw from my decision on the particular facts of the present case any conclusion in support of that view. I do not accept it myself and I do not believe that the Government would entertain it for one moment. I endorse the Solicitor General's view that that approach, if it ever came to be implemented, would prove as harmful to our society as the opposite approach that every use of union pressure should be met with the utmost vigour of the criminal law.

The decision in this case is made on its particular facts and nothing more should be read into it in

support of the more general claim to which I have referred.

For completeness and to avoid any suggestion that my quotation of the Solicitor General's opinion has been selective, I shall put before the House his opinion in full. It is in the following terms—

R. -v- JOHN JOSEPH O'CONNOR

O'Connor has been committed to stand trial on a charge of demanding money with threats, contrary to section 397(2) of the Criminal Code.

You asked for a report to assist with the decision whether an indictment should be presented against O'Connor.

THE ESSENTIAL FACTS

Proceedings by the TWU before an Industrial Magistrate alleging a failure to pay award wages to one Holly were dismissed. The core of the allegation is that after the Magistrate left the bench, O'Connor, an officer of the TWU, threatened Leishman, a Director of the cartage companies which had succeeded in the proceedings, that the companies' trucks would be black-banned until the monies claimed were paid. Section 397(2) makes it an offence to orally demand money with threats of harm and with intent to extort or gain without reasonable cause.

Although it is strictly irrelevant to the offence charged, in fact the companies' trucks were black-banned and remained so until \$3 000 was paid by Leishman.

PRIMA FACIE CASE

The decision to institute these proceedings was made by the police. The Commissioner had received advice from the Crown Prosecutor that the evidence revealed a prima facie case. The Crown Prosecutor has now viewed the evidence given at committal and confirms his view that a prima facie case is revealed.

That is not to say that the case is compelling and that a prosecution must succeed. There is in fact very considerable scope for a jury to acquit O'Connor both with respect to the elements of 'oral demand for money' and 'reasonable cause'. But I do not believe it can be said the case is so weak that it would be improper to proceed on indictment.

THE BACKGROUND FACTS

As far as the facts can be assessed without a hearing (which is the basis on which these decisions must be made) it seems likely that the companies of which Leishman is a Direc-

tor sought to avoid the operation of the award by purporting to engage Holly to drive the companies' trucks as though he was an independent contractor, not an employee, on terms less than the award provides. The proceedings before the Industrial Magistrate to enforce the award should have determined those issues but failed to do so because of the incompetence of O'Connor who, *inter alia*, failed to lead any evidence to show that Holly was a member of the TWU [he was] or was eligible to be so; that was necessary because of the scope clause of the award. The Magistrate confined his decision to that limited point. There were, however, other deficiencies in the case presented by O'Connor.

It was also Holly's account, based on records he kept, that he drove hours which considerably exceeded those allowed by the Transport Act. The companies would have had the financial benefit of any excessive hours. But the Industrial Magistrate could not have awarded any sum in respect of hours worked in breach of the Transport Act; for this reason O'Connor had reduced the original claim of \$8 265.41 for unpaid wages to \$2 780.45.

O'Connor seems to have instigated the imposition of bans by other unions on the companies' trucks after the proceedings were dismissed. After some days Pam Bentley, an Industrial Advocate with the Confederation of W.A. Industry, acting for Leishman approached O'Connor. A compulsory conference had failed. At that stage proceedings in the Local Court by Holly against the companies were being considered, and solicitors had been or were to be consulted. Pam Bentley and O'Connor reached agreement on a figure of \$3 000 in settlement of Holly's claim. This approximates Holly's claim if the hours worked in breach of the Transport Act were disregarded. Holly received the entire \$3 000; none was kept by O'Connor or the union. The bans were lifted when the \$3 000 was paid and there has been no attempt to recover the balance of the original claim for \$8 265.41.

A legal analysis of these facts would emphasise that there were legal processes available for the recovery of any monies lawfully due to Holly, that it was simply Holly's misfortune that O'Connor had not presented the case well, and that the imposition of the bans was not lawful. That is all correct, but it also appears that the whole affair may well have stemmed from an attempt by Leishman and

the companies to avoid the award and ignore the Act to their financial advantage, and, at the least, there was a strong moral claim by Holly to the moneys the subject of the 'demand'.

INITIAL DECISION TO PROSECUTE

I must say that had it been for the Attorney General rather than the police to decide whether a complaint should have been laid in the first place, I would have advised against instituting proceedings. In essence my reasons for that advice would have been that, despite the existence of a *prima facie* case, the use of the criminal law in the totality of these circumstances was unnecessary and inappropriate.

That view is based on the particular circumstances of this case as just outlined, and the position which the parties—O'Connor, Holly and Leishman and the companies—have now reached. It is also relevant that this case has arisen in the area of employer/employee relations. This is one of many areas of activity of considerable importance to the community where the too ready, or too rigid, application of the criminal law can be counter-productive and contrary to the ultimate interests of the community.

That is not to say—as some do—that the criminal law should have no application in the area of industrial relations. That approach, if it ever came to be implemented, would prove as harmful to our society as the opposite approach that every use of union 'muscle' should be met with the utmost vigour of the criminal law. In this area, and in many others, the criminal law best serves the community if it is applied only where there is real need for its use.

YOUR DECISION

Of course the decision to institute proceedings was neither yours nor mine. We are now in the position that proceedings have been instituted and there has been a committal for trial after a preliminary hearing by a Magistrate, with attendant publicity.

In many respects an Attorney General may more readily take account of the sort of considerations outlined above in deciding whether to indict after a committal than the police in the first instance, because the nature of the case is known publicly after a committal (there can be no 'cover up') and the Attorney is directly answerable to the Parliament for the policies he follows and the decision he makes.

But at the same time the existence of a *prima facie* case and the committal for trial are considerations which strongly favour an indictment being presented so that, in practice, the Attorney's effective decision is whether there is reason not to present an indictment despite the committal for trial.

In addition to the matters already discussed there are the industrial relations implications if this present case proceeds. There is the prospect of industrial disruption which could harm many members of the community who have no connection with the events of this case. The prospect of harmful consequences to the community may properly be taken into account, of course, in deciding whether an indictment should be presented. The significance of the prosecution for the well being of the community needs to be weighed against the potential harm.

For the reasons discussed earlier, this prosecution does not have great significance to the well being of the community but the nature and source of the threats of harm in this particular case complicate this issue as it would be quite harmful to public confidence in the administration of justice if it appeared that a union official could be got off a criminal charge by threats of industrial trouble.

Conflicting considerations must therefore be weighed; the existence of a *prima facie* case, the committal for trial, the inappropriateness of criminal proceedings given the particular facts of this case, the interaction of criminal law and industrial relations, the prospect of industrial unrest and the importance of maintaining public confidence in the impartial administration of justice.

If the case is to proceed an indictment will be signed by the Crown Prosecutor in the ordinary way. I have enclosed a *nolle prosequi* for your signature should you decide not to file an indictment.

K. H. Parker,
Solicitor General.

I seek leave of the House to table copies of my statement and the opinion of the Solicitor General.

Leave granted.

(See paper No. 470.)

HON. G. E. MASTERS (West—Leader of the Opposition) [2.51 p.m.]: I seek leave of the House to comment on the Attorney General's statement.

Leave granted.

Hon. G. E. MASTERS: Today we heard the most disgraceful and despicable ministerial statement ever heard, certainly in my time in Parliament and probably in anyone else's time in Parliament.

Several members interjected.

The PRESIDENT: Order!

Hon. G. E. MASTERS: This is the most monumental decision dealing with law and order in the workplace ever made by a government at any time. Today we heard the most unbelievable statement from a person for whom, until now, I had the highest regard. Last week it was one rule for Hon. Peter Dowding and one rule for everyone else; Hon. D. K. Dans misled the public, so there was one rule for him and another rule for other people; but today the Attorney General has placed himself in a class of his own. This decision could only have been made by the Attorney General under the threat and pressure of the TLC—for no other reason—no matter what Mr Berinson says now. It was a direct order from Trades Hall.

Several members interjected.

The PRESIDENT: Order! I remind honourable members that the statement by the Attorney General was made in silence. I will speedily ensure that this statement is similarly heard.

Hon. G. E. MASTERS: If ever there was an example of Trades Hall, and those in charge of the TLC, were pulling the strings and giving orders to the Government of the day and its Ministers, this is that example. Surely to goodness, the public must now look at this statement from the Attorney General and understand exactly what is happening. The public attitude to this police action is that at last someone is taking a stand against what we know is union blackmail, extortion, intimidation and physical violence in the workplace.

Week after week the Opposition has brought forward examples of what is happening. Many people have said, "Prove it", and we did prove it. The Opposition brought forward this example. We presented a case which justified some action, and the police investigated the matter and decided there was a case to answer. If under threat of industrial action no legal proceedings are to be launched on any union member or any union, what on earth will prevent what has happened in the workplace in the past from running riot in the future?

Let us discuss the Minister's decision. In his statement he said he—not the Government—made the decision. Whom is he trying to kid? Would any Minister be able to make that sort of statement or decision without the authority and the full backing of Cabinet and his own party?

Today we have seen the end of law and order in the workplace. Now there is absolutely nothing to stop people such as John O'Connor from doing exactly what happened in this case. There is nothing at all to stop standover tactics in the workplace. These people have been given the go-ahead, no matter what anyone says or thinks about those things. Any person looking at what happened today would say, "Righto, we have no protection from now on, absolutely no protection. Where do we go?" They cannot even go to their members of Parliament now because it will be a waste of time when the Attorney General, the person responsible for law, order, and justice in this State, can turn topsy-turvy anything he likes. No employer will be safe from now on. No subcontractor will be safe from now on. No-one in the community will be safe when this sort of action takes place. The day of legalised criminality, the day of standover tactics in the workplace, the day of threats and intimidation, is with us, and it is as a result of a weak and corrupt Government.

The Opposition says the courts should decide. We were not arguing whether the man was right or wrong. The police said there was a case to be heard and the court, not the Parliament, not Hon. D. K. Dans, Hon. Peter Dowding or Mr Burke, should decide. Sufficient evidence was discovered and unravelled by the police to justify action being taken. The Government of the day and Mr Berinson have decided, no matter what the police find out or discover, that man will be let off; he will be not guilty. For what reason—because there might be industrial action! That was one of the main reasons, it is the real reason. The Government was stood up to and told, "If you allow those proceedings to come forward there will be massive industrial action and that will affect your chances at the next election". That is what it is saying. The unions are blackmailing the Government. They have said, "Unless you withdraw that action we will carry out industrial activity which will defeat you at the next election", because the public resent industrial action and of course will vote against the Labor Party if it continues.

The Labor Party has forgotten to consider that the public are also looking for responsibility, law and order, and protection; and this Government has failed on many occasions. It is condemned by this action. I repeat that the Government is corrupt.

Opposition members: Hear, hear!

The PRESIDENT: Order!

HON. PETER DOWDING (North—Minister for Industrial Relations) [2.56 p.m.]: I seek leave

to make a statement in relation to the same matter.

Leave denied.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.57 p.m.]: I seek leave to make a very brief statement arising from the comments made by the Leader of the Opposition.

Leave granted.

Hon. J. M. BERINSON: The Leader of the Opposition has attacked my statement—

Hon. G. E. Masters: I attacked your integrity.

Hon. J. M. BERINSON: —but I do not believe he listened to it.

Hon. G. E. Masters: I listened very carefully. It was disgraceful.

The PRESIDENT: Order!

Hon. Tom Knight: A scandal!

Hon. J. M. BERINSON: I expressly said that this decision was not to be taken as some immunity from the criminal law—

Hon. G. E. Masters: What do you think the people out there will think?

Hon. J. M. BERINSON: —by the trade unions.

The PRESIDENT: Order! I ask the Attorney General to come to order while I again reiterate what I said a while ago. Half-way through the session the rules do not change. The rules are that the two members who spoke initially were heard in silence and this member will also be heard in silence. That means silence by everybody.

Point of Order

Hon. A. A. LEWIS: When the Attorney General completed his remarks—and not when he began them, so as to give us a fair chance—he said he would circulate his ministerial statement.

Hon. J. M. Berinson: It was tabled.

Hon. A. A. LEWIS: It would have been of assistance to members.

The PRESIDENT: Order! That is not a point of order.

Debate Resumed

Hon. J. M. BERINSON: Could I correct Hon. A. A. Lewis by pointing out that what I actually said was that I would table the papers. They have been tabled and are now in the course of circulation.

Hon. A. A. Lewis: It would have been common courtesy to give us a look at it.

Hon. J. M. BERINSON: I expressly said in my statement that my decision was not to be taken as

indicating some immunity from the criminal law for unionists or trade unions. The Leader of the Opposition may not accept that as a fact, but I tell him one thing: The unions, which perhaps know my position better than he does, will accept it as a fact and they will also accept that that is the position which the Government will take.

Several members interjected.

The PRESIDENT: Order!

Hon. J. M. BERINSON: The Leader of the Opposition says it is unbelievable that I should have taken this decision without the full backing of the Government. Whether he believes it or not, it happens to be the truth. I said that I took this decision in my professional capacity as Attorney General, and that was the basis on which the decision was taken. It has never been referred by me to Cabinet and until my distribution of my intended statement to the Leader of the Opposition at about 2.15 p.m. today the only member of Cabinet who had been made aware of my decision was the Premier whom I informed last night. I informed the Leader of the House (Hon. Des Dans) and Hon. Peter Dowding when I arrived at the House today at the same time as I produced printed copies of my statement, one of which the Leader of the House took to the Leader of the Opposition.

Believable or not, that happens to be the truth, and I am not in the habit of engaging either in untruths or deceptions or lies, put it how one will. That is the truth and that is the position, and while it is open to anyone to argue that my decision may have been wrong as a matter of judgment I will defy anyone in this House to challenge my motives.

PLANNING: STATUTORY BODIES

Inquiry: Standing Committee on Government Agencies

HON. JOHN WILLIAMS (Metropolitan) [3.04 p.m.]: Mr President, I am directed to report that, as a result of the Government's decision of 19 February 1985 to replace the MRPA and the Town Planning Board with a new planning commission, the committee has resolved not to proceed with its investigation of the MRPA and Town Planning Board. The committee does intend to consider the activities of the MRPA in the context of its examination of land resumption procedures. I move—

That the report do lie upon the Table and be adopted and agreed to.

Question put and passed.

MEMBER OF PARLIAMENT

Leave of Absence

On motion by Hon. Margaret McAleer, leave of absence for three consecutive sittings of the House granted to Hon. I. G. Pratt on the ground of private business.

BILLS: SESSIONAL ORDER

Revocation: Motion

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.05 p.m.]: I move—

That the Order of the House made on 13 November 1984 which enabled the introduction and passing of Bills through all stages in one sitting for the duration of the current Session be revoked.

Question put and passed.

PARLIAMENTARY PAPERS AMENDMENT BILL

Second Reading

Debate resumed from 20 February.

HON. I. G. MEDCALF (Metropolitan) [3.06 p.m.]: There has been a problem in relation to the printing of parliamentary papers by the *Hansard* staff. For some months now the *Hansard* staff have been unwilling to print the speeches of members of Parliament in case there was some defamatory matter in them which might involve *Hansard* staff in an action at law. For the like reason the Government Printer could have been involved in a similar action for defamation.

I believe there was some justification for the *Hansard* staff having this view although it was extremely inconvenient for members. Various solutions have been put up from time to time. One solution which I put up immediately the problem became apparent was that some indemnity should be obtained by way of insurance so as to prevent the possibility of damages or costs arising out of defamation proceedings as far as the *Hansard* staff or the Government Printer were concerned. However, as is usual with some parliamentary problems the matter went from hand to mouth and back again and around in a circle and it took a long time before the matter was squarely faced. I am pleased that at last a solution has been found and it has been decided to give the *Hansard* staff and the Government Printer protection.

There is a need for discretion by *Hansard* in the editing of some of the matter which comprises speeches. I am not referring exclusively to the speeches of the members themselves but frequently to the interjections. As you, Mr President, are aware and have frequently told us, interjec-

tions are highly disorderly. Sometimes they are entirely irrelevant. It is often much better that they should be omitted altogether. I am a little afraid that the form of the amendment which is before the House may be interpreted by *Hansard* to mean that the entirety of the speech has to be printed in future without any deletions whatever for disorderly interjections or even for surplusage or other items in the speech which the member for one reason or another does not believe are relevant. There is a need for discretion by *Hansard* and in view of the past problems in this area *Hansard* staff would be very careful in exercising any discretion not to transgress against the letter of the law which will protect them as this Bill will do.

For that reason I am rather afraid that with all the goodwill in the world the *Hansard* staff may be tempted to take the view that they are required to print everything in full which a member says when he or she asks for a copy of his or her speech, including some of the highly disorderly interjections which the member who is staring at me so hard over there will recall having made on occasions during some of my speeches.

Hon. Robert Hetherington: You will accept orderly interjections?

Hon. I. G. MEDCALF: No doubt they will be included.

For that reason I believe we should take a hard look at what is proposed to be inserted because I feel this may mean the whole speech must be published, including all interjections. I believe that would be a defect, and the *Hansard* staff should be allowed some flexibility to disregard any interjections which are quite irrelevant, even to the subject matter sometimes, and made often because the member interjecting is unaware of what the speaker may be talking about.

For those reasons we must look carefully at the wording and I propose to do that during the course of the Committee stage.

I feel we should give the authority *Hansard* and the Government Printer are seeking; that is, that we agree to this Bill. However, we should perhaps include a reference to extracts from speeches and give the *Hansard* staff the opportunity to publish extracts, leaving out interjections. One may take the view that interjections are not part of a speech. However, they are usually recorded because they frequently flow from the course of the speaker's comments. Therefore, we should enlarge on the provisions in the Bill and I propose, during the Committee stage, to speak further on that subject. I note that what I am saying has been thought to be necessary on other occasions.

The Criminal Code is mentioned in the Minister's second reading speech and in that code the sections dealing with defamation contain exactly what I am suggesting. They allow for extracts from papers to be subject to protection from defamation proceedings. We should take the same line in regard to this Bill and to the protection we are giving to *Hansard*.

This matter brings into focus the problem which you, Mr President, often illustrate to this House in your endeavour to prevent disorderly interjections. I believe that for the reasons indicated we should take some steps in that direction. I observe that this will only apply to the *Hansard* staff and to the Government Printer, and not to outside publishers. I note that outside publishers are sometimes involved, but I gather that they will not be covered by this Bill and it will be necessary for them to go through *Hansard* to seek permission to obtain a copy of a speech.

I have always maintained that *Hansard* has some copyright, but I am not sure that in speeches it reports, *Hansard* has always taken that view. Its copyright must be respected.

I am not sure whether the Minister handling the Bill is the Minister who is present in this House, but if he is not I am sorry that the proper Minister is not present to hear what I have had to say. However, I will be happy to repeat the relevant comments when he is in attendance.

I support the Bill.

HON. P. H. WELLS (North Metropolitan) [3.14 p.m.]: I trust that the Minister handling the Bill will be able to answer the questions I wish to raise.

I ask the Minister whether this Bill will cover a situation of transmitting all data through the electronic media. In other words, has consideration been given to the fact that a member's speech may be transmitted to a member who may not have been the member who made the speech?

It appears that we are behind the times. The package which has been installed in the library allows a person to obtain a copy of a speech made in the American Congress; however, it may well be that even though we can obtain that information we will not be able to receive copies of reports from our own Parliament. If this is the case the Bill should be amended to take into account the needs of a technological society in which the availability of information from *Hansard* should not be only in the hard copy, but should be available from a data base.

I would like to be assured that consideration is being given in order to put us in line with the rest of the world.

I have already mentioned in this House previously that *Hansard* should be put on a data base system. I understand that *Hansard* is put on tapes at the Government Printing Office and that the library was to undertake tests, but when the library sought access to the tapes it was told that they had been wiped clean.

If *Hansard* were put on tape it would make it easy for members when seeking reference material. I believe that it would be economically sound, but that there may be some fear that such a system cannot be undertaken because of the lack of control over it.

HON. D. J. WORDSWORTH (South) [3.16 p.m.]: I ask the Minister a question concerning the person who does the printing. If one has one's electoral secretary to take a copy of a speech and if she photocopies it from *Hansard* and sends it to someone is she adequately covered?

I ask the Minister to explain the definition of "printer" and advise the extent to which a printer is covered.

HON. PETER DOWDING (North—Minister for Employment and Training) [3.17 p.m.]: The comments that the honourable members have made and the questions that they have asked will be referred to the Attorney General and he will reply accordingly, subject to the adjournment of the debate to a later stage of the sitting.

I make the point, however, that neither Hon. Peter Wells nor Hon. David Wordsworth raised matters which are directly related to this Bill.

I will leave it to the Attorney General to respond when the opportunity presents itself. The appropriate step to take would be to adjourn the debate in order that the Attorney can deal with it accordingly. I move—

That the debate be adjourned.

The **PRESIDENT**: Order! The Minister has closed the debate

Hon. PETER DOWDING: With respect, Sir, I did not introduce the Bill. It is not my Bill, I am only speaking to it.

The **PRESIDENT**: Hon. Peter Dowding cannot adjourn the debate.

Debate adjourned until a later stage of the sitting, on motion by Hon. Fred McKenzie.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS: RULES

Adoption: Motion

Debate resumed from 20 February.

HON. I. G. MEDCALF (Metropolitan) [3.19 p.m.]: I am quite prepared to continue, but I must

say that I find it odd to have to speak on this motion in the absence of the Attorney General. I would have thought that it would have been more appropriate for the debate on this motion to be deferred. It appears that we have nobody from the Government side in charge of the House.

Hon. N. F. Moore: What a state of chaos!

Hon. Peter Dowding: I am in charge of the House and the honourable member can proceed.

Hon. I. G. MEDCALF: Hon. Peter Dowding cannot answer the questions that I will ask.

I must say at the outset that I am appalled at the way in which some of the matters in this House have been conducted by the Government. I would have thought there would have been a little more courtesy shown to the Opposition in relation to these matters. We spend a great deal of time examining Bills which come before this House, we are responsible to the constituents we represent and we expect to have the courtesy of the Minister being present in this House or have him represented if he is called away on urgent business.

I am prepared to proceed, but I take a very dim view of the matter. I am rather tempted to reserve my comments to the Committee stage. That might be more appropriate.

Question put and passed.

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) BILL

Second Reading

Order of the Day read for the resumption of debate from 19 February.

Debate adjourned, on motion by Hon. A. A. Lewis.

JOONDALUP CENTRE AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of debate from 27 February.

Debate adjourned, on motion by Hon. N. F. Moore.

Hon. Peter Dowding: I suggest that the President leave the Chair until the ringing of the bells.

Hon. P. G. Pandal: Until you stop lurching from crisis to crisis.

Hon. Peter Dowding: We had speakers arranged.

Sitting suspended from 3.24 to 4.00 p.m.

[Questions taken.]

**PARLIAMENTARY COMMISSIONER FOR
ADMINISTRATIVE INVESTIGATIONS:
ADOPTION OF RULES**

Motion: Suspension of Standing Order No. 188

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.32 p.m.]: I move—

That Standing Order No. 188 be suspended to enable the vote taken on Order of the Day No. 2 to be rescinded.

The **PRESIDENT**: Order! The authority for the Attorney General to move that motion is Standing Order No. 430, which provides that in cases which, in the opinion of the President, are of urgent necessity, the Standing Orders of the Council may be suspended.

I make it clear to the members of the House before I make a decision in respect of this proposition that the procedures, rules, and Standing Orders of this House do not take into account all the private arrangements of members of the House, be those members backbench members or Ministers. Once the House has commenced to sit, its procedures continue to churn along and if it is required that, because of private business, the procedures of the House ought to cease, there are appropriate steps to take to ensure that they do cease in order that no problems occur in the process of dealing with the items on the Notice Paper.

As honourable members know, today, due to the Minister who was in charge of the House at the time finding that he was not in a position to deal with a Bill, I left the Chair until the ringing of the bells. That is a perfectly proper procedure. However, before we reached that stage—and I want honourable members to remember this and to think about it very clearly—the question that we are now considering was put twice, clearly, distinctly, and deliberately. It was not put once, but twice, and I did that in order to receive some communication from the members of the House as to whether they wished to proceed with the motion that was before them; that is, “That the motion be agreed to”. Not once on either of those occasions did one voice say, “No”.

Therefore, in exercising the discretion that Standing Order No. 430 gives me, I find myself in a very difficult position in determining that this particular move is one of “urgent necessity”, bearing in mind that Standing Order No. 188 provides a facility to reintroduce the matter by way of Notice of Motion of which seven days’ notice has been given.

I am prepared to listen to some argument that the Attorney General or any other honourable member may have that will convince me that this

is of an urgent nature and that it would warrant my agreeing to the suspension of the Standing Order in order to proceed now, as distinct from in seven days’ time.

I call on the Attorney General, if he wishes, or any other member, to convince me of that. I shall be fairly easily convinced. I say in all seriousness in the interests of the procedures of the House, that we do not lightly agree to rescissions. Therefore, I say that I am open to hearing argument as to why I should agree to this.

HON. G. E. MASTERS (West—Leader of the Opposition) [4.36 p.m.]: The matter is of some urgency, because it is likely the Government wants to proceed as quickly as possible with the motion. I understand there was a certain amount of confusion at the time the matter was dealt with and perhaps there was a misunderstanding of your call, Sir. Of course, it was disappointing for the Opposition to find a loss of control in the House on the part of the Government. Nevertheless, in the circumstances, urgency exists and I ask that you support the Attorney General’s request and, on this special occasion, allow the proper debate to take its course on this matter.

Question put.

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

Question thus passed.

Motion: Rescission of Vote

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.38 p.m.]: I move—

That the vote on Order of the Day No. 2 be rescinded.

Question put.

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

Question thus passed.

Motion: Further Debate

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.39 p.m.]: I seek leave of the House to move that debate on Order of the Day No. 2 be now proceeded with.

Leave granted.

Hon. I. G. MEDCALF: Mr President—

The PRESIDENT: Honourable members seem to be unable to comprehend that Hon. I. G. Medcalf concluded his remarks and therefore if he speaks now he will be speaking for a second time.

Hon. I. G. Medcalf: We rescinded that debate.

The PRESIDENT: No, we did not. The question is that we deal with Order of the Day No. 2 which is the Parliamentary Commissioner Rules motion, and the question is that that motion be agreed to. The leave of the House has been given for the debate to be resumed. That does not give members who have already spoken the right to speak again. That is clear. The question is that the motion be agreed to.

Hon. J. M. BERINSON: Again I ask by way of seeking guidance, would it be in order at this stage of the proceedings for Hon. Ian Medcalf to seek leave to make a statement?

The PRESIDENT: Order! Other than to comment that I think that the proceedings this afternoon have left at least a little to be desired, the House is able, as I have on many occasions previously indicated, to resolve to do anything it likes, and by leave a member may be granted approval to do anything. While I personally disagree with the principle, the honourable member may seek the leave of the House to be heard again on this subject.

Hon. JOHN WILLIAMS: As I remember the conclusion of the honourable member's remarks, he said at that time, "I think it would be more appropriate to make all my remarks about this matter during the Committee stage". If perhaps the House followed that procedure it would be far better for all concerned.

Hon. J. M. Berinson: There is no Committee stage.

The PRESIDENT: For the honourable member's information generally, I am perfectly aware

of what happened and of what the honourable member said. The fact is that I am the person who is charged with the responsibility of ensuring that Standing Orders are complied with. I have suggested that while I dislike the prospect, I have no power to prevent an honourable member from seeking leave for Hon. I. G. Medcalf to be heard again. It would be unprecedented in my time in the Parliament, but I have no control over that. If a member seeks the leave of the House and the House grants that leave, I have no control over that situation.

HON. MARGARET McALEER (Upper West) [4.44 p.m.]: I seek leave for Hon. I. G. Medcalf to address the House.

The PRESIDENT: Hon. Margaret McAleer seeks leave of the House for Hon. I. G. Medcalf to be heard again on Order of the Day No. 2.

Hon. G. C. MacKinnon: Is that a debate or a proposition?

The PRESIDENT: If there is one dissentient voice, leave will not be granted. Does everybody understand that the position is that leave is sought for Hon. I. G. Medcalf to be heard again on Order of the Day No. 2? Is leave granted?

Leave not granted.

Debate adjourned, on motion by Hon. Tom Stephens.

PARLIAMENTARY PAPERS AMENDMENT BILL

Second Reading

Order of the Day read for the resumption of debate from an earlier stage of the sitting.

Debate adjourned, on motion by Hon. Tom Stephens.

House adjourned at 4.46 p.m.

QUESTIONS ON NOTICE

499. *Postponed.*

MINERALS: GOLD

Horseshoe Lights

542. Hon. N. F. MOORE, to the Leader of the House representing the Premier and Cabinet:

- (1) Has the Treasury or the WADC made funds available to, or invested in, Horseshoe Lights gold prospect at Meekatharra?
- (2) If so, what is the nature and value of this involvement?
- (3) Is the WADC involved in any other gold mining ventures?

Hon. D. K. DANS replied:

- (1) to (3) No.

HEALTH: MEDICAL SERVICES

Savings: Mt. Magnet

544. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Health:

- (1) As a result of the establishment of a private medical practice in Mt. Magnet and the cessation of the regular flying doctor service to the town, has the Health Department effected financial savings in the provision of medical services to Mt. Magnet?
- (2) If so, what is the estimated annual savings?
- (3) If not, why have no savings been effected?
- (4) Will the State Government assist the Shire of Mt. Magnet in providing housing and surgery facilities for the new doctor?
- (5) If not, why not?

Hon. D. K. DANS replied:

- (1) to (3) No. The services of the Meekatharra based doctor who previously visited Mt. Magnet have been used to increase the level of service to other outlying areas which do not have a resident medical officer.
- (4) and (5) Private consulting facilities were offered temporarily in the nursing post. The provision of housing and surgery facilities for private practitioners in country areas has traditionally been undertaken by the local Authority.

EDUCATION: HIGH SCHOOL

Governor Stirling: Renovation

546. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Works:

I refer to question 524 of Thursday, 21 February 1985—

- (1) When did the Building Management Authority commence investigation concerning repair and renovation requirements at Governor Stirling High School?
- (2) When will an on-site inspection be undertaken?
- (3) When might it be expected that the investigation will be completed?

Hon. PETER DOWDING replied:

- (1) The question of cyclic repairs has been addressed by the BMA on a continual basis.

In 1984 the BMA assessed the school on three occasions as to its priority for maintenance.

- (2) and (3) An on-site meeting held on February 25 has resolved the following—
 - (a) External R & R to the building will be first priority for the area in 1985-86. Minor signs of deterioration are evident although on the whole all surfaces maintain their integrity.
 - (b) The east facade of the building has sun screening problems. The only viable solution to cut heat load is installation of external screens at the approximate cost of \$5 000.
 - (c) The Library building has ventilation and heat load problems requiring additional ventilation fans at \$7 000 and highlight sun screening at \$3 000.
 - (d) Extra light and ventilation is required in change areas to the gymnasium.
 - (e) Major upgrade is required to the administration and home economics department.
 - (f) Louvres to squash courts are broken and are currently being replaced with double hung aluminium windows with guards to prevent future damage.

547. *Postponed.*

EDUCATION: HIGH SCHOOLS

South Central Metropolitan Province: Enrolments

555. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Education:

- (1) What is the present enrolment of students in secondary schools in the South Central Metropolitan Province?
- (2) What was the equivalent enrolment at the same time in 1984?

Hon. PETER DOWDING replied:

- (1) The February 1985 enrolment of students in Government secondary schools in the South Central Metropolitan Province was 3 523.
- (2) The equivalent enrolment of students at the same time in 1984 was 3 637.

South Central Metropolitan Province Government Secondary Schools.

	1984	1985
Applecross	1 215	1 242
Como	736	699
Kent Street	996	903
Melville	690	679
TOTAL	3 637	3 523

It should be noted that these are preliminary figures. The annual census of schools in March provides a more accurate indication of student enrolment numbers.

It should also be noted that the following schools are not included in the above table:

- (a) Canning Senior College: In February 1984 and 1985 the number of students enrolled in TAE subjects were respectively 891 and 1 013. These numbers include students attending both day and night classes.
- (b) Leeming High School: While students of this school are using some of the facilities at Melville Senior High School, the Leeming High School site is not in the South Central Metropolitan Province.

EDUCATION: TECHNICAL AND FURTHER EDUCATION

College: Bunbury

556. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Education:

What places were made available at the Bunbury Technical School for pre-apprenticeship courses to students from—

- (a) Busselton;
- (b) Boyup Brook;
- (c) Greenbushes; and
- (d) Donnybrook?

Hon. PETER DOWDING replied:

Entry to pre-apprenticeship is on merit, not by reservation for applicants from particular areas.

This year placements within Bunbury Technical College pre-apprenticeship courses are—

- (a) Busselton 4;
- (b) Boyup Brook 4;
- (c) Greenbushes 0;
- (d) Donnybrook 1.

EDUCATION: PRINCIPALS

Selection Panel: Union Representative

577. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Education:

Is it the Government's policy to have a member of the Teachers' Union on the panel to select principals of schools?

Hon. PETER DOWDING replied:

Regulation 91(i) specifies that the Primary Schools Appointments Board shall include a teacher elected by the primary school members of the State School Teachers' Union.

Regulation 102A makes the same provision for secondary schools, 252D for technical schools and colleges and 262C for special schools.

All of these regulations have been operative for at least five years.

HOUSING: RENTAL

Budget Allocation: 1985

558. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Housing:

Will the State Housing Commission be making any finance available in the next Budget for rental homes?

Hon. PETER DOWDING replied:

The State Housing Commission has an ongoing programme to provide rental homes. The extent of the programme will be subject to the availability of funds.

EMPLOYMENT AND TRAINING: COMMUNITY EMPLOYMENT PROGRAMME

Land Management Plans

559. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

With regard to the Community Employment Programme schedule of 19-20 December 1984—

- (1) What land management plans are being prepared under project WCS 391?
- (2) What area is covered by the State Energy Commission in its tree clearing programme in project 369?

Hon. PETER DOWDING replied:

- (1) Project WCS 4391 is expected to commence in late March 1985. The project will examine a region by collecting and collating data on resources in the area and develop options for management with a view to protecting environmentally sensitive areas, historic sites and cultural sites and determining areas suitable for public access.
- (2) Outer metropolitan hills area.

FORESTS: FIRE POLICY

Understorey: Regeneration

560. Hon. A. A. LEWIS, to the Attorney General representing the Minister for Forests:

What fire policy will be adopted by the department in managing the former special lease 3116/6751 to enable the understorey to regenerate?

Hon. J. M. BERINSON replied:

The understorey will be allowed to recover from grazing under a conservative fire regime which will make allowance for the safety of neighbouring farmland.

WILDLIFE: TAMMARS

Restocking

561. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Fisheries and Wildlife:

- (1) Is it intended to re-stock special lease 3116/6751 with tammar?
- (2) If so, when?

Hon. D. K. DANS replied:

- (1) and (2) No decision has been made regarding this matter.

EMPLOYMENT AND TRAINING: COMMUNITY EMPLOYMENT PROGRAMME

National Parks Authority

562. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

With regard to the Community Employment Programme schedule recommended on 19-20 December 1984, what input did the National Parks Authority have into Project WCE 014.

Hon. PETER DOWDING replied:

I am advised that project WCE 014 has yet to commence. This is expected to occur in the very near future.

Input from the National Parks Authority appears to be restricted to discussions between the two organisations during the development of the proposal.

I suggest that if the member requires further details he should contact the National Parks Authority.

563. *Postponed.*

ABORIGINAL AFFAIRS: LAND RIGHTS

Seaman Inquiry: Returns

564. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

- (1) Further to my question 410 of Wednesday, 14 November 1984, will the Minister provide a list of those persons

or organisations who have yet to lodge a final return?

- (2) If all persons or organisations have submitted returns, will the Minister now provide details of expenditure incurred by each recipient of Government funds?

Hon. PETER DOWDING replied:

- (1) Organisations or persons still to submit a final return are—

South West Monetary Compensation Commission
Ngonjuwah Council Inc.
NAC—Kalgoorlie
Ieramugadu Group Inc.
New Era Aboriginal Fellowship
Alicia Frisina
Central Midlands Aboriginal Progress Association Inc.
Mrs Lorna Little
Western Desert Land Council

- (2) When final returns have been submitted, details of expenditure will be tabled.

POLICE: STATION

Joondalup: Construction

565. Hon. P. H. WELLS, to the Attorney General representing the Minister for Police and Emergency Services:

When is the police station and complex expected to be built at Joondalup?

Hon. J. M. BERINSON replied:

An integrated police and traffic licensing complex is listed for Joondalup in the Police Department's capital works proposals for the forthcoming triennial period. The timing will depend on the availability of funds.

566. *Postponed.*

POLICE: STATION

Warwick: Staff

567. Hon. P. H. WELLS, to the Attorney General representing the Minister for Police and Emergency Services:

What was the manpower resources of the various sections operating out of the Warwick Police Station—

- (a) as at 30 December 1983; and
(b) as at 30 December 1984?

Hon. J. M. BERINSON replied:

The manpower resources of the various sections operating out of the Warwick Police Station were—

- (a) As at 30 December 1983

General duties	26
CIB	4
Traffic	20
Liquor and Gaming	2;

- (b) as at 30 December 1984

General duties	26
CIB	4
Traffic	20
Liquor and Gaming	2
Warwick uniformed patrol	35

The Warwick uniformed patrol is a new concept of mobile policing with particular emphasis on community policing, and its effectiveness will be assessed after operating for a six-month period.

EDUCATION: SCHOOLROOMS

Ceiling Fans

568. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Education:

- (1) What are the departmental requirements needed for installing wall or overhead fans in school rooms?
- (2) Which schools in the North Metropolitan Province without such fans, qualify for their installation?
- (3) Are all demountable and transportable classrooms fitted with fans?
- (4) In view of the recent high temperatures, will the Government investigate the need to provide some relief to students and teachers working in classrooms without fans?

Hon. PETER DOWDING replied:

- (1) Fans are installed in all new classrooms—both those which are purpose-built and those which are transportable.
- (2) The installation of fans in existing classrooms may be undertaken by the Regional Education Offices, under the minor works scheme. No records of such installations, or of those financed by schools themselves or by parents and citizens' associations, are kept by this Department.
- (3) and (4) Answered in (1) and (2) above.

TRAFFIC: LIGHTS

Wanneroo Shopping Centre

569. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Has there been a request for installation of traffic lights on Wanneroo Road opposite the Wanneroo Shopping Centre?
- (2) What surveys of this site have been carried out?
- (3) What action is proposed to overcome the problem of accidents reported at this site?

Hon. PETER DOWDING replied:

- (1) I am not aware of any current request for traffic signals opposite the Wanneroo Shopping Centre, however, a request for a crosswalk has been received in the last week.
- (2) Previously a survey conducted by the Wanneroo Shire Council showed that the conflict between pedestrians and vehicles was not at a sufficient level to warrant the provision of a marked crosswalk.
- (3) The matter is now being re-investigated.

LOCAL GOVERNMENT: ACT

Review: Committees

570. Hon. P. H. WELLS, to the Attorney General representing the Minister for Local Government:

- (1) What committee(s) are there currently investigating the Local Government Act?
- (2) Who are the members of each committee, their brief and the title of such investigation?
- (3) What is the date each committee is expected to report?
- (4) Are there any committees that have completed their reports?
- (5) If so, will the Government provide me with any such report?

Hon. J. M. BERINSON replied:

- (1) to (5) Several committees are undertaking work which might have an impact on the Local Government Act. The information will be prepared and the member advised in writing as soon as possible.

HOUSING: APPLICANTS

Denham

571. Hon. P. H. LOCKYER, to the Minister for Employment and Training representing the Minister for Housing:

How many people are currently seeking State Housing Commission housing in Denham?

Hon. PETER DOWDING replied:

As at 27 February 1985 there were 10 applications seeking housing assistance in Denham. Assistance was sought in the following categories—

Pensioner accommodation	4
Family accommodation	6

GAMBLING: TWO-UP

Country Race Clubs: Temporary Permits

572. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

Will the Government consider issuing permits on a temporary basis to country race clubs until a firm decision has been taken on the inquiry into gaming in WA?

Hon. D. K. DANS replied:

The Government feels it would be imprudent at this point in time to issue such permits, bearing mind that it has recently released for public information and comment the report of the gaming inquiry.

HEALTH: MEDICAL PRACTITIONER

Mt. Magnet

573. Hon. P. H. LOCKYER, to the Leader of the House representing the Minister for Health:

- (1) Is the Government considering assistance to the Mt. Magnet Shire Council with the establishment of the doctor they have attracted to the town?
- (2) Is the Government aware that the cost of providing medical treatment to people of Mt. Magnet is less now that a doctor is resident in Mt. Magnet?

Hon. D. K. DANS replied:

- (1) The Government has already given assistance to the Shire of Mt. Magnet by the provision of temporary accommodation for private consulting facilities within the nursing post building.

- (2) There has been no savings to the State Government as the doctors who previously provided the service to Mt. Magnet have now been able to increase the level of service to other outlying areas which have no resident doctor.

QUESTIONS WITHOUT NOTICE

STATE FINANCE: COMMONWEALTH FUNDING

Increase

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

Does the Minister expect a substantial increase in funds from the Commonwealth for Western Australia this year?

Hon. J. M. BERINSON replied:

We live in hope. On the other hand, the financial agreement between the Commonwealth and the States comes to an end this year, and the format for distribution of tax proceeds has not yet been negotiated. Until that is in place it is really not possible to say anything positive as to the extent to which we might be assisted by Commonwealth funds.

TAXES AND CHARGES: REDUCTIONS

Budget: State

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

Does the Minister anticipate further reductions in State taxes in this year's State Budget?

Hon. J. M. BERINSON replied:

The member would know as well as I that it would not be proper and, indeed, not possible to anticipate Budget decisions.

MR J. J. O'CONNOR: CHARGE

Report: Attorney General's Request

310. Hon. I. G. MEDCALF, to the Attorney General:

Why did the Attorney call for a report on the O'Connor case?

Hon. J. M. BERINSON replied:

I called for the report because it was a matter of clear and intense public interest.

MR J. J. O'CONNOR: CHARGE

Indictment: Signature

311. Hon. I. G. MEDCALF, to the Attorney General:

Why did the Attorney not permit the Crown Prosecutor to sign the indictment in the normal course?

Hon. J. M. BERINSON replied:

Because I had decided that an indictment should not be entered.

CRIME: CHARGES

Withdrawal: Attorney General's Actions

312. Hon. I. G. MEDCALF, to the Attorney General:

Does the Attorney know of any other case where a similar action has been taken by an Attorney General?

Hon. J. M. BERINSON replied:

It is in the ordinary course of events that an Attorney General should enter a *nolle prosequi*. I was asked earlier this afternoon if I could put a figure on the incidence of that sort of occasion and I had to reply that I have no statistics on the matter, but that I would take a guess that it would happen about once in every six to eight weeks.

If the member is asking for a similar occasion in the sense of a *nolle prosequi* entered on a precisely similar case, I would have to refer him to that part of my statement in which I tried to make clear that my decision was based on the particular facts of this particular case. In those circumstances it is not a situation where one can look to the texts or precedents for precisely similar situations.

MR J. J. O'CONNOR: CHARGE

Nolle Prosequi: Request

313. Hon. I. G. MEDCALF, to the Attorney General:

Before he called for a report was there any request by anyone that he should issue a *nolle prosequi*?

Hon. J. M. BERINSON replied:

Not in those terms but, from the very outset of the events affecting Mr O'Connor, requests in more informal terms came in from a number of directions: from individuals, from the State executive of the Labor Party, from the

Trades and Labor Council, and from other unions.

Yes, there were calls in the earlier stages for the whole proceedings to be set aside. My response on all such occasions was to indicate that I was not prepared to enter into any discussion on those requests or on the merits of the case, and that events should take their normal course.

The normal course of such events eventually reaches the stage, as it did here on committal, when the office of the Attorney General does have some role to play. If that is thought appropriate at that point I am able to exercise a judgment as to whether the case should go further.

FURNITURE: ANTIQUE

Export: Government Action

314. Hon. D. J. WORDSWORTH, to the Minister for Budget Management:

What steps will the State Government be taking to retain in this State the valuable antique furniture owned by the late Mr Foulkes-Taylor, exhibited at the York Museum, and, prevent it from being exported?

Hon. J. M. BERINSON replied:

The Minister for Budget Management is loaded with all sorts of responsibility for omissions and commissions, but he has not yet been put in a position where he has the authority to buy antique furniture.

If this furniture is of some historic interest I think the member should direct his attention to the Minister responsible. The Minister for Budget Management would come into that sort of process very late, if at all. It may well be, for example, that this furniture is thought appropriate for purchase by the Museum authorities who have regular allocations for purchases.

CRIME: CHARGES

Decisions: Crown Prosecutor

315. Hon. I. G. MEDCALF, to the Attorney General:

Would the Attorney General not agree that the normal course in a prosecution would be to allow the Crown Prosecutor to make a decision in relation to an indictment?

Hon. J. M. BERINSON replied:

I have already explained that there are situations periodically where as an Attorney General I have been called upon to exercise a judgment in relation to entering a *nolle prosequi* and I would agree with the member if what he is saying is that in the vast majority of cases indictment would proceed on the judgment of the Crown Prosecutor alone. On the other hand, it is not exceptional that a case should be brought to the attention of the Attorney General for his consideration.

MR J. J. O'CONNOR: CHARGE

Withdrawal: Pressure

316. Hon. I. G. MEDCALF, to the Attorney General:

In view of the requests which were made of him by the TLC and others, to which he has referred, did the Attorney General consider that he was under some pressure to make the decision?

Hon. J. M. BERINSON replied:

No.

EMPLOYMENT AND TRAINING: COMMUNITY EMPLOYMENT PROGRAMME

Allocation: Conservation and Land Management Department

317. Hon. A. A. LEWIS, to the Minister for Industrial Relations:

I refer the Minister to his answer to question 559 on notice about land management programmes being prepared under project WCS-391. Is it usual for his department to give these moneys to a body that is not yet proclaimed in the Conservation and Land Management Department as a usual practice?

Hon. PETER DOWDING replied:

My department does not allocate community employment programme funds. These funds are processed through a joint secretariat of Federal and State officers and the submissions go to a consultative committee, which is community based, and which has representatives of Federal and State officers, as well as a wide range of community representatives on it.

They make the allocations, and it then comes to me and the Regional Director of the Federal Department of Industrial Relations to approve the allocations.

The answer to question 559 does not identify the specific sponsor. I take it that the member is referring to paragraph (1) of this answer; and if he is it will be a State Government department or instrumentality which lodges the application.

If it happens that that department undergoes some transformation or that its role is taken over by another organisation, the new organisation will take over responsibility for the management of the programme with the appropriate approval.

EMPLOYMENT AND TRAINING: COMMUNITY EMPLOYMENT PROGRAMME

Conservation Council: National Parks Projects

318. Hon. A. A. LEWIS, to the Minister for Employment and Training:

My question without notice refers to question 562 which deals with project WCE-014. The organisation which asked for funding for the project was the Conservation Council of Western Australia which wished to do work within the national parks system. My question is as follows—

- (1) Is it the Minister's view that organisations which are not linked to a management role will get money, as has been requested in the above case?
- (2) Does the Minister not see a danger in outside organisations being given money to work within Government instrumentalities?

Hon. PETER DOWDING replied:

- (1) and (2) I am afraid that I do not follow the question. If the member places the question on notice, I will obtain an answer for him.

TRADE: EXPORTS

Antiques: Ministerial Responsibility

319. Hon. G. C. MacKINNON, to the Minister for Budget Management:

Will the Minister for Budget Management look back into the records and not

treat Mr Wordsworth's earlier question in such a facetious manner? I am sure he will find a precedent of very famous old motorcars which were to be exported in the same way as this antique Western Australian furniture. His predecessor brought this matter to Cabinet in the late 1960s and the Minister in charge of financial arrangement allocated a special grant to the Museum in order that those motorcars be saved from export and kept in Western Australia in the same way as the member wants the furniture kept in WA.

The PRESIDENT: Order!

Hon. G. C. MacKINNON: I am asking him to look at the record.

The PRESIDENT: Order! I am asking you to come to order. I remind the member that it is question time and not statement time. I take it that the member did ask the Minister a question.

Hon. G. C. MacKINNON: I asked whether the Minister had looked at the records to find some indication that he is responsible in these matters.

Hon. J. M. BERINSON replied:

I am sorry if I was taken to be facetious in my answer to Hon. David Wordsworth. Everybody knows me well enough to understand that I would never be facetious about the acquisition of antique furniture. I was trying to suggest to the member that it is not possible for someone with the responsibility of either Budget Management or the Department of Treasury to spread his tentacles so wide as to take the initiative in matters of this kind. The initiative, whether it is the acquisition of a collection of furniture or, I recall on one recent occasion, the acquisition of an important medal, must come from the Minister with responsibility in this area. The role of the Minister for Budget Management can come only at a later stage of the process when the responsible Minister has exercised his judgment as to whether it is desirable to acquire those collections or goods and then approaches the Minister for Budget Management for the necessary funds.

That was all I was trying to convey in my earlier answer. I have to leave it on that basis. The initial point of contact and initiative must be with the responsible Minister.

FURNITURE: ANTIQUE

Ownership

320. Hon. D. J. WORDSWORTH, to the Attorney General:

I ask whether the Attorney General has read a newspaper report which states in part—

Miss Lee, who met and married Mr Foulkes-Taylor in Japan was his wife for 16 years but they never lived together.

There is a question of future ownership of that furniture. Who has the right to the furniture? I think that is a matter for the Attorney General.

Hon. J. M. BERINSON replied:

That is one of the disadvantages of having a collection of hats. It certainly would not be a role for the Minister for Budget Management to involve himself in the legal ownership of property. With respect to the member, who is now clutching at different hats, if not straws, it is not the role of the Attorney General, either, to intrude into questions about the ownership of private property. That property belongs to somebody, presumably. If there is to be a dispute on this matter, it would be between the private parties and the Attorney General would have no part to play in that dispute.

MR J. J. O'CONNOR: CHARGE

Withdrawal: Solicitor General's Opinion

321. Hon. MARGARET McALEER, to the Attorney General:

Does the Attorney General agree with the Crown Prosecutor's opinion that, "This prosecution does not have great significance to the well-being of the community"?

Hon. J. M. BERINSON replied:

In just one more small matter of detail by way of introduction, the opinion which I tabled in the House was not by the Crown Prosecutor but by the Solicitor General.

Hon. Margaret McAleer: I beg your pardon.

Hon. J. M. BERINSON: I do not want to get into a detailed analysis of the Solicitor

General's opinion on the basis of my expressing a view as to whether he was right or wrong, or whether he went far enough or too far in respect of each of the views he expressed. Taking his opinion as a whole, I value it as a very useful summary of the issues involved in this case which need to be put into the balance of consideration required for final decision.

MR J. J. O'CONNOR: CHARGE

Withdrawal: Solicitor General's Opinion

322. Hon. MARGARET McALEER, to the Attorney General:

Does the Attorney General hold a similar opinion to that of the Solicitor General that this prosecution did not have great significance to the well-being of the community?

Hon. J. M. BERINSON replied:

I am afraid that this is really the last question asked in different words. My reply must be in the same words as I gave earlier.

STATE FINANCE: COMMONWEALTH FUNDING

Decrease: Government Action

323. Hon. P. H. WELLS, to the Minister for Budget Management:

- (1) Is it correct that the Government is expected to be told at the forthcoming Premier's Conference that there is less Federal money for Western Australia?
- (2) If that is true, where does the Minister expect cuts will be made or increased taxation charges imposed in this State?

Hon. J. M. BERINSON replied:

- (1) and (2) It is impossible to anticipate at this stage the likely result of a conference to take place in several months' time.

STATE FINANCE: COMMONWEALTH FUNDING

Decrease: Government Action

324. Hon. P. H. WELLS, to the Minister for Budget Management:

- (1) Has the Government done any planning for the possible eventuality that it will receive less money?

- (2) Where does it predict that it is likely to obtain increased funds from cuts to the State Budget?

Hon. J. M. BERINSON replied:

- (1) and (2) It is impossible to approach the Budget process on an indefinite number of possibilities as to the amount which might be forthcoming from the Commonwealth. In fact, the process will have rather a different pattern and will need to wait on a clear indication of the new Commonwealth-State financial arrangements before consideration of that nature can sensibly be given.

MR J. J. CONNOR: CHARGE

Withdrawal: Community Benefit

325. Hon. MARGARET McALEER, to the Attorney General:

I am not sure that the Attorney General understood my earlier question. I ask—

Was the Attorney General of the opinion that this prosecution had no significance for the well-being of the community?

Hon. J. M. BERINSON replied:

My opinion is that the prosecution raised very serious issues and questions which covered a wide field. I listed them at one stage in my statement and I think there were at least half a dozen, perhaps more. The issue taken broadly is, of course, serious. I think the Solicitor General would have been referring to the broad question.

STATE FINANCE: COMMONWEALTH FUNDING

Decrease: Information

326. Hon. P. H. WELLS, to the Minister for Budget Management:

Has the Minister received any information from his Federal colleagues to lead him to believe that there could be a decrease in the funds coming to Western Australia?

Hon. J. M. BERINSON replied:

No. I will add to that, however, the fact that my portfolio is not directly related to matters of this kind. As the member would appreciate, these matters are dealt with at the Premiers' Conferences and contact of this sort in any event would be at the Premier-Treasurer level rather than my own.

TAXES AND CHARGES: PAYROLL TAX

Subcontractors: Form

327. Hon. P. H. WELLS, to the Minister for Budget Management:

In relation to his answer to question 552 yesterday in connection with the payroll tax form which provides information to the effect that the collection of information about details of subcontractors is no longer required, the reply indicated that there would be no reprinting of the form and that surplus details would merely be obliterated from the form. I ask—

As this section occupied an area of approximately $\frac{1}{2}$ in. x 3 in., has it been overprinted and if not, how does the person filling in the form know that the information is no longer required?

Hon. J. M. BERINSON replied:

I do not have yesterday's Notice Paper in front of me and cannot refer to the question. My recollection is that the commissioner advised that the relevant information had been obliterated. I assume that means overprinted, but by whatever means it is clear enough that from the advice given that the information could no longer be read.

TAXES AND CHARGES: PAYROLL TAX

Subcontractors: Form

328. Hon. P. H. WELLS, to the Minister for Budget Management:

In that case surely reprinting of some form would be necessary and some cost would be involved in obliterating the information from however many forms are involved. What cost was involved?

Hon. J. M. BERINSON replied:

Members will appreciate that I am not in touch with the details involved in printing decisions. I can only say that I suspect the commissioner understood the question to relate to the printing of entirely new forms.

If the member is now asking for the cost of overprinting the existing forms, I ask him to put the question on notice and I shall obtain the relevant information.

MR J. J. O'CONNOR: CHARGE

Approaches: Employer Groups

329. Hon. A. A. LEWIS, to the Attorney General:

In reply to a question from Mr Medcalf, the Attorney said with regard to the O'Connor case that he had had informal approaches from the TLC, the administrative committee of the ALP, and members of the Australian Labor Party.

Did he have any approaches, formal or informal, from employer groups?

Hon. J. M. BERINSON replied:

I do not want to be pedantic about this but I think it is as well to get our terminology correct to avoid any misunderstanding. I did not reply to the earlier question by saying I had received informal approaches. In fact, they were by letter and they were formal. My use of the word "informal" related to a question as to whether these people had requested a *nolle prosequi*. I was trying to explain that. The request itself was formal but was in informal terms which simply asked that whatever action needed to be taken should be taken. That was my reference to "informal".

Hon. G. E. Masters: They said, "Let him off or else".

Hon. J. M. BERINSON: On the contrary, Mr Masters, not in those terms at all.

To the best of my recollection no approaches were made to me by employer groups.

MR J. J. O'CONNOR: CHARGE

Withdrawal: Attorney General's Actions

330. Hon. I. G. MEDCALF, to the Attorney General:

As the Attorney General has clearly indicated in his statement to the House that he intervened in this case of his own volition and acted honestly in so doing, would he not agree that his intervention may likewise be the subject of an equally honest interpretation by others that there was some other motive involved?

The PRESIDENT: That is a matter of opinion and I am not sure it is a proper question.

MR J. J. O'CONNOR: CHARGE

Approaches: Community

331. Hon. A. A. LEWIS, to the Attorney General:

Does the Attorney General believe in the O'Connor affair in weighing up the pros and cons that he has achieved a balance if he has had approaches only from one section of the community?

Hon. J. M. BERINSON replied:

My decision was not made on the basis of some sort of straw poll of the community. The balance of considerations to which I referred was not in terms of how many people would be inclined to support my decision and how many would be inclined to oppose it. The balance was in terms of the considerations which I set out in detail in my statement and which were, in fact, borrowed from the review of this case and set out in the Solicitor General's opinion.

EMPLOYMENT AND TRAINING:
APPRENTICES

Pre-apprenticeship Courses: Women Applicants

332. Hon. P. H. WELLS, to the Minister for Employment and Training:

In view of the young people who could not be accommodated in pre-apprenticeship courses this year, has the Minister had discussions with the Minister for Education on this subject relating to the possibility of opening the places reserved but not taken up by women applicants in the pre-apprenticeship courses?

Hon. PETER DOWDING replied:

In fact, I have had a number of discussions with the Minister for Education about pre-apprentice numbers and particularly about the opportunities for the participation of women in pre-apprenticeship courses.

As the member will know, the Federal Government, in its funding arrangements for pre-apprentices, stresses two issues: One is *additionality* and the other is the opportunity for women to participate in trade training. Negotiations were conducted with the Federal Minister for Employment and Industrial Relations resulting in an agreement which led us to maintain—and, indeed, maintain at a reasonably satisfactory level—the pre-apprenticeship numbers.

I was just looking for some up-to-date figures to give the member, but I do not find them readily to hand. We have seen a very considerable increase in the intake in the number of apprentices and a very considerable decrease in the apprentices out of trade, but concerns exist in respect of pre-apprenticeship courses. We must ensure that those courses are managed in a way that is compatible with our budgetary strategy, and with the Minister for Education's assistance in that area, we have struck a very reasonable balance.

MR J. J. O'CONNOR: CHARGE
Withdrawal: Attorney General's Actions

333. Hon. P. G. PENDAL, to the Leader of the House:

Does he, as Leader of the Government in this House, endorse and support the actions of the Attorney General in the John O'Connor case?

Hon. D. K. DANS replied:

I do not think that is a question I should be called upon to answer, but in view of what the Attorney General said in his statement today, which I read at about the same time as the Leader of the Opposition, the answer is, "Yes".
