

Legislative Council

Wednesday, the 19th April, 1978

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 4.30 p.m., and read prayers.

QUESTIONS

Questions were taken at this stage.

ROAD MAINTENANCE (CONTRIBUTION) ACT AMENDMENT BILL

Second Reading

THE HON. D. J. WORDSWORTH
(South—Minister for Transport) [4.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to amend the Road Maintenance (Contribution) Act to overcome a loophole which has enabled some road transport operators to evade the payment of road maintenance charges.

Before dealing with its specific provisions I would like to dwell briefly on the background and the reasons for its introduction. The question of the avoidance of road maintenance charges is one that has been a continuing source of worry to the States, to Transport Ministers, and to the trucking industry generally.

One of the more successful ways of avoidance which has been commonly used in the Eastern States over the past few years is the establishment by transport operators of what are commonly known as straw companies. These straw companies are set up with only a nominal capital and are incorporated in another State.

Since their directors are resident outside the State of incorporation and the capital investment is minimal, the States are encountering considerable administrative and legal problems in collecting road maintenance charges from them. Furthermore, genuine road operators, whether they be large companies or owner drivers, have had difficulty in tendering or quoting for business against competitors who are using the straw company loophole, for often the profit in a job amounts to little more than the road maintenance charge.

While for the most part Western Australia has been unaffected by this method of avoidance, since the sealing of the Eyre Highway it is beginning to develop as an increasing problem for the Transport Commission.

Foreseeing this possibility, my predecessor initiated a conference of senior transport

administrators and legal officers of the various State Governments and the Commonwealth to examine ways and means of overcoming the problem. The outcome of this meeting was a recommendation that the Commonwealth Government and each State Government enact legislation to the effect that a director of a company incorporated in a particular State is liable for breaches by that company of corresponding legislation in other States.

It was recognised that the effectiveness of this legislation would depend on all States and the Territories of the Commonwealth adopting it.

In response to this recommendation, uniform draft legislation has been prepared. Subsequently, after consideration by the Australian Transport Advisory Council, the State Governments of Queensland, New South Wales, Victoria, and Western Australia have agreed to introduce a Bill into their respective Parliaments as soon as possible.

It is understood that when these States have enacted the legislation the Commonwealth and Tasmania will follow suit. South Australia has been reluctant to agree to the legislation but the Minister for Transport at ATAC agreed to refer it back to his Crown Solicitor.

Turning now to the Bill itself, the operative part of the Bill is to add part 2 to the parent Act. This will authorise the Governor to proclaim any State or Territory of the Commonwealth, with similar legislation, to be a reciprocating State or Territory, and courts of summary jurisdiction within those States to be reciprocating courts.

Further, it contains the machinery for Western Australian courts to make orders for payment of fines on the directors of companies incorporated in this State for breaches by those companies of corresponding legislation in other States.

The Bill will also add a third schedule nominating the particular Road Maintenance Act or its equivalent in other States to which this amendment will apply.

I wish to inform the House that it is my intention to move an amendment to the Bill during the committee stage to cover an aspect concerning the definition of "owner" which has been drawn to my attention.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. F. E. McKenzie.

LEGAL AID COMMISSION ACT AMENDMENT BILL

Second Reading

Debate resumed from the 15th March.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.52 p.m.]: We have no objection to this amendment to the Legal Aid Commission Act and, accordingly, we support it.

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.

LEGAL PRACTITIONERS ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st March.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.54 p.m.]: We support this Bill. It is a serious matter when articulated clerks are precluded from being taken into the legal aid scheme. This Bill will overcome that anomaly. We support the measure.

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.

EVIDENCE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st March.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [4.57 p.m.]: We have no objection to this Bill. It seems a little sad that something as beautiful as sunrise or sunset has to be contained in such prosaic words. We support the measure.

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.

PUBLIC TRUSTEE ACT AMENDMENT BILL

Second Reading

Debate resumed from the 21st March.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.00 p.m.]: We on this side of the House present no opposition to the Bill. Whilst this is obviously an updating amendment so as to bring the fees up to a more realistic level in the light of inflation, etc., I want to impress on the Government that it should not apply increases as a regular feature every year, because the Public Trustee was set up to assist people in the lower income groups.

The office is not supposed to be a money-making concern; it does not really have to keep its head above water as long as it is not too much of a drain on the public purse. I regard this as a service to the public which we should guard jealously, and we should not turn it into a money-making service.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.01 p.m.]: I thank the honourable member for her indication of the support of the Opposition to the Bill. In connection with the fees I should point out that they have not been increased for 13 years; and that is a reasonable time to allow before an increase takes place.

As far as the estates are concerned, once again I draw attention to the fact that they include many in which it is difficult to locate beneficiaries who may be scattered all over the country. Anything the beneficiaries may receive from these small estates often represents a windfall to them.

In cases where the estates are simple to administer there is provision for the Public Trustee to reduce the fees.

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.

LISTENING DEVICES BILL

Second Reading

Debate resumed from the 12th April.

THE HON. GRACE VAUGHAN (South-East Metropolitan) [5.05 p.m.]: The Opposition has examined this Bill. It seems that it is in the best interests of the people of the State to provide some sort of safeguard in relation to the use of electronic listening devices which are coming on the market rapidly.

A few years ago when people used to look at the "Dick Tracy" serial and saw him wearing a wristwatch which contained a radio transmitter to

receive and to send messages, they thought it was the result of a highly imaginative artist and writer. Nowadays it appears these devices are quite feasible; in fact, there are some radios which can be concealed in a signet ring.

We all agree there is a need to pass a law to safeguard against the misuse of such devices. I am pleased to see a provision in the legislation which states that people who are permitted by certain senior public servants of the State to use such devices are subject to inspection on the way they use these devices, in case there is abuse in their use. In fact, the legislation contains a provision which imposes a penalty for the misuse of these devices.

THE HON. I. G. MEDCALF (Metropolitan—Attorney-General) [5.06 p.m.]: I thank the honourable member for indicating the support of the Opposition to the Bill. I can assure her and the Opposition that the Bill is necessary. It is surprising that for so many years we have not had any law in this State governing the use of listening devices. In fact, it has been quite legitimate for anyone in the State to use any listening device, apart from those prescribed under the Commonwealth legislation dealing with telephonic communications. However, some loopholes in the Commonwealth legislation exist, and it is surprising that to date there has not been any State legislation governing the use of these devices. The Government believes there is general approval for the introduction of suitable legislation, so as to prescribe limitations on the use of listening devices except in very limited circumstances.

I again thank the Opposition for its support of the Bill.

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.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. G. C. MacKINNON (South-West—Leader of the House) [5.09 p.m.]: I move—

That the House at its rising adjourn until Wednesday, the 26th April.

Question put and passed.

House adjourned at 5.10 p.m.

QUESTIONS ON NOTICE

POLICE STATIONS

Typists

95. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

- (1) (a) Is the Minister aware that the Police Union is claiming that the W.A. Police Force does not have enough manpower; and
(b) what action is being taken to recruit applicants in Western Australia at the moment?
- (2) Is the Minister aware of a request from the Police Union seeking the employment of typists in police stations to relieve policemen of typing duties?
- (3) Is the Minister aware that in reply to the Police Union's request, the Assistant Commissioner (Administration) of Police, Mr. Woods, pointed out that whilst it would possibly be ideal to employ a typist in many police stations, in the last few years restrictions have been placed on the growth of the Public Service?
- (4) Is the Minister also aware that the Premier has expressed the view that dedicated men and women should be able to use their talents in the most meaningful manner possible and that some people are swamped by administration and prevented from doing their best work?
- (5) Will he ensure that sufficient typists are employed in police stations to enable policemen to carry on effective police work and not to be retarded by administrative duties?

The Hon. G. C. MacKINNON replied:

- (1) (a) Yes.
(b) An Academy Course of 75 recruits graduated on March 23, 1978. Currently, 79 recruits are in the Police Academy.
The Recruiting Office has been upgraded, and an average of 25 applicants are being interviewed weekly towards a possible course later in the year.
Advertisements will be placed in a weekly paper seeking more applications.
- (2) Yes.
- (3) Yes.

- (4) Yes.
- (5) Appointment of clerk/typists at Police Stations will be dependent on sufficient clerical workload at Stations.

TRAFFIC

Unlicensed Vehicles: Third Party Insurance

96. The Hon. W. M. PIESSE, to the Leader of the House representing the Minister for Police and Traffic:

- (1) Is the Minister aware of the report in the *Daily News* of the 18th April, 1978, page 7, when Inspector Liddelow, of the Road Traffic Authority, reported that during the recent cyclone emergency, permission was given for unlicensed vehicles to be used on roads, etc.?
- (2) In the event of accidents related to these vehicles, who would be responsible for damages related to Third Party Insurance?

The Hon. G. C. MacKINNON replied:

- (1) and (2) I am aware of the report and I am advised it is not entirely correct. As far as is known, no temporary permits to use unlicensed vehicles were applied for or issued on this occasion. They are available if required and the fee includes a charge for Third Party Insurance coverage.

TECHNICAL EDUCATION DIVISION

Assistant Director-General

97. The Hon. R. HETHERINGTON, to the Minister for Transport representing the Minister for Education:

What qualifications or abilities has Mr Forrest for the position of Assistant Director-General in charge of the Technical Division of the Education Department that are not possessed by present members of the Department in Western Australia?

The Hon. D. J. WORDSWORTH replied:

Of those who applied for the position, Mr Forrest has far more international experience in technical education, particularly being associated with the restructuring and organisation of industrial training and re-training programmes.

POLICE

Communications System

98. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

- (1) Is it correct that during the recent storm many police vehicles were unable to keep in road contact because of the current out-moded communications system?
- (2) Is it correct that the Minister told the Police Union that a new communications system would be available for the metropolitan area by this time, and the rest of the State would receive the new equipment by the end of the year?
- (3) Is it also correct that the communications equipment will not be ready for the metropolitan area until after June this year, and the rest of the State will not have it until next year?
- (4) (a) Is it also correct that the equipment is not available because of problems relating to the contract;
(b) if so, will the Minister explain to this House the nature of the problems?

The Hon. G. C. MacKINNON replied:

- (1) It is correct that difficulty was experienced with regard to Police radio during the recent storm. However, the cause was not an outmoded system, but mainly the lack of power to the transmitters and base stations.
- (2) The Western Australian Police radio network is being converted from a simplex system to a talk-through mode to give it greater coverage. It was anticipated that this would have been completed in the metropolitan area by December 1977, and country districts by the end of 1978.
- (3) This programme will not now be completed until the end of 1978 in the metropolitan area, and the end of 1979 in country districts.
- (4) (a) Yes.
(b) Police are examining locally produced equipment to ensure its efficiency in the extensive field operations encountered by them.

TRAFFIC

Crosswalks in Metropolitan Area: Removal

99. The Hon. F. E. McKenzie for the Hon. LYLA ELLIOTT, to the Minister for Transport:

- (1) (a) Is it the intention of the Main Roads Department to remove the crosswalk markings and sodium lights in North Street near Second Avenue, Mt. Lawley;
- (b) if so—
- (i) why; and
- (ii) when;
- (c) is it a fact that the City of Stirling is opposed to this action; and
- (d) is the Minister aware that this crosswalk is used by the children at both the Mt. Lawley Primary School and the Mt. Lawley Senior High School, and also various sporting bodies in the evening?
- (2) (a) Is it the Government's policy to progressively remove existing pedestrian crosswalks in the metropolitan area; and
- (b) if so—
- (i) why; and
- (ii) which ones?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) No.
- (b) Answered by (1) (a).
- (c) Yes
- (d) Yes.
- (2) (a) No.
- (b) Answered by (2) (a).

POLICE

Special Branch

100. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

- (1) (a) Why are the reasons for the existence of files on members and ex-members of State Parliament kept confidential;
- (b) how many ex-members of Parliament have files kept on them; and
- (c) why is the number of files in existence on current members of Parliament kept confidential?

- (2) (a) Have Special Branch members ever had any reason to observe the activities of any members of the following bodies—
- (i) The League of Rights;
- (ii) The Democratic Labor Party;
- (iii) The Institute of Economic Democracy; and
- (iv) The Liberal Party of Australia;
- (b) if so, why?

The Hon. G. C. MacKINNON replied:

- (1) (a) The reason for the existence of the file could disclose its contents and destroy its confidentiality.
- (b) This also is confidential.
- (c) To maintain the confidentiality of Police records.
- (2) (a) This information is confidential.
- (b) Answered by (2) (a).

TRAFFIC

Crosswalks at Schools

101. The Hon. F. E. McKenzie for the Hon. LYLA ELLIOTT, to the Leader of the House representing the Minister for Police and Traffic:

- (1) What criteria are required to establish a guard-controlled pedestrian crosswalk at a school?
- (2) Over the past 12 months how many of these crosswalks have been—
- (a) requested; and
- (b) rejected?

The Hon. G. C. MacKINNON replied:

- (1) The criteria is determined by pedestrian-vehicle conflict, children placed in a dangerous situation by such conflict, conduct and age of pedestrians, average speed of vehicles, speed limit in the area and vision of motorists and pedestrians.
- (2) Records are only available for the period from July 1, 1977 to the present time.
- (a) 40.
- (b) 33.

POLICE

Duties of Officers

102. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

Further to part (2) of my question No.

87, on 13th April in relation to liaison between W.A. Police Special Branch and security organisations elsewhere, why will he not make the information available to me on a confidential basis?

The Hon. G. C. MacKINNON replied:

Because the liaison arrangements between security forces should be kept strictly confidential.

POLICE

Special Branch

103. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Police and Traffic:

- (1) In view of the answer to part (2) of my question No. 89, on 13th April in which the Minister states that the Commissioner of Police verbally gave official sanction for Inspector Markham to liaise with other security organisations, will the Minister attempt to place liaison between the W.A. Special Branch and security organisations in other States on a formal basis, as was suggested in the report of Justice Hope?
- (2) Is he aware that by formalising security arrangements between the States of the Commonwealth liaison between security organisations may be improved?

The Hon. G. C. MacKINNON replied:

- (1) The system of liaison now used appears to be adequate. It will always be under review.
- (2) Yes.

FISHERIES

Hunts Canning Company

104. The Hon. D. K. DANS, to the Minister for Fisheries and Wildlife:

Referring to the reply to question No. 73, of the 11th April, 1978, concerning Albany Fisheries, to whom was the approach made?

The Hon. G. C. MacKINNON replied:

The Minister for Fisheries and Wildlife.

FISHERIES

Hunts Canning Company

105. The Hon. D. K. DANS, to the Minister for Fisheries and Wildlife:

Referring to question No. 75, on the 11th April, 1978—

- (1) What was the substance of the verbal evidence Hunts Canning Company gave the Government in support of its claim that it will have to close down if it does not receive all the Albany salmon catch?
- (2) What were the verbal inquiries the Government made to check the accuracy of this claim before ordering Albany fishermen to deliver all their salmon catch to Hunts?
- (3) Who made the inquiries on the Government's behalf?
- (4) To whom were the inquiries made?
- (5) What was the substance of the replies?

The Hon. G. C. MacKINNON replied:

- (1) to (5) Declining catch of salmon on the south coast aggravated by the sale for the first time of Albany area salmon to West Ocean Canning Company of Perth. The Minister for Fisheries and Wildlife was aware of these two factors and they were confirmed by the Director of Fisheries.

