

Legislative Council

Wednesday, 20 March 1985

THE DEPUTY PRESIDENT (Hon. D. J. Wordsworth) took the Chair at 4.30 p.m., and read prayers.

TOURISM COMMISSION

Allegations: Ministerial Statement

HON. D. K. DANS (South Metropolitan—Minister for Tourism) [4.32 p.m.]: I seek leave of the House to make a ministerial statement concerning the Western Australian Tourism Commission.

Leave granted.

Hon. D. K. DANS: Yesterday, the member for Gascoyne made a number of allegations concerning the operations of the commission and some of its employees. I have raised these matters with the commission and have received its response. I will deal with each of the matters raised by the member for Gascoyne.

Firstly, all members of the commission totally deny the charges levelled by the former Tourism Minister. Claims that commission funds have been used improperly are refuted. There is no evidence of impropriety or scandal in any of the commission's actions or dealings. I challenge Mr Laurance to provide evidence for his allegations.

Mr Laurance has misused parliamentary privilege to make wild, unsubstantiated allegations to further his own political ends. In doing so he has cast a slur on the commissioners and a fine organisation that is striving hard to bring tourism in Western Australia to its full potential.

Allegations regarding Mr Goodridge are completely unfounded and the commissioners have total confidence in his integrity and competence. There is no doubt that Mr Goodridge's appointment is legal—Mr Goodridge was appointed by the commissioners under sections 14(2) and 17(1) of the Western Australian Tourism Commission Act 1983.

With regard to the suggestion of impropriety concerning Mr Basil Atkinson, I am informed the firm Basil Atkinson and Associates was appointed as a consultant earlier this year to make full use of Mr Atkinson's experience and expertise.

Mr Atkinson retired last year as chief executive of the Confederation of WA Industry and was available to make a bigger contribution to the commission. The commission urgently needed a

consultant of Mr Atkinson's calibre to undertake some specialised work.

Some examples of Mr Atkinson's work are as follows—

assisting with the development of policies concerning South-East Asian markets;

assessing the future direction of the Tourism Commission's overseas representation as it fits in with the Australian Tourist Commission policies;

assisting with a review of international airline policy, particularly as it affects the Japanese market; and

assisting in developing stronger ties between the private sector of the tourism industry in this State and the Tourism Commission.

A fee for Mr Atkinson of \$2 500 per month was calculated on the basis of 50 hours of consultancy work per month at \$50 per hour. He was approached by the commission to ascertain whether he would be prepared to carry out the work at the prescribed fee. At no stage was Mr Atkinson a party to any discussion regarding his appointment.

Mr Atkinson is unquestionably one of the most senior and respected figures in tourism, not only in Western Australia but in the world.

Mr Laurance is also incorrect in saying that radio station 6PR had received special consideration in the commission's budget for radio advertising last year because another commissioner, Cheri Gardiner, was the station's general manager.

Allegations that staff at the commission have been sacked are totally untrue.

The member made numerous allegations concerning Price Waterhouse. It should be understood this company was engaged many months ago on the advice of the senior officers of the commission, including its former chairman, and the member's comments about that organisation and individuals within it, cast a vicious slur.

The member for Gascoyne consistently stated yesterday that Mr Atkinson recommended the Price Waterhouse group. The suggestion to have an inquiry was supported by all commissioners and went to tender. Price Waterhouse won the tender.

It is disappointing that the efforts not only of the members of the commission, but of all staff within the organisation, are being tarnished by these unfair attacks. I would urge members to express their disgust to the member for Gascoyne at his campaign of character assassination and slur.

HON. G. C. MacKINNON (South-West) [4.36 p.m.]: I seek leave of the House to make a statement on some aspects of the Minister's comments.

Leave denied.

TOURISM COMMISSION: MR LEN HITCHEN

Standing Orders Suspension

HON. G. C. MacKINNON (South-West) [4.38 p.m.]: I move, without notice—

That I be granted permission to seek leave of the House to suspend so much of Standing Orders as will allow me to make a statement to the House as the person responsible for the employment of Mr Hitchen.

Question put and passed.

HON. G. C. MacKINNON (South-West) [4.40 p.m.]: I move—

That so much of Standing Orders be suspended as to allow me to make a statement.

The **DEPUTY PRESIDENT** (Hon. D. J. Wordsworth): This motion requires an absolute majority. If there is a dissentient voice the motion will not be carried.

Question put and passed.

Statement

Hon. G. C. MacKINNON: I appreciate the fact that the Leader of the House is grateful that we found a method of overcoming a little impasse, into which we were led by impetuosity. I will make no further comment in regard to that.

It is a great pity that a hard working department has been politicised to the extent that it has. I employed Mr Hitchen, in my capacity as Minister for Tourism, which position I was pleased to hold for a number of years. Applications were called for a capable administrator. A number of people answered the advertisement, one of whom was Mr Hitchen. He was working at the time in the Department of Labour and Industry. The Minister of that Department then was Mr O'Connor.

I had some difficulty securing the services of Mr Hitchen, because he was so highly regarded and it was taken for granted that he would finish up as head of the Department of Labour and Industry, barring an accident along the way. I am not talking about the sorts of accidents that have occurred to almost every head of a department since the Labor Party became the Government. Mr O'Connor was loath to let Mr Hitchen go. Indeed, I had to be firm to obtain him and to form what was considered to be, throughout the length and breadth of Australia, a first-class team with Noel

Semmens in charge as an entrepreneurial operator and Mr Hitchen as his administration chief.

Hon. J. M. Brown: You mean the former manager of Mobil.

Hon. G. C. MacKINNON: Not a bad position in anyone's terms. As Mr Brown has said, he is the former manager of Mobil in WA. He had been transferred to South Australia and was loath to go there. If my memory serves me correctly he was appointed by Mr Tonkin.

Hon. J. M. Brown: By Tom Evans, to help you, as Minister for Tourism.

The **DEPUTY PRESIDENT** (Hon. D. J. Wordsworth): Order! Order! I would like to remind members that this is a statement by the honourable member and should not be debated.

Hon. G. C. MacKINNON: I am grateful for the help of the member, because it is difficult to stand up and make comments on such a matter without a great deal of notice. Mr Evans was certainly the Minister at the time and Mr Tonkin was the Premier.

Mr Dans stated that all members of the commission totally denied the charges. That is a blithe statement. Of course they denied the charges.

Mr Dans claimed the commission has not used its funds properly. There was no doubt that statements like that would be made. We see daily Press statements made by the Mickelbergs, despite the fact that they are in gaol.

Hon. D. K. Dans: Mr MacKinnon, are you competent to be saying what you are saying? Have you read the current tourism Act?

Hon. G. C. MacKINNON: I have kept in touch with it. I have read far more papers than Mr Dans perhaps wishes I had.

Hon. D. K. Dans: After referring to page 12, and section 16, the member will find that they have done nothing wrong.

Hon. G. C. MacKINNON: A smell is in the air.

Point of Order

Hon. D. K. Dans: Mr Deputy President, I voted to allow the honourable member to make a statement. He either gets on with it, or makes a speech. I made my statement; it was a proper statement.

The **DEPUTY PRESIDENT**: The Hon. Graham MacKinnon has been given permission of the House to make a statement. I believe he must confine his remarks to that and not get into debate. I ask members to hear him in silence.

Several members interjected.

The **DEPUTY PRESIDENT**: Order!

Statement Resumed

Hon. G. C. MacKINNON: I must admit that until intervention from the Chair it was becoming increasingly difficult to make a statement, because there seems to be a view that Parliament should not be used for its proper role of highlighting what appear to be problems in the community. We have seen people moved aside from top positions in the Department of Tourism. The last move was that of Mr Hitchen—he was moved sideways. I took a personal interest in that.

Hon. D. K. DAns: Mr Hitchen happens to be a personal friend of mine.

Hon. G. C. MacKINNON: Mr Dans should be ashamed of himself for treating the man so badly.

Several members interjected.

Hon. G. C. MacKINNON: I hope I have some sympathy from the Chair because I find it difficult not to debate this matter when points of debate are thrust down my throat.

Several members interjected.

Hon. G. C. MacKINNON: I am trying to make a statement, which is more than Mr Dans did when he answered Mr MacKinnon, in the other place, who asked specific questions about the commissioner and Mr Basil Atkinson, as well as the salary he was being paid. This matter had to come forward before Mr Dans could come out and be honest about the other matter. All of a sudden an immense amount of money is involved. The sum of \$30 million of Commonwealth money is available for the America's Cup. Money is lying around like no-one's business.

When I was Minister for Tourism we were battling to get two bob. All the criticism then was that the Federal Government did not have enough money to do this or that. It was not the fault of Hitchen or Noel Semmens.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon. G. C. MacKINNON: The implication is left up in the air; there is something wrong in the whole State. We cannot get hold of the report. I notice a comment has been made about Mr Laurance saying something about Mr Webb. As part of my statement, when I say that it was not Mr Laurance who made the pertinent comment about Mr Webb—

Point of Order

Hon. D. K. DAns: At no stage did I refer to Mr Webb in my statement. That statement can be

checked with *Hansard*, and the Leader of the Opposition has a copy of the statement.

Statement Resumed

Hon. G. C. MacKINNON: I will accept that it should be understood that Price Waterhouse was preparing a report. I put a name to the person who, while he was preparing the report, saw a nice cosy job for \$45 000 and applied for it and got it.

Points of Order

Hon. D. K. DAns: I did not refer to a Mr Webb. Let me just put the record straight. Mr MacKinnon is referring to a Mr Barrie. Mr MacKinnon referred to Mr Webb taking a cosy job at \$45 000 a year. Is this Chamber to do the job Mr MacKinnon says it should do or is it to be turned into a three ring circus? Two more names have now entered into the debate.

Hon. P. H. LOCKYER: That is a reflection on the Chair, Sir, I believe you should ask the honourable member to withdraw.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): That is not a point of order; but Hon. G. C. MacKinnon will finalise his statement and not enter into a debate.

Statement Resumed

Hon. G. C. MacKINNON: I am grateful to Mr Dans for putting a name to this mysterious fellow; he tells me his name is Mr Barrie. The fact remains that he has secured himself a cosy job. The allegations made by the Chief Justice of the Northern Territory are on the record for all to see. I wish we could have the report which was written so that we could discuss that report. The Minister used section 16 of the Western Australian Tourism Commission Act. It states—

The Minister may from time to time give directions to the Commission with respect to its objects, powers and duties, either generally or in respect to a particular matter, and the commission shall give effect to those directions.

I suppose the Government can hide behind that section in its disgraceful behaviour towards those hard-working staff members who had made the former Western Australian Tourist Department a byword throughout this country. They were regarded as first-class operators, not just under my Ministry, but also under the Ministries of my predecessors as far back as Mr Evans.

Mr Hitchen was put into the position to do a job. We did not politicise this show.

Hon. Fred McKenzie: What are you doing now?

Hon. G. C. MacKINNON: We are answering criticism of the Western Australian Tourism Commission agencies in other States. I was involved in buying the premises in at least two of those States and a house in Queensland.

It was all aboveboard. Every job was advertised and we bought the best premises we could possibly buy at the time.

Hon. D. K. Dans: On the second floor of a bank building?

Hon. G. C. MacKINNON: Because no other premises were available in Queensland. We have heard all of this new-found enthusiasm by the Government. With the exception of about two members opposite, one of whom was Mr Dans, the assistance I received for the 150-year celebrations from the Australian Labor Party was negligible. Mr Dans knows that is true. The Labor Party was positively counterproductive in its activities. It was not until it found that glamour and glory were associated with those celebrations that it took any interest. It politicised those celebrations and, in my opinion, the ALP corrupts every activity.

I am deeply and bitterly disappointed in the actions of this Government. Mr Semmens and Mr Hitchen have been dealt with disgracefully. No-one will object to Mr Goodridge's appointment because he is Brian Burke's darling boy. He has been pushed along by Brian Burke. He was picked up and pushed into the department and he antagonised everybody. I know because I spoke to people at the time. He now finds himself as head of the tourist totem pole.

I have known Basil Atkinson for probably longer than anyone in this Chamber. He is nearly as old as I am. However, this Government wants young vibrant fellows in charge of these areas. I think that everything Mr Laurance said was spot on.

Ministerial Statement

HON. D. K. DANS (South Metropolitan—Minister for Tourism) [4.55 p.m.]: I seek leave to answer some of the allegations made by Hon. Graham MacKinnon.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): I think this matter has almost turned into a debate. However, the Leader has sought leave to answer another statement and I will put that question.

Hon. G. E. Masters: I want clarification, Mr Deputy President, for the benefit of the House. If Mr Dans is given that permission I assume that permission will also be forthcoming for another speaker from this side of the House.

The DEPUTY PRESIDENT: No such thing can be assumed at all. As we are all well aware, one dissenting voice will negate the request for leave. While Hon. Graham MacKinnon was allowed to move to suspend Standing Orders, he was allowed to do that in order to make a statement. Debate on the motion to suspend Standing Orders has ceased and the Leader of the House is now seeking to make a ministerial statement.

Leave granted.

Hon. D. K. DANS: I wish to correct the wrong impressions made by Mr MacKinnon. Mr MacKinnon referred to a Mr Webb after reading the report from Price Waterhouse Associates Pty. I ask: Where in the document has Mr Webb's name been mentioned?

Mr MacKinnon went on to say that Mr Webb had received a cushy job at \$45 000 a year. Let me put the record straight. It was reported in the paper that a Mr Barrie had taken part in the inquiry and had been appointed to that position. I took that matter up with Mr Hitchen who told me that Mr Barrie was undoubtedly the best applicant of 35 applicants.

The other suggestion was that Mr Hitchen had been moved sideways. I think I answered that by way of a question without notice asked by Mr Williams. I was rather surprised, when in Brisbane, to find that Mr Hitchen had decided to take another job. I have also known Mr Hitchen for a long time.

I dispute Mr MacKinnon's statement and found him to be a very fine person. I knew him in industrial relations. I wish to make it perfectly clear that when I referred to a particular section on page 12 of the Act, it was referred to by the commission. I have a letter from the commission setting out all the things stated in my statement. That letter was signed by the acting chairman. He supplied those details to me today. The commission made the decision about Mr Goodridge and the decision about Mr Basil Atkinson. The letter is also signed by the acting chairman. If you like, Mr Deputy President, I will make that letter available to Mr MacKinnon. All I ask is that members of the Opposition stick to the facts. Members may assume certain positions, but the facts are as I have outlined them.

RAILWAYS DISCONTINUANCE BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.00 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this legislation is to effect closure of two small sections of redundant railway track and for the land concerned to be made available to the Collie and Busselton Shires for local community purposes.

Rather than legislate individually for each and every small section of redundant railway, the practice has been to wait for a major Railways Discontinuance Bill and to combine the closures. The small sections of railway at Collie and Busselton would normally be in this category. In this case, however, land which made up part of the former Collie to Griffin railway at Collie has been included in an area set down for housing development by the Shire of Collie. Consequently, early closure is desirable to allow revestment of the land in the Crown for use by the shire.

The circumstances are that approximately 1 400 metres of track at Collie were retained to service Worsley Timber Pty. Ltd.'s private rail siding when the Collie to Griffin railway was closed by Act No. 38 of 1967. However, the company terminated its private siding lease in 1981 and as the track no longer serves any purpose it should be closed.

Opportunity is also being taken to formalise closure of 400 metres of railway at Busselton to allow revestment to the Crown of railway reserve No. 3364. This land formed part of the Boyanup-Busselton railway, west of the Busselton railway station to the old jetty and has not been required for railway purposes for many years.

It is proposed that the land be vested in the Shire of Busselton for foreshore development. Council has for some years leased the land from Westrail on a peppercorn rental basis.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

[Questions taken.]

BILLS (3): RETURNED

1. Local Courts Amendment Bill.
2. Justices Amendment Bill.
3. Artificial Conception Bill.

Bills returned from the Assembly without amendment.

STRATA TITLES BILL*Introduction and First Reading*

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

Second Reading

Leave granted to proceed forthwith to the second reading.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.42 p.m.]: I move—

That the Bill be now read a second time.

The purpose of strata titles legislation is to permit the division of the title to a parcel of land into a number of separately registrable, fee simple interests, called "lots". This division may be effected either horizontally or vertically. It facilitates the multiple ownership of individual parcels of land for both residential and commercial purposes, simplifies the transfer of the interest which the lot represents, and provides an interest which serves as a generally acceptable security for a loan.

Most strata title schemes divide the particular parcel of land in such a way as to produce, in addition to a number of lots, a certain area of what is called "common property". This includes such things as common access ways, passages, stairs, parking areas, areas for gardens and, importantly, the exterior of any building on a lot.

The existence of common property means that there has to be some provision for it to be jointly managed. Also, because of the proximity of the lots, one to the other, there is a need to see that what is done on one lot does not adversely affect the owners of the other lots in any unfair way. There is thus a need for the proprietors of the lots in any one development, in some matters at least, to make decisions in common and to act together. In recognition of these needs, the Strata Titles Act provides that the proprietors of the lots on any registered strata plan constitute a "body corporate" and invests that body with appropriate powers.

The first strata titles legislation in Australia was the New South Wales Conveyancing (Strata Titles) Act, 1961. This provided the model for our own Strata Titles Act of 1966. Since 1966 there have been important developments in this area of the law in other parts of Australia, including a complete revision of the New South Wales Act, now the Strata Titles Act, 1973.

In December 1974, the Law Reform Commission of Western Australia was asked to under-

take a general review of our Act. It presented its report in December 1982. The commission's report has been drafted on the basis that the present Act is satisfactory except where indicated otherwise. Those provisions of the Act in respect of which the commission has made no proposals for amendment have been carried forward into the present Bill.

The commission has recommended many amendments to the present Act. Those recommendations can be found in short form in the summary which constitutes part VIII of the report—pp. 340 to 379.

In the course of preparing its report, the commission called for preliminary submissions from the public and 83 submissions were received. In February 1977 the commission issued a working paper in which it invited comment on the issues raised in that paper. About 1 000 copies of the working paper were distributed to associations having a professional or commercial interest in the strata titles system, to relevant Government departments and instrumentalities, and to other interested groups and individuals. Seventy submissions were received in response to the working paper.

Also, once the commission's proposals were given form in the Bill, comments on the Bill were invited from the relevant departments and instrumentalities and from the particular interest groups and associations who had earlier seen the working paper. Comment on the Bill was also invited from the Law Reform Commission itself. The commission, and most of the others who were consulted in this way, have now responded. All submissions have been duly considered and a number adopted.

The present Bill accepts the great majority of the recommendations of the Law Reform Commission. A few recommendations have not been accepted, or have been altered in a material way. I will refer to these shortly. In the first place, however, I refer to the more important of the recommendations which have been accepted and are part of this Bill.

Local authority's certificate: As things stand, a developer cannot get the local authority certificate which must accompany any strata plan that is lodged for registration, until the building that is to be strata titled has been completed. If approval is not given then he may suffer severe financial loss.

The Bill proposes that the developer may apply to the local authority at any time after he makes application for a building licence for a determination that the building will be of a sufficient

standard and suitable to be divided into lots—clause 24(1).

Also, at any time after application for development approval under town planning requirements, the developer may ask the local authority to determine the other matters with which the local authority certificate is concerned—clause 24(2). The local authority must determine such applications—clause 26(4)(c).

Certificate of town planning board: At present a strata plan lodged for registration must be accompanied by a Town Planning Board certificate of approval. This can be the cause of considerable delay and it is agreed by the board that it is a requirement which could be safely abolished in some cases. Accordingly, the Bill provides for the making of regulations which will provide exemption in specified cases—clause 25(2).

The Bill also provides that, in those cases where the requirement remains, the application shall be made prior to the construction or modification of the building—clause 25—rather than afterwards, as at present.

Developers' appeal: In clauses 26 and 27, the Bill provides a rationalised system of appeals for contesting local government and town planning decisions which are opposed to strata title development.

Delineation of lots: The present Act—section 5(1)—does not seem to provide a rule which will enable the boundaries of a lot to be comprehensively defined in all cases. For example, it does not specify how the relevant lot boundary should be indicated where a boundary wall is not vertical.

The proposals in subclauses (2), (3) and (4) of clause 3 of the Bill, following the New South Wales legislation, lay down detailed rules to enable a lot which is three-dimensional to be defined on a two dimensional plan. The relevant rules are described in paragraph 3.5 of the commission's report.

One interesting change which they will bring about is to make the inner surface of boundary walls, floors and ceilings the boundary of the lot, unless there is a contrary indication on the plan. At present the general rule is that it is the centre line of the boundary wall, floor or ceiling which constitutes the boundary of the lot—section 5(5). This change will not affect the right of the proprietor to make the normal use of the interior surfaces of his lot as by painting, wallpapering or otherwise decorating or affixing carpets, furniture, fly screens, locking devices and other things to those surfaces. This right is specifically preserved by by-law 2 of the standard by-laws—see schedule 1 clause 42(2).

Another important change concerning the extent of the lots is that it will be made possible to have a lot which can include, or consist of, areas outside the building. This is not expressly stated in the Bill, but it follows from the new rules for defining a lot to which I have already referred.

Subdivision, consolidation and conversion of lots: Lots and common property may be subdivided by the registration of a plan—clause 8. Likewise, two or more lots may be consolidated into one lot—clause 9. Also, there is provision for converting lots into common property—clause 10.

Common property: It was considered by the Law Reform Commission that the strata company should have the power to acquire land, either by transfer of the fee simple or by lease, to add to the common property. Clause 18 of the Bill establishes a procedure for such acquisitions.

The Law Reform Commission recommended that the strata company's present power to lease the common property, on a unanimous resolution of the proprietors, should remain. However, it considered that, rather than use this power, some simpler method should be provided for use in those cases where it is desired to give a proprietor exclusive use of a part of the common property. There is presently a standard by-law—by-law 3(f)—in part 1 of the schedule which permits the council of a strata company to grant such exclusive use by resolution, but as the commission has explained in 5.8 and 5.9 this procedure has some unsatisfactory aspects. What the Bill now provides in this connection is the power, pursuant to a unanimous resolution, to make by-laws to confer such privileges on the proprietor of a specified lot—clause 42, subclauses (8) and (13) inclusive. Such by-laws may provide that the proprietor of the lot pay money for the privileges so accorded, where that is considered appropriate.

The commission also recommended that the strata company's right to the control and management of the common property for the benefit of all proprietors should be stated more positively. This is done in clause 35 of the Bill. That clause also sets out in more detail the nature of the company's obligation to maintain the common property—compare the present section 13(4)(h).

The strata company: Clause 35 imposes an obligation on the strata company to keep certain records, including minutes of its meetings, books of account, particulars of all statutory notices served on the company, and all orders issued to it by a court or by the strata titles referee, to whom I will refer in a moment.

By clauses 37 and 38, strata companies are given new powers to acquire and dispose of personal property—that is, property that is not real property—and to carry out, at the expense of a proprietor, work which is his responsibility, either because of his legal obligations to the company or because of the lawful requirements of some public or local authority. It is provided that the cost of carrying out such work may be recovered by action in any court of competent jurisdiction. Clause 37 also confers power to invest, settle actions, and do other things.

There is to be a capacity in the strata company to sue or be sued on behalf of the proprietors in any situation where the proprietors are jointly entitled to take proceedings, or are liable to have proceedings taken against them—clause 33. It is made clear that judgment by or against the strata company has effect as if it were a judgment given in favour of or against the proprietors. There is also clarification of the obligation of proprietors to contribute in meeting a judgment against them.

At present, a strata company is still subject to the common law rule that contracts entered into by a non-trading corporate body must be executed under its common seal, unless the contract is of a routine nature associated with the day-to-day running of the organisation or is a matter of urgent necessity. The Law Reform Commission considered that this was unsatisfactory, and clause 34 of the Bill now provides that a person acting under the express or implied authority of a strata company may make, vary or discharge a contract in the name or on behalf of the strata company in the same manner as if that contract were made, varied, or discharged by a natural person.

Council of the strata company: In by-laws 4, 5 and 6—schedule 1—there are new and more elaborate rules as to the constitution of councils, the election of councillors, the appointment of office bearers within the council, deputies for councillors, the retirement and removal of councillors, and the filling of casual vacancies on the council.

Meeting of proprietors: It is provided that the amount of the contribution payable by proprietors to the administrative fund, and to any reserve fund, are to be determined at a general meeting of the strata company—clause 36(3).

Voting: As there are a number of specified actions of a strata company which require to be authorised by a unanimous vote of the proprietors—for example, the leasing of the common property—some provision has to be made for situations in which a unanimous resolution is physically impossible or specially difficult to ob-

tain. Clause 50 provides that where there is no person able to vote in respect of a lot, or that the person able to vote in respect of a lot cannot be found, the Supreme Court may appoint the Public Trustee, or some other appropriate person to exercise such powers of voting as it may determine.

Unit entitlements: In clauses 14 to 16, there are provisions ensuring that unit entitlements are equitably set, and permitting recourse to the Land Valuation Tribunal in some cases of dispute as to the proper unit entitlement.

Finance: The Bill empowers a strata company to establish a reserve fund to meet expenses not of a routine nature—clause 36(2).

Rating: As the commission's report explains, there are advantages to having rates levied separately on each lot. However, for the reasons given, such separate rating is feasible only where the rating is on the basis of gross rental value. It is not possible where the rating authority levies rates on an unimproved value.

The Bill provides that where a rating authority levies rates on the basis of gross rental value the Valuer General is required to value each lot separately and the liability for rates is to be assessed accordingly—clause 63. Where valuation is made on the basis of unimproved value—that is, the valuation is of the whole parcel—the proprietor, as well as the strata company, will be entitled to object to and appeal against the valuation—clause 64.

Insurance: There are important provisions in relation to a strata company's obligation to insure the building—clauses 53 to 59. There are too many to detail here, but honourable members will find the effect of them stated in summary form on pages 233 to 235 of the commission's report.

There is also now to be an obligation on the company to effect insurance in respect of any occurrence against which it may be required by law to insure—for example, workers' compensation—and, in the absence of a unanimous resolution to the contrary, public liability insurance to the amount of \$750 000, or such other sum as may be prescribed—clause 55.

Occupiers and visitors: The strata company will be authorised to impose controls, by by-laws, on the behaviour of tenants, residents, and visitors in the interest of proprietors and other tenants and visitors—clause 42(16) and schedule 2. There will also be power in the strata company to make by-laws—including by-laws as to parking—binding tenants, residents and other occupiers, as well as proprietors—clause 42(6) and schedule 2.

In this connection, it should be noted that clause 81(3) authorises the strata titles referee to order

occupiers and residents, among others, to do, or to refrain from doing, a specified act with respect to a parcel. Furthermore, clause 116 makes it an offence punishable by fine to contravene any such order.

Sale of lots: One important innovation is the obligation imposed on developers—that is, original proprietors—by clause 68, to give the prospective purchaser of a strata lot written notice of certain details of the strata scheme before he enters into a contract to buy, and also to advise the purchaser of any changes in relation to maintenance agreements, by-laws or unit entitlements which occur prior to his becoming the registered proprietor of the lot. If this latter requirement is not met and the purchaser is materially prejudiced thereby, he will have a limited time within which he may avoid the contract.

There is another protection proposed for the purchaser of strata lots, though it is not provided in this Bill, but in the associated Acts Amendment (Strata Titles) Bill—clauses 5, 6 and 7. That is to apply part III of the Sale of Land Act 1970 to the sale of lots in a strata subdivision, or proposed strata subdivision.

This part III, as amended by the proposed Acts Amendment Act, will have the effect of imposing a restriction on the sale of strata lots of which the vendor is not the registered proprietor, or which are subject to a mortgage which also includes other lots.

Resolution of disputes: There is another important innovation in the provisions of part VI of the Bill—clauses 71 to 113 inclusive and also clause 121—which provides for the constitution and functioning of an officer, or officers, to be known as strata titles referee, or referees. The qualification is service as a stipendiary magistrate or being a legal practitioner—clause 72.

A referee may, pursuant to an application by a strata company, an administrator—see clause 102—a proprietor, a person having an interest in a lot, or an occupier, or other resident of a lot, make an order for the settlement of a dispute concerning the action or inaction of any person entitled to make an application to the referee, or of the council, chairman, secretary, or treasurer of the strata company—clause 83.

A referee cannot override any provision of the Act requiring a unanimous resolution—clause 83(4)—nor can he decide any question of title to land—clause 121—or make an order of the kind that may be made by the Supreme Court under clauses 28, 29, or 31.

A referee may require a party to a dispute to pay money up to the amount of \$1 000 to a person

specified in his order—clause 84(1)(a)—or require a party to do or refrain from doing a specified act—clause 84(1)(b). There is a power to make interim orders—clause 82. Some of the more particular matters which can be the subject of orders by referees are set out in clauses 85 to 103.

There is a power to make regulations for the enforcement of orders made by referees.

There is a general right of appeal to the District Court against any order of a referee—clause 105—and that is the only appeal permitted—clause 107. There is also a power given to the District Court to order an application before a referee to be remitted to the court—clause 108.

Definition of “proprietor”: Effect is given to the commission’s recommendation that there should be a new definition of “proprietor” which will permit the person so referred to to be readily and certainly identified—clause 3.

Reconstitution of strata plan: The Supreme Court is to be given an enlarged power for exercise in cases where changed circumstances—for example, destruction of the building or resumption—make it necessary to vary an existing strata scheme, or to substitute a new strata scheme, and to make such orders as may be necessary to give effect to such changes—clauses 28 and 29, and also clause 30 as to terminating strata schemes.

Conversion of tenancies in common: The commission recommended that there be a “streamlined” procedure for the conversion of tenancies in common to strata titles. The present procedure is particularly onerous. Scope for the introduction of the desired new procedure is provided in the regulation-making power—clause 130(f).

Schedule 1: This contains the provisions which, pursuant to clause 42(2), are to be deemed by-laws of the strata company, but which may be amended, repealed or added to by the strata company, though in relation to the provisions in part 1, only by unanimous resolution.

Schedule 2: This sets out model by-laws which may be adopted by a strata company. These follow the proposal of the commission as set out in appendix IV to the report.

Schedule 3: This comprises transitional and savings provisions.

I will now turn to the provisions of the Bill which do not derive from recommendations of the Law Reform Commission.

Clause 24(5) limits the conditions which the local authority may apply to the determinations which it will be authorised to make under

subclauses (1) and (2) of that clause, to conditions “relating to the proposed development of the parcel”.

This restriction is imposed to avoid the possibility of the acceptance of a less than suitable building becoming part of a package deal in which the condition is, for example, that the developer upgrade existing buildings elsewhere, or donate public open space not in the immediate area.

Strata title subdivisions not to affect rural character of the area: It was thought advisable to insert an additional provision to ensure that the character of rural areas is not adversely affected by an unreasonable proliferation of strata title subdivisions. Clause 25 (5) gives an indication of this intent.

Additions to common property to involve contiguous land only: Clause 18 (1) limits the strata company’s acquisition of land for the purpose of enlarging the common property, to land which is contiguous to the existing common property.

Procedure for surrendering lease of additional common property: The commission suggested that where the strata company has leased additional land for use as common property, the strata company should, by unanimous resolution, be empowered to surrender it. There could be difficulties in this process, particularly if the lessor happens to be the proprietor of a lot and is reluctant to lose the rent. Accordingly, clause 18 (5) now provides that in this circumstance the lessor-proprietor may not vote on the issue and that an otherwise unanimous resolution for surrender of the lease will be fully effective.

Control of moneys for lots sold before registration of strata plan: The commission considered the desirability of a provision similar to that in the Victorian Strata Titles Act by which, where lots are sold prior to the registration of a strata plan, the purchase moneys are paid to a solicitor or licensed real estate agent and held in trust until the plan is registered. Eventually it decided against having such a measure in the belief that there are other sufficient safeguards for the purchase. I am advised that some of these other safeguards may not be entirely effective, and so the Bill follows the Victorian scheme—clause 70.

Limitation on right of a council to expend company funds: After considering the matter, the Law Reform Commission decided “on balance” against imposing any statutory limitation on councils as regards expenditure. However, I have decided that it is advisable to take the more cautious approach. Accordingly, clause 47 now provides that unless otherwise determined by a special resolution—defined in clause 3(1)—of the strata

company or, in an emergency, authorised by the referee, the council shall not, in any one case, undertake expenditure exceeding the sum obtained by multiplying the prescribed amount by the number of lots that are the subject of the strata scheme. The "prescribed amount" will be fixed by regulation.

There are some necessary exceptions to this rule set out in subclause (3) of the clause.

Appeal from strata title referees: As I have indicated, an appeal from the strata title referees will be to the District Court, and no appeal beyond that court is to be permitted—clauses 105 to 107. A quite different system of appeals was proposed by the commission, namely, appeal to the administrative law division of the Local Court, with a further right of appeal on questions of law to the administrative law division of the Supreme Court and then to the Full Court. Apart from the fact that the administrative appeal system anticipated by the commission is not yet instituted, it is considered that a special, limited appeals system is more appropriate.

With regard to the matters considered in both chapter 6, "staged development", and chapter 21, "cluster titles", the commission has made no proposals for legislation, but has simply recommended that further study be undertaken with a view to possible action in the future. Subject to consultation with the Minister for Planning, I propose, in due course, to make a separate reference to the Law Reform Commission on the cluster titles system.

This is an important measure. It contains many important provisions and I urge honourable members to examine the Bill in detail.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

Sitting suspended from 6.08 to 7.30 p.m.

ACTS AMENDMENT (STRATA TITLES) BILL

Introduction and First Reading

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

Second Reading

Leave granted to proceed forthwith to the second reading.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [7.32 p.m.]: I move—

That the Bill be now read a second time.

This Bill is associated with the Strata Titles Bill 1985, which I have just introduced into this House.

The Bill proposes to amend, in an essentially technical manner, a number of relevant Statutes so as to ensure that they will be consistent with the new strata titles legislation.

Clauses 3 to 7 propose to amend the Sale of Land Act 1970. Clauses 8, 9 and 10 amend the Real Estate and Business Agents Act 1978, the Valuation of Land Act 1978, and the Land Tax Assessment Act 1976, respectively.

I commend the Bill to the House.

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

MR J. J. O'CONNOR: CHARGE

Tabling of Documents: Motion

HON. G. E. MASTERS (West—Leader of the Opposition) [7.34 p.m.]: I move—

That the Attorney General on the sitting day next following the sitting day on which this motion is passed table in this House all files, papers and records, including correspondence, that were received or transmitted by him or on his behalf and which relate to, or had a bearing on, his decision to enter a *nolle prosequi* in the case against John Joseph O'Connor.

During the debate about the tourist industry, and the Government's decision in relation to that, a remark was made by a member in this House to the effect that something is very wrong. I guess that feeling is evident in many areas in the community, because something is very wrong.

The decision made on Thursday, 28 February 1985 on the O'Connor issue was described by the Opposition as a terrible decision. The best description of that Thursday would be "black Thursday". The Attorney General made an announcement on that day which rocked the very foundation of the judicial system in Western Australia.

The Opposition was so incensed by the decision that it moved a motion of censure of the Attorney General. It was a substantial motion which said that the House and Parliament had no confidence in him. During that debate I led off my speech with the statement that the motion was the most serious charge and censure motion ever levelled at an Attorney General in the history of the Western Australian Parliament.

I went on to say that the charge against the Attorney General was of taking the law into his own hands and subverting the course of justice for political reasons. I made some further comments

which were along the lines that the Attorney General had brought shame to a very important position in Government. Mr Berinson brought shame to the position of Attorney General. I said that Mr Berinson had defiled the position and had proved himself unfit to hold a position of trust. I emphasise the words "position of trust". I said he was a man who had yielded to the pressure of industrial politics in the union movement.

The Opposition has made a number of statements publicly along these lines. We have said that the Attorney General has interfered with the due processes of the law and has opened the door to a breakdown in the legal system we have known all our lives, and that in fact he is ruled by industrial muscle and not by the law. He has exposed, for all to see, the immense power—

Hon. Mark Nevill: Stop reading your speech.

Hon. G. E. MASTERS: The member has never seen me read a speech. I certainly could not make that sort of contribution. I doubt very much whether Hon. Mark Nevill, in the three speeches he has made, would have done anything but use extensive notes. I will continue to use my notes. The Attorney General has invited rule by industrial muscle and not by the law. He exposed, for all to see, the immense power wielded by the union bosses and raised the question as to who really is running the Government.

I would have thought with those sorts of accusations levelled at any Minister of the Crown, and particularly Hon. Joe Berinson, who has gained the great respect of members on both sides over a long time—

Hon. J. M. Brown: You are trying to impugn him.

Hon. G. E. MASTERS: He held that respect until 28 February this year.

Several members interjected.

Hon. G. E. MASTERS: I do not have to impugn or damage that reputation; Hon. Joe Berinson has done that himself, and upon the orders of the Premier of the day—

Hon. J. M. Berinson: All you have done so far is level allegations. You have not substantiated one.

Hon. G. E. MASTERS: I can understand that Hon. Joe Berinson is very upset.

Hon. J. M. Berinson: I am not very upset, I am stating a fact. You have not substantiated one of your allegations; you have simply repeated them.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! Order! I have read the motion and it relates to the tabling of files and papers. I think it would be a good idea to stick to that.

Hon. G. E. MASTERS: I am following exactly that course of action. The statements made in this House by myself and my colleagues, as well as statements made by the public, demand that the papers and files he tabled in this House. That is that point I am making.

No-one, and surely no-one in the position of the Attorney General, could possibly allow accusations like this to be made without feeling deeply upset and hurt; and, in fact, without trying to prove his own innocence. But the Attorney General has done none of that.

Hon. J. M. Berinson: He has done all of that, in his replies, if you had listened.

Hon. G. E. MASTERS: Everywhere we go today we hear that people are upset about it. Honourable members must have heard it. People are all talking about it and are accusing the Government, and particularly the Attorney General. They are fearful of the results and are shocked because they know it was a political decision made under duress. The media—the television and radio—have expressed doubts and deep concerns about what they see as a political decision made under duress. I doubt whether there has ever been a decision that has caused greater consternation, confusion and disbelief.

Hon. J. M. Brown: Confusion with you, for certain.

Hon. G. E. MASTERS: I am not the only one confused, Mr Brown. Any Attorney General faced with the sort of headlines which have appeared in the newspapers relating to that decision would be embarrassed.

Hon. I. G. Pratt: What do they say, Mr Masters?

Hon. G. E. MASTERS: One says, "O'Connor uproar: Extortion charge dropped". *The West Australian* on 1 March said that, in the interests of justice, the matter should have been brought to the courts for them to decide. Those are not my words.

Hon. J. M. Brown: Whose words are they?

Hon. G. E. MASTERS: They are from an editorial in *The West Australian*.

Hon. Mark Nevill: The opinion of whom?

Hon. G. E. MASTERS: I think it is a pity that members opposite do not sit quietly and listen to me. I am quietly trying to get the Attorney General to table papers. That is all I am seeking. I am not here for a brawl. I am saying that any Minister of the Crown who is faced with those sorts of headlines and comments, should be embarrassed enough to accede to my request. A headline on 2

March stated: "New prosecution post sought for WA". The articles states—

The WA Law Society has called for an independent public prosecutions office which it says would be free from political pressure.

Hon. J. M. Berinson: Did you read its subsequent correction of that?

Hon. G. E. MASTERS: The Minister read it to us.

Hon. J. M. Berinson: Why do you ignore it, then?

Hon. G. E. MASTERS: The Minister should let me go on; he is not usually as upset as this. However, it is understandable in the circumstances. If he is upset we can imagine the concern in the community. He appears to have no care for that concern; that is the tragedy of the situation. People do not know where to go now when there is industrial unrest. The Attorney General has brought about that situation.

There is every reason why the Attorney General should table the papers as we request. What has he to hide? I know Hon. Joe Berinson is very sensitive. I am sure the cartoons of him have had an effect on him. One shows him with more hair than he has. It shows him driving a large truck with "Law and Order Removalists" on the side of it and Mr Burke jumping out of the way saying, "I told Joe I would not stand in his way". That cartoon appeared in a newspaper on 1 March. On 7 March another cartoon showed Hon. Joe Berinson driving a large truck through a prison wall and the justice saying, "Might I remind you, justice should not only be done but should be seen to be done".

Hon. J. M. Berinson: Government by cartoon, Mr Masters! That is about your level.

Hon. G. E. MASTERS: When the position of Attorney General is the subject of cartoons, then he has defiled that position. I doubt whether this situation has ever applied to the position of Attorney General before.

Again, it was not just the headlines that were embarrassing to the Minister and the Government. Comments were made by the Chief Stipendiary Magistrate, by Professor Mulvahy and others. Many people in the public arena have expressed deep concern and they are still expressing that concern. Many people are accusing Mr Berinson of subverting the course of justice.

The issue today is not just the mumbo jumbo spoken by the Attorney General. Is the Attorney General able to defend his professional integrity, the integrity of the Government and the integrity of the members of his party? The Attorney Gen-

eral stands accused by the public, not just by members of the Opposition.

Hon. J. M. Berinson: Rubbish! I stand accused, not by the public, but by you and you have not substantiated any of your accusations.

Hon. G. E. MASTERS: The Attorney General stands accused by every section of the public. He has made an ass of his position as Attorney General and the public have no confidence in him.

There is no doubt in the community that this was a political decision. There is no doubt that there is now one law for the union bullies and one law for the rest of us. There is no doubt that Mr Burke was involved in the early stages of this decision but that Mr Berinson made the ultimate decision. I have no doubt that messages were passed and telephone calls were made.

Hon. J. M. Berinson: Why are you so incapable of recognising the truth when you hear it?

Hon. G. E. MASTERS: I ask the Attorney General to not insult this House by parroting the argument that he has put forward on a number of occasions. He has said things like, "The full force of the Criminal Code should not be applied to trade union leaders in industrial activity". Those are the sorts of words we hear when political decisions are made.

There is no doubt at all that people are deeply concerned. If Mr Berinson does not think that is a good argument, why does he not go into the work place and hear what the people say? They tell me these people should not be protected by the Criminal Code. The issue is that the Attorney General made a decision, and we ask why he made it. We accuse him of bowing to political pressure. We accuse him of bowing to union pressure, of abusing his position of Attorney General and of subverting the course of justice for political reasons. He let Mr O'Connor off an extortion charge and that is how everyone sees it.

Hon. Mark Nevill: Not me. That is rubbish and exaggeration in the extreme.

Hon. G. E. MASTERS: It is the truth.

Hon. Mark Nevill: It is not the truth.

Hon. G. E. MASTERS: The Attorney General made the decision against advice. He has already admitted that. I understand the Chief Crown Prosecutor gave advice contrary to Mr Berinson's decision. He said that in his speech.

Hon. J. M. Berinson: Of course I said it. He gave it to the Solicitor General who overruled it.

Hon. G. E. MASTERS: We are asking the Attorney General to table that advice; what is wrong with that?

Hon. J. M. Berinson: You will hear in a moment what is wrong with that.

Hon. G. E. MASTERS: Mr Berinson is accused of making a decision because of union threats and pressure. He is accused of making a decision under union pressure and is accused of bowing to the requests of the Premier.

The Attorney General has admitted at various stages during the debate that he has had communication with the unions. He said that he had had contact with the TLC, the TWU and the ALP State Executive. I am sure also that the Government would have been approached by O'Connor's legal advisers at some stage.

Hon. J. M. Berinson: I told you that I had been approached by them.

Hon. G. E. MASTERS: That is fine. If there is correspondence and communications, let us see them. We are saying that the Attorney General is bowing to pressure from the trade union movement.

Hon. J. M. Berinson: To the extent that you are saying that, you are not substantiating it and you never have from start to finish. You are pitiful.

Hon. G. E. MASTERS: The Attorney General cannot get over the fact that in the community today without exception people are saying that Mr Berinson made a political decision under pressure from the trade union movement. That is what happened and you, Mr Deputy President (Hon. D. J. Wordsworth), I, and everyone else know that is true. If it is not true, let Mr Berinson table the documents and files. What does he have to hide—this man the members call honourable? Why on earth is he burying those files? They should be brought into the House.

Hon. J. M. Brown: You should be skinned.

Hon. G. E. MASTERS: Not by the honourable member, ever.

The Attorney General is not telling the truth; he has misled the public and has no integrity whatsoever left in the eyes of the public.

Hon. Mark Nevill: You do not say that with any sincerity.

Hon. G. E. MASTERS: I will repeat the statement. In the eyes of the public the Attorney General has no integrity whatsoever and I say that with sincerity.

A Government member: What is your opinion?

Hon. G. E. MASTERS: It is my opinion that he has no integrity whatsoever. If I am wrong the Attorney General has absolutely nothing to fear from tabling the papers. What is there to fear? The Attorney General says we are telling lies and

acting on assumptions but what would any other member of this House do if someone accused him of the things I have accused Mr Berinson of? The first thing would be to say one was innocent and rush down, get the files and put them on the Table of the House. That is the action one would take unless one had something to hide. Indeed, Mr Berinson has something to hide. If he will not table the papers, only one conclusion can be reached. If the files are purged and papers are taken out the Attorney will stand condemned.

Withdrawal of Remark

Hon. J. M. BERINSON: That statement is the most outrageous of all the statements that have been made on this matter. I demand that it be withdrawn.

A member: What statement?

Hon. J. M. BERINSON: The statement that I would even consider doctoring the files.

Hon. I. G. Pratt: He did not say that at all.

Hon. J. M. BERINSON: He did and I demand that it be withdrawn.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I will not have members raising matters across the floor. I have to admit that I did not hear the words to which the Attorney General referred. I heard the member refer to the papers being purged and I thought that was the remark involved.

Hon. G. E. MASTERS: I will repeat what I said. I do not read my speeches, but I think I said that if there was any purging or something like that of the documents, the Attorney General will stand condemned.

Hon. J. M. BERINSON: Both the original statement and the repetition are outrageous, unparliamentary and beneath contempt. I again call on you, Mr Deputy President, to require the member to withdraw.

The DEPUTY PRESIDENT: Order! In view of the Attorney General's feelings on this matter, I will ask the Leader of the Opposition if he is willing to withdraw the statement.

Hon. G. E. MASTERS: I thought I used the word "if" and in deference to you, Mr Deputy President, and the Attorney General's request, I will withdraw the remark.

Debate (on motion) Resumed

Hon. J. M. Berinson: There are some limits, Mr Masters, and I advise you to observe them.

The DEPUTY PRESIDENT: Order! Mr Berinson, you have a withdrawal and you should not interject after that withdrawal.

Hon. G. E. MASTERS: Indeed, there must be some limits and the Attorney General has described his actions very well. When a decision is made by the Attorney General, the sort of decision that Joe Berinson has made, we would indeed say there seem to be no limits and no protection for people in the community from standover tactics and coercion. The Attorney General has declared open season in the work force and there are no limits.

If the Attorney refuses to table these papers and documents there can be only one conclusion: we are one step closer to the Minister's resignation. That must be the case if he cannot table the papers.

The House has every right in the world to order the tabling of those documents in view of the tremendous damage to Parliament and the position of Attorney General that has been perpetrated by Mr Berinson. Mr Leishman does not stand accused here tonight, neither does Mr O'Connor. But the Attorney General stands accused by the public, not just by this Parliament, and so does his Government and his colleagues.

Hon. J. M. Brown: You left out Mr Holly.

Hon. G. E. MASTERS: He does not stand accused either. We are not talking about that. I suggest that if the Attorney General is not prepared to table those papers, correspondence and documents, he must have something to hide. After these accusations have been made public and in this House how can the Attorney General in this instance refuse to table the file? It appears that the Minister will refuse to place the papers on the Table of the House and therefore we can reach no other conclusion, neither can the members of the public, than that the Government has something to hide. The Opposition will continue to press this issue and to bring out the facts which are presently being carefully hidden by the Government.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [7.58 p.m.]: Mr Masters has covered familiar ground in this debate and it is made no more persuasive by his constant repetition. Like Mr Hassell, he has not said anything new for three weeks. Between them they have not said anything right for three weeks. But, sure enough, they keep putting their trite slogans and deliberate distortions and what they say requires an answer.

Unlike Mr Masters I propose to concentrate in the main on the actual subject matter of the motion. I depart from that general intention to make one exception only, and that is to comment on one of a number of outrageous statements by Mr Masters; I refer to his assertion and I quote: "People

everywhere are accusing the Attorney General of perverting the course of justice".

No-one has done that anywhere outside of this Parliament and no-one would dare. Members of the Opposition, in particular Mr Masters and Mr Hassell, have been prepared to make those allegations in this Parliament, but they also do not dare to make them outside.

I invite Mr Masters to make that allegation outside the House. I dare Mr Masters to make that allegation outside the door of the House. I do not want Mr Masters to strain himself. He does not have to go more than 25 paces to the door of the House. I invite and dare him to do that and to repeat his allegation that I am guilty of perverting the course of justice. If he is prepared to do that now, I am happy to delay the remainder of my comments for the very brief time that would take.

Hon. Tom Knight: You realise there is no law outside the door any more.

Several members interjected.

Hon. J. M. BERINSON: I thought that by now Mr Masters would be springing to the door, but he seems to be fixed to his seat. In fact he is leaning further back. That is really something of a surprise to me. I really thought he would be out there in a flash, this brave man; this man with all of the allegations; this man who knows the truth better than I do; this man who will not accept the truth when he hears it!

Several members interjected.

Hon. J. M. BERINSON: I would have thought that by now this symbol of pioneer courage would have been outside the door and back. There he is fixed to his seat like a ventriloquist's dummy!

Hon. G. E. Masters: A good performance, Joe.

Hon. P. G. Pental: This is an Oscar-winning performance.

The DEPUTY PRESIDENT: Order!

Hon. J. M. BERINSON: In a nutshell this motion calls for the tabling of files which I have already declined to table. My reasons, as I have explained previously and as I must now repeat, are threefold: Firstly, people who write to me, especially on legal matters, but more generally as well, are entitled to expect that the confidentiality of their correspondence will be respected. Secondly, advice by departments to their Ministers has always been treated as confidential unless the Minister, at his own discretion, decides otherwise. The position is even clearer where the opinion of law officers is involved, as it is in this case. As Erskine May's *Parliamentary Practice* puts it at page 434—

The opinions of the law officers of the Crown, being confidential, are not usually laid before Parliament or cited in debate, and their production has frequently been refused;

This is my position in respect of the Crown Prosecutor's opinion, although I made it clear to the House, immediately I was asked, what his opinion was, namely, that a *prima facie* case having been established, the case should proceed. In spite of the general practice in respect of legal officers' opinions, I did table the Solicitor General's opinion and I explained at the time why I did so. The reason was that I had quoted extensively from the Solicitor General's opinion in my statement to the Parliament and I was anxious to avoid any suggestion that I might have quoted his comments selectively.

By the way, I note that all else having failed, last week Mr Hassell got around to attacking the Solicitor General as well. That was a deplorable, disgraceful, and totally unjustified reflection on a most distinguished public officer who has served the State and successive Governments, more Liberal than Labor, with great capacity and total integrity. One small consolation of the current debate is that at least that particular attack has not been repeated here.

As I have stressed repeatedly, my third reason against tabling the files is that I am not prepared to encourage further development of peripheral and, indeed, irrelevant side issues while the Opposition continues to ignore the real and crucial issue in this case. That single most crucial issue involves a question as to the extent to which the criminal law in its full rigour should be brought to bear on essentially industrial matters. That question is at the heart of the O'Connor case and it should be at the heart of every debate on that case. It never is, because the Opposition keeps running from it.

Hon. P. G. Pendal: We disagree with it.

Hon. J. M. BERINSON: The member may disagree, but he should explain his reason for that disagreement. Never yet have I heard them.

Hon. P. G. Pendal: A *prima facie* case was made out, and you know it.

Hon. J. M. BERINSON: In our last debate on the subject I put a simple proposition: Over the years, as I reminded the House, we have had literally hundreds of threats of bans, stoppages to concrete pours, and strikes directed at overturning decisions of the Industrial Commission. All of those threats of bans, stoppages, and strikes potentially fall within the criminal offence of extortion. They have occurred much more frequently under Liberal Governments than under Labor Governments, if for no other reason than that the

Liberal Party has been in office for much longer periods than has Labor during the post-war years.

I asked Mr Masters then, and I ask him again now: When was one of those union threats followed by a criminal prosecution? Well, Mr Masters, when was one of those union threats followed by a criminal prosecution?

Hon. G. E. Masters: I shall reply to you.

Hon. J. M. BERINSON: We had silence from Mr Masters then and we have silence from Mr Masters now; and this from the same Mr Masters who usually has so much to say! Now he says nothing at all.

Let me be more specific. I wonder whether Mr Masters would care to indicate whether he supports the view of some unions that workers who have been on strike should be paid for the time they spend on strike. Mr Masters may indeed support the concept of strike pay, but I am quite clear that I do not. I oppose the view in support of strike pay; that is, strike pay by employers.

Indeed, I go further to say that demands for such payments are about the least defensible demands one could find. Apparently Mr Masters disagrees with that or prefers to remain silent.

Hon. G. E. Masters: You are intriguing me.

Hon. J. M. BERINSON: Mr Masters is saying that he is anxious to listen to me and I am glad that he is, because I have something to tell him. If what I have said so far is agreed, then threats of bans or strikes in support of strike pay would also clearly fall within the extortion definition of the Criminal Code.

Taking this one narrow area alone for the purpose of illustration, I invite you, Sir, to consider the appalling record of the very man who has seen fit to move this motion. In the period of his service as Minister for Industrial Relations—

Point of Order

Hon. V. J. FERRY: The mover of the motion is not mentioned in the motion. We should be debating the text of the motion and there is nothing in it which decries the faults or applauds the attributes of the Leader of the Opposition.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): There is no point of order, but I am sure the Attorney General will confine his remarks to the matter before the Chair.

Debate (on motion) Resumed

Hon. J. M. BERINSON: Of course I will confine my remarks to the matter before the Chair, because my remarks are directly related to the undesirability of the criminal law in essentially

industrial disputes, and I am bringing evidence in support of my own view from the actions of Hon. Gordon Masters. I bring that evidence forward by referring to the fact that in the period of his own service as Minister for Industrial Relations, the following incidents occurred after threats demanding strike pay: On 23 June 1982 there was a strike; on 12 July 1982, another strike; on 22 July 1982, a strike; on 10 August 1982, a strike; on 10 August 1982, another strike; on 16 August 1982, a strike; on 18 August 1982, a strike; on 23 August 1982, a strike; on 30 August 1982, a strike; on 1 October 1982, a strike; on 1 November 1982, a strike; on 9 November 1982, a strike; on 1 December 1982, the blockade of a warehouse; on 2 August 1982, union bans; on 13 December 1982, a strike; on 12 January 1983, a strike; on 13 January 1983, a strike. Fortunately, the elections followed and Mr Masters was voted out of office. So heaven help us all—

Hon. G. E. Masters: Could you go on with Mr Dans' record? His record was 10 times worse.

Hon. J. M. BERINSON: We heard Mr Masters' lame explanation last time around that the reason he did not resort to the criminal law in any of these or the hundreds of analogous situations was because he used industrial inspectors instead. Mr Masters said that whenever such a threat arose he had industrial inspectors on the spot within hours.

One is left to wonder what the inspectors did when they got to the trouble spots so quickly, because the strike which started on 12 July 1982 lasted four days; the strike which started on 9 November 1982 lasted six days; the strike which started on 2 December 1982 lasted eight days; one of the strikes which started on 10 August 1982 lasted 21 days; the strike which started on 1 October 1982 lasted 21 days; the strike which started on 1 September 1982 lasted 30 days, and another strike which started on 10 August 1982 lasted 63 days.

Hon. P. G. Pental: Strike me pink!

Hon. J. M. BERINSON: All this, and much more, in the term as Minister for Industrial Relations of Mr Masters, who never once said that the criminal law should be invoked, who cannot cite a single instance of its ever having been invoked in a threatened ban situation, and who now wants to condemn me for acting consistently with his own practice, the practice of every one of his predecessors as Minister for Industrial Relations; and, if that is not enough—

Hon. A. A. Lewis: Turn the page.

Hon. J. M. BERINSON: —consistent with the practice of the Minister for Police—

Hon. G. E. Masters: Mr Deputy President will tell you off for reading your speech!

Hon. J. M. BERINSON: —while all these extortionist threats for strike pay were being made—I refer, of course, to Mr Hassell—no action was taken.

Hon. G. E. Masters: A brilliant, written speech!

Hon. J. M. BERINSON: I would not much enjoy this motion being moved by any member of the House, especially accompanied by the comments which have been used in this and other debates; but especially coming from Mr Masters at the direction of Mr Hassell it is utterly ludicrous and close to obscene.

Mr Masters simply cannot believe his own arguments in the debate which have developed over this matter during the last three weeks. If he does believe them, he condemns his own and Mr Hassell's administration, and the administration of all previous Ministers for Industrial Relations and Ministers for Police, most of them Liberal.

He denies as well the whole history of industrial relations which has constantly moved away from the criminal sanctions where conduct such as in the present case is involved.

Mr Masters cannot be that stupid. On the other hand, if he does believe his own recent comments, he must be.

I call on the House to defeat this motion.

Hon. A. A. Lewis: What chance do you think you have got, really?

Hon. J. M. BERINSON: I conclude with a reason which does not go so much to the particular case, but to more general questions of the role and the standing of the House itself.

I will not digress onto questions of gerrymanders and arguments for electoral reform of the Legislative Council. I will simply say this—

Hon. P. G. Pental: That is a relief. You have talked about everything else. What about market gardens?

Hon. J. M. BERINSON: The Liberal coalition has—

Several members interjected.

Hon. J. M. BERINSON: —an automatic majority in this House for any vote it wishes to carry, and it always has had. To the extent that our parliamentary system has worked at all reasonably in the face of that unfortunate fact, that has been a reflection of the restraint with which the automatic majority has exercised its theoretical powers. It was that restraint which led the majority in the House under the leadership of the late Sir Arthur Griffith to reject the proposal by Sir

Charles Court that supply should be refused by the Legislative Council to the Tonkin Government.

It would be a proper exercise of the same restraint for the Council to decline to pass this motion, and if not that, then to decline to use the numbers to take the matter further.

Hon. V. J. Ferry: Do you want a hanky?

Hon. J. M. BERINSON: To do other than that is to attack the acknowledged executive privilege attaching to ministerial papers, and for no better reason than idle curiosity. That there can be no real justification to attack the executive privilege in this matter follows from the facts of the case and the nature of my decision.

The position is simply this: My reasons for entering a *nolle prosequi* have been fully explained on earlier occasions. I have frankly acknowledged the element of policy consideration which was involved in reaching the conclusion I did.

Given that factor, the files simply cannot help to resolve the question as to whether my judgment was right or wrong. In particular, they are totally irrelevant to the central policy issue; namely, the use of the criminal law where it has never previously been used in the field of industrial relations.

To keep talking about files, as Mr Masters would have us do, is to go on a fishing expedition rather than a search for the truth. It is to pursue side issues and non-issues and to neglect the real issues.

The House should not lend its support to a motion with as little to commend it as has this motion.

Government members: Hear, hear!

[Applause.]

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Debate adjourned, on motion by Hon. Tom Stephens.

SMALL CLAIMS TRIBUNALS: SELECT COMMITTEE

Clerk of Legislative Council: Leave to Appear

HON. D. K. DANS (South Metropolitan—Leader of the House) [8.20 p.m.]: I move—

That leave be granted to the Clerk of the Legislative Council to appear before and give evidence to a Select Committee of the Legis-

lative Assembly relating to Small Claims Tribunals.

Hon. H. W. Gayfer: Am I to take it there is no explanation of why this is being done?

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): It would appear that way.

Hon. D. K. DANS: I will give an explanation now. The Clerk of the Council because of his previous employment with the Consumer Council of New Zealand and his appointment to a Government committee which formulated proposals leading up to the creation of a Small Claims Court in New Zealand, coupled with his later administrative law experiences in California, has been invited to appear before the Assembly Select Committee inquiring into the operation of the Small Claims Tribunals in this State. The Clerk, even were he to appear before a Select Committee of the Assembly in a private capacity, must still obtain the leave of the Council before so doing. Accordingly, this motion is now before the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

STANDING ORDERS COMMITTEE

Report: Consideration

On motion by Hon. D. K. Dans (Leader of the House), resolved—

That consideration in Committee of the Standing Orders Committee Report relating to Motions for Disallowance be made an Order of the Day.

OCCUPIERS' LIABILITY BILL

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT BILL

Third Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [8.24 p.m.]: I move—

That the Bill be now read a third time.

I take the opportunity to report on an undertaking I gave during the Committee stage to Hon. Tom Knight. He was concerned to have an assurance that the regulations to which I referred during the Committee debate would be promulgated at the

same time as the Act itself was proclaimed. I suggested to him then that that could almost safely be assumed, but I would prefer to consult with the responsible Minister before replying in a definitive way. I have consulted the Minister and I have his authority to indicate that the regulations

and the Bill will be brought into force simultaneously.

Question put and passed.

Bill read a third time and passed.

House adjourned at 8.25 p.m.

QUESTIONS ON NOTICE

ROADS: CONTRACTS

Kimberley and Pilbara

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

Further to his answer to my question 632 of Tuesday, 12 March 1985, will the Minister advise when work will commence on each of the contracts referred to?

Hon. PETER DOWDING replied:

Contract 97/84 is expected to commence in mid April.

Contracts 109/84, 154/84, 155/84 and 156/84 commenced in March.

Contract 171/84 commenced in February and has been completed.

Contract 174/84 is expected to commence when the effect of recent rains has subsided. At this stage no definite date can be given.

SUPERANNUATION: STATE FUND

Cost of Living Adjustment

647. Hon. JOHN WILLIAMS, to the Attorney General representing the Treasurer:

The State Superannuation Board has notified superannuants that the cost of living adjustment for 1984 has been assessed at 1.81 per cent.

- (1) Taking into account certain factors such as the Medicare levy having not been included, why is there such a great variation between the inflation rate over the same period and the cost of living adjustment?
- (2) Would the Treasurer give a breakdown as to how the figure of 1.81 per cent was arrived at?

Hon. J. M. BERINSON replied:

- (1) and (2) The superannuation legislation provides for pensions to be adjusted on an annual basis. The increase is stipulated as being the percentage increase, from December quarter to December quarter, in the Consumer Price Index Numbers—All Groups, Perth as published by the Commonwealth Statistician under the authority of the Census and Statistics Act 1905 (as amended or re-enacted from time to time) of the Commonwealth.

In 1984 that figure was 1.81 per cent.

ROADS: FUNDING

Commonwealth: State Share

648. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Is the Minister aware of concern amongst local authorities at the possible decline in Western Australia's share of Commonwealth road funding?
- (2) Does he acknowledge that WA's relative position with regard to Commonwealth funding is poor in the light of the facts that—
 - (a) the State occupies one-third of the continent;
 - (b) has the highest rate of natural resource development; and
 - (c) contributes 23 per cent of export earnings?
- (3) Does he also acknowledge the strength of the argument that, while Western Australia has 17.8 per cent of the total Australian roadlength, it receives a mere 12.25 per cent of Commonwealth funding?
- (4) If so, what steps is he taking to ensure the position of Western Australia is protected?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) Yes.
- (3) Yes and it has remained constant since 1977.
- (4) I have represented the State's case strongly to the Federal Minister for Transport and other Federal Ministers, and the Premier has also taken the matter up with the Commonwealth.

I would be extremely disappointed if the proportion of Commonwealth funding for roads in Western Australia was reduced below the present level in the new Act to apply from July 1985.

As former State Ministers for Transport will know it has not always been easy for Western Australia to maintain its share of funding in the light of various Bureau of Transport Economics' reports which have suggested reduced funding for this State.

GAMBLING: CASINO

Site: Survey

649. Hon. P. G. PENDAL, to the Minister for Racing and Gaming:

- (1) Did the Government conduct or cause to have conducted any poll or survey in south-of-the-river suburbs to canvass public opinion on the siting of the casino?
- (2) If so—
 - (a) who conducted the poll;
 - (b) when was it conducted;
 - (c) at whose expense was it done;
 - (d) what did it cost; and
 - (e) what did it show?

Hon. D. K. DANS replied:

- (1) No.
- (2) Not applicable.

AGRICULTURE: RURAL SECTOR
HARDSHIP*Select Committee: Recommendations*

650. Hon. H. W. GAYFER, to the Leader of the House representing the Minister for Agriculture:

- (1) As it is now approaching six months since the final report of the Select Committee of the Legislative Assembly appointed to inquire into Hardship in the Rural Sector was presented, what action has the Government taken following the recommendations made in that report?
- (2) Is legislation being prepared to adopt many of the recommendations such as to allow the Rural Adjustment & Finance Corporation—
 - (a) to accept a more positive role in the process of rural adjustment, particularly in terms of counselling to farmers in serious hardship and unable to achieve viability;
 - (b) to act as an arbitrator between farmers and lenders/creditors when disputes arise;
 - (c) to be an appropriate body to advise the Government on policy relating to rural adjustment problems?
- (3) Will the RAA & FC take over drought relief administration with full control of drought relief moneys, from the R & I Bank?

- (4) Will the RAA & FC be given more autonomy and an expanding role along similar lines to the Victorian Rural Finance Commission?
- (5) As numerous farmers have been forced to sign agreements with credit providers to obtain carry-on finance to the effect that if the returns are not sufficient to meet the required payments then the farm be sold, will the Government take immediate appropriate action to expedite assistance to those farmers who are in serious financial difficulties?

Hon. D. K. DANS replied:

- (1) I refer the member to comprehensive answers already supplied to question 613 in the Council and 2494 in the Assembly.
- (2) (a) Yes;
(b) no;
(c) yes.
- (3) The proposed legislation provides for the transfer of drought relief and other delegated agencies to the Rural Adjustment & Finance Corporation, and for the control of the trust account relating to drought relief to pass to the Corporation.
- (4) The proposed legislation will provide the Rural Adjustment & Finance Corporation with greater autonomy, and greater flexibility in the use of various trust funds. This expanded role is along similar lines to the Victorian Rural Finance Commission.
- (5) Last year, special carry-on assistance was introduced to assist farmers in severe financial difficulties facing the possibility of forced sale. Similar special assistance for this year is under consideration.

Increased protection from forced liquidation of assets will also be provided in new credit legislation.

ABORIGINAL AFFAIRS: LAND RIGHTS

Claims: Mission Lands

651. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:
- (1) Will the Minister list those mission lands which will be claimable under the terms of the Aboriginal Land Bill 1985?

(2) If not, why not?

Hon. PETER DOWDING replied:

(1) No.

(2) The Bill quite clearly specifies that the tribunal will need to be satisfied that all criteria are met before recommending that an area of mission land be granted to an Aboriginal group. It would not be proper to presume or pre-empt the workings of this legislation by listing such lands which may be claimable but not necessarily granted.

SPORT AND RECREATION: GOLF

Course: Rockingham

652. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Planning:

What does the Government propose to do with the old Rockingham Golf Course?

Hon. PETER DOWDING replied:

The Metropolitan Region Planning Authority owns the land which is within the Rockingham subregional centre. It is currently seeking information about future development options.

GAMBLING: LOTTERIES

Instant: Distributions

653. Hon. TOM McNEIL, to the Minister for Employment and Training representing the Minister for Sport and Recreation:

Further to the reply to part (3) of question 600 of 6 March 1985 in which the Minister stated, "In the context of the overall records the numbering system provides a clear indication of the month in which the allocation was made", would the Minister utilise these records and provide me with allocations, by month, for SILF allocation sheets numbers 1 to 10?

Hon. PETER DOWDING replied:

I table the information sought by the member.

The papers were tabled (see paper No. 511).

WATER RESOURCES: DWELLINGUP

Source

654. Hon. C. J. BELL, to the Leader of the House representing the Minister for Water Resources:

(1) Will the Minister advise from what source the town of Dwellingup draws water?

(2) Is there a Public Works Department bore located adjacent to the town oval?

(3) If so, why is this source of water not being utilised to alleviate the water shortage in the town?

(4) Is the Minister aware that the town oval is in an extremely poor condition due to the total lack of water?

Hon. D. K. DANS replied:

(1) The town of Dwellingup is currently supplied from headworks located on the north branch of Dwellingup Brook some two kilometres south-west of the town.

(2) Yes, though this bore has not been used for many years and the Public Works Department has recently removed equipment from it as it was no longer serviceable. It is also extremely doubtful whether any water could be obtained from the bore due to corrosion of the casing and in all probability the bore would need to be redrilled if it was to supply the oval.

(3) As there is no shortage of water for normal domestic or commercial purposes in the town, there is no need to redrill this bore.

(4) While the town oval may be in a poor condition, it should be pointed out that the Public Works Department does not have any responsibility to provide water for oval watering purposes. However, the department has, during the last summer, provided at the request of the Shire of Murray up to 100m³ per week from its town source to enable the oval to be watered. In the long term, the Public Works Department is considering augmenting the town supply so that the development of groundwater supply at Dwellingup for oval watering purposes can proceed.

GOVERNMENT INSTRUMENTALITIES: ACCOMMODATION

Manjimup

655. Hon. A. A. LEWIS, to the Leader of the House representing the Premier:

- (1) Has the Premier had an approach from the Manjimup Shire Council for Government departments to be housed in one building?
- (2) If so—
 - (a) is this considered feasible; and
 - (b) will money be committed for this project in the next Budget?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) (a) Yes;
- (b) the request for funds will be considered in the normal budgetary process.

TOURISM COMMISSION

Brochures: Sales Commission

656. Hon. A. A. LEWIS, to the Minister for Tourism:

Does the Tourism Commission or Holiday WA hold brochures for tourist attractions, motels, etc., that do not pay commissions to them on sales?

Hon. D. K. DANS replied:

Yes.

FORESTS

Hawke Block: Area

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

- (1) What is the area of the Hawke Block?
- (2) What area is going to be cut over the next—
 - (a) 12 months; and
 - (b) three years?
- (3) What area would have been cut and when, if the Shannon area had not been excluded from logging, etc.?

Hon. J. M. BERINSON replied:

- (1) 4 317 hectares.
- (2) (a) 157 hectares;
- (b) 257 hectares.
- (3) The same area of forest will be cut over in Hawke Block whether the Shannon

area is excluded from logging or not; but the time of cutting has been put forward because of the exclusion of the Shannon from logging.

CRIME: PROSTITUTION

Minors: Charges

658. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) Have any prosecutions for child neglect been launched against the parents of minors recently convicted on charges relating to male prostitution?
- (2) Will he initiate discussions with the Minister for Community Services to see whether action can be taken in these cases?
- (3) Is prostitution involving boys as much a reflection on the parents of such children as on the children themselves?

Hon. J. M. BERINSON replied:

- (1) No prosecutions for child neglect have been launched against the parents of minors recently convicted on charges relating to male prostitution. Some of the boys charged were State wards and as such out of the ambit of parental responsibility and in other instances no parental neglect was evident.
- (2) Where parental neglect is evident charges may be preferred under section 31 of the Child Welfare Act.
- (3) As this question seeks an opinion it is inappropriate under Standing Orders for the Minister for Police and Emergency Services to provide an answer.

EMERGENCY SERVICES: STATE EMERGENCY SERVICE

Review: Completion

659. Hon. V. J. FERRY, to the Attorney General representing the Minister for Police and Emergency Services:

- (1) Has the review of the State Emergency Service been completed?
- (2) If so—
 - (a) what action will the Government take in implementing any changes; and
 - (b) will the report be made available to the public, and when?

Hon. J. M. BERINSON replied:

- (1) The review has been completed and the Minister for Police and Emergency Services expects to receive the report later this month.
- (2) (a) and (b) It is proposed to release the report for comment prior to any action to implement.

660. *Postponed.*

TRAFFIC: LIGHTS

Mill Point Road: Changes

661. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Will his department investigate the growing practice among motorists heading north along Labouchere Road, South Perth, of turning right into Mends Street and, utilising the lights, left into Mill Point Road?
- (2) Will his officers investigate whether this impedes the movement of traffic using Mill Point Road; or
- (3) Could not a solution be to enforce—
 - (a) a no-turn-right from Labouchere Road into Mends Street; or
 - (b) a no-turn-left from Mends Street into Mill Point Road?

Hon. PETER DOWDING replied:

- (1) The Main Roads and Police Departments are aware of the problems at this location. It appears they result from a few impatient drivers wishing to queue jump during the morning peak period.
- (2) It has been established that this practice does not significantly impede Mill Point Road traffic as the limiting factor is the single lane capacity of the Judd Street on-ramp.
- (3) (a) Such a prohibition would impose undue limitations on drivers genuinely wishing to proceed to the Mends Street shopping area;
- (b) such a prohibition is not warranted; the Main Roads Department would only support such a restriction if safety was in question.

TRAFFIC: LIGHTS

Angelo-Coode Streets Intersection: Pedestrian Phase

662. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Is the Minister aware of a South Perth City Council decision to reject the Main Roads Department view on the matter of incorporating a pedestrian phase into the Angelo-Coode Streets intersection lights?
- (2) Will he request the department to review the decision?

Hon. PETER DOWDING replied:

- (1) The traffic signals at Angelo-Coode Streets intersection were commissioned in November 1983. The South Perth City Council requested a walk phase at this location in January 1985.
- (2) The Main Roads Department's investigations show that a walk phase is not justified at this time.

663 to 665. *Postponed.*

SPORT AND RECREATION: GIDGEGANNUP RECREATION CLUB

Management Plan: Approval

666. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Lands and Surveys:

Will the Minister apply the same speed with approval of the management plan for the Gidgegannup Recreational Club on land vested in the Shire of Swan for recreational purposes as he applied to the processing of the management plan and sale of reserves for the casino development on Burswood Island?

Hon. D. K. DANS replied:

I can assure the member that when the management plan is finalised to the satisfaction of the parties I will act without delay.

MEMBERS OF PARLIAMENT: TELEPHONE CALLS

INWATS Scheme

667. Hon. P. H. WELLS, to the Leader of the House representing the Premier:

- (1) Has the Government given consideration to having telephone calls made within Western Australia to Parliament House available at the Telecom 008 long distance rate which is charged at local rate?
- (2) If not, would the Government consider this option in an effort to give every Western Australian equal access to their member of Parliament?
- (3) Would the Government also consider a similar option to calls by constituents to country members' parliamentary offices?

Hon. D. K. DANS replied:

- (1) to (3) The Government is at present giving consideration to this matter both generally and in connection with country members' parliamentary offices.

The Government believes that malapportionment which discriminates against Perth electors is both undemocratic and ineffectual in assisting people to communicate with their members. 008 dialling facilities could provide a means to foster communication which is both democratic and effective.

668 and 669. *Postponed.*

COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS BILL

Kings Park Restaurant

670. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Lands and Surveys:

Does the Government intend that the future lease of the Kings Park Restaurant and other commercial premises will be in line with the principles laid down in the Commercial Tenancy (Retail Shops) Agreements Bill especially in relation to goodwill and key money?

Hon. D. K. DANS replied:

Any lease arrangements undertaken by the Kings Park Board will be in accordance with appropriate legislation.

ROAD: MITCHELL FREEWAY

Speed Limit: Review

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

- (1) Is the speed limit of 80 km under review for the northern section of the Mitchell Freeway?
- (2) If not, is it expected to be reviewed once stage 7 is completed?
- (3) Is it expected that the present speed limit will be increased?
- (4) What speed limits are being considered?
- (5) When does the Minister expect to announce any changes to the Mitchell Freeway speed limits?

Hon. PETER DOWDING replied:

- (1) and (2) A review will be undertaken shortly of the speed limits on the northern sections of the Mitchell Freeway.
- (3) to (5) These aspects will be taken into consideration as part of the review.

ABORIGINAL AFFAIRS: LAND RIGHTS

Survey: Northern Suburbs

672. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

In connection with land rights legislation, will the Minister advise—

- (1) Has the Government conducted a survey of the attitudes of people in the northern suburbs?
- (2) Was this survey part of a wider survey of attitudes of people on this subject?
- (3) How many people were interviewed during the survey from each designated geographical area?
- (4) What are the results of the survey?
- (5) Who conducted the survey?
- (6) Will the Minister provide a copy of the questions asked during the survey?
- (7) Will the Minister table complete details of the report?

Hon. PETER DOWDING replied:

- (1) No survey has been conducted specifically in relation to the proposed Aboriginal Land Bill.

(2) to (7) Not applicable.

ARGENTINE ANTS

Burswood Island

673. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Agriculture:

Further to question 639 of 12 March 1985 concerning the reported infestation of Burswood Island with Argentine ants, will the Minister advise—

- (1) What is the size of the infestation of Argentine ants on the island?
- (2) Are the surface barrier sprays of insecticide being used—
 - (a) dieldrin; or
 - (b) DDT?
- (3) If not, what are the brand names of the insecticides?
- (4) Who is carrying out the spraying of the area?
- (5) Does the Government expect to get rid of the Argentine ants before the casino construction is completed?

Hon. D. K. DANS replied:

- (1) 100 hectares.
- (2) and (3) Approved materials for the control of Argentine ants are Chlordane, Heptachlor, Dieldrin, Diazinon and Chlorpyrifos. The choice of material depends upon the terrain.
- (4) The spraying, which will commence in late 1985, will be carried out by the Department of Agriculture.
- (5) Yes.

CONSUMER AFFAIRS: CREDIT TRIBUNAL

Establishment

674. Hon. H. W. GAYFER, to the Minister for Consumer Affairs:

- (1) Has the tribunal, as envisaged within the Credit Act 1984, as yet been appointed?
- (2) Who are the appointees?
- (3) What are the terms of appointment of each of the appointees?
- (4) If "No" to (1), when will the appointments be made, and from what fields is it expected they will be selected?

Hon. PETER DOWDING replied:

- (1) No.
- (2) and (3) Not applicable.
- (4) Appointments are expected to be made in the near future. The fields from which the selections will be made are those provided for in sections 5, 6 and 11 of the Commercial Tribunal Act.

675 and 676. *Postponed.*

TRAFFIC: ACCIDENTS

Reynolds Road, Mt. Pleasant

677. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Is the Minister aware of deep resident concern over traffic in Reynolds Road, Mt. Pleasant?
- (2) What numbers of accidents have been reported along this road in each of the last five years?
- (3) What steps, if any, are planned for the upgrading of safety measures in the area?

Hon. PETER DOWDING replied:

- (1) Some concern has been expressed by Melville City Council to the Main Roads Department on traffic safety on Reynolds Road.
- (2) Reported accident information is only readily available over the past four years as follows—

1981	25
1982	27
1983	19
1984	17

These figures reflect the Kwinana Freeway southern extension opened in May 1982.

- (3) The Melville City Council recently sought assistance from the Main Roads Department on means by which safety might be improved along the road. The department has since provided council with technical advice together with an offer to finance safety improvements over a portion of the road.

HOUSING: LAND

Shelley

678. Hon. P. G. PENDAL, to the Minister for Employment and Training representing the Minister for Housing:

- (1) Has the State Housing Commission recently purchased houses and land in Shelley?
- (2) If so—
 - (a) what number of building lots is involved;
 - (b) how much was paid for the properties/vacant lots; and
 - (c) what is intended for the land?
- (3) Is he aware of protests by local residents in this matter?
- (4) Will he, in view of these protests, reconsider any plans the Commission may have for this area?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) (a) 6 lots;
 - (b) this information is confidential for obvious reasons and cannot be disclosed;
 - (c) the land with improvements standing, will be initially occupied as rental accommodation and at an appropriate time, redeveloped to provide town house units and aged persons units; the actual numbers of each category has not yet been established.
- (3) Yes.
- (4) Reconsideration is not considered necessary.

The plans for the area are part of the Government's initiative to provide public housing of an acceptable architectural design compatible with surrounding environment. The initiative is being implemented on a State-wide basis.

PRISON: FREMANTLE

Exercise Yard: Shelter

679. Hon. MARGARET McALEER, to the Minister for Prisons:

Further to my question 574 of Wednesday, 27 February 1985, is he satisfied that the shelter provided in the Fremantle Prison exercise yard is adequate to give protection to all the pris-

oners when they are all released together into the exercise yard during the weekend?

Hon. J. M. BERINSON replied:

Yes.

QUESTIONS WITHOUT NOTICE

MINERALS: DIAMONDS

Dispute: Discussion

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

- (1) Has the Minister discussed the Argyle diamond mine dispute with the TLC, TWU, AWU, Argyle Diamond Mines Pty. Ltd., or the Confederation of Western Australian Industry? Has he had discussions with any or all of these groups?
- (2) If not, why not?

Hon. PETER DOWDING replied:

- (1) and (2) I have discussed the Argyle diamond mine dispute widely with a great range of people since I became aware of it.

MINERALS: DIAMONDS

Dispute: Discussions

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

Has the Minister discussed the Argyle diamond mine dispute with any members of the TLC or with the TLC executive itself?

Hon. PETER DOWDING replied:

If the member is seeking to demand from me details of the people with whom I have had discussions, or for that matter who wish to have discussions with me, I decline to give him that information. I decline to do so not because any of the discussions are in any way an embarrassment—

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! There is far too much audible conversation in the Chamber. Hon. Philip Lockyer will come to order.

Hon. PETER DOWDING:—either as to the fact of their having occurred or as to the course of the discussion, but because I regard it as quite extraordinary that every discussion I have should become a matter of public record.

As the member should know, having been Minister in this portfolio, the sensitivity of the portfolio and the need to be able to hold discussions away from the glare of publicity is most important. His tactic is to try to drag into the public arena every aspect of the work the Government does and it simply will not succeed. As he would know, no Minister worth his salt would concede that that should be the case.

The DEPUTY PRESIDENT: Order! There is too much interjecting by members of the backbench and I will not allow it.

Point of Order

Hon. H. W. GAYFER: Would you clarify the term "backbench" because not a word has been spoken by members in this vicinity.

The DEPUTY PRESIDENT: I will rephrase that and call it the semi-backbench. The members involved know who they are and one member has previously been named.

Questions (without notice) Resumed

INDUSTRIAL RELATIONS: DISPUTES

Discussions

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

Is the House to understand that the Minister is not prepared to advise the House or members of Parliament of any groups with which he has held discussions either now or in the future when industrial disputes are concerned?

The DEPUTY PRESIDENT: The member must ask the Minister a direct question.

Hon. G.E. MASTERS: If a similar question is asked in the future dealing with an industrial dispute and a question is directed to the Minister asking whether he has undertaken discussions with any of the parties involved, will the answer from the Minister be "No comment", or "I refuse to give any information"?

The DEPUTY PRESIDENT: That is a hypothetical question which is not directed at any particular incident.

MINERALS: DIAMONDS

Dispute: Discussion

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

Has the Minister for Relations' adviser, Tom Butler, been involved in the Argyle diamond mine dispute and has he discussed this matter with the TLC, TWU, AWU, Argyle Diamond Mines Pty. Ltd., or the Confederation of Western Australian Industry?

Hon. PETER DOWDING replied:

The fishing expedition of the first question is the same fishing expedition of this question. I will make the position quite clear: If the member has some allegation to make that he regards as appropriate I will investigate it and give him an answer, if it is appropriate for me to do so. If he is on a fishing expedition about who is doing what and where, I do not see the relevance or appropriateness of satisfying him. If he makes it clear to me when we rise or in the form of a letter, I shall be more than happy to seek information and give it to him. As a fishing expedition to find out what is going on, it is entirely inappropriate.

MINERALS: DIAMONDS

Dispute: Mr Tom Butler

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

Is the Minister telling this House that he refuses to advise members of the House whether Tom Butler has been involved in the Argyle diamond mine dispute? Is he refusing to answer?

The DEPUTY PRESIDENT: The Minister does not necessarily have to answer any question and I think that was much the same as the previous question.

GOVERNMENT INSTRUMENTALITIES:
STATUS

Solicitor General's Advice

612. Hon. P. G. PENDAL, to the Attorney General:

(1) Does the Attorney General recall my asking him late last year, as a result of the High Court decision on the Franklin River Dam case, whether it was a fact that the State Government was looking to restructure all or any of its Govern-

ment instrumentalities and statutory corporations to place them outside the scope of what was then thought to be an extended Commonwealth power?

- (2) If the Minister recalls that, does he recall his answer telling me that the Solicitor General had been asked to advise on the implications of that development?
- (3) If the Attorney General recalls that, can he advise whether he has received a report from the Solicitor General and if so, what advice does the report contain?

Hon. J. M. BERINSON replied:

- (1) to (3) I am sorry, I do not recall the details of the matter to which Mr Pandal refers, but if he puts the question on notice I will attend to it as soon as I can.

EMPLOYMENT AND TRAINING: EMPLOYMENT

Statistics: Australian

613. Hon. NEIL OLIVER, to the Minister for Employment and Training:

Is he aware that the number of persons employed in Australia has increased by the largest margin in the month of February since monthly figures were collected?

Hon. PETER DOWDING replied:

I am aware that there has been an upturn in the number of people who are unemployed, and that there has been a marginal increase in the percentage. However, the statistics clearly reveal the underlying strength of the economy; they clearly reveal an increase in the number of jobs being created; and they show a substantial increase, particularly taken over the term of office of the Burke Labor Government and the Federal Government.

Hon. Tom Knight: What will you say next month?

Hon. PETER DOWDING: The same sort of thing as the mob opposite used to say, except that they went down the tube endlessly. We are able to demonstrate, without any difficulty at all, a real increase in employment. Now, given the circumstances in Western Australia over the period that these figures relate to, and particularly the problems with the extremely hot weather and the very significant number of school leavers, I think

the figures are quite remarkable and give us some feeling of confidence in the future as we have been able to develop and progress both in our Budget strategy and in the Federal Government's strategy.

EMPLOYMENT AND TRAINING: EMPLOYMENT

Statistics: Australian

614. Hon. NEIL OLIVER, to the Minister for Employment and Training:

I do not think the Minister understood, so I will put the question again. I was referring to the Australian work force and asking the Minister if he is aware that the Australian work force has increased by the largest margin since the figures were gathered.

Hon. PETER DOWDING replied:

The growth in the Australian work force is considerable, but I do not know if it is the greatest increase since the advent of the Australian Bureau of Statistics. However, if the member says so, I have no reason to doubt him. It is a remarkable growth in employment; and if analysed carefully, we believe that the growth demonstrates the healthy economy that has been created by Labor Governments

EMPLOYMENT AND TRAINING: UNEMPLOYMENT

Increase: Western Australia

615. Hon. NEIL OLIVER, to the Minister for Employment and Training:

In the light of the comments made by the Minister, why is unemployment declining nationally while in Western Australia, for the fourth consecutive month—which is going completely against the seasonal trends—Western Australia is moving against the national trend?

Hon. PETER DOWDING replied:

The honourable member is just simply not correct. Western Australia has, I think, the second lowest statistics in Australia. I am just looking for my note to be a bit more accurate about that. However, given that we have the second lowest unemployment rate in Australia, I do not see any room for criticism. What always surprises me about the Oppo-

sition, in looking at its role as an Opposition, is that everyone in the community admits that business confidence is an important element in the future of Australia's economy. One of the things that the editorial in *The Australian Financial Review* recently referred to was the need for the Prime Minister and the Treasurer to start talking up the economy—in other words, increasing business confidence.

One of the most remarkable things about this cringing, whingeing, whining group called "the Opposition" is that it places no importance on the economy of Australia or the economy of Western Australia. Members of the Opposition are prepared to knock every single initiative of the Government, simply because they have not an initiative of their own. They are even prepared to knock initiatives for which Sir Charles Court fought for years to achieve only a minute part and which the Burke Labor Government has succeeded in achieving beyond the wildest dreams of the Liberal Party. That involves getting a major foreign bank to make Perth its head office. We did not hear any support or adulation, or anything else, from the Opposition. We just have that stunned mullet silence, and then a lot more cringing, whingeing, moaning, and groaning about everything else. It is about time members of the Opposition gave credit where credit is due.

Point of Order

Hon. A. A. LEWIS: I take exception to the words used by the Minister, saying that I am cringing or whingeing. I ask that they be withdrawn. If he does not want to withdraw them—

Hon. Fred McKenzie: He did not mention you by name.

Hon. A. A. LEWIS: The Minister said the Opposition was cringing and whingeing. The only time that I have seen Mr Dowding cringing or whingeing is when he is running away from me. I want the words withdrawn.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): I will not accept that as a

point of order. It is perhaps a general statement carried a little far. It was not reflecting upon any given member.

Questions (without notice) Resumed

The DEPUTY PRESIDENT: Before Hon. Neil Oliver asks his next question, I warn him that his series of questions appears, in substance, to be exactly the same as the ones put by him last week. I ask him to direct original questions and not a continuation of earlier ones.

ECONOMY: IMPROVEMENT

Conditions

616. Hon. NEIL OLIVER, to the Minister for Employment and Training:

I have not read these questions out before. However, I ask the Minister, in view of his statement about the climatic conditions—I do not know whether he is referring to the economy, the weather, or what—what is the ideal temperature that he would require in Western Australia in order for employment to improve in the State?

Hon. PETER DOWDING replied:

The continuation of a Labor Government will ensure the improvement in the economy.

Several members interjected.

The DEPUTY PRESIDENT: Order! Hon. P. H. Lockyer will not wave newspapers around, please.

MINISTER FOR EMPLOYMENT AND TRAINING

Visit: Narrogin

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

Is he about to visit Narrogin next week?

Hon. PETER DOWDING replied:

I have been asked at fairly short notice to go to Narrogin, in relation to a departmental initiative in the town. There has been some question as to whether I will actually go, because of other commitments. I hope that a decision will be firmly and finally made tomorrow morning.

MINISTER FOR EMPLOYMENT AND TRAINING

Visits: Policy

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

I have been informed that the Minister is going to Narrogin. Is he going to change his attitude towards notifying members when he visits their electorates? He has not notified the members for the electorate in the past, and I hope he will answer that he is going to change his attitude.

Hon. PETER DOWDING replied:

I do not intend to change my attitude. As the honourable member ought to know, the administrative arrangements for my visits are handled in my office. On at least two occasions that I recall, those administrative arrangements were unsatisfactory, and I made an appropriate acknowledgment to the relevant members.

I have not changed my attitude; and when a decision is made, the relevant members will be given advice.

TOURISM COMMISSION

Brochures: Sales Commissions

619. Hon. A. A. LEWIS, to the minister for Tourism:

Further to his answer to question 656 regarding brochures relating to the Holiday WA Centre, will the Minister investigate the cause of the Gloucester Motel's brochures being returned by Holiday WA after saying it would not pay the Holiday WA Centre a commission?

Hon. D. K. DANS replied:

If the member will give me the details later I will certainly investigate that most unusual allegation.

QUESTIONS ON NOTICE

Period of Notice

620. Hon. P. G. PENDAL, to the Attorney General:

Supplementary to the question I asked a few minutes ago, in view of the fact that placing the question on notice delays matters by another day, will the Attorney General regard the asking of the question four or five minutes ago as its

having been placed on notice, with an answer due by tomorrow?

Hon. J. M. BERINSON replied:

If the member gives me a copy of his question I will be happy to treat it in that way.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): That is not necessary.

PRISONER

Carlo Ferrara: Release

621. Hon. I. G. MEDCALF, to the Minister for Prisons:

- (1) Is the Minister aware that a person described as Carlo Farro is said to have been released from prison recently?
- (2) For what crime was Farro convicted?
- (3) What sentence was awarded?
- (4) What were the circumstances of Farro's release?

Hon. J. M. BERINSON replied:

I thank the member for some notice of this question. The answer is as follows—

- (1) The department has no record of Carlo Farro, but does have a record of a Carlo Ferrara, who was released from prison on parole on 22 July 1983.
- (2) Murder.
- (3) Life imprisonment.
- (4) On the basis of a Parole Board recommendation dated 27 May 1983, Executive Council on 19 July 1983, approved Ferrara's release on parole for a period of three years to expire on 21 July 1986.

CRIME: RAPE

Alec Thomas Williams: Sentence

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

- (1) With reference to the conviction for the crime of rape on 1 March of Alec Thomas Williams, who dragged his victim across St. George's Terrace into the Supreme Court Gardens and submitted her to the most sordid forms of degradation before raping her, is the Crown satisfied with the minimum sentence imposed of four years and four months, as a result of

which with normal remissions Williams may expect to be released from prison in less than three years?

- (2) Does the Crown intend to lodge an appeal against the sentence?

Hon. J. M. BERINSON replied:

- (1) I am advised that the minimum term imposed was four years eight months. Prior imprisonment of four months was taken into account. Williams will be eligible to be considered for parole on 16 May 1989. Whether he is released on parole at that time will be determined by the Parole Board.

- (2) No.

EMPLOYMENT AND TRAINING: UNEMPLOYMENT

Youth: Award Rates

623. Hon. NEIL OLIVER, to the Minister for Employment and Training:

Have the Metal Trades Union award rates contributed to the dramatic decline in the high level of youth unemployment in the work force?

Hon. PETER DOWDING replied:

I do not see how an award can contribute to unemployment in that sense. If the member is suggesting that the decision of the Federal industrial commission in relation to that award is contributing to youth unemployment, I simply reject the proposition.

There is currently before the Western Australian Industrial Commission a case on which the issues are being fully debated. The Government's position has been put to the commission and, no doubt, in due course it will bring down a decision which will reflect its findings in reality.

Hon. G. E. Masters: What is the Government's submission?

Hon. PETER DOWDING: Mr Masters knows what it is.

Hon. G. E. Masters: Perhaps the House would like to know. I want to know if you know.

Hon. PETER DOWDING: Hon. G. E. Masters would have to be an ignoramus not to know.

Hon. G. E. Masters: He does not know.

Hon. PETER DOWDING: I know what our position is. Do not be silly. I put out a release on this matter making the situation clear. If Hon. G. E. Masters had half a brain he would know that the position the Government has taken is that the decision of the Federal industrial commission is one which takes account of a range of issues.

The honourable member will also know that we have supported very widely the discussion on the Kirby inquiry which makes some positive proposals for solving youth unemployment. I am interested to note that although he has been challenged twice in this House neither Hon. Gordon Masters nor the Liberal Party, the Opposition still has not made a submission about the Kirby report, nor has it made a submission to the Hancock inquiry, the Opposition's bleating about having some magic solution is just nonsense.

Hon. G. E. Masters: I will give you a chance to debate that matter next week.

Hon. PETER DOWDING: Although the number of first job seekers increased in January 1985 by a small margin—only a 27.6 per cent drop over the number of first job seekers looking for employment a year ago—it suggests that although the youth unemployment market remains a matter of deep concern to the Government, the situation is improving significantly.

It is perhaps worth adding to that answer that in Western Australia alone there are now some 9 800 fewer unemployed people than there were 12 months ago.

INDUSTRIAL RELATIONS: AWARDS

Metal Trades: Pacesetter

624. Hon. NEIL OLIVER, to the Minister for Employment and Training:

Is the metal trades award a pacesetter in the relativity which is flowing onto other awards under the arbitration and conciliation system?

Hon. PETER DOWDING replied:

That award has always been regarded as a pacesetter, as I understand it, and it is important to note that the issue of the extent to which the commission will deal with individual awards differently is a

matter that is currently being debated before the commission.

PRISONER

Carlo Ferrara: Release

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

Is the Minister aware of how much of Carlo Ferrara's sentence had been served prior to his release?

Hon. J. M. BERINSON replied:

I can only reply to the question subject to correction after checking, as the information was not part of the question of which I had notice. My best recollection is that Ferrara served something of the order of five years and nine months imprisonment, including his period of imprisonment before sentence.

CHARITABLE ORGANISATIONS: COMMUNITY

Funding: Government

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

Was it a slip of the tongue that the Minister said it was a departmental initiative that the Government was going to fund community groups, because I understood it was a local initiative with the department concerned?

Hon. PETER DOWDING replied:

The initiative of funding community groups and activities that are put up to the Government is very much the initiative of my Government and is very well administered by the Department of Employment and Training. If the member is trying to make some semantic point, I do not intend to cross swords with him over it, but I make the point of the initiative of the Skills West '85 programme, which is quite a remarkable programme, which has no similarity to any of the tired, feeble initiatives of the previous Liberal Government.

CHARITABLE ORGANISATIONS: COMMUNITY

Narrogin: Initiative

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

As a preamble to my question, I understand the Minister intends to present some money to a scheme of which I was one of the initiators, so he can cease taking glory for my work.

Would he acknowledge that the local community brought forward this particular initiative?

Hon. PETER DOWDING replied:

One of the important things about the Skills West '85 programme is that we have sought to capitalise, as it were, by funding areas where there is considerable community interest and initiative. The fact that my Government has been prepared to allocate the sort of funding arrangement with the minimum of bureaucracy and red tape to community groups which are able to come up with useful initiatives is a clear demonstration of the success of the Skills West '85 programme and a clear illustration of the dedication of my Government to ensuring that Government initiatives are real initiatives and not token initiatives like those of the previous Government.

[Resolved: That business be continued.]

CHARITABLE ORGANISATIONS: COMMUNITY

Narrogin: Initiative

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

In his answer to the previous question the Minister said it was a community initiative. Is that correct or is it not?

The DEPUTY PRESIDENT: The Minister has declined to answer.

Hon. Peter Dowding: I told him it is a community initiative.

EMPLOYMENT AND TRAINING: UNEMPLOYMENT

Weather: Effect

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

During his answer to Hon. Neil Oliver the Minister mentioned that unemploy-

ment figures were affected by hot weather. I would be interested to know what hot weather has to do with unemployment figures.

Hon. PETER DOWDING replied:

The labour market analysts are of the view that the level of employment is in part a product of the economic activity of the community. That may be fairly obvious to everyone except the member who asked the question. That being the case, where the level of productivity and activity falls at times of extended hot weather—and there are many areas where that has occurred—there is simply not the turnover of jobs or the increased demand for labour which in part fuel the employment statistics. That is the relevance of it.

It is not regarded as playing a part over a long period of time, but when we are looking at statistics on a monthly basis there needs to be some explanation for small movements. That is regarded as one of the factors which may be said to have contributed to the movements to which we have referred.

COMMISSIONERS OF DECLARATIONS: APPLICATIONS

Crown Law Department: Staff

630. Hon. P. H. WELLS, to the Attorney General:

How many additional staff were allocated to the Crown Law Department when it became responsible for the processing of commissioner of declarations applications?

Hon. J. M. BERINSON replied:

At best I can recollect two members of staff were transferred from the Department for Administrative Services. As I recall they were the same officers who dealt with those applications in the previous department.

COMMISSIONERS OF DECLARATIONS: APPLICATIONS

Outstanding

631. Hon. P. H. WELLS, to the Attorney General:

Can the Attorney tell me from memory how many applications were outstanding

when the Crown Law Department took over this function?

Hon. J. M. BERINSON replied:

I am sorry, I do not have that information.

CRIME: RAPE

Alec Thomas Williams: Sentence

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

In view of the degrading, disgraceful circumstances attending the rape committed by Alec Thomas Williams in the Supreme Court Gardens and immediately prior thereto, to which he submitted his victim, are the Crown Prosecutor and the Attorney General satisfied he has received an adequate sentence, and if so, is the Attorney General prepared to give his reasons for being so satisfied?

Hon. J. M. BERINSON replied:

Questions of appeal against inadequacy of sentence cannot simply go on the basis of judgment by the Crown Prosecutor or myself as to the adequacy of that sentence. The other essential element to be brought into consideration at that point is the standard currently being applied by the court and the likely attitude of the court to an appeal against inadequacy of sentence.

As I understand it, this sentence was considered on the usual criteria which are applied to such cases. The view of the Crown Prosecutor was that it was within the range of sentences to be expected from the court on an offence of that particular nature, and that no good purpose would be served by an appeal against the sentence by the Crown.

I might just add to the answer a more general comment which relates to the view of the Government itself. I have previously indicated that we should be looking to an increase in sentences for acts of sexual assault, especially those of the worst kind of aggravation, but that the proper means of achieving that end is by legislative indication to the courts. We are at this moment in the last stages of drafting a Bill which will deal comprehensively with the question of sexual assaults. I believe this Bill will provide the appropriate indication to the

courts of the view of the Government which I have expressed.

CRIME: RAPE

Alec Thomas Williams: Sentence

633. Hon. J. G. MEDCALF, to the Attorney General:

While appreciating the comments the Attorney has made I ask: As this particular case of rape was one of the worst examples of sexual violence and degradation of the victim in the most callous and brutal way, would not the Attorney General have believed that in spite of the comment that it may have been within the range which the courts could award it would be desirable to make an example of this case and take it before

the courts to see whether a higher sentence could not have been imposed?

Hon. J. M. BERINSON replied:

I do not believe I can usefully add to the answer I gave previously.

QUESTIONS WITHOUT NOTICE

Cessation

The DEPUTY PRESIDENT: Before closing the questions without notice session I remind the House that this has probably been a record length of questions without notice and that the House is under provisional Standing Orders which make it the responsibility of the Leader of the Government rather than the Presiding Officer to cease questions.

Hon. D. K. Dans: I did not exercise it.
