pears the following opinion from Senior Inspector W. Connolly of the police law education office—

> Mr Calvert's proposal for an additional subsection to section 4 (1), covering abandonment of animals would be a valuable addition to the Western Australian Cruelty to Animals Act. Provision is made in section 21B of the Dog Act whereby it is an offence for any person to abandon a dog. However, no similar provision exists where other animals are abandoned.

I am sure members will agree that the proposed amendment is humane, logical, and necessary to remove the present inadequacy in the Act. I commend the Bill to the House.

Debate adjourned, on motion by Mr Clarko.

House adjourned at 9.18 p.m.

Legislative Council

Thursday, the 9th September, 1976

The PRESIDENT (the Hon. A. F. Griffith) took the Chair at 2.30 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE HON. N. McNEILL (Lower West—Minister for Justice) [2.34 p.m.]: Could I ask that questions on notice be taken at a later stage of the sitting.

The PRESIDENT: Is it your wish that questions without notice be dealt with similarly?

The Hon. N. McNEILL: If it is the wish of the House, Mr President.

The PRESIDENT: If it is the wish of the House to postpone questions on notice until a later stage of the sitting it would be proper also to postpone questions without notice. Questions will be taken later.

FORESTS ACT AMENDMENT BILL

Third Reading

Bill read a third time, on motion by the Hon. G. C. MacKinnon (Minister for Education), and passed.

COMPANIES (CO-OPERATIVE) ACT AMENDMENT BILL

Assembly's Amendments

Amendments made by the Assembly now considered.

In Committee

The Chairman of Committees (the Hon. J. Heitman) in the Chair; the Hon. N. McNeill (Minister for Justice) in charge of the Bill.

The CHAIRMAN: The amendments made by the Assembly are as follows—

No. 1—

Clause 2, page 2, lines 14 to 21—

Delete paragraph (a).

No. 2—

Insert in lieu of the words deleted the following—

> (a) unless the consent in writing thereto of the Minister has been first obtained, if it appears to the Registrar that it is intended that any of the moneys that may be received in pursuance of the prospectus are to be applied for the same purpose as that specified in subsection (2) of section seventy-six of the Building Societies Act, 1976; or .

The Hon. N. McNEILL: Members will recall that we gave consideration to the Bill at the commencement of this session of Parliament as early as March and the Bill was passed by this Chamber without amendment. In the course of its passage through another place it came to our notice that the recent introduction of the Building Societies Act Amendment Bill would require the repeal of the Building Societies Act referred to in the Bill we are now considering. In the light of the passing of the new Building Societies Act Amendment Bill, it is necessary to amend the Bill we have already passed, and that correction is included in the amendments contained in the schedule.

In addition, the Opposition in another place successfully moved an amendment, which is amendment No. 2 in the schedule; that amendment has been accepted by the Government and, as both amendments relate to the same question, I believe they can be taken together. I move—

> That amendments Nos. 1 and 2 made by the Assembly be agreed to.

Question put and passed; the Assembly's amendments agreed to.

Report

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

RACECOURSE DEVELOPMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. N. E. Baxter (Minister for Health), read a first time.

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [2.43 p.m.]: I move—

> That the Bill be now read a second time.

The intention of this Bill is to establish a racecourse development trust, and to make provision for a racecourse development trust fund for the purpose of assisting country racing clubs in improving facilities provided by those clubs, and for incidental and other purposes.

At present, the avenues open to such clubs in obtaining finance are limited, and all country racing and trotting clubs in the State are experiencing extreme difficulty in financing on-course facilities.

Interest rates are high, and generally clubs have insufficient income available to them to repay loans at today's going rates of interest.

With the exception of Tasmania, all other Australian States have development funds. The purposes of this fund are in line with the purpose of funds in other States.

This fund will make finance available to country racing and trotting clubs, under such conditions as are deemed appropriate by the body administering the fund, for such purposes as improving facilities on existing racecourses, establishing new racecourses, or training tracks, providing new or improved totalisator facilities, and the reduction or discharge of existing loans, or for assistance during times that clubs may be in financial difficulty.

There is a direct relationship between the standards of on-course facilities and public support. Many courses require assistance, and if it is not forthcoming, their capacity to produce revenue for the Government and the racing and trotting industry will be reduced.

The Bill provides for the fund being established and maintained at the Treasury, and for it to be financed on the basis of a contribution by the Government of 25 per cent of the amount it receives from the Totalisator Agency Board on account of unclaimed dividends and refunds in respect of horse racing and trotting during the preceding racing year, supplemented by a similar amount of a combined contribution by the Western Australian Turf Club and the Western Australian Trotting Association in the same proportion as they now share the Totalisator Agency Board's surplus.

For the racing year just finished, the Totalisator Agency Board paid $582 304 to the State Government by way of unclaimed dividends and refunds.

For the first year of operation of the fund, the Government would contribute $145 576, which would be matched by an equal amount contributed by the Western Australian Turf Club and Western Australian Trotting Association in the proportions $87 346 and $58 230 respectively.

Whilst the total amount of $291 152 in the first year will by no means satisfy the demands likely to be made on the fund, it will provide the basis for the generation of long-term development programmes by country clubs, and give them the confidence and incentive required to improve their facilities for the benefit of the public, as well as for the racing and trotting industry.

The Bill provides for the appointment of a four-man trust to administer the fund. A member nominated by the Treasurer, a member nominated by the Western Australian Turf Club to represent racing, a member nominated by the Western Australian Trotting Association to represent trotting, and a member to represent the Totalisator Agency Board which will also, incidently, provide a secretary and office and other facilities for the trust. The chairman will be appointed by the Minister from either of the two Government members.

Discussions on these proposals have taken place with representatives from both metropolitan and country racing and trotting clubs, and the basis of contributions to the fund, the composition of the trust, and the purpose of the fund, are acceptable to all concerned.

I wish to inform members that, as a result of an undertaking given by the Minister for Police in the Legislative Assembly, I will be moving an amendment in the Committee stages of this Bill to provide that, where discussions on expenditure involve a local region, the turf or trot club for that region can specify a nominee to participate in discussions with the trust.

It is considered that the legislation can do a great deal for country racing and trotting, and I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

SUPREME COURT ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [2.50 p.m.]: I move—

> That the Bill be now read a second time.

The purpose of this Bill is to amend section 40 of the Supreme Court Act to allow for the Supreme Court to hold criminal sittings in January. The Act at present provides that criminal sittings should be held in each month except January in which month the court may sit to transact such part of the business in the criminal jurisdiction as the Chief Justice may direct.

It is now proposed that the Act will provide that criminal sittings in Perth shall be held monthly. The recommendation has been made by the Chief Justice.

In the past the court has held a short sitting only in January to take pleas of guilty, motions for bail and similar

applications. Other than those personnel required for essential duty the month of January has in the past been used for the court vacation.

The reason for the change is to avoid delays in the trials of persons committed in November and December. Otherwise a build-up of cases will occur in February and this is undesirable for the accused. It also places additional pressures on court accommodation.

Checks have been made to ensure that there will be no practical difficulties in the way of holding January trials. The problems in relation to obtaining sufficient jurors can, it is understood, be overcome by giving early notice to those who may be involved. Annual leave of some staff will be rostered throughout the year.

The court reporters anticipate being able to provide their normal service. The Crown Prosecutor and the President of the Law Society believe there will be no difficulty with counsel.

In view of the Christmas-New Year Holidays, in order to allow sufficient time for proofing of witnesses and preparation of cases, it is anticipated that the January sitting of the court will commence on the second Tuesday.

The District Court conforms with Supreme Court practice in not sitting to hear criminal trials in January, but the District Court Act already gives it the power to sit at such places as may be proclaimed, on such days and at such times as the chairman from time to time appoints. The chairman has indicated that the District Court judges are agreeable to adopt the change.

I believe this is an important step in reducing court delays and providing a speedier determination of criminal trials.

I commend the Bill to the House.

The Hon. R. Thompson: Will you explain what will happen in the case of a juror who is going on annual leave in January?

The Hon. I. G. MEDCALF: Allowance is always made for that eventuality, and there would be somebody else standing by to take his place. The number of people who are served with jury notices will be increased.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

ACTS AMENDMENT (EXPERT EVIDENCE) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [2.54 p.m.]: I move—

That the Bill be now read a second time.

Where there is a proceeding in the courts in which some issue arises that can only be decided by reference to expert opinion, it is usual for the parties concerned to call appropriately qualified expert witnesses to give evidence with reference to that issue. Thus, one often finds engineers, builders, doctors, architects, psychiatrists and others as witnesses assisting the courts with their professional opinions. These are the expert witnesses to whose evidence the present Bill relates.

The party to an action or proceeding—and I would make it clear at this stage that the Bill is concerned only with civil proceedings, workers' compensation, and arbitrations; it will not affect criminal matters in any way—I say is naturally curious as to what expert evidence his opponent may have. There are certain legal procedures he can use to discover and inspect the relevant documents of which his opponent has possession. However, even where his opponent's expert witnesses have provided him with written opinions he may not be able to inspect them. This is because of the common law rule which provides that expert reports which come into existence after litigation is commenced or contemplated, and which are obtained in the search for evidence which may be used at the hearing of the action or proceeding, do not have to be produced for the inspection of one's legal opponent. Such reports are said to be "privileged".

So, it often happens that when a matter comes to hearing, the litigant finds that he is confronted with adverse expert opinion of which he was not aware beforehand. This is more likely to happen in some areas than in others; in personal injury actions in this State it is now quite common for the parties to voluntarily exchange their medical reports before the trial. However, the same co-operation is not nearly so common with regard to other types of action.

Where a litigant is taken by surprise in this way, he may have to ask for an adjournment to obtain evidence of his own. Even if he has anticipated the expert evidence which his opponent produces and has his own expert waiting in the wings, it means that both expert witnesses—or both sets of witnesses, for there will often be more than one on each side—will have to give their evidence in detail, even though it may transpire that there are many matters on which they agree.

There is also the fact that if one party appreciates the strength of the expert opinion which is against him, he may even be prepared to compromise and to "settle" without the matter having to go to trial at all.

It follows that the pretrial exchange of expert evidence can have the effect of saving time and expense for litigants. It can also help to relieve the pressure on the courts, by reducing the time which a trial takes. As explained, some trials will be eliminated altogether.

It was an awareness of these possible advantages which led, in 1967, to the particular privilege being statutorily modified

so that it did not apply to medical reports which were for use in personal injury claims arising out of the use of motor vehicles. This change was effected by adding a new subsection—subsection (3)—to section 33 of the Motor Vehicle (Third Party Insurance) Act. The modification remains, but is the only modification and, otherwise, the common law rule still applies.

In June, 1974, the Law Reform Commission of this State reported on the matter of the privilege attaching to medical and technical reports in civil proceedings. It recommended a reform along the lines of that which was effected in the United Kingdom during the period, 1972-1974, namely that there be no privilege for medical reports in personal injury actions and that in the case of all other expert reports the privilege may be set aside by order of the court. This is simplifying matters, of course; the recommendation suggested that there could be certain exceptions to these rules, but I am not going to discuss these details now because the Bills now before the House are not concerned with them.

In fact, the legislation now proposed will not, of itself, work any change at all in the relevant rules of law. What it will do is simply—

(1) amend the Evidence Act to provide that the present common law rules which entitle the party to an action or other proceeding to withhold certain documents from the inspection of the person with whom he is legally contending, may be varied by rules made under the Acts regulating the procedures of the courts and tribunals concerned;

(2) to amend the last mentioned Acts, namely the Supreme Court Act, District Court of Western Australia Act, Family Court Act, Workers' Compensation Act, and the Arbitration Act, so as to enlarge the existing rule making powers to authorise the making of rules of the sort contemplated;

(3) to amend the Motor Vehicle (Third Party) Insurance Act by making section 33(3) thereof; that is, the 1967 provision to which I have already referred, subject, so far as concerns the time for the production of a report, to the rules which it is now contemplated will be made under the District and Supreme Court Acts. This means that in relation to the reports mentioned in this provision, future rules of court can only control the time for the production of the report. The basic policy is to remain as it is; that is, reports of this kind will not be privileged in any circumstances.

The precise content of the rules will be largely determined by technical, legal considerations. The judges of the Supreme Court and the Council of the Law Society have a joint committee which is considering these matters. It is anticipated that the recommendations of this committee will provide the basis for rules, not only in the Supreme Court but in the other courts and tribunals as well. All such rules, of course, will have to be tabled in the Parliament and will be subject to disallowance in the usual way.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Grace Vaughan.

CITY OF PERTH PARKING FACILITIES ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [3.00 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains amendments to the City of Perth Parking Facilities Act, which have been put forward by the Perth City Council, and also certain other measures considered desirable from a Government point of view.

When introducing the Bill in the Legislative Assembly, the Minister for Transport prefaced his remarks with a summary on the prime problem in cities today in relation to the motor vehicle.

The sentiments have been expressed that, unless the particular problem is dealt with at an early stage, cities will choke and grind to a halt or, alternatively, the the environment of the cities, particularly the central business districts, will be destroyed.

This reflects the theme that cities are, or should be, for the people and not the motor vehicle.

I repeat that message here, for the reason that this problem is beginning to become evident in Perth to a minor degree, and both the Perth City Council and the Government recognise the need for action to be taken now in an endeavour to prevent the problem growing to serious proportions.

Mention was also made of another aspect in that the Government, in pursuit of the "cities-are-for-the-people" theme, is spending heavily on the public transport system and, while not all of this expenditure relates to providing facilities for journeys to the central business district, much of it does.

Members will appreciate that the parking policy for the central business district, defined and administered by the Perth City Council, must be in harmony with transport policy if the benefits to the central business district are to be realised from Government spending on the transport system.

This is already evident from the high degree of enlightenment in the design and administration of parking policy by the Perth City Council in recent years.

The amendments now requested by the council reflect its appreciation of the situation, and are fully supported by the Government.

In general terms, these amendments will enable the Perth City Council to institute the following proposals—

To utilise surplus moneys in the parking fund to provide, construct, and maintain facilities to improve the movement of pedestrians;

To utilise surplus moneys in the parking fund to subsidise or establish transport services or facilities for the movement of people and their luggage within the city;

To grant approval and set conditions for the establishment, by persons other than the council, of public parking facilities or stations by—

Special licenses for a day or a limited number of days, particularly for sporting or recreational events;

Temporary licenses in respect of land or buildings, which at the present time the council cannot grant;

Ordinary licenses in respect of land or buildings which can be used to establish permanent facilities;

To attach conditions to the licences in respect of times of use, parking charges to be levied, numbers of vehicles to be parked, type of parking—long term or short term—and such constructional details as the council thinks fit; amend or modify any of the conditions previously specified; and establish noncompliance with the terms of the licence or conditions as an offence, to which upon conviction a penalty attaches in the form of a fine, imprisonment, or both, and/or revocation of the licence by the council;

To improve ability to enforce penalties on owners and drivers of vehicles;

Regulate the speed at which vehicles may be driven and the conduct of the public parking stations.

Turning now to those amendments proposed by the Government, it has been considered opportune to act on advice that existing government control over parking policy is, to a large extent, negative in form.

Whilst past usage suggests that the Minister may certainly decline to agree to something, it is by no means clear in the principal Act that in some very necessary aspects he can direct the council to do something that, for instance, might bring council policy more into harmony with the Government's objectives in public transport or other areas.

It will be apparent from a reading of the principal Act that the Minister possesses some powers now. This Bill, if enacted, will reinforce the Minister's power specifically to provide or abolish a parking facility. It will give the Minister power to require the council to vary a condition of a parking licence or impose an annual fee for a licence, but these two powers are specifically limited to the central business district as defined in the Bill. The Bill gives the Minister power under certain conditions to make a by-law.

A map indicating the defined areas of the central business district as set out in the Bill, will be tabled so that members will have a better appreciation of the particular area in question.

The effect of these amendments and some existing provisions in the principal Act, which are to remain, is to give the Minister a broad control over the quantity of parking provided, its location, hours of use, and the fees to be charged, particularly in the area defined as the central business district.

Another amendment has been included which, it is thought, will be useful to the council, namely, to allow the council, if it so chooses, to utilise surplus moneys in the parking fund to carry on, or engage with others in, research relating to vehicular and pedestrian traffic and parking.

An enlightened parking policy, in the sense that it is appropriate to the central business district at any point in its development and is in harmony with public transport policy, probably in the long run needs more than simple controls over location and quantity of parking, charges, and hours of use, to sustain and develop it.

Experience elsewhere in the world has shown that traffic limitation techniques may also be necessary, accompanied by new facilities for pedestrians and new public transport services, perhaps of the city clipper type. This philosophy was well put in the conclusions of the April, 1975, OECD conference on "better towns with less traffic".

The Hon. R. F. Claughton: You will have to be careful quoting from that.

The Hon. N. E. BAXTER: I quote these conclusions—

> Towns are better with less traffic: so long as adequate provision is made for the mobility of workers and residents, and the distribution of goods. It is of urgent necessity that national and local governments in the O.E.C.D. member countries develop their efforts to reduce the adverse effects of motor traffic in urban areas. In so doing they should make provision for the needs of the people who, by choice or necessity, do not have access to a car (e.g.

children, the elderly, the handicapped), and should facilitate the safety and mobility of pedestrians and cyclists . . .

The practical experiences and experiments reviewed at this conference show that policies combining selected traffic limitation measures and public transport improvement can achieve a better urban environment, enhance accessibility for people and goods and conserve energy. Therefore, the conference concludes that the national and local governments should actively support and encourage the design, implementation and valuation of such programmes, through their own political processes . . .

With the foregoing in mind, the Director-General of Transport has in draft form the first phase of a study of traffic limitation techniques that might, in the future, be appropriate to central Perth. The study also involves extensive work on the pedestrian and public transport facilities that must go with any serious approach to traffic limitation. Two members of the director-general's staff recently visited Singapore to observe what is being done in that city, and the director-general, himself, will be visiting a number of cities, generally similar in size to Perth, in Europe, the United Kindom, and North America during September for the same general purpose.

The study is being funded as to two-thirds of its cost by the Commonwealth Government under the Transport Planning and Research Act.

The Government has not yet seen the first draft of this study, which is currently being examined by the Perth Regional Transport Co-ordinating Committee, and is therefore unable to indicate at this stage what new proposals may eventually be adopted.

However, in the event of the Government accepting any such proposals, these amendments now before the House will give the necessary authority for them to be implemented progressively.

I commend the Bill to the House.

The map was tabled (see paper No. 336).

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

FIREARMS ACT AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying it had agreed to the amendment made by the Council.

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL (No. 2)

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Health) [3.11 p.m.]: I move—

That the Bill be now read a second time.

The proposed amendments contained in this Bill are identical to those which I have already outlined in respect of the Road Maintenance (Contribution) Act Amendment Bill (No. 2).

The amendments have followed from Crown Law advice that it was considered the original amendments to both Acts could be a little severe on certain individuals. The Bill therefore seeks to extend the period allowed for a defendant to return a notice of election prior to the date of a court hearing of a complaint from the present seven days to 21 days.

Similarly, at present the Act requires that a complaint must be served on the defendant at least 14 days before the date of a hearing. In practice, this period has been found insufficient, and it is proposed to extend that term to 28 days.

The third amendment is considered necessary in order to provide a degree of protection to persons charged with an offence under the Act regarding any record they may have of previous convictions.

I might add at this stage that amendments to adjust the Transport Commission Act in a like manner will be forthcoming in the near future.

These proposals will provide a more satisfactory and workable arrangement than presently exists, and I commend the Bill to the House.

Point of Order

The Hon. D. K. DANS: Mr President, I seek your guidance on a point of order. I am prepared to proceed with this Bill immediately but it may be more appropriate to proceed with it at a later stage.

The PRESIDENT: When the recommendation was made to amend the Standing Orders, I think the Standing Orders Committee intended that a second reading could be moved on receipt of a Bill by message from the Legislative Assembly. It is my personal opinion that the Standing Orders Committee intended that a Bill should not be debated through the whole course in one day. I am reminded that this particular Bill has been with us since yesterday, so it does not come under the latter heading and the honourable member can proceed.

Debate Resumed

Debate adjourned until a later stage of the sitting, on motion by the Hon. D. K. Dans (Leader of the Opposition).

(Continued on page 2364)

ADOPTION OF CHILDREN ACT AMENDMENT BILL

Second Reading

THE HON. N. E. BAXTER (Central—Minister for Community Welfare) [3.15 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House seeks amendments to the Adoption of Children Act, 1896-1973.

The proposed amendments are the result of discussions on adoption law by the Australian Council of Social Welfare Ministers and the Standing Committee of Attorneys-General. The proposals are intended to bring the Western Australian adoption legislation into line with the most socially advanced legislation in other States.

The draft legislation was tabled at the last meeting of the administrators of social welfare in Darwin and was unanimously approved as a basis for uniform amendments to the legislation of all the States and territories of the Commonwealth.

I will now outline the major proposals in the Bill.

The Bill continues the policy of removing from existing legislation all references to illegitimacy. The proposal is that the phrase "an illegitimate person" be deleted from the legislation and replaced by the phrase "a person whose parents were not married to each other at the time of his birth or subsequently". This phrase is particularly appropriate because it excludes persons who have been legitimated by the subsequent marriage of their parents and it emphasises the condition of the parents rather than placing a stigma on the child.

Concern has been expressed that parents of children who marry or remarry and wish their children to be adopted into their new family have to adopt the children jointly with their new spouse. It is proposed that in circumstances of this kind the new spouse alone be able to make the application for adoption. If this proposal is accepted it should end complaints by people who in the past had to adopt their own children.

Under the present provisions of the Adoption of Children Act it is possible for a person to consent to adoption in favour of a relative, and when such a consent has been given it is valid only if the child is placed with that relative for adoption. It is proposed that the unmarried mother of a child may, if she so wishes, nominate the father as the person by whom the child is to be adopted. At present the term "relative" includes the child's grandparents, brothers, sisters, uncles, or aunts, but does not include the father unless the parents are married.

A further proposal is designed to prevent the Christian names of children over the age of 12 who are adopted being changed without their consent.

Finally, the proposals create two new offences. It is proposed that it be an offence to use undue influence to induce a person to revoke an adoption consent, and also to receive the possession, custody, or control of a child for the purposes of adoption without the consent of the Director of the Department for Community Welfare.

Debate adjourned, on motion by the Hon. R. Thompson.

MOTOR VEHICLE DEALERS ACT AMENDMENT BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.18 pm.]: I move—

That the Bill be now read a second time.

An amendment to the Motor Vehicle Dealers Act was made last year to exclude a demonstration model from the term "second-hand vehicle".

The argument has now been advanced that the current interpretation of that amendment, which appears as subsection (1a) of section 5 of the Act, requires a vehicle to be sold by the manufacturer to the dealer for the purposes of demonstration before it can be regarded as a demonstration model in the terms of the Act. This, however, was not intended.

In this industry the vehicles are acquired by a dealer from a manufacturer, and at the former's discretion they can be used as demonstration model vehicles prior to sale. At the time of being offered for sale, provided the vehicle has been used as a demonstration vehicle only, and has a warranty better than that for a second-hand vehicle under the Act, the vehicle will still be regarded as in the category of a new vehicle.

The amendment will therefore clarify the position and place the matter in proper perpective.

A further minor amendment has been included in the Bill to replace the word "Council" in subsection (4) of section 10 with the word "Board", as it is the Motor Vehicle Dealers Board which is referred to in the Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

GOLD BUYERS ACT REPEAL BILL

Second Reading

THE HON. G. C. MacKINNON (South-West—Minister for Education) [3.20 p.m.]: I move—

That the Bill be now read a second time.

Members are no doubt aware that restrictions on private trading in gold and gold coins have been removed by the Federal Government with the repeal of part IV of the Commonwealth Banking Act.

At present, in this State, the Gold Buyers Act, 1921, provides that no person may lawfully buy, smelt, assay, or deal

in gold or gold matter unless he is the holder of an appropriate licence under the Act. The restrictions do not apply to gold coin, wrought gold or gold required for manufacturing purposes.

With the decline of the goldmining industry, the need for such controls has considerably diminished, and it is considered the Act is no longer necessary, and this Bill is therefore presented with the object of repealing the Gold Buyers Act, 1921.

This will, in effect, provide complete freedom for persons in Western Australia to own, buy and sell gold which is a fairly universal state of affairs today. Other Australian States have no restrictions in this regard, with the exception of Victoria, which is presently reviewing its legislation in the light of the changed circumstances. It follows that the repeal of our Act will clear the way for tourist projects to include gold panning in their attractions.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. S. J. Dellar.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from the 25th August.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [3.23 p.m.]: This Bill seeks to amend sections 19 and 20 of the parent Act. The amendments provide that where a person who has a previous conviction submits evidence by way of affidavit, his previous record should not be made known to the court until the evidence submitted by affidavit has been heard. The Bill also extends from 14 to 28 days the time in which a person may prepare a defence. When this Act was before the Parliament for amendment previously the Opposition in another place asked for these amendments. At that time it was not appropriate to make them. They are now being made, and we support the Bill in principle and in detail.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

CIVIL AVIATION (CARRIERS' LIABILITY) ACT AMENDMENT BILL

Second Reading

Debate resumed from the 25th August.

THE HON D. K. DANS (South Metropolitan—Leader of the Opposition) [3.26 p.m.]: This amendment simply provides for an increase in the limits of liability for compensation in respect of accidents on aircraft operated or engaged in interstate operations. It increases the amount of liability for compensation from $30 000 to $45 000. I understand this is the international standard, and a similar Bill has been or will be passed through the Federal Parliament.

We support the amendment in principle and in detail.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

TAXI-CARS (CO-ORDINATION AND CONTROL) ACT AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from an earlier stage of the sitting.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [3.29 p.m.]: The Opposition supports this Bill. It is consequential upon the Bill to amend the Road Maintenance (Contribution) Act, with which we have just dealt. It does for taxi drivers exactly what the other Bill does for people in the community, generally.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

QUESTIONS (6): ON NOTICE

1. INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Programme

The Hon. Clive Griffiths, for the Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Housing:

(1) Under the provisions of the Industrial and Commercial Employees' Housing Act—

- (a) how many houses have been built for smaller employers in country areas;
- (b) where are they situated;
- (c) how many houses are currently under construction;
- (d) where are these situated;
- (e) how many applications are currently being processed; and
- (f) where are these houses to be placed?

(2) Is there any limitation on the amount of finance available to the Authority to build houses for smaller employers needing houses for employees under this Act?

The Hon. G. C. MacKINNON replied:

(1) (a) Seven (7);

(b) Carnamah 2,
Kalgoorlie 1,
Manjimup 3
Merredin 1;

(c) Twelve (12), including contracts signed but not commenced;

(d) Kalgoorlie 1,
Kulin 2,
Lake Grace 1,
Manjimup 4,
Moora 1,
Narrogin 1,
Hedland 1,
Wongan Hills 1;

(e) Twenty-two (22);

(f) Eneabba 3,
Kambalda 4,
Katanning 6,
Merredin 1,
Mullewa 1,
Hedland 6,
Narembeen 1.

(2) Yes.

2. INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Ultrasound Technical Services House

The Hon. Clive Griffiths, for the Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Housing:

(1) What is the anticipated capital cost for the land and the house which is currently being built for Ultrasound Technical Services Pty. Ltd. in Port Hedland by the Industrial and Commercial Employees' Housing Authority?

(2) What interest rate and what borrowing period applies to finance utilised by the Authority for such dwellings?

(3) What rent will Ultrasound be paying to amortize this expenditure?

(4) What rent is paid by a State Housing Commission tenant in a comparable house in Port Hedland?

The Hon. G. C. MacKINNON replied:

(1) $44 680 including $4 550 land.

(2) Available funds are at 4 per cent over 53 years and 10.7 per cent over 20 years.

(3) No rental has been fixed, but will range between $50.20 and $70 per week depending on the mix of funds adopted.

(4) $28.20 per week.

3. INDUSTRIAL AND COMMERCIAL EMPLOYEES' HOUSING AUTHORITY

Purchase Homes

The Hon. Clive Griffiths, for the Hon. J. C. TOZER, to the Minister for Education, representing the Minister for Housing:

(1) Are houses built under the Industrial and Commercial Employees' Housing Act available for purchase by the employer after tenancy by one of his employees for a prescribed time?

(2) If so—

(a) is rental paid during this period of tenancy credited against the purchase price; and

(b) will the houses be sold at initial capital cost or at valuation current at the time of sale?

The Hon. G. C. MacKINNON replied:

(1) Not presently. The Authority has considered this but prefers to retain a rental position at this stage of its operations.

(2) Not applicable.

4. OSBORNE PARK HOSPITAL

Casualty Section

The Hon. R. F. CLAUGHTON, to the Minister for Health:

As it is estimated that up to 80 per cent of casualty cases could be treated at a local casualty treatment centre instead of one of the major hospitals, e.g. Sir Charles Gairdner, and that the extra facilities required could be provided at Osborne Park hospital for an estimated $80 000, would the Minister take action to have this additional facility placed at Osborne Park?

The Hon. N. E. BAXTER replied:

The prime requirement for a casualty centre is 24 hour medical staffing. To provide Osborne Park with junior medical staffing with specialist back-up would cost at least $50 000 annually. The capital cost of providing adequate buildings and equipment is likely to substantially exceed the $80 000 quoted.

It may be possible to provide these facilities when the services block, which is in the course of planning, is built and operating but it is not practicable at present.

5. "C"-CLASS HOSPITALS

Engagement of Undertakers

The Hon. R. F. CLAUGHTON, to the Minister for Health:

(1) Is the Minister aware of allegations that at one or more "C" Class hospitals, it is the practice on the death of an inmate, for the administration to retain an undertaker without the knowledge of the deceased's relatives?

(2) Will the Minister inquire into these allegations and, in the meantime, inform the hospitals that this practice is improper and not to be condoned?

The Hon. N. E. BAXTER replied:

(1) No.

(2) Yes, if the Hon. Member will substantiate the allegations.

6. *This question was postponed.*

House adjourned at 3.35 p.m.

Legislative Assembly

Thursday, the 9th September, 1976

The SPEAKER (Mr Hutchinson) took the Chair at 2.15 p.m., and read prayers.

QUESTIONS ON NOTICE

Postponement

THE SPEAKER (Mr Hutchinson): As is customary on Thursdays, I advise that I propose to have questions taken at a later stage of this sitting, probably after the afternoon tea suspension.

BILLS (2): INTRODUCTION AND FIRST READING

1. Irrigation (Dunham River) Agreement Act Amendment Bill.

Bill introduced, on motion by Mr O'Neil (Minister for Works), and read a first time.

2. Metropolitan Water Supply, Sewerage, and Drainage Act Amendment Bill.

Bill introduced, on motion by Mr O'Neil (Minister for Water Supplies), and read a first time.

RACECOURSE DEVELOPMENT BILL

Third Reading

Bill read a third time, on motion by Mr O'Connor (Minister for Police), and transmitted to the Council.

CRIMINAL INJURIES (COMPENSATION) ACT AMENDMENT BILL

Second Reading

MR O'NEIL (East Melville—Minister for Works) [2.20 p.m.]: Before commencing to read my notes I would like to indicate, for the benefit of *Hansard* and the Opposition member who will take the adjournment, that I will depart a little from the way in which my speech has been prepared. I know that you, Mr Speaker, would object to my referring to the various clauses by their numbers. I move—

That the Bill be now read a second time.

Last year the Law Reform Commission of Western Australia presented to the Government its report to the Criminal Injuries (Compensation) Act, 1970. As anticipated, the commission recommended certain changes in the law. It had been realised that the existing legislation was inadequate in certain respects. For instance, although it is doubtful whether legislation of this kind can ever afford the victim of crime full compensation for his, or her, injury, as would occur in a civil action for damages, it was generally agreed that the $2 000 limit on compensation which our Act provided was, as a result of the passage of time, too low. It was also felt that some provision should be made for those cases in which, whilst injury had been done by some action which certainly constituted a criminal offence, the person responsible was never—for whatever reason—brought to trial, or if brought to trial was acquitted on the ground of insanity. There is no provision for these situations at the moment.

The present Bill is based substantially on the report of the Law Reform Commission, although not all of the recommendations in that report have been accepted. The Government will not, at this stage, act on the recommendation that a special tribunal should be created to deal with claims under the Act, but has decided, instead, that the courts before which the particular criminal is convicted should continue to adjudicate on claims. This should avoid a certain duplication of effort and, also, some expense.

It has also been decided not to accept the commission's recommendation that claims be met from revenue, with the State having a right of recovery from the offender. Instead, the present system is to continue, whereby the claimant must seek, initially, to enforce the order of the court made against the criminal, with the State becoming liable only where such procedure proves fruitless.

So much for what the Bill does not do. Let me now summarise what it does do. I will consider the various innovations and changes in the order in which they appear in the Bill.