

Legislative Council

Thursday, 22 March 1984

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

THE LATE HON. GRACE VAUGHAN

Condolence: Motion

HON. Lyla ELLIOTT (North-East Metropolitan) [2.32 p.m.]: I seek leave to move without notice a motion of condolence relating to the recent death of the Hon. Grace Vaughan.

Leave granted.

Hon. Lyla ELLIOTT: I move—

That this House expresses its deep regret at the death on 21 January 1984 of Mrs Grace Vaughan, a former member of the Legislative Council for the South-East Metropolitan Province from 1974 to 1980; places on record its appreciation of her long and meritorious public service; and tenders its profound sympathy to her husband and the members of her family in their bereavement.

Mr President, I am sure all members were as shocked and saddened as I was to learn of the death of our friend and former colleague in January this year. Although Grace was with us for only six short years, in that time she made many friends on both sides of the House and, of course, she kept in touch with so many of us after she left the Parliament in 1980. She made her presence felt inside and outside the Chamber in that short period.

Because of her deep compassion for the disadvantaged in the community, Grace made an impact on the thinking and conscience of all who knew her, and the many public tributes that were paid to her on her death provided evidence of this fact.

Grace always had something important and worthwhile to say, so when she rose to speak in this Chamber usually most members on both sides of the House listened. Those who were brave enough to interject were usually demolished with great ease and with that famous wit of hers.

Grace did not have an easy life. She left school at 14 and then lived through the difficult time of the Depression. She studied part time and gained a Diploma in Sociology and a Bachelor of Arts degree at the University of New South Wales. She came to Western Australia and worked for the Department for Community Welfare and ob-

tained a Master's degree with the University of Western Australia.

After leaving Parliament in 1980, Grace served in a voluntary capacity with numerous community groups. Because of her strong dedication to the cause of social justice, together with her warm personality and delightful wit, Grace made many friends not only in Parliament but also in the Labor Party and in many organisations with which she was involved.

The many tributes in the Press and the number of people who attended her funeral showed that Grace was held in very high esteem and affection by many people. Our deepest sympathies go to George and Grace's family.

THE PRESIDENT (Hon. Clive Griffiths): As the member who was privileged to share the representation of South-East Metropolitan province with Grace Vaughan, I take this opportunity to support the remarks very adequately made by the Hon. Lyla Elliott in moving this motion of condolence. I extend my sincere sympathy to the Hon. Grace Vaughan's husband and family.

HON. H. W. GAYFER (Central) [2.39 p.m.]: Grace Vaughan could be a little abrasive in her remarks in this House. I think it was I who dubbed her "Princess Grace", and outside this House, when she forgot for a little while about the nature of the House, she was certainly one of the most delightful persons one could meet. My wife and I were privileged on occasions to be guests in her house in Nedlands. I am pleased to say that much merriment exuded from those dinner parties and so we were always very delighted to be included as her guests.

Members may have wondered at times whether we would talk to each other outside the Chamber, but I can assure Members it was always friendly chiding. I remember the time when she called Woodanilling a quaint little town. Does Miss Elliott remember that? I said, "A quaint little town?" and she said, "Well, quaint, but lovable, just like the member". We remember the lass for those sort of comments.

I remember her also for her sincerity. I did not always agree with her, but by God she was sincere. I believe she was a hard worker; she certainly endeavoured to do all she could in her various walks of life, and she did so honourably. With her passing, all those activities ended. I can but speak well of Gracie Vaughan. I am not ashamed to admit that I liked the woman; I liked her very much. Like Lyla Elliott, I was most disturbed to read of her death and to accompany the many mourners to the cemetery.

I join other members in paying tribute to Grace Vaughan. We have lost a colleague who made a great input to this House.

HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [2.42 p.m.]: The Opposition would like to join with the Government in this expression of sympathy on the death of Grace Vaughan. She was indeed a very popular member during her six years in this House. She was a power in the land, both before and after her time in Parliament.

Grace Vaughan was a power in the social welfare field. She was well known and popular, and was someone who was well liked in the Parliament.

I support the remarks made by my colleague, Mr Gayfer, and Miss Elliott, and indicate that we join in this motion.

HON. MARGARET McALEER (Upper West) [2.43 p.m.]: I should like to associate myself with this motion. I enjoyed Grace Vaughan's acquaintance from the time she came into this Parliament, while she was in the House, and in the time that lapsed since she left Parliament. We saw her fairly regularly at the Commonwealth Parliamentary Association meetings. She was a great supporter of that association, and we were all glad to see her when she came to this place.

As I travelled around Perth over the years, I often met people who knew Grace Vaughan. These were generally people who knew her in another capacity from that of a member of this place and they were all great admirers of her. They enjoyed her admirable gaiety and wit. I am sure they all felt a great deal of sadness on her death.

In Parliament, whatever the controversies and oppositions between different sides of the House, members on both sides listened and learnt from Grace Vaughan, particularly when she was talking on matters relating to social welfare; a field in which she had a great deal of expertise.

I remember one of her greatest admirers in this field was my former colleague, the Hon. John Tozer. I remember Grace especially because she married into a family which was associated with my former colleague, the Hon. Jack Heitman, and because she had a special feeling for Jack Heitman and for the part of the country he came from. I would like to be associated with this motion and offer my sympathy to Grace Vaughan's husband and family.

HON. ROBERT HETHERINGTON (South-East Metropolitan) [2.45 p.m.]: I would like to say a few words in support of this motion, as a member who, in one sense, is half a successor; I

am in an electorate that bears the same name as the electorate she served, although it is in fact a different electorate.

I first met Grace Vaughan before she came into Parliament when she was a mature-age student in the Department of Politics at the University of Western Australia, where she was prepared to take on young and old and put forward her views. She got a string of A's and B's to show that the strangest people, if one looked at some of her exam markers, agreed that her intellectual capacity was great. There was no doubt about that.

Grace Vaughan made friendships with all kinds of people; perhaps with some one would not have expected her to, because they were politically opposite or different from her.

I was pleased to be with her in the House for three years and I was always pleased when she sat behind me to support me and guard my back from the members of the then Government. She did that lustily and well.

The thing that I want to remember most about Grace Vaughan is that she was a principled member of the Labor Party. I think she was what Graham MacKinnon would call an old-fashioned Labor person, who knew what the Labor Party stood for, and if sometimes she thought I did not, she told me so in no uncertain terms.

Hon. G. C. MacKinnon: There are not many of you left.

Hon. ROBERT HETHERINGTON: She could disagree with one, and if she did she told him so, and she did tell me so if she thought I was wrong or if I was doing the wrong thing. Yet, she never did so at a personal level, it was always on the level of principle.

She was a person of great principle, great Labor principle, and for that we miss her. I am particularly sad, from the point of view of the Government and the State, that she died so suddenly and unexpectedly at a time when she was in a position to serve this State and various Government agencies in an advisory capacity. It is a tragic loss to this State and to the Labor Party. Of course it is a greater loss to her husband, George Ewers, because theirs was one of the good relationships around the place. My sympathy goes to him very strongly, and I miss her very much.

HON. FRED McKENZIE (North-East Metropolitan) [2.47 p.m.]: I wish to join with other members in paying a tribute to Grace Vaughan because when I first came into Parliament in 1977 I had the pleasure of sitting next to her; I sat between Grace and Lyla Elliott. Certainly, Grace was of great assistance to me in those early days. No matter who one might be, when one comes to

the Parliament one has many things to learn. It was comforting to have a person with such wide experience as Grace Vaughan sitting alongside me.

To some extent, Grace was a victim of redistribution. In 1977 I was elected to the East Metropolitan Province and rightly one would expect that province to have gone to Grace Vaughan in the redistribution. The party decided that she ought to stay in the South-East Metropolitan Province, because it was thought we had a rough chance of winning. It was rough indeed, and as it turned out Grace's opinion that it was one she could not win, was sustained. To indicate the unselfishness of Grace Vaughan, although she did not succeed in being transferred into the seat, she never at any time indicated she would not be faithful to the party because of it. I think the Labor Party dealt her a cruel blow, but Grace continued on and for the next three years she certainly remained very loyal to the party and to the cause.

I know she had firm views and was never afraid to express them, whether it be in the Parliament, in the party room, or publicly. I am sure the people who had the privilege of knowing her will miss her. I am one of them. I add my remarks in support of this motion.

HON. A. A. LEWIS (Lower Central) [2.50 p.m.]: I should like to be associated with this motion if only to follow Mr Gayfer's remarks about Woodanilling. I think Grace showed courage when she was challenged to go to Woodanilling to talk to the locals. When Grace arrived at the Woodanilling Town Hall to speak, the hall was full. It had never been full before and has never been full since.

What did she wear? It was a magnificent red outfit, and she walked straight down the aisle and stood on the stage and virtually said "Well, here I am, have me if you can". I had never seen a woman make such an impact. Listening to my electors before she arrived, I thought she would be eaten alive; but by the end of the meeting she had the whole audience not agreeing with her but thinking, "Here is a woman with absolute courage and something to give the State".

From that time on that shire could take what Grace said and say, "She means it; we do not agree with it but we know the woman and how great she is because she came and faced us". If there is anything we as members of Parliament can learn from Grace it is to face up to the decisions we make and go and talk to the people for whom we have made the decisions.

I will always remember that perky figure in the red suit. I think Bob McMullan was with her and was wearing a red tie. I guess red is not a colour Woodanilling was used to in great quantities. Dear Grace came in and took over the meeting and showed us all that she believed in her views and was prepared to debate them. I thought that was probably one of the greatest examples a legislator and a person in the community could give of facing up to what was said and continuing to face up to it against certain odds.

I have pleasure in supporting the Hon. Lyla Elliott's motion.

HON. KAY HALLAHAN (South-East Metropolitan) [2.53 p.m.]: I would like to support this motion because it seems to me that in some ways Grace Vaughan provided a model which I have followed in recent years. The first time I met Grace Vaughan was in the holding room at the Perth Children's Court when I was a policewoman and she was a social worker. She was certainly a very compassionate social worker who did unorthodox things, such as taking wards of the State on weekend expeditions on boats. That was frowned upon by many establishment people as an unorthodox thing to do. It reflected her compassion and a sense of rightness about the things she did with a great deal of concern for other people.

It is an irony that I later studied for social work and am now, with the Hon. Bob Hetherington, a member for the seat for which she was a member although the boundaries are now different. After that initial meeting with Grace I looked forward to the opportunity of discussion with her. In making these comments about her and my association with her I want to extend my sympathy to George and to her family, particularly to Trevor and to Sally, with whom I worked closely, and who I know are very grieved by her death.

The **PRESIDENT**: I ask honourable members to carry this motion in the usual manner by joining with me in standing for one minute's silence.

Question passed, members standing.

SUPREME COURT

Lists: Ministerial Statement

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [2.55 p.m.]: I seek leave of the House to make a ministerial statement on the question of the Supreme Court lists.

Leave granted.

Hon. J. M. BERINSON: In his 1983 Christmas address, the Chief Justice drew attention to the backlog of civil cases in the Supreme Court. At that time, the backlog was 227 cases and the delay about 13 months. The concern which this situation caused the Chief Justice was naturally shared by the Government.

At the time of the Chief Justice's address, however, it did appear possible that the state of the list might be due to special factors which affected the position in 1983. One judge had been involved for 92 sitting days on a single case. Another judge was on leave for an extended period. With the elimination of the traditional January vacation this year, it was also thought that some impact on the list during that month might be possible. Given the combination of these factors it appeared reasonable to expect that the backlog might in any event be reduced, at least to some extent, in early 1984.

That optimistic view quickly proved to be mistaken, and the pattern which emerged in January and February this year showed that early action was required. In particular, there was a further substantial increase in the number of appeals in civil cases, together with a continuation of the high level, experienced in the last few years, of appeals to the Court of Criminal Appeal.

We are now close to a situation where the combination of civil and criminal appeals will occupy three judges full time and, with a bench of only seven judges, the impact of this development will be obvious. To meet the situation, the Government has approved a package of measures.

In the first place, it is proposed to appoint an additional Supreme Court judge, and this will be proceeded with as soon as the necessary amendment to the Supreme Court Act is enacted. A Bill to amend the Act has been introduced into the Legislative Assembly today. In addition, the Chairman of the District Court, Judge Heenan, will act as a *Commissioner of the Supreme Court* while retaining his position as chairman. An additional judge has been appointed to the District Court with effect from 2 April.

As well as these appointments, extension of the jurisdiction of the District Court and the possibility of amending court procedures are under active consideration. The position in the courts should also be assisted when the second master is able to take up his duties later this year.

Without minimising the difficulties and the undesirability of the backlog in the civil list, it is important to consider that position in the broader context of the Supreme Court's work. Criminal cases, including appeals, are fully up to date. This

is because every effort is made to reduce the amount of time that people have to spend in custody, either on remand or awaiting appeal. That is a policy I am sure the community and the Parliament support.

The position in the court will continue to be closely monitored. The Government is determined to reduce the backlog and it is hoped that the various measures to which I have referred will considerably assist in that process.

CONSUMER AFFAIRS

Continental Homes Pty. Ltd.: Ministerial Statement

HON. PETER DOWDING (North—Minister for Consumer Affairs) [2.59 p.m.]: I seek leave to make a ministerial statement concerning the activities of a firm known as Continental Homes Pty. Ltd.

Leave granted.

Hon. PETER DOWDING: Some concern has been expressed by the Commissioner for Consumer Affairs concerning the activities of a firm known as Continental Homes. In his 1981-82 report the commissioner referred to Continental Homes as being a business which caused the then Bureau of Consumer Affairs extreme concern. The commissioner said that Continental Homes was one of two companies which had caused great hardship to consumers, particularly elderly people.

The company is run by Continental Holdings Pty. Ltd. as trustee to the Continental Holdings Trust, 16th floor, 108 St. George's Terrace, Perth. The manager of this company is Joseph Matthew Omlor of 6 Bridget Place, Shelley. The Department of Consumer Affairs has recently received a number of complaints from consumers indicating what would appear to be a resurgence of high pressure sales techniques in selling home renovations at highly inflated prices.

Three complaints recently received by the Department of Consumer Affairs are detailed as follows: The first case involves a Leederville war pensioner who has not only been relieved of his life savings but is now being pressured with threats of legal action for an additional \$1 800. The consumer signed a contract with Continental Homes for \$5 400 in return for the painting of the roof of his home. Initially, the salesman extracted a deposit of \$1 800 by convincing the consumer to sign a bank withdrawal. Since then, another \$1 800 has been paid and the company is threatening legal action for the payment of the balance of the contract price, being a further \$1 800. The complainant claims to have believed that the work

was to be performed at a reduced price in consideration for allowing the company to use his home for display purposes. The display concept is a well known ploy in this industry, and is used particularly by those who canvass on a door-to-door basis.

The second case concerns a 71-year-old West Leederville widowed pensioner who has complained that after signing a contract to have the outside of her home painted for \$2 400, she has now lost the best part of her life savings. She has advised the Department of Consumer Affairs that she was also enticed into signing a contract in the belief that as she was allowing her home to be used as a display she was receiving the work at a much reduced cost. In this case a technical officer (building) from the Department of Consumer Affairs has inspected the work and advised that it was worth no more than \$600. This person was subjected to high pressure presentation by two salesmen over a two-hour period and was then escorted to the bank by the salesmen in order to withdraw \$800 for a deposit.

The third complaint concerns a Subiaco man who contracted to pay this company \$2 952 to paint the front of his house, together with his front fence. The consumer has complained to the department that the work took only 19 man-hours and was done to only a fair standard.

At the request of the Painters' Registration Board and of the Commissioner for Consumer Affairs I advise this House and the members of the public who are approached by representatives of Continental Homes that they should under no circumstances sign any documents, regardless of representations made to them, until they have had the opportunity of obtaining quotes from other painters who are registered by the Painters' Registration Board.

BILLS (22): ASSENT

Messages from the Lieutenant-Governor and Administrator received and read notifying assent to the following Bills—

1. Electoral Amendment Bill (No. 3) 1983.
2. Shark Bay Solar Salt Industry Agreement Bill 1983.
3. Offenders Probation and Parole Amendment Bill 1983.
4. Technology Development Bill 1983.
5. City of Perth Parking Facilities Amendment Bill 1983.
6. Appropriation (Consolidated Revenue Fund) Bill 1983.
7. Acts Amendment (Prevention of Excessive Prices) Bill (No. 2) 1983.
8. Marketing of Lamb Amendment Bill 1983.
9. Trade Descriptions and False Advertisements Amendment Bill 1983.
10. Prisoners (Interstate Transfer) Bill 1983.
11. State Government Insurance Office Amendment Bill 1983.
12. Criminal Code Amendment Bill 1983.
13. Coal Mine Workers (Pensions) Amendment Bill 1983.
14. Workers' Compensation and Assistance Amendment Bill (No. 2) 1983.
15. Coroners Amendment Bill 1983.
16. Tourist Development (Secret Harbour) Agreement Bill 1983.
17. Multicultural and Ethnic Affairs Commission Bill 1983.
18. Referendums Bill 1983.
19. Acts Amendment (Asbestos Related Diseases) Bill 1983.
20. Hospitals Amendment Bill 1983.
21. Financial Institutions Duty Amendment Bill 1983.
22. Western Australian Development Corporation Bill 1983.

HEALTH: TOBACCO

Advertising: Petition

On motions by the Hon. Margaret McAleer, the following petition bearing the signatures of 10 persons was received, read, and ordered to lie upon the Table of the House—

TO:

The Honourable the President and the Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

We, the undersigned are school teachers and we believe that education programmes alone are ineffective in discouraging children from smoking and only by combining education with legislation to ban tobacco advertising can we expect that the uptake of smoking by children will be significantly reduced.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

(See paper No. 712.)

ELECTORAL*Referendum: Petitions*

On motions by the Hon. Lyla Elliott, the following petition bearing the signatures of 25 persons was received, read, and ordered to lie upon the Table of the House—

To:

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

We the undersigned electors of Western Australia desire that the State Electoral System be reformed so as to incorporate the principle of "one person-one vote-one value".

We specifically request the reform of the Legislative Council of Western Australia to achieve:

1. A reduction in the number of Legislative Councillors from 34 to 22.
2. The retirement of half of the Members of the Legislative Council at each general election (i.e. simultaneous elections).
3. The election of Legislative Councillors according to a system of proportional representation such as currently operates in Senate elections.

And that the above reforms be decided by the people voting at a referendum.

Your petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 709.)

A similar petition was presented by the Hon. Kay Hallahan (281 persons).

(See paper No. 710.)

ARGENTINE ANTS*Control: Petition*

On motions by the Hon. A. A. Lewis, the following petition bearing the signatures of 129 persons was received, read, and ordered to lie upon the Table of the House—

To the Honourable PRESIDENT and Members of the LEGISLATIVE COUNCIL in PARLIAMENT assembled.

The petition of the undersigned electors respectfully sheweth that we are totally opposed to the use of HEPTACHLOR and other associated

CHLORINATED HYDROCARBONS in the control of ARGENTINE ANTS. HEPTACHLOR is a lightly toxic chemical that is suspected of being both CARCINOGENIC and MUTAGENIC. We are particularly concerned for our safety and the safety of our children.

Your Petitioners most humbly pray that the Legislative Council in Parliament should enact appropriate legislation to allow householders the right to undertake their own less hazardous control procedures or the application of sprays such as PERMATHRIN to the satisfaction of the AGRICULTURE DEPARTMENT.

And your petitioners as in duty bound will ever pray.

(See paper No. 711.)

ELECTORAL*Country Areas: Petition*

On motions by the Hon. W. N. Stretch, the following petition bearing the signatures of 20 persons was received, read, and ordered to lie upon the Table of the House—

TO:

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia:

Declare that just as the Australian Senate recognises the representational needs of the remote and less-populous areas of Australia, so too does the Western Australia House of Review recognise the representational needs of the remote and less-populous regions of Western Australia.

And ask that the State's House of Review should vote against any proposition that aims to decrease or weaken the representation of country people in the State Parliament.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 713.)

ANIMAL RESOURCES AUTHORITY

Annual Report: Withdrawal and Substitution

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.16 p.m.]: I seek leave of the House to withdraw tabled paper No. 242, Animal Resources Authority—Annual Report 1983, and substitute the Animal Resources Authority—Annual Report and Financial Statement for the year ended 30 June 1983.

Leave granted.

[Resolved: That business be continued.]

QUESTIONS

Questions were taken at this stage.

WAR RELIEF FUNDS REPEAL BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. D. K. Dans (Leader of the House), and read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [3.52 p.m.]: I move—

That the Bill be now read a second time.

The War Relief Funds Act provides for the administration of funds which were collected during the World Wars for the purpose of assisting servicemen and their dependants. A council was appointed, with numerous powers in regard to the collection, amalgamation and application of funds. In October 1981 the council considered winding up and the distribution of the remaining funds.

The Air Force Association agreed to administer the McIntosh Memorial Scholarship Fund, and the balance of the remaining funds was divided between the eligible recipients applying during 1982. The arrangements were finalised in May 1983.

As the Council of War Relief Funds was the only remaining organisation registered under the War Relief Funds Act, there is no further need for this legislation. The Bill before the House will repeal the Act. I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Margaret McAleer.

Sitting suspended from 3.53 to 4.05 p.m.

FATAL ACCIDENTS AMENDMENT BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.06 p.m.]: I move—

That the Bill be now read a second time.

At common law, the dependants of a person who was killed because of the fault of a third party could not recover compensation from the wrongdoer for the loss of the financial support resulting from the death.

Legislation adopted in Western Australia in 1849, and now enacted as the Fatal Accidents Act, altered the common law and made provision for designated relatives to take action for compensation against a person who caused the deceased person's death. This, of course, applies only in cases where the deceased person would have been entitled to recover damages in respect of the wrongful act, neglect, or default had he still been alive.

The action is undertaken by the deceased's personal representatives on behalf of the designated relatives, and claims are limited to compensation for economic or material loss. Damages are based on the amount of financial support each relative could have expected to receive had the deceased person lived.

At present, the only persons who can make a claim for damages for wrongful death are the deceased's surviving spouse, his or her children, stepchildren, grandchildren, parents, step parents, and grandparents.

Some years ago, the Law Reform Commission of Western Australia was asked to consider whether the class of persons entitled to claim under the Act should be widened. The commission reported in December 1978 and recommended that the class of persons entitled to claim should be extended.

The Bill which is now before the House seeks to extend the class of eligible claimants under the Act to include the following:—

A person to whom the deceased stood in the place of a parent (*in loco parentis*);

a person who stood in the place of a parent (*in loco parentis*) to a deceased person;

brothers and sisters, including half brothers and sisters;

the spouse of a deceased person who had ceased to be such by virtue of divorce; and

a defacto spouse in cases where there is a child of that union or in circumstances where the defacto spouse had lived on a permanent and bona fide domestic basis for not less than three years.

Adopted and illegitimate persons continue to be provided for.

In the case of a child born after the death of the deceased person, the child will be treated as having been born before the death occurred.

The Bill also gives the court an express power to order that a person who is entitled to do so, be added to an action which has already commenced. The court may order that that person be separately represented.

To consolidate the class of eligible claimants under the Act, it is proposed to delete the definitions of "child" and "parent" in the body of the Act, and include all the classes of eligible claimants in a schedule to the Act.

The Law Reform Commission also made certain recommendations on a separate, very limited awards of damages for "loss of assistance and guidance". The idea behind this is to compensate certain close relatives for the loss of such non-pecuniary benefit as they might have expected to derive from the deceased person's assistance and guidance had he lived.

The Government has decided not to proceed with these recommendations. It would require the courts to undertake a time-consuming and difficult task in assessing the appropriate award and, in any event, the amount awarded under such an arbitrary limit would be very likely to affront claimants as often as it might solace them. There are very few jurisdictions where such a provision exists.

In summary, the effect of this Bill is to extend the class of persons who may claim under the Act, by bringing in a number of people who were members of the deceased person's household or dependent upon him.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

JUSTICES AMENDMENT BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.11 p.m.]: I move—

That the Bill be now read a second time.

Upon conviction of an appropriate offence under the Road Traffic Act, a person may be disqualified from holding a motor driver's licence. Where a person is so convicted in a Court of Petty Sessions, and his licence suspended, the Justices Act provides that he may appeal to the Supreme Court by way of order *nisi* to review.

Section 201(2) of the Justices Act provides that where an order for review is granted, execution of the summary court's sentence shall be stayed until the order to review is disposed of, or the Supreme Court or a judge otherwise orders.

Doubt has arisen as to whether section 201(2) has the effect of allowing a person's driving licence to be reinstated until the order is finally disposed of.

I am advised by the Minister for Police and Emergency Services that the present Police Department practice is to return the licence to the person concerned upon proof of the granting of the order *nisi*.

Where the appeal is ultimately dismissed, the balance of the unserved disqualification period originally imposed by the court is applied. Although this practice is fair, doubt has arisen as to whether the provisions of the Justices Act allow for it. This Bill is intended to resolve that doubt.

It provides that where an order *nisi* to review is granted, the stay of execution under section 201 of the Justices Act includes the reinstatement of a disqualified person's driver's licence until the appeal is disposed of. Any disqualification from holding or obtaining a licence to drive a vehicle in respect of such a conviction is suspended until the order to review is disposed of. Any period during which the disqualification is suspended shall not be taken into account in determining the period of disqualification.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

**VALUATION OF LAND AMENDMENT BILL
1984**

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.14 p.m.]: I move—

That the Bill now be read a second time.

This Bill proposes to amend the Valuation of Land Act so as to clarify the intent of certain sections in the existing legislation and at the same time remove anomalies.

Under the existing law there is provision for individual values to be applied to separate parts of land, but there has been doubt as to whether a collective value can be applied to land valued jointly.

The Bill seeks to clarify the alternatives that are available to the Valuer General when assessing values for rating purposes over the whole or separate parts of a land holding.

The Bill also proposes an alteration to the definition of "unimproved value" to correct an anomaly that has been brought to notice. This relates to the valuation of land acquired in connection with clearing controls under the provisions of the Country Areas Water Supply Act and subsequently leased to private individuals. As matters stand at present, strict application of the terms of the definition can result in values in excess of the freehold value of the land.

The effect of the proposed amendment will be that such leases will be valued as freehold land in terms of the definition of "unimproved value".

The law in its present form has also resulted in confusion with respect to the right of the Valuer General to extend the time for the lodgment of notice of either objections or appeals against valuations.

The proposed amendments will remove any doubt as to the power of the Valuer General to extend the period even after the expiration of the statutory 42 days, should the circumstances require.

Finally, in the course of drafting the Bill an error in terminology was discovered in a definition which was in conflict with that contained in the Local Government Act. It is proposed to rectify this error.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Margaret McAleer.

PUBLIC TRUSTEE AMENDMENT BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.16 p.m.]: I move—

That the Bill now be read a second time.

This Bill will facilitate the administration of estates by the Public Trustee by modifying various procedural requirements. The modified procedures will, in particular, simplify the administration of small estates. Monetary and time limits are also revised. A number of monetary limits have not been reviewed for many years and are increased to appropriate modern-day amounts. Provisions aimed at the further protection of disadvantaged persons are included.

The time during which the Public Trustee may act after receipt of certificates from medical practitioners in respect of infirm persons is increased. In addition, the time within which the Public Trustee may apply to the Supreme Court to review detrimental transactions made by incapable patients and infirm persons is increased.

Provision is also made to include purchases within those transactions which may be reviewed. A court will now be in a position to set aside a detrimental purchase entered into by an incapable person.

Another provision aimed at relief of financially disadvantaged persons authorises the Minister in appropriate cases to reduce statutory charges for the administration of estates. Statutory fees are based on the value of an estate, and instances occur where the fee payable is substantially more than the value of work performed.

Power is also given to the Public Trustee to purchase freehold land in the course of management of the estates of incapable patients or infirm persons. This will allow the Public Trustee, for example, to provide alternative housing more suited to the needs of the incapable person or his family.

Provision is also made to enable the Public Trustee, with the consent of the Minister, to purchase land in the course of administration of any other trust or estate.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

INTERPRETATION BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.21 p.m.]: I move—

That the Bill be now read a second time.

This Bill is designed to clarify and modernise the Interpretation Act 1918-1981.

The Interpretation Act is relevant to the construction of all Acts and regulations in the State, and its content is therefore of great practical importance. The Act has been amended on several occasions since its inception in 1918. This has contributed to the current lack of order in the arrangement of its provisions. In addition, as much of the Act is drafted in the style of years gone by, it is not as easy to read as modern Statutes. The present Bill is drafted in a modern, simple and clear style.

The Bill will also encourage the drafting of all legislation in a modern, and clear style. In this respect, it reflects the Government's intention that legislation should be drafted as far as possible to make it intelligible to all.

In the main the Bill aims to provide a clearer presentation of material carried forward from the existing Act. However, some new provisions have been incorporated, and these are based on interpretation legislation in the other States and the Commonwealth.

In particular, a provision has been included to require Western Australian courts to take purpose and object into account when interpreting written law. This will ensure that the courts have regard to Parliament's intention, especially where a strict or literal interpretation of an Act might otherwise defeat its purpose.

In addition, a provision is included to give the courts a discretion to take extrinsic materials into account as an aid to interpretation. This will include the use of *Hansard*, explanatory memoranda presented to the Parliament, and reports of Royal Commissions, parliamentary committees, Law Reform Commissions and boards of inquiry.

Members may be aware that the above provisions are based on section 15AA of the Acts Interpretation Act (Commonwealth) as amended in 1981, and the recent Commonwealth Acts Interpretation Amendment Bill 1984, which proposes to add a new section 15AB to the Commonwealth Act.

Victoria has a Bill before its Parliament incorporating provisions substantially similar to those of the Commonwealth. Apart from these provisions, some important clauses of the Bill include the following—

Clause 4 expressly provides that the Bill binds the Crown.

Clause 5 is the definitions clause, which contains several new definitions, for example, "enactment", "subsidiary legislation" and "written law".

Clause 32 allows for a change of style in the printing of Acts whereby marginal notes become headings. The new style will shortly be adopted by the Government Printer for all new Acts and the reprinting of existing legislation.

Clauses 43 and 46 make provision for subsidiary legislation.

This Bill, together with the Reprints Bill which will shortly be introduced, reflects the Government's wish to modernise the existing forms of Statute law.

Because of the Bill's importance in a technical sense, I propose to allow four weeks for further public exposure before resuming the debate on the second reading.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

REPRINTS BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill provides for the reprinting of the written laws of Western Australia. At present, there are a number of Statutes under which reprints of Acts and regulations are issued in this State. They are outdated and contain a number of anomalies and inadequacies.

The Bill introduces a number of practical improvements without altering the legal effect of the existing reprint system. In particular, provision is made for developments involving computerisation.

In that respect, the Bill is complementary to the Interpretation Bill which I have just introduced. Taken together, the two Bills demonstrate the Government's commitment to ensuring that legislation is in a form which is easy to understand and readily available.

I draw attention to the fact that the Bill will allow the drafting and format of an Act to be modernised on reprinting, provided there is no alteration to the legal effect of the relevant legislation.

The major clauses of the Bill are as follows.

Clause 5 provides that the Attorney General may direct the Government Printer to reprint any written law. The clause requires that such a direction be accompanied by a certificate to the effect that the written law to be reprinted is in the correct form.

Clause 7 allows an authorised officer, who will be a member of the Parliamentary Counsel's office, to make amendments of a formal nature to the law to be reprinted. In particular, numerals and dates will replace words, as will the appropriate symbols for money. In addition the authorised officer may omit from the reprint transitional or expired provisions.

Clause 7(5) authorises the officer to correct any error in spelling, grammar or punctuation, but not so as to affect the meaning of the written law.

Provision is made for the Attorney General when issuing a direction to the Government Printer, or at any subsequent time, to issue a certificate to the effect that an amendment has been effected in accordance with the Bill.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. W. N. Stretch.

PAROLE ORDERS (TRANSFER) BILL 1984

Introduction and First Reading

Bill introduced, on motion without notice by the Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.27 p.m.]: I move—

That the Bill be now read a second time.

This Bill is for an Act to permit the interstate transfer of parole orders.

The object of the Bill is to provide a system which enables supervision of a person on parole who normally resides in a State or Territory other than the one in which he or she was released on parole.

This will be achieved by the formal transfer of responsibility for parole supervision between transferring and receiving States.

The possibility of such legislation has been the subject of discussion within the Standing Committee of Attorneys General for a number of years. That discussion led to the adoption of a model Bill, upon which this Bill is based. It is complementary to the Prisoners (Interstate Transfer) Act 1983 passed by this Parliament last year.

Legislation following the model Bill has already been enacted in the Australian Capital Territory, the Northern Territory, South Australia, Victoria, New South Wales, and Tasmania. Queensland is expected to introduce legislation in its first session of Parliament this year.

The Bill provides for the registration of an interstate order at the request of the responsible Minister. Transfer will take place only where it will be in the best interests of the parolee. Registration is by consent of the receiving State.

Once the administrative arrangements have been completed, the parole order becomes an order of the receiving State. As a result, the sentence of imprisonment relating to the parolee will also cease to have effect in the sending State. It becomes effective instead in the receiving State.

The parolee becomes subject to all the laws of the receiving State, as if he had been imprisoned and paroled in that State. He is subject to the jurisdiction of the receiving State's Parole Board, and to the supervision of its parole service.

The Bill is part of a uniform national system, and will replace a previously unsatisfactory and informal set of arrangements.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. I. G. Medcalf (Leader of the Opposition).

TOWN PLANNING BOARD AND METROPOLITAN REGION PLANNING AUTHORITY

Standing Committee on Government Agencies: Reports

HON. JOHN WILLIAMS (Metropolitan) [4.28 p.m.]: I am directed to report that the

Standing Committee on Government Agencies requests that the date fixed for the presentation of its reports on the activities of the Town Planning Board and the Metropolitan Region Planning Authority be extended from 30 April 1984 to 27 September 1984. I move—

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

Question put and passed.

TOWN PLANNING: URBAN LANDS COUNCIL

Standing Committee on Government Agencies: Report

HON. JOHN WILLIAMS (Metropolitan) [4.29 p.m.]: I am directed to report that the Standing Committee on Government Agencies requests that the date fixed for the presentation of its report on the activities of the Urban Lands Council be extended from 31 March 1984 to 27 September 1984. I move—

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

Question put and passed.

STANDING ORDERS COMMITTEE

Report

HON. D. J. WORDSWORTH (South) [4.30 p.m.]: I have the honour to present a report from the Standing Orders Committee relating to chapters XII and XIV and Standing Order No. 117 of the Standing Orders. I move—

That the report do lie upon the Table and be printed.

Question put and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.31 p.m.]: I move, without notice—

That the House at its rising adjourn until Tuesday, 3 April.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.32 p.m.]: I move—

That the House do now adjourn.

Ministerial Statements: Copies

HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [4.33 p.m.]: I believe

that if a Minister makes a ministerial statement, copies of that statement should be made available to the House. This afternoon I inquired for a copy of the statement issued by Mr Dowding, and I have been informed by the Clerk of the House that it is not available. This concerns me greatly, because a statement such as that should be supplied to the House as soon as the Minister issues it. I draw your attention to this matter, Sir, and I believe that appropriate action should be taken.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.34 p.m.]: I acknowledge my own shortcoming in that respect. It was an oversight. I regret that, and I will ensure that it does not occur again.

Hon. I. G. Medcalf: I am referring to Mr Dowding's statement.

Hon. J. M. BERINSON: Nonetheless, my statement was not available, or it was available but was not distributed.

Hon. I. G. Medcalf: I cannot even obtain a copy of Mr Dowding's statement.

Hon. J. M. BERINSON: To the extent that the comment referred to my own statement, I will ensure it does not happen again. I undertake to convey to the Hon. Peter Dowding the comments of the Leader of the Opposition. I assure the House that there is no need for any formal action beyond that.

Liquor Licence: Lake King

HON. D. J. WORDSWORTH (South) [4.35 p.m.]: I should bring before the House a matter of concern to my electorate which has only just arisen. It concerns the small community at Lake King. Perhaps many people would not even know where Lake King is; but it is in the eastern portion of the Shire of Lake Grace.

Several members interjected.

Hon. D. J. WORDSWORTH: I am glad members are aware of the community. For some time, the people have been seeking a facility for the serving of liquor. Currently, there is a liquor store in the town, and people passing through on the highway are aware of the considerable drinking on the highway because of the lack of other facilities. In itself, this has caused a major problem with litter, apart from the obvious problem of the lack of toilet facilities.

Unfortunately, the application by the town for a liquor licence is held up because of the present policy of the Government regarding the issue of liquor licences. Not only has there been a moratorium, but also it has been suggested that li-

cences should be bought elsewhere and transferred, rather than new licences issued.

The people of Lake King have had to fight for everything in the town and district. The land was opened up at the beginning of the Depression, at a time of considerable controversy over whether salt land should be thrown open. The land in this area is considered prone to salting. The people battled through the recession. They were promised a railway line, but one was not built. The townsite was surveyed in a salt lake, so sewerage and drainage could not be installed. After a long time, the people managed to have a new townsite proclaimed. People who travel through the town admire the beautiful granite church and the St. John Ambulance facility there.

Because of the present conditions, the town is unable to have a tavern licence. The people have raised some \$70 000, which is an admirable amount. The Lands and Surveys Department has allocated a block, and it is within the town plan. However, it is unreasonable to expect the people to go and buy a licence, say, from Fremantle, at some considerable cost, and remove it to Lake King in order to have a facility which really is quite reasonable.

The statistics indicate that there are only 85 people within a 10-kilometre radius of Lake King, and I admit that is not very many. Within a 20-kilometre radius, there are 190 people; there are 365 within a 30-kilometre radius, and 654 within a 40-kilometre radius. If one draws these radii from adjacent hotels, as expected by the Licensing Court, one finds that some of the area would be covered twice. The 40-kilometre circle would include a small area covered by facilities at Ravensthorpe and Newdegate. However, I assure members that most of the 654 people within the 40-kilometre radius regard Lake King as the most suitable place to visit and enjoy the opportunity of having a social drink. They should not have to drink liquor on the street, as is currently done, after buying it at the liquor store in Lake King.

A limited hotel licence is unsatisfactory. It is hard enough for the people to raise \$70 000 for a tavern licence, let alone the money required for a hotel. A club licence allows only certain people to use the facilities, and it is not suitable for the travelling public.

I am informed, the majority of the travelling public coming from the Eastern States via Esperance travel through Lake King.

I draw the attention of the House to this matter. I hope the Government will reconsider its pol-

icy to see whether there is some way in which it can be adapted to meet the needs of this isolated district.

HON. D. K. DANS (South Metropolitan—Leader of the House) [4.38 p.m.]: I will answer the Hon. Mr Wordsworth, because every time he rises to his feet he does not fail to astound me. In the first instance, he should do his homework.

The Hon. Dick Old asked me to ascertain why the Licensing Court had refused an application for a tavern at Lake King. I just happen to have in my possession the reasons given by the members of the Licensing Court. Mr Wordsworth said it was because of the Government's moratorium, but that is not the case.

An application for a provisional certificate for a tavern licence was put before the Licensing Court by Lake King Developments Pty. Ltd., and the licence was to be situated at Lot 165 Varley Road, Lake King. The matter was heard before Mr Dunstan and Mr Lucchini, members of the Licensing Court, on 15 March 1984. The concluding sentence of the decision reads—

Now therefore the Court hereby refuses this application.

This Government, or any other Government, is not in the position of trying to influence the court. As I understand it, the application has been refused, and there is no appeal. All the necessary information is contained in the decision, and I will give a copy of it to Mr Old, because he wanted to know the reasons the application was refused.

Some of the statements the member made do not measure up in respect of the number of people in the district. This matter has been well researched and I shall read part of the decision as follows—

... there are only two houses in the Lake King townsite which has a school, a Community Hall and Sports oval with a pavilion and tennis courts. Also in the townsite is a general store with a store licence.

The question of Lake King's not having a tavern has nothing to do with the Government's moratorium, but it has everything to do with the State Licensing Court which has made a decision that Lake King is not to get a tavern licence at this time. As I understand the law, there is no appeal against that decision.

Question put and passed.

House adjourned at 4.40 p.m.

QUESTIONS WITHOUT NOTICE

EMPLOYMENT AND UNEMPLOYMENT

Number Unemployed

208. Hon. N. F. MOORE, to the Minister for Employment and Training:

What is the current rate of unemployment in Western Australia?

Hon. PETER DOWDING replied:

The current rate of unemployment in Western Australia on recent statistics is 10.8 per cent.

EMPLOYMENT AND UNEMPLOYMENT

Unemployment: Contributing Factors

209. Hon. N. F. MOORE, to the Minister for Employment and Training:

Can the Minister tell the House the major factors which have contributed to Western Australia's having an unemployment rate of 10.8 per cent, which I understand is the highest in Australia?

Hon. PETER DOWDING replied:

As the honourable member would know, three major factors affect the unemployment figure. Firstly, unemployment is a national problem and we are experiencing a world recession.

Secondly, there is a particularly high rate of participation in Western Australia, much higher than the rest of the nation. The percentage of people seeking work expressed as a percentage of the total population of Western Australia is much higher than the percentages in other States and there are many explanations for that factor.

Hon. N. F. Moore: That was our argument.

Hon. PETER DOWDING: I am not arguing with the member, I am telling him. Members would know how real and factual that comment is. I am surprised that someone like the Hon. N. F. Moore has forgotten that aspect of the matter.

The third reason is that the nature of the Western Australian economy is such that when we have an improvement in economic conditions on a national base Western Australia tends to lag behind, probably by four or five months. As members opposite would know—and

they said this during the nine years they were in power—we must bear in mind the extent to which the Australian Government has control over the economy. Also there is very much the feeling that this recession is partly a result of the years of Liberal Government mismanagement.

Unemployment and the economy are national issues. The Federal Government, with the co-operation of the State Government, is addressing the problem in many ways and we have seen evidence of this through the community employment programme where funds have been allocated which will create nearly 3,500 jobs.

Those aspects together with the greater attention given to training initiatives demonstrate that the Western Australian Government is taking a lead, and we hope to see the effects of the worst recession for 50 years ameliorated.

EMPLOYMENT AND UNEMPLOYMENT

Unemployment: Increase

210. Hon. N. F. MOORE, to the Minister for Employment and Training:

Has the rate of unemployment in Western Australia increased since the Burke Government came into office?

Hon. PETER DOWDING replied:

The percentage of unemployment has increased since the beginning of last year.

If members opposite are not aware of the depths of the recession, perhaps they should take up reading public documents such as newspapers. They would know that no-one claims to have a magic figure. However, a very important statistic which the Opposition completely ignores is the very significant increase in the number of jobs created in Western Australia during the life of the Burke Government. In fact, in excess of 20 000 jobs have been created in Western Australia during the period of the Burke Government.

EMPLOYMENT AND UNEMPLOYMENT

Government Initiatives

211. Hon. N. F. MOORE, to the Minister for Employment and Training:

What action has the Minister taken since becoming Minister for Employment and Training to implement policies designed to reduce unemployment in Western Australia?

Hon. PETER DOWDING replied:

I, and my department, have taken a number of initiatives since the end of December when I assumed the portfolio of Minister for Employment and Training.

Hon. N. F. Moore: When you were demoted.

Hon. PETER DOWDING: The member can take it that way, but I was very privileged to be given the portfolios and I am more than happy to be involved in a Government instead of sitting over there on the crossbenches where the member will be for a long time.

Several members interjected.

Hon. PETER DOWDING: In the last three months in excess of \$36 million has been released and allocated through the community employment programme, including the wages pause. Also 3 500 jobs have been created in that allocation. Through the community employment programme many projects have been started, even in the areas represented by the Hon. N. F. Moore. However, I do not think the member has his act together yet, although the scheme has been going since the end of last year. I look forward to many more community employment project submissions coming through from Murchison-Eyre in particular, which is an area of considerably high unemployment. Mr Moore seems to ignore the availability of community employment funds.

The other area in which I believe we have taken an important initiative is the

move to set up a group of officers to prepare draft legislation for the industrial and commercial training commission. It is quite clear that training will form a very significant part, both in the creation of employment opportunities and the acquisition of skills for young people and, more importantly, to meet the needs and demands of the economy when this recession lifts. I regard those two activities as having justified my efforts over the last three months.

EMPLOYMENT AND UNEMPLOYMENT

Community Employment Programme: Wages Pause Funds

212. Hon. N. F. MOORE, to the Minister for Employment and Training:

(1) Does the major portion of funds for the CEP come from the wages pause funds?

(2) What was the view of the then Opposition to this programme when the legislation was brought in?

Hon. PETER DOWDING replied:

(1) and (2) The member does not understand the issue. The CEP is not the wages pause; the wages pause was a State Government initiative and the CEP is a State-Federal Government initiative funded with allocations of money from the Federal Government.

One of the criticisms we levelled against the programme to which the Hon. N. F. Moore has referred was the question of identifying labour-intensifying projects. For example, the groyne in the Cockburn area was not labour-intensive, it was capital-intensive and missed the point of the injection of funds into the demand side of the labour economics. He also completely ignored the blatant political activity in the weeks before the election which was an attempt to save a Government that went down the tube.