Legislative Council

Wednesday, 28 April 1982

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

STANDING ORDERS

Amendment: Approval by Governor

THE PRESIDENT (the Hon. Clive Griffiths): I have a letter from Government House, Perth, Western Australia dated 28 April, which reads as follows—

> Dear Sir,
>
> The amendments made to the Standing Orders of the Legislative Council on Wednesday 7th April, 1982, have been approved by His Excellency the Governor in accordance with Section 34 of the Constitution Act, 1889.
>
> Yours faithfully,
> Vincent E. Hart
> OFFICIAL SECRETARY

QUESTIONS

Questions were taken at this stage.

CLOSING DAYS OF SESSION: FIRST PART

Standing Orders Suspension

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.03 p.m.]: I move—

> That during the remainder of the first period of this current session so much of the Standing Orders be suspended as is necessary to enable Bills to be passed through all stages in any one sitting and all Messages from the Legislative Assembly to be taken into consideration forthwith.

Members will, no doubt, be aware that the Premier has indicated 13 May as the date on which this part of the parliamentary session should conclude. Including today, this leaves eight sitting days in which to deal with items of Government business which must be finalised before the House adjourns on that date.

In this regard, it will be appreciated that there are certain Bills currently before Parliament, and others yet to be presented, which are required to become operative prior to the Budget session or are considered to be of an urgent nature.

In the main we can anticipate that priority of Bills will be dependent upon the passage of legislation determined in another place.

While this motion will enable any Bills, as required, to be passed through all stages in any one sitting, I point out that such action may not be necessary in most instances. It is more of a precautionary measure to utilise as circumstances may arise. As I have indicated to the House on previous occasions, I give an assurance that there will be full co-operation on my part to accommodate members wishing to address themselves to any particular measure during the progress of Bills. At the same time, it must be borne in mind that we need to maintain a timetable which will allow this part of the session to conclude on the arranged date.

In conjunction with this motion, I wish to inform members of the possible need to introduce earlier sittings of the House during the final two weeks. Again, this will depend upon the volume of work before the House and the amount of progress we are able to achieve.

The sitting times would be 2.30 p.m. on Wednesdays and 11.00 a.m. on Thursdays and possibly after dinner on Thursdays, as may prove to be necessary.

I commend the motion to the House.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.06 p.m.]: This motion and the one which will follow it call for some comment. From past experience we know that they will result in a rush of legislation, extended sitting hours, and almost inevitably, inadequate attention to at least some Bills. That will follow a period of five weeks in which we have sat for very few hours, in short weeks, and dealt with practically no legislation at all. This boom and bust of the parliamentary calendar is absurd and it is made all the worse because it is so predictable and so easily avoidable. Basically it arises from the peculiar attachment to the formal opening of Parliament and the traditional Address-in-Reply debate. We spent almost four weeks on that debate and the welfare of the people of this State was advanced in the process by precisely as much as if we had spent four minutes on it.

The Hon. A. A. Lewis: That is unfair.

The Hon. J. M. BERINSON: I have previously expressed my opposition to the waste and futility of this exercise. The Leader of the House always comes back to say that the debate has a most important part to play in the ability of members to raise special issues in the interests of their constituents. The fact that we can do that on any

sitting day without the Address-in-Reply is ignored by that argument.

It also raises the question as to why, if the Address-in-Reply is as important as the Attorney suggests, more members did not make use of it and with greater alacrity. The reason we sat for such limited periods in the first four weeks of this sitting was because there were so few Government members who wished to speak or who had their speeches ready.

The Hon. P. H. Wells: Wasn't my speech long enough?

The Hon. J. M. BERINSON: While we extended the debate to suit their convenience—or reluctance, as the case may be—we were prevented from dealing with more substantial legislative work by our archaic Standing Order to that effect.

We should do two things if we propose to continue this Address-in-Reply charade. Firstly, we should permit Bills to interrupt the debate as a matter of course.

Point of Order

The Hon. H. W. GAYFER: Is the honourable member allowed to read his speech as he did during the debate last night?

The DEPUTY PRESIDENT (the Hon. V. J. Ferry): The honourable member is allowed to refer to information. I trust he is doing that.

Debate (on motion) Resumed

The Hon. J. M. BERINSON: Your trust is well placed, Mr Deputy President. To continue, the second thing we should do is to limit the debate, in this Chamber at least, to a maximum of two weeks.

There is one other aspect of Standing Orders which this matter brings to mind. This motion, among its other effects, will permit all stages of a Bill to be put through in one sitting. The fact that this part of the motion is necessary highlights the peculiar and long-winded formalities which normally apply to our processing of Bills and which are really inappropriate to many of the matters which come before Parliament.

Our Standing Orders Committee, going on the results of its deliberations, is not the most active of bodies, but if and when it does meet again I urge it to review this part of Standing Orders with a view to streamlining the present very cumbersome arrangement.

There is no practical purpose to opposing this motion. My main argument is that it is time we so organised ourselves as to make its regular use unnecessary.

THE HON. V. J. FERRY (South-West) [5.11 p.m.]: It was not my intention to speak on this motion because I agree with the suspension of Standing Orders for the good order of the parliamentary programme, but I have to comment on the remarks of the Hon. J. M. Berinson in respect of the Address-in-Reply debate. It is a traditional debate and it is valued by most members of this Chamber. As one who represents a country province I value it very much indeed. It gives members an opportunity to raise any issue, or a number of issues, and at length without any restriction whatever. That is a very jealously guarded privilege in this House. We do not limit that debate.

If the honourable member was referring to the adjournment debate at the close of a day's sitting, again it is traditional that it should be reserved for matters of urgency of that particular moment, rather than have a lengthy three to four-hour speech on some matter affecting an electorate. That is not the purpose of the adjournment debate and it is not parliamentary practice that it should be used in that way.

The Address-in-Reply has an important part to play. I am surprised the honourable member should wish to restrict free speech in that context.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.13 p.m.]: I am astounded that the Hon. J. M. Berinson should use this opportunity to foist his personal opinion upon us in this way.

The Hon. J. M. Berinson: I thought that was the freedom of speech the Hon. V. J. Ferry referred to.

The Hon. I. G. MEDCALF: I am not surprised, however, that the honourable member interjects every time I speak. I am surprised he should attempt to foist his personal opinions on the House.

The Hon. J. M. Berinson: I am not foisting them on the House.

The Hon. I. G. MEDCALF: We meet here for a serious purpose, and the purpose for which some of us come here is obviously different from that of the Hon. J. M. Berinson.

The Hon. J. M. Berinson: I want to consider legislation.

The Hon. I. G. MEDCALF: For him to suggest the benefit of the Address-in-Reply could have been contained in four minutes is an atrocious comment. It is a slight, not only on the members of the Government, but also on the members of

his own party who spoke on the Address-in-Reply, and there were quite a number of them. I listened with considerable interest to them and I undertook that those members would receive replies from the Ministers concerned to the comments they made. I consider that is an important aspect of the functions of this House. I am sure 95 per cent of members would agree with that if they were asked to express an honest opinion on it. The comments by the Hon. J. M. Berinson, which we have heard before, are out of place.

In relation to this motion, it is probably the first time, and certainly the first time I can remember, that a Premier has stated that he hoped the House would end on a certain date and indicated that he expected the deliberations would end on a certain day—in this case, 13 May. That announcement was for the convenience of members. Indeed, I will guarantee that members of each party in this place as a result of that indication have been making arrangements for what they will be doing on 14, 15, and 16 May. Possibly the Hon. Mr Berinson has not been because—

The Hon. J. M. Berinson: I have.

The Hon. I. G. MEDCALF: —he wants to come into this place to air some of his personal opinions.

The Hon. J. M. Berinson: What does this have to do with the Bill entering into the Address-in-Reply debate?

The Hon. I. G. MEDCALF: As far as all other members are concerned I am sure they are pleased to know that the session will end or is expected to end on a particular date. On a previous occasion I was taken to task by the Hon. Lyla Elliott in connection with a similar motion. She said, "What right have you to move for the suspension of Standing Orders when we do not know what date the House is expected to finish?" On this occasion we have been given a date when the session is expected to finish, and I would expect a different reaction on this occasion from the Hon. Lyla Elliott and the Hon. Mr Berinson.

The Hon. Lyla Elliott: You haven't received a different reaction.

The Hon. I. G. MEDCALF: It grieves me to think the Hon. Joe Berinson does not appreciate what we are doing for him.

Question put and passed.

NEW BUSINESS: TIME LIMIT

Suspension of Standing Order No. 117

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.17 p.m.]: I move—

> That during the remainder of the first period of this current session, Standing Order 117 (limit of time for commencing new business) be suspended.

This motion supplements the previous motion, and is intended to enable new business to be commenced, and to permit the passage of Bills received in this House after 11.00 p.m. to be proceeded with to such a stage as may be deemed necessary.

I commend the motion to the House.

Question put and passed.

LIQUOR AMENDMENT BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by the Hon. R. G. Pike (Chief Secretary), and read a first time.

FAMILY PLANNING ASSOCIATION

Funding: Motion

THE HON. LYLA ELLIOTT (North-East Metropolitan) [5.19 p.m.]: I move—

> That this Council, recognising the important contribution made by the Family Planning Association (WA) Inc. to preventive health care in this State, calls on the Government to—
>
> (a) increase the amount allocated by the State to the association; and
>
> (b) urge the Federal Government to return to the previous system of funding, namely deficit funding,
>
> to enable the services offered by the association to be restored and maintained.

I am sure all members received last month a letter and a report from the Family Planning Association containing fairly comprehensive details of the services provided by that association and the financial problems presently being experienced by it. In brief I will remind members of some of the contents of the correspondence.

The association offers a very valuable community-based primary and secondary prevention-orientated health service which includes clinical services, and counselling and education for women of all age groups and from all socio-economic backgrounds. It has been suggested, and I endorse the suggestion, that preventive health services, such as family

planning, save the State and Federal Governments millions of dollars in health and welfare payouts, such as supporting mothers' benefits, and health and welfare costs.

When family planning is mentioned one tends to think merely of the provision of contraceptives to prevent pregnancy, or assistance to women who want children but are experiencing fertility problems. These services probably are the major ones offered by the Family Planning Association, but its services do not stop there. Women experience many health problems related to their sexuality; for example, gynaecological problems, sexual dysfunction, sexually transmitted diseases, rape, and cancers. The specially trained professional staff at the association's clinics have been able to provide treatment or counselling for these problems, or referral to other specialist medical services.

Where social problems are involved which have a bearing on a client's health or fertility control, association staff are able also to refer the client to other agencies for assistance in areas such as housing, legal aid, employment, child care, and youth support.

Because of the wealth of knowledge and experience developed in the association since its establishment some 10 years ago, the association is able to offer practical clinical training in reproductive, health, and fertility control to other doctors, nurses, and health workers. Also a very important community health education programme is conducted by way of the provision of speakers for community groups and training institutions in order that health and welfare personnel may in turn in their respective fields of work pass on the knowledge gained.

A wide range of teaching aids is made available such as kits, charts, diagrams, pamphlets, films, and tapes. All this takes a lot of money to provide, and the association's annual budget is now in the vicinity of $500 000, of which only about $300 000 comes from Government sources. Only $22 000 was received last year from this State Government, and the balance from the Commonwealth. A problem has arisen because the Commonwealth has changed the method of funding the association, a change which in effect means a hefty cut in the finance received from the Commonwealth. Over the past five years the association has been deficit funded by the Commonwealth through the health programme grants for its clinical activities and has received a general subsidy grant for its non-clinical activities in the areas of training and education through the family planning programme grant. The State Government's $22 000 has been used in non-clinical areas.

Late in 1981 the Commonwealth Health Department informed the association that the deficit funding would cease, and in effect that cessation was retrospective because it was to cease for the year ended 1980-81. The new system of payment will not contain any component for inflation, wage indexation, or wage award variations. Of course, half the 1981-82 year had gone by when the association learnt of the new system of funding which in real terms meant a cut of about 20 per cent in its funding, so it had to take some drastic action to reduce costs. This involved closing five of its seven metropolitan clinics and making other arrangements for its one country clinic which is situated at Manjimup. However, the association is endeavouring to provide the same level of service as existed prior to the rationalisation by reorganising its major clinic at West Perth.

Although it has severely pruned its costs in an endeavour to stay within its budget, it is now confronting wage increases for all categories of staff employed under the conditions of the Public Service Board, and similar increases for nurses. This places the association in difficult circumstances. It has three options. The first is that it does not pass on the wage increases, an option which of course would not be acceptable. Members of Parliament expect and accept salary increases, so why should not other members of the community expect to receive wage increases, especially people on incomes much lower than those of members of Parliament? The second option is for the association to pass on the increases, but to sack some staff, a course which would result in a reduction in the association's services. Of course, it does not want to do that. The third option is to obtain more funds to meet the cost increases and enable it to maintain the present level of services.

Just no way exists in which it can raise those extra funds itself. It has gone as far as it can in raising its own funds and cutting costs. This means that to prevent a reduction in its very important services which, as I have said, save the State and Federal Governments many millions of dollars in the long run, the association needs another $23 000 to meet its present financial commitments, and needs those funds this financial year. Hopefully it will need only a similar amount next year, in addition to the $22 000 it may receive from the State, to enable it merely to maintain its present services. Such funding would not allow for an extension of the services, which is

desirable. It is asking only for what is needed to maintain its present level of services.

The motion does two things: Firstly, it asks the State to increase its allocation. Secondly, it asks the State to urge the Commonwealth to return to the previous system of deficit funding for the association. I repeat that the State allocation last financial year was only $22 000, and that is pretty miserable compared with the South Australian Government allocation of $147 000, and the Queensland Government allocation of $100 000 to their respective Family Planning Associations. This State Government has made a public commitment to maintaining comprehensive family planning services by its acceptance of the majority of the recommendations contained in the report of the special committee established in 1976 to inquire into family planning matters. The report was brought down in 1977.

The State Government should put its money where its mouth is, otherwise the charge can be levelled at it that it is insincere and hypocritical. Members no doubt remember that in 1976, as a result of debate on the issue, debate which arose by way of private member's Bills on family planning nurses introduced by me, the Government established a committee to examine the question of family planning services generally.

The committee was quite high powered comprising top-level doctors and nurses who brought down some excellent recommendations and an excellent report. In all, 29 recommendations were brought down. The Government took four years to consider those recommendations, and I am sure everyone would remember my constant questioning of the Government during those four years as to when it would make up its mind. Of course, I was told continually the matter was before Cabinet and a reply was expected soon. We received a reply last year, in which the Government stated it would accept all the recommendations except two; namely, the recommendation that condoms should be able to be sold through a wide variety of outlets instead of being restricted to sale by chemists, and the recommendation that nurses and pharmacists after special training should be allowed to prescribe oral contraceptives.

Let us consider some of the recommendations accepted. Recommendation 11 was that the Family Planning Association be supported financially and otherwise to increase its activities in providing information and training to medical practitioners in all aspects of modern procedures in family planning as listed in recommendation 3. So the Government accepted the recommendation that the association be financially supported to enable it to increase its activities.

[Resolved: That motions be continued.]

The Hon. LYLA ELLIOTT: The Government also accepted recommendations 26 and 27, which read as follows—

> 26. The Family Planning Association in conjunction with the Western Australian Institute of Technology be requested to institute courses in family planning of fifteen weeks duration for nurses presently undertaking post basic studies at the Institute and that such courses have an intake of 12 nurses per annum.
>
> 27. The Family Planning Association in conjunction with the Western Australian Institute of Technology be requested to institute bridging courses in family planning over a limited period of time for those nurses already in the field and holding a Community Health Certificate.

Obviously those things are very desirable and I applaud the Government for its support of the report, including those recommendations. The Government should have adopted the report in its entirety; but at least it has indicated that it will accept 27 of the recommendations, including the three I mentioned. It is no good the Government merely saying it will support these things. Obviously costs to the association of services provided by it require funding—they cannot be provided for nothing. The Government just has to put its money where its mouth is and provide some additional support to the association.

I am sure I do not have to impress on members of this House that family planning is a basic human right and it plays a vital part in the health and welfare of women and children throughout the world. In respect of third world countries, figures show that there has been a great reduction in maternal and infant mortality and morbidity as a result of effective family planning schemes introduced in those countries. Since its establishment in Australia, the Family Planning Association has played an extremely important role in promoting the health and well-being of women and children in this country. In this State alone, 17 240 women took advantage of the clinical services of the association in the financial year 1980-81. This figure does not include the 10 000 people who used the telephone counselling service. As I mentioned earlier the clinic also provides training for doctors, nurses, and other health workers through its special courses.

I believe it would be a great tragedy if the services offered by the association were to be reduced though insufficient Government support. I therefore hope the motion is carried.

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

LIQUOR AMENDMENT BILL (No. 2)

Second Reading

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [5.35 p.m.]: I move—

That the Bill be now read a second time.

The Bill before the House has several objectives.

The first and possibly the most important, from the point of view of members of licensed clubs throughout the State, relates to the signing in of visitors. Prior to the amendments to the Liquor Act in the spring session of 1981, it was possible for licensed clubs, on match and competition days, to admit visitors without the necessity for them to be signed in by a member of the host club. The Government Liquor Act committee, acting on submissions received, had recommended a tightening up of the methods used to admit visitors to licensed clubs, particularly large sporting clubs.

Experience has proved, in a very short period, that while in theory the amendments made last year were reasonable, in practice the signing in of visitors on match and competition days has proved to be most difficult and frustrating to club administrators.

In response to submissions from the Association of Licensed Clubs and many leading sporting clubs throughout the State, the Government has decided to reinstate the previous practice which was sanctioned by section 35 (3) of the Liquor Act prior to the recent amendment. However, in so doing, the opportunity has been taken to omit the reference to "outdoor sport", previously applying to section 35 (3) of the Act.

In future, section 35 (3) will refer to clubs that have as their objective, or one of their principal objectives, the conduct of a prescribed competitive sport. The effect of this variation will be to increase the number of sporting clubs throughout the State which will be exempted from the signing in procedure on match or competition days.

Regulation 9 of the Liquor Act was amended by notice in the *Government Gazette* of 24 December 1981. This regulation prescribes competitive sports referred to in sections 35 and 69 of the Act.

The Association of Licensed Clubs had requested that certain indoor sports be added to the regulation. The following sports are additional to those previously prescribed—

Badminton
Cricket, including indoor cricket
Hockey
Squash
Tennis, including half court
All sports played with bowls
All games played on a billiard or similar table
Darts

The second anomaly created by the recent amendments relates to the definition of the word "bar". The definition was amended so that the whole room in which a bar is located, and from which liquor is served, is deemed to be a bar.

The former amendment was made to assist police officers in clearing customers from lounges of hotels and taverns after the close of trading hours.

Strict application of the 1981 amendment would prohibit members of licensed clubs from enjoying the facilities of that part of a club in which a bar is located, outside of authorised trading hours, even though liquor was not being served. Clearly this situation was never intended by the Government and this Bill will enable members of licensed clubs to continue to utilise the facilities provided outside of authorised trading hours.

The Bill will also permit patrons of licensed restaurants to remain on the premises to complete a meal notwithstanding that the authorised liquor trading hours have ceased.

Because of a deficiency in the Liquor Act, the Licensing Court found late last year that it did not have the power to call witnesses before the court to state their views relating to the renewal of an entertainment permit. This matter was brought to my attention by the Hon. Phillip Pendal. Various residents in the vicinity of a metropolitan hotel had complained to the court over excessive noise created by bands.

This deficiency is overcome in the present Bill. It gives the court a discretionary power to call affected residents before it to give their views at the hearing of an application before the court.

Because it is necessary to establish a new procedure for the lodging of applications and right of objection to the grant of an entertainment permit, subsections (7), (8), and (9) of section 24, relating to an entertainment permit, have been repealed.

A new section 24A deals with power of the court to grant an entertainment permit. A new

section 58A provides for the application procedure, including the display of a notice. An applicant for the grant of an entertainment permit will give notice of his application by displaying a prescribed notice on the outside of the licensed premises for a period of 14 days.

A new section 58B specifies who may object to the grant, renewal, or variation of an entertainment permit and on what grounds objections may be lodged. At present only supervisors of licensed premises and members of the Police Force can object to the grant or renewal of permits.

The new provision includes an authorised officer of a local authority, a private resident, and the owner of the premises to which the application relates.

The Bill will extend to a person residing in the vicinity of the licensed premises, the ground of objection that "the quiet of the immediate vicinity of the premises to which the application relates would be unduly disturbed if an application were granted".

Section 75 of the Act provides for annual renewal of licences. In the 1981 amendments to the Act, section 75 was amended to conform with the practice of the Licensing Court of spreading renewal dates throughout the year.

Clause 14 of the Bill further defines the 1981 amendment by adding subsection (1a). This subsection will enable the court to prescribe renewal dates according to the type of licence, or the locality of premises, or both.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

PUBLIC SERVICE AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.43 p.m.]: I move—

That the Bill be now read a second time.

The amendments contained in this Bill relate to acting arrangements in certain senior positions in the Public Service and to consequential requirements with the enactment of the Industrial Arbitration Act 1979.

A feature of the Public Service Act 1978 was the reduction in the number of matters which previously had to be approved by the Governor-in-Council. The proposed amendments to sections 29 and 58 are consistent with that approach.

In respect of section 29, it is intended that the Act will now specifically permit the Public Service Board to make acting arrangements when a permanent head or a senior officer is absent on leave or when any of those offices are temporarily vacant.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.44 p.m.]: The Opposition has considered this Bill and agrees with it 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.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

SUPREME COURT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.47 p.m.]: I move—

That the Bill be now read a second time.

The principal purpose of this Bill is to increase the number of Supreme Court judges from seven to eight. The number of Supreme Court judges was last increased in 1960.

The Bill deals also with three other matters relating to the office of Master of the Supreme Court, appeals from the Master of the Supreme Court, and the appointment of officers of the court.

The policy of successive Governments has been to restrict the growth of the Supreme Court as the highest court in the State hierarchy and set up other courts to assist with the load. Since 1960, there have been several changes to the court's jurisdiction which have seen the establishment of the District Court of Western Australia and the

Family Court of Western Australia. The District Court at present has eight judges and the Family Court has five judges. Hence, an additional 13 judges are now sharing the work. From this it will be appreciated that the changing jurisdictions have had a considerable bearing on the number of Supreme Court judges required.

Until about two or three years ago, there was little delay in the Supreme Court's dealing with civil matters. Over the years the number of cases and their duration have increased, and it is now apparent that the situation cannot be permitted to proceed to the point where access to justice is frustrated due to delay in a case being brought before the court. Members will appreciate that the Government has no control over the number of civil cases which come before the court, and there is no accurate way of predicting what numbers there will be in future years.

As an example, the following figures for civil actions heard in the Supreme Court in 1970, and for each of the years 1975 to 1981, give an indication of the fluctuation in the numbers—

1970	1975	1976	1977	1978	1979	1980	1981
82	75	75	117	120	104	135	129

These figures indicate that whilst the number of civil actions heard will fluctuate, it is also apparent that the numbers are steadily, although slowly, increasing.

In the criminal jurisdiction of the Supreme Court, the number of cases also continues to increase, although some changes will occur following the proclamation on 1 February this year of the Acts Amendment (Jurisdiction of Courts) Act 1981. The exact extent of those changes remains to be seen, but the normal expectation would be for a decline. It is apparent also that the increase in the availability of legal aid, particularly in criminal matters, is having a significant effect on the time taken to bring matters before the Supreme Court. The number of criminal and civil matters heard in the Court of Criminal Appeal and the Full Court, as well as appeals to a single judge, have all increased over the past 10 years.

To ensure that any delay was minimised until a further appointment could be made, the Governor approved the appointment of a Commissioner of the Supreme Court for six months from 15 February this year.

It is clear that the increasing pressures being brought on the Supreme Court have been generated principally by the natural increase in the State's population as well as the greater availability of legal aid, to which I have already referred.

For the reasons indicated, the Bill proposes to increase the number of Supreme Court judges other than the Chief Justice from six to seven. This will mean an overall increase, including the Chief Justice, from seven to eight.

Other proposals contained in this Bill include an amendment to section 11D relating to vacancies and temporary appointments during a vacancy in the office of Master of the Supreme Court. Subsection (4) provides that where a person is appointed or deemed to have been appointed acting master, such appointment continues beyond the termination of the period of appointment so that he may complete the hearing and determination of proceedings. This subsection applies to an appointment made or deemed to have been made pursuant to subsection (2). However, subsection (2) has no deeming provision, and an amendment is desirable for accuracy.

Another item refers to the question of appeals from the Master of the Supreme Court. When the Act was amended in 1979 to make the master a constituent member of the Supreme Court, the intention was that any appeals from the master would be dealt with in the same way as appeals from a single judge; that is, to the Full Court. The Government's intention and the rules of the Supreme Court are quite clear; but it is desirable that the situation be clarified by amending section 58, together with some consequential amendments to sections 59 and 60.

The final matter concerns section 155 of the Act and the appointment of associates and ushers as "officers of the court". This matter has been included to put beyond doubt the fact that when acting in such positions those persons are officers of the court and will not, by reason of the office they hold, become subject to the Public Service Act. They have certain duties to perform as court officers and, in practice, have not been classified as public servants. Hence this provision is declaratory. I might add that these appointments are made on the recommendation of the Chief Justice, but in the name of the Attorney General as the responsible Minister and the person named as employer in the relevant industrial awards.

I commend the Bill to the House.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.53 p.m.]: The most important provision of this Bill is its expansion of the Supreme Court bench from seven judges to eight. The Opposition welcomes this move. Indeed, we could hardly do otherwise, considering the action we took last year to draw attention to the lengthening waiting periods on the Supreme

Court list, and the need for additional judicial appointments to relieve that pressure.

Time alone will tell whether the increase in the number of judges by one, taken together with the amendments to the jurisdiction of the Supreme Court, will be enough to reduce the present waiting list to a more reasonable, shorter period. I tend to doubt whether the one additional judge will be enough in the long term; but a reasonable way of approaching a problem of this sort is to wait for experience to develop firmer views.

So far as the other provisions are concerned, the Opposition supports them. We have no objection to the Bill's passing through all stages without further delay.

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.54 p.m.]: I thank the Opposition for its indication of support for the Bill.

I hasten to remind the Hon. Mr Berinson, however, that it was not his clarion call which informed us of a delay occurring in the Supreme Court. We had learned of that from other sources last year. In fact, the delay became apparent while I was overseas. It crept up on us, so to speak.

I appreciate that the Opposition is prepared to permit this Bill to go through, because it is important that arrangements be put in hand for the appointment of another judge. I agree that time alone will tell whether this will be a sufficient arrangement to shorten the list. However, I am confident. From indications that I have received already, the presence of a commissioner in the Supreme Court seems to be making an improvement in the despatch of business.

I appreciate that all of the judges are working particularly hard. In any event, it is not desirable that judges should work at too high a pressure, because otherwise their judgements, like the decisions that other people may make when working under too great a pressure, may suffer.

I commend the Bill to the House.

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.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

POTATO GROWING INDUSTRY TRUST FUND AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [5.59 p.m.]: I move—

That the Bill be now read a second time.

Through their association, potato growers in Western Australia have sought a change in the level of contribution to the potato growing industry trust fund and a limitation on the percentage of the annual income of the fund which might be applied for certain purposes.

Growers' contributions were set in 1966 at a rate of 2c in respect of each 50 kilograms of potatoes sold and exported for sale by every dealer and the Western Australian Potato Marketing Board. On an average crop of 60 000 tonnes, this yields $24 000; and when interest on investments is added, the total annual income is presently in the vicinity of $50 000.

It has been the practice for a maximum of 50 per cent of the income to be paid to the Potato Growers' Association to meet the costs of running the association. The remainder of the income is paid into reserves or used for disease eradication, or other purposes of importance to the industry.

The cost of running the association has risen almost to the level of the total annual income of the fund and, for some time now, it has been necessary for the association to arrange for additional separate contributions from growers to maintain the association's operations, which presently cost nearly $45 000 a year.

The proposed new maximum level of contribution to the trust fund sought by the association is 10c per 50 kilograms of potatoes with an initial rate of 6c per 50 kilograms of potatoes sold.

This initial rate of 6c would yield approximately $72 000 in a full year which, with interest, would yield an annual income of approximately $98 000. The association's budget could be covered by less than 50 per cent of this amount.

In order to maintain a reserve of funds for protection of the industry against a serious outbreak of a pest or disease that could threaten the future of potato growing, the Bill restricts the total expenditure on other activities for which the

fund may be used to 80 per cent of the estimated annual income.

These other activities relate specifically to—

the payment of the costs of research for the improvement and transport of potato crops;

the provision of financial help for the Potato Growers' Association and its branches; and

any other purposes which, in the opinion of the Minister, will promote and encourage the industry.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. G. E. MASTERS: The Bill also restricts the amount that may be spent on any one of the above activities in any year to no more than 50 per cent of the estimated annual income.

Other amendments sought by the Potato Growers' Association which have been incorporated in the Bill include staggering of the terms of office of grower members of the trust fund committee and deletion of the requirement for a commercial producer to be a grower who is qualified to vote at the election of a member of the Legislative Assembly. These amendments, sought by the Potato Growers' Association, have the support of the majority of growers who attended meetings to discuss the issues.

I commend the Bill to the House.

THE HON. J. M. BROWN (South-East) [7.31 p.m.]: The Opposition supports the purpose of the Bill as outlined by the Minister. Because of our immediate support, I want it clearly understood that we agree with the principles and well understand what the industry itself requires, as has been enunciated by the Minister; namely, an increase in the levy on potato growers from 2c to a maximum of 10c and an increase in the minimum levy to 6c from 2c as applies now. The requirements have been well documented within the Minister's second reading speech and, of course, the funds are required for research, administration, and for specific activities approved by the Minister. There are restrictions on the use of the funds: 50 per cent may be used for any one purpose and 80 per cent for all three mentioned purposes if they are combined.

We recognise that the industry does support this generally. We have not heard any comments to the effect that it would be adverse to the people in the industry. The fact that they have sought the amendment through their association, and the grower members are on the trust fund committee, shows that growers agree with the amendments. The Potato Growing Industry Trust Fund Amendment Bill is supported by this side of the House.

THE HON. V. J. FERRY (South-West) [7.33 p.m.]: I wish to lend my support to the Bill before the House. Among other things, the Bill makes provision for deletion of reference in the Act to a person who is qualified to vote at an election of any member of the Legislative Assembly. I am surprised it has taken this long to make this change, bearing in mind that the Marketing of Potatoes Act was altered in 1974 to bring this into effect. Of course, the Potato Growing Industry Trust Fund Act has not needed to be amended since 1974 and we now see this amendment happening eight years later in 1982. I am particularly mindful of the value of the potato industry in this State, as I was Chairman of a Select Committee which examined the industry.

The Hon. D. K. Dans: That was a very good Select Committee too.

The Hon. V. J. FERRY: The Hon. J. M. Thomson of Albany, who has since retired, and I examined the industry at length.

The Hon. D. K. Dans: We picked the eyes out of it!

The PRESIDENT: Order!

The Hon. V. J. FERRY: It was a very worthwhile exercise indeed. One thing that came home strongly to the committee was the fact that the majority of growers and other people associated with the potato industry in this State generally supported the marketing process system.

That leads me to the amendments which are contained in the Bill before the House inasmuch as the industry itself, through the growers' organisation, has requested certain amendments. As it is an industry which supports itself, the growers are masters of their own destinies to a large extent and I believe it is worthwhile for this House to support the requirements of the growers' association. Therefore, the Bill certainly has my support.

The potato industry, like all primary industries, experiences difficult years and difficult marketing conditions. However, those difficulties are balanced in this State by a geographical situation which favours Western Australian growers inasmuch as they are separated by a large distance from the Eastern States growers. Therefore they can control the growing and marketing of potatoes to the benefit of this State without undue influence from the east.

The growers' association is to be commended for its very worthwhile contribution to the industry. Over the years the Potato Growers'

Association has had some very fine representatives of the growing areas, men who have been quite unafraid to put forward their points of view. Not everyone agrees with those various points of view from time to time, but they have looked after their own industry. They have contributed to the industry and today we have an industry in fairly good shape in this State.

I am aware a number of growers, for various reasons, are not completely satisfied with the board system and think it will never be just, but I return to the point which was reinforced during the examination of the industry by the Select Committee in the early 1970s. The majority of growers certainly support the board system. While it continues, this House should give it support.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [7.37 p.m.]: I thank the Opposition and the members of the House for their support of this 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.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), and passed.

SEEDS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [7.40 p.m.]: I move—

That the Bill be now read a second time.

The Bill provides for minor amendment to the Seeds Act, which has been in operation since its date of proclamation on 31 December 1981. During this time departmental officers have been able to examine closely the operation of sections with major agricultural impact and have encountered a small but significant anomaly.

One of the provisions of the Act is that a seed lot offered for sale must be labelled with the proportion of germinable seed that it contains. In addition, seed claimed to be of a high quality, select category must have a prescribed minimum germination.

In its present form the Act requires that the proportion of germinable seeds in a seed lot be calculated on a mass weight basis. While it is logical to determine germination by weight, it is much simpler for it to be determined on the basis of the germination of a specific number of seeds.

In practice the number of seeds relates well to the weight of seed. The problem with determining the germination by weight is that the weight of the seed changes during the germination process. Traditionally, germination tests have always been related on a count basis for the reasons set out above. It is necessary to amend the Act to achieve this purpose.

The amendment does not alter the thrust of the legislation, and I commend the Bill to the House.

THE HON. J. M. BROWN (South-East) [7.41 p.m.]: I wish to support the second reading of the Seeds Amendment Bill. As the Minister for Labour and Industry outlined, it makes only two minor amendments which are important. The first is to section 7 of the principal Act, deleting "mass" and inserting the word "count". As the Minister outlined, the seed is a selected category and must have prescribed minimum germination and the use of mass or weight is not in conformity with the present practice. Therefore, the minor difficulty is overcome by specifying the specific number of seeds and using the word "count".

In supporting the Seeds Amendment Bill it is appropriate to refer to the fact that there is some concern at what is taking place in the plant varietal rights—or "PVR"—field as far as seeds are concerned. There is cause for alarm for seed producers and growers in Western Australia. I use this as an opportunity to issue a word of warning: We have a very good, progressive pattern in the Department of Agriculture, particularly in relation to the seeds and legumes that it has been able to produce, and an infringement of rights would be catastrophic for the growers of Western Australia. However, that matter does not relate to this Bill, but there certainly will be implications if PVR ever comes to pass.

With those remarks, we on this side of the House support the Bill.

THE HON. NEIL McNEILL (Lower West) [7.43 p.m.]: The comment made by the Hon. Jim Brown prompted me to rise to my feet. I acknowledge, as he did, that the sentiments he was expressing were not necessarily directly related to this Bill. However, I must admit that

the introduction of this Bill, particularly as it relates to germination of seeds, is of vital consequence to the operation of the agricultural industry. The Bill brought to my mind also the question of plant varietal rights because it seems to me that at least in some other parts of Australia, which I have had the opportunity of observing, the matter of germination of seeds is not just a technical one, nor is it just an academic one. It is one which is of vital concern and has vital consequences. Those consequences are concerned with the production and growing of agricultural seeds of all sorts. In fact, it is the germination content or the germination percentage which is so important.

From my observations I make the point that this matter is, in fact, more important to those acknowledged seed producers in Australia than it is perhaps to a great many other sections of the agricultural industry dealing with seeds, excepting perhaps those people holding an agricultural regulatory office, who would share the concern of the producers in respect of germination purity and percentage. From my experience, it is the seed producers—those people who have a very definite and vested interest in the viability of seeds—who extend the greatest care.

I refer to an experience I had while I was in New South Wales. I marvelled at the degree of control the producers there exercised over their product, over the large quantity of seed, over the temperature control, and so on. I asked them why they were prepared to go to great expense and trouble in order to maintain environmental controls. They told me it was for one simple reason, and that was to ensure the germination percentage. I then asked what control they had over the product once it had left the warehouse. They said that unfortunately that was where the damage was done because once seed left the warehouse they had no control over it. Therefore, it could be said that those purchasers of seed in the agricultural community at large suffer very considerably through this lack of controls. I hope this Bill will improve these controls.

If this Bill exercised some degree of control at the retail and distribution levels that control would bring seed germination percentages somewhere in the vicinity of those which are imposed by producers. If this were done I believe we would be making great strides indeed, because I am sure all commercial operators producing from seed they are required to purchase, suffer from lower germination purity.

The Hon. J. M. Brown mentioned plant variety rights; I am sure he is not aware of the extent of support which exists throughout Australia for the application of these rights. I do not mention this in a party political sense, which is sometimes done in this House; I ask him whether he is aware that New South Wales—a Labor State—is one of the greatest supporting States for plant variety rights. I was rather keen to ascertain why this should be so and I found that it was for one very good reason: To a large extent seed growers of Australia are centred in New South Wales. It is not just because they happen to be there; it is—from my assessment—because they are there. As a consequence, there is great support from all seed producers; it is not just party political support, but political support based on the long association the agricultural producers of New South Wales have had with those accepted and acknowledged leaders in agricultural seed production in Australia.

My regret is that we do not have any of those seed producers in Western Australia. If we did there would be a far greater acceptance of the role they play and the great contribution they could make if, in fact, plant variety rights were available throughout Australia. Because there are no plant variety rights, virtually the only grain seed breeding is conducted by the university and the department except in the production of hybrids, and there is no long-term breeding value in that because the seed can be grown from only once.

The Hon. J. M. Brown may be aware that one of the most significant developments in wheat breeding in recent years has been the production of a hybrid wheat which, in many respects, has out yielded some of our standard wheat. It was bred by one of the commercial seed producers in Australia.

I will not elaborate any further on plant variety rights. I was prompted by Mr Brown's comments and, more particularly, and initially, by the relationship of PVR to one of the aims of this Bill and to the degree of control which is exercised by some of the seed producers in Australia.

THE HON. H. W. GAYFER (Central) [7.53 p.m.]: The debate has left the Seeds Amendment Bill and seems to have entered into the field of plant variety rights. I do not agree with everything that has been said by the Hon. J. M. Brown and the Hon. Neil McNeill but I would like to express my views on the Seeds Amendment Bill which is under discussion.

The Hon. J. M. Berinson: Is that entirely relevant?

The Hon. H. W. GAYFER: I do agree with some of the comments of the Hon. J. M. Brown and the Hon. Neil McNeill, but that is not the

matter under discussion. The Bill we are debating demands that seeds be correctly labelled to enable the producer to know exactly what he has bought. I do not want to become involved in a discussion on plant variety rights and I am surprised the debate has developed in this manner. That matter is before the Commonwealth Government.

I support the legislation before this House.

THE HON. GARRY KELLY (South Metropolitan) [7.55 p.m.]: As the matter of PVR has been raised I want to make a couple of comments. Perhaps the Hon. Neil McNeill may not be aware that plant variety rights have caused a great deal of concern because of the fact that seed companies will be taken over by international seed conglomerates which also have liaison with fertiliser and chemical manufacturers.

We find the situation in which seeds are produced which require the application of chemicals, and the whole market is tied up in this way. We are talking about agricultural seeds generally and it is as well to realise that the EEC and, I think, the United States have exempted food crops from the provision of PVR after they had been under PVR for some time.

As a result of plant variety legislation, seed companies will have a monopoly on seed because growers not only have to pay for the use of the seed but they will have to pay a royalty as well. That is something this State should bear in mind when legislation comes before the Federal Parliament because it could have a great effect on agricultural production in this State.

THE HON. I. G. PRATT (Lower West) [7.56 p.m.]: I would like to point out that there is very little in the world of agriculture of which the Hon. Neil McNeill is not aware. He has a Bachelor of Science degree, after majoring in agriculture, and he is a person well informed on all agricultural matters. To suggest he is not aware of PVR could not be suggested by anyone who has any knowledge of the Hon. Neil McNeill.

The Hon. D. K. Dans: Very good. We will plant that.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [7.57 p.m.]: I thank honourable members for what I believe is support of the Bill. I am impressed with the knowledge that has been demonstrated by members on both sides of the House. I thank the Hon. H. W. Gayfer for being specific and supporting the Bill which is an important one which will certainly have a great bearing on the agricultural and farming communities in this State. We recognise that these communities have been of immense value to the State of Western Australia over many years and will continue to be in the future.

The object of the Bill is to ensure that a high quality is maintained and certain standards—indeed the minimum germination requirements—are maintained.

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.

Third Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [8.00 p.m.]: I move—

That the Bill be now read a third time.

THE HON. G. C. MacKINNON (South-West) [8.01 p.m.]: I am concerned about the tremendous urgency which has been displayed in passing this Bill through the House. Anyone would think Parliament was designed specifically for the comfortable performance of members of Parliament and, despite what Mr Berinson might think, it is not.

The Hon. J. M. Berinson: That is entirely opposite to the effect of my remarks earlier today. You are completely misrepresenting my position.

The Hon. G. C. MacKINNON: Perhaps Mr Berinson could make his speech at another time in order to make the position clear.

The purpose of Parliament is that the public will be informed about what the Government is doing. I might suggest that, where urgency does not demand the immediate third reading of a Bill, it would be useful to give members, particularly country members, an opportunity to telephone people—

The PRESIDENT: Order! Members have taken a great deal of licence during the second reading debate on this Bill tonight and I have been very tolerant. However, I am finding it extremely difficult to associate the honourable member's comments with the Bill and I hope he intends soon to relate his comments to the matter before the House. The third reading stage of a Bill is to be used only for comments in relation to why the Bill should or should not be read a third time.

The Hon. G. C. MacKINNON: It has only just become apparent to me that the seed cleaners who operate in my electorate will be gravely concerned with this measure, because they will have to

produce the necessary certificate of germination. It does not appear that I shall have adequate time to inform people about the contents of the Bill. Normally members of Parliament can circulate Bills to key people in their electorates so that they know what is happening.

With your extreme tolerance, Sir, a number of side issues have been raised which have created another area of interest. Therefore, I suggest the Government should use a little more discretion when pushing through the third reading of a Bill of this kind at such short notice.

The PRESIDENT: Order! The honourable member is well aware that, if he believed the Bill ought to have been given more time, he was perfectly free to adjourn the debate immediately after it began, particularly at the second reading stage.

The Hon. G. C. MacKINNON: I had forgotten all about that.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [8.04 p.m.]: In view of the honourable member's comments, I am surprised he did not consider it necessary to speak on the second reading of this Bill or, indeed, during the Committee stage. Ample opportunity has been provided to discuss the measure and the aspects of it which relate to the Hon. Graham MacKinnon's electorate. This Bill was introduced in the Legislative Assembly some time ago and I am hurt and distressed that the honourable member should consider we are pushing it through this House with undue haste. Had he risen to his feet and expressed his concern at the appropriate time, I would not have allowed the Bill to advance to this stage, but having heard no comment at all from him, I thought it was quite proper that we should proceed.

Once again, I say I am hurt and distressed the Hon. Graham MacKinnon should refer to the Government's behaviour in that way.

The Hon. D. K. Dans: My heart bleeds for your distress.

Question put and passed.

Bill read a third time and passed.

MOTOR VEHICLE DEALERS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. R. G. Pike (Chief Secretary), read a first time.

Second Reading

THE HON. R. G. PIKE (North Metropolitan—Chief Secretary) [8.06 p.m.]: I move—

That the Bill be now read a second time.

The principal purpose of this Bill is related to the licensing of motor vehicle wreckers.

The Motor Vehicle Dealers' Licensing Board has always considered that a dealer's licence must be held by a motor wrecker even if his business did not include the sale of motor vehicles.

This view was held to be consistent with the definition of "dealer", which states in part "means a person who carries on the business of buying or selling vehicles"; that is, those wreckers whose business is exclusively for the buying of motor vehicles which they use for wrecking purposes.

In March 1981, in an appeal to the Supreme Court by a wrecker against his conviction for unlicensed dealing, the court found that motor wreckers who do not sell "whole" vehicles need not be licensed.

As a result of that judgment, the board cannot now see its way clear to require licensing for this type of business without amending the legislation.

The licensing of wreckers is of concern to the Police Department. At the present time there are approximately 30 motor wreckers licensed to buy vehicles for the purpose of wrecking and not resale. If this type of business ceased to be subject to a licence, it would degenerate into a "backyard" type of operation in that—

> motor wreckers would no longer be required to keep a dealer's register or, for that matter, any other records as required under the Act at present;
>
> the return of number plates would become more haphazard and require more policing;
>
> it would no longer be possible to control acquisitions by wreckers due to the absence of records;
>
> the delicensing of motor wreckers would inevitably encourage the undesirable practice of unlicensed dealing in complete motor vehicles, thus adding to the workload of those persons already engaged in policing this practice;
>
> the assumption that officers could enter the premises of a wrecker as provided by section 27 (1a) of the Act is based on the belief that wreckers would continue to operate as a bona fide business and maintain their premises in their present form;

if no licence is required, it is of concern that motor wreckers will begin to operate from either private premises or from substandard, unregistered yards and it is debatable whether an officer of any Government authority would have the right to enter such premises without a warrant; and

under the present legislation and controls, motor wreckers are a favourite outlet for stolen motor vehicles and parts; should these controls cease to exist the implications need no further explanation.

A further amendment relates to section 26 of the Act. That section requires every dealer acquiring or selling a secondhand vehicle to send to the licensing authority particulars of the transaction.

A change was sought to the relevant form of notification in the motor vehicle dealers' (sales) regulations to include additional information not directly related to the transaction, such as details of driver's licence, or if no licence held, date of birth of the purchaser. Legal advice was to the effect that the additional information could not be requested as it did not relate to the transaction of acquiring or selling a vehicle.

The amendment is required to enable the licensing system to operate at maximum efficiency, as the data base for the computer system is the owner's name.

Finally, in 1975 section 21, which relates to the issue of certificates for premises used by car dealers, was amended to provide for the issue of special certificates, subject to certain conditions, where dealers displayed cars at shopping complexes. It is considered that the consequential amendment to section 31 at that time is not clear.

The proposed amendment simply restructures the wording of the section to clarify its meaning.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.10 p.m.]: The Opposition raises no objection to this 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.

Third Reading

Bill read a third time, on motion by the Hon. R. G. Pike (Chief Secretary), and passed.

ACTS AMENDMENT (JUDICIAL APPOINTMENTS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Attorney General), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [8.13 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains two provisions relating to judicial appointments. The first concerns the payment for higher duties performed by judges of the Supreme, District, and Family Courts.

It is proposed in this Bill to permit the appointment by the Governor of the senior or other judge to act during the absence of the Chief Justice or Chairman of Judges in each of the courts mentioned, as may be appropriate in each instance. The appointment will be for a period to be specified by the Governor in a commission or instrument of appointment. This will allow the judge so appointed to be paid the salary and allowances appropriate to the position.

At present a judge who acts as Chief Justice, or Chairman of Judges, as the case may be, receives the salary and allowances pertaining to the acting appointment by way of an *ex gratia* payment.

The Government considers it desirable that such acting appointments should be covered by legislation and the entitlement to higher duties linked to service which is consequent to an appointment.

The second matter contained in the Bill relates to the oath or affirmation of allegiance taken by District Court judges and magistrates. As a matter of practice, District Court judges and magistrates take an oath or affirmation on appointment but, strictly speaking, it is not a present requirement under the District Court of Western Australia Act or the Stipendary Magistrates Act.

Although the requirement of such an oath or affirmation did originally appear in the Stipendiary Magistrates Act, it was inadvertently omitted when substantial amendments were made to that Act a few years ago.

It is considered desirable that the requirement of District Court judges and magistrates to take an oath or affirmation of allegiance be expressed in the respective Acts and such provisions have been incorporated in this Bill.

I commend the Bill to the House.

THE HON. J. M. BERINSON (North-East Metropolitan) [8.14 p.m.]: The content of this Bill is largely procedural in nature and has the support of the Opposition.

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.

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

LAND TAX ASSESSMENT AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.19 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to remove a minor anomaly from the principal Act in relation to land that is used for forestry purposes.

At present the Land Tax Assessment Act provides an exemption, under certain conditions, for most types of primary producing businesses with the exception of forestry businesses. There is no valid reason for forestry activities to be denied the exemption which, incidentally, is available to landowners in most of the other States. The Bill proposes to rectify this inequity.

Although the Act does provide a concession for forestry owners in the form of a rebate amounting to 50 per cent of the tax assessed on the land, there is no real justification for a forestry enterprise to be treated any differently from that of any other primary producing business.

Furthermore, the conditions imposed on the taxpayer by the present legislation in order for him to obtain that rebate are such that it is virtually impossible for any of the landowners involved in this type of business to comply with the requirements of the Act.

As stated already, exemption from tax for land used for primary producing purposes is allowed only provided the taxpayer meets certain conditions. These are—

where the land is located within the metropolitan region or within the boundary of a country town planning scheme and is zoned other than rural, it must be used solely or principally for that business;

the person using the land is to be the owner; and

the owner is to derive in excess of one-third of his total net income from the business.

Land outside the metropolitan region or a country town planning scheme site is normally exempt from tax.

The first two conditions are both reasonable and realistic and need no further explanation. The third condition, the income test, was specifically included in the Act some years ago to ensure that the concession would apply only to landowners in the metropolitan region or a country town planning scheme area who were genuine primary producers, and at the same time to make certain that the provisions of the Act could not be used as a means of avoiding lawful payment of the tax.

In a normal situation, there is no problem with administering this condition. However, there have been some instances when, for one reason or another, but mainly economic, a genuine primary producer could not meet the statutory requirement, provision was made in the law to enable the Commissioner of State Taxation to consider, and if justified, to allow a taxpayer's claim for exemption. If a claim should be disallowed, the taxpayer has the right of appeal to the Treasurer.

This background is provided so that members may be made aware not only of the circumstances under which the exemption provision operates, but also the reason that this condition has to be varied for owners of forestry businesses.

It will be appreciated that the owner of a forestry business may have to wait many years before any income eventuates. Therefore, it would not be possible, nor could it be considered appropriate, for that person to have to meet the income test prescribed for those other taxpayers.

As an acceptable alternative, the Bill proposes that the area under cultivation must be at least 100 hectares fully stocked, if the land is located within the metropolitan region or within a country town planning scheme site and is not zoned "rural". For land outside those regions, there will be no area restriction, as is presently the case with those other activities already enjoying the exemption.

This limiting factor was set on the advice of the Conservator of Forests who regards 100 hectares

of fully stocked land as being the minimum area necessary for the business to be a viable proposition.

The Bill in its present form will enable genuine forestry businesses to obtain the same concessions as other primary producing businesses.

I commend the Bill to the House.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.22 p.m.]: The Bill proposes to exempt from land tax assessment and taxation, land used for forestry business subject to conditions prescribed in the Bill. Under existing legislation most categories of business engaged in primary production are exempt from assessment and taxation. To this extent the measure removes an inequity under the legislation as it is now framed by exempting forestry business. The Leader of the House neglected to say when introducing the Bill that the cost of the exemption was estimated to amount to $20 000 at current rates of tax.

The Opposition supports the Bill on the grounds that the proposed legislation will provide tax relief, albeit modest, to a certain section of primary industry, and it will encourage and facilitate reforestation and assist farmers to diversify in primary production. We support the Bill.

THE HON. V. J. FERRY (South-West) [8.24 p.m.]: This measure has my support. The provision is a very necessary one and I say that in the knowledge that the need to provide timber for Western Australians is a much more urgent one these days. I am particularly aware, as are other honourable members, that there is tremendous pressure on land usage in Western Australia, particularly in the south-west corner of the State. I include in that the area in a triangle from north of Perth around Wanneroo to Albany to Cape Leeuwin and the town of Augusta.

The area has a history of relatively stable rainfall, and most of our forest area is contained in that triangle. Tremendous pressure to use this land comes from the agricultural, recreational, and industrial sectors of our society, apart from the need for water catchment areas and our urban sprawl. So there is increasing pressure on forestry areas for purposes other than growing trees. This is a world-wide problem and we find that many previously timbered areas are being depleted because of overstocking, commercial use, and weather erosion.

We in Western Australia also are caught up in this dilemma and it is therefore appropriate that the Government should take action, even though it may have only a minor effect on total timber production in the State. The Conservator of Forests has recommended that an exemption not be given to any area of less than 100 hectares as he considers that to be not a viable proposition. From my knowledge of the timber industry and the growing of trees, I would agree with that proposition.

It has been my happy privilege for 17 years to represent the south-west part of the State, so I have a little knowledge of the timber industry, and of both the indigenous hardwoods and the softwoods, such as pines, which have become the trend for planting. The amendments contained in this Bill will encourage the growing of softwoods rather than our indigenous hardwoods. Therefore, the Bill has my support.

As I have said, a great deal of pressure has been placed on our forestry areas in this green, south-west corner of the State. Only a few weeks ago over the Easter long weekend there was a tremendous influx of people into this area. People were camping in cars or caravans and truly swamping the area. The existing camping areas and caravan parks were taxed beyond their capacity and this created a great difficulty for the local authorities, even though people were camping for only one or two nights in these areas. Unfortunately, the forests were not designed for this sort of activity. This causes problems for the Forests Department and the National Parks Authority, which do their best to control the use of various areas under their superintendence. Health hazards and the risk of bushfires, especially in the dry season, are created by this extra strain on the timberlands of the south-west.

It is appropriate that the Government should give consideration wherever possible to increasing the land under plantation for commercial uses—

The Hon. D. K. Dans: Are you speaking to the Seeds Amendment Bill or the Land Tax Assessment Bill?

The Hon. V. J. FERRY: —to give the forests relief from these pressures. This is a worth-while exemption which these people should have as agricultural producers. I support the Bill.

Debate adjourned, on motion by the Hon. D. J. Wordsworth.

MACHINERY SAFETY AMENDMENT BILL

Second Reading

Debate resumed from 30 March.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [8.30 p.m.]: The Opposition supports this Bill. By way of

explanation I indicate that Opposition members are aware, as the Minister said in his second reading speech notes, that the need for this amending Bill came about because of a very unfortunate accident at the Royal Show of 1981 in which a young man received injuries which resulted in his death. Sections 33 and 34 of the Act, which are being amended, are referred to as the secrecy provisions.

When the coronial inquiry was held it was found that, because of these sections of the Act, the coroner could not be furnished with the necessary details of the accident and the state of the machinery in question. Both Mr Berinson and I have had discussions with the Minister on this matter and we are not at variance with the Bill as it is agreed that some device had to be found so that the coroner could obtain the necessary information. Consequently, the secrecy provisions of the Act are now being amended, and we commend the Government for this.

It is interesting to note that the same secrecy provisions, almost word for word, and providing almost the same penalties, appear also in the Factories and Shops Act.

This amending Bill goes further and deals with a section which refers to "any judicial inquiry".

The Opposition wants to bring to the notice of the House that had the unfortunate accident suffered by the young man not resulted in his death but in some very severe injury, this proposition to amend the Act would not be before the House. We would like the Minister to consider that because a further accident could occur which might result in very serious injury to a person. Further amendments should be made to the Act to allow those people who are to appear on behalf of the injured person to have access to the inspector's report or similar information about the machine involved in the accident.

We are well aware of the secrecy provision and we are happy that the problem with the coroner has been cleared up. However, we are very unclear as to what will happen if a person is only injured. We support the Bill but urge the Minister to clarify this position for us.

THE HON. J. M. BERINSON (North-East Metropolitan) [8.33 p.m.]: I wish to support the remarks of the Hon. Des Dans. As he pointed out, this Bill is designed to relax the secrecy provisions of the Machinery Safety Act. In part it is directed to making relevant materials or advice more readily available to the coroner. Especially in view of the case referred to by the Minister for Labour and Industry in his second reading speech, that part of the Bill is certainly reasonable, and I support it.

As Mr Dans mentioned, the Bill seeks to go further. However, in my view it does not go far enough. In fact, it seems quite possible that the Bill does not go as far as the Government itself intended. The Minister's second reading speech was rather skimpy and his only relevant comment was in the following terms—

> Legal officers drew attention to the unsatisfactory situation and advised that the Act be amended to allow the coroner and other courts to be provided with information which is relevant in proper circumstances or in an accident case before a court.

The only effect of this Bill on other than Coroner's Court proceedings is by way of proposed new section 33 (c). This has the effect that a person may disclose information obtained under the Act in the course of giving evidence in any judicial proceedings. If that evidence is relevant to a decision as to whether a civil case should be instituted, proposed section 33(c) is of no help; that is, the knowledge that certain evidence can be relied on during judicial proceedings must be available in advance of those proceedings if it is to serve its proper, useful purpose.

There are two means of gaining that preliminary knowledge. The first is by the inspection of documents and records, and the second is by the interview of witnesses or experts. Taking these things in reverse order, it is clear that the interview procedure is not assisted at all by this Bill. So far as the availability of documents is concerned, it is true that the ability to inspect documents is broadened by the proposed amendment to section 34 of the Act, but the amendment on that point has a very narrow field of operation. All that amendment does is to permit access to records of machinery relating to an accident by any person authorised in writing by a coroner. As the coroner enters into the field only on the death of a person, the victim of a disabling accident, for example, receives no help from this Bill in his consideration of the desirability of a civil claim.

It seems reasonable, I think, to suggest that now the general question of relaxing the secrecy provisions of this Act has been raised, we should take the opportunity to go further to ensure that relevant material can be made available also to the bona fide inquirer. Victims of accidents would be the most likely beneficiaries of that sort of provision.

For the reasons suggested, we would do well at the same time to consider analagous provisions in other Acts to bring them also into line, at least with the objectives of this Bill, if not the wider objectives to which I have referred. Section 18(A) of the Factories and Shops Act has a virtually identical effect to that which now flows from sections 33 and 34 of the Machinery Safety Act; precisely the same considerations which justify the amendments to sections 33 and 34 would have to apply to section 18(A) of the Factories and Shops Act.

In the same context I refer the House to the provisions of the Construction Safety Act which have a rather odd effect. There we have what might be best described as a two bob each way situation. Section 20(4) of the Construction Safety Act prevents the Construction Safety Advisory Board from divulging information except in the course of with its duties as a board. Strangely, however, there is no analagous provision for the inspectors appointed under the Construction Safety Act. Those inspectors, as I understand the situation, report from time to time to the board. The overall effect of that is that an inspector may report to the board, and the board is precluded from making that information available to third parties; but the inspectors are free to make it available anywhere. I am informed—I have no direct knowledge of this—by people active in the construction industry that inspectors recognise they have no limitations imposed on them, and their practice under the Act has been to make their advice and reports freely available to injured parties and to their representatives.

It appears to me that putting those three Acts together—I think the Minister will agree they are more or less directed towards the same sort of problem—we have this peculiar situation: Under the Machinery Safety Act as proposed to be amended, coronial inquiries will have the benefit of information collated under the Act, but no other party will have such access; under the Factories and Shops Act no-one, including the coroner, will have access to that sort of material; and under the Construction Safety Act no-one, including the coroner, will have access to the material if he approaches the Construction Safety Advisory Board, but everybody will have access to the material by approaching the inspectors appointed pursuant to that Act. I do suggest we are now reaching a situation full of anomalies, and getting close to the point of absurdity.

I join with the Hon. Des Dans in expressing support for the Bill as far as it goes, but the situation we find in this Bill and in measures which can be considered appropriately to go with it, indicates that the time has arrived for a much wider review of the secrecy provisions. Preferably we should make available to all injured parties the benefit of the advice and expertise of the relevant bodies, as well as to the families of persons killed on the job or as a result of the various machinery or construction activities in which they were involved.

I do commend that broader view to the Minister and hope he will be at least prepared to indicate some interest in pursuing it in due course, if not immediately.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [8.43 p.m.]: I thank the Opposition and the House for their support of the Bill. The Bill has come forward as a result of a very unfortunate accident, and it was mentioned by both Opposition speakers to this Bill. It is something which, of course, we hope will not happen again, but quite obviously some sort of measures need to be adopted to avoid the problems that occurred after that accident. Those problems related to the information that needed to be available but was quite difficult to extract by virtue of the Act itself—there were complications.

I understand the Opposition believes the Bill does not go far enough. I must say I have had some concern over this matter. I welcomed the opportunity to talk to a number of members, including members of the Opposition, to determine the problems they saw in the legislation. It was quite obvious the Opposition considered information should be available whether it be in the case of death or injury, and that the information should not be available only during the hearing of a court case, but available prior to a court case, whether it be heard in the Supreme Court or the District Court. Further, it was considered that the information should be available to all parties concerned.

Over recent days I have taken the opportunity to discuss with departmental officers the problems raised; and they expressed some concern with what has been put forward and as I have just mentioned. I have put this Bill forward in its present form with the assurance that I will pursue the matters raised by the Opposition. Its members say the Bill does not go far enough, and I believe reason exists for that concern.

I am told information always is available from the Chief Inspector. I do not know whether or not this is occurring. The Chief Inspector is able to speak to people who are interested or concerned and verbally discuss the matters with them

without making available to them the official documents. The official documents often contain reports put forward by the inspectors who are concerned with the particular problems, and can contain matters of opinion perhaps based on their own experience, which may not necessarily be expert evidence because of the wide-ranging variation in machines and equipment in the community today.

Views expressed by them in their reports could be used to build up a case in the event that legal representatives of a certain person have access the information.

The Opposition and, I think, the Hon. Joe Berinson, said that where inquiries are bona fide, the people concerned should be able to get the information. The Crown Law Department will be asked to make further investigations.

I take the point raised by the Hon. Joe Berinson when he said that at least three Acts could be affected by proposed changes. From my discussions, it seems to me there should be some regularity in the legislation and an understanding of what is going on right across the board. It is desirable that there is this uniformity.

In expressing my thanks for the Opposition's support, I assure members that I am not going to let this matter rest until I have reached a solution and obtained uniformity across the board in the interests of all people concerned.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. Robert Hetherington) in the Chair; the Hon. G. E. Masters (Minister for Labour and Industry) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 33 amended—

The Hon. D. K. DANS: What we are really saying is that anyone who is injured and is represented by legal counsel, such as in a damages claim, will be at a considerable disadvantage because the only time that counsel will receive any information is when he arrives at the court.

If I understood the Minister correctly, he said that under some circumstances—and he seems unclear on this, and I am not arguing with him as I just want to clarify the position—perhaps the legal representative of the person involved in the accident may be able to get some verbal information from the Chief Inspector. The Minister has stated also that for one reason or another the inspectors could be placed in a difficult position if their notes and reports on the accident were made available. I find that rather strange. Earlier tonight this matter was discussed. It could cause adjournments but they are expensive.

It has been pointed out to me that inspectors could be subpoenaed to give evidence, but this can occur only when the hapless victim of the accident gets to court with his legal representative. We believe that information should be made available to bona fide people seeking it. The legal representative should be able to go to court armed with all the information and details that he needs.

While I appreciate the reasons for secrecy, perhaps we take it a little too far. We have said the situation occurs in the three Acts that Mr Berinson and myself have examined, and perhaps in many more. When the Minister examines this Act he should look also at the Factories and Shops Act. He should then ask his department to have a complete search of the records so that when this matter is tidied up it can be done right across the board in any other Acts where a similar situation exists.

It seems strange that this amendment was not introduced a long time ago; surely people must have lost their lives before in incidents similar to the accident at the show referred to in the Minister's speech. Let us face it, the information that was given to the coroner this time, was possibly obtained illegally. Under the existing Act, as the Minister would agree, there is no machinery for supplying the coroner with information, so really the law was broken on this occasion. No-one will argue with that. The coroner has drawn attention to the fact that information was obtained in that way.

The Committee will see the considerable disadvantage to the legal counsel of the litigant in trying to present a case with details that are made known, if they are in fact made known on that day, only at the last minute. The legal question in respect of accidents is still extremely unclear, but the question of supplying information to the coroner is clear enough. I am trying to put it in chapter and verse so we realise where we are going. I was very heartened to hear the Minister say he will look into this and endeavour to do something about it. He is not going to stop at the three Statutes we have mentioned tonight. If we had research into a number of other Acts, we would probably find the same provisions would be in them.

The Hon. G. E. MASTERS: I was correctly quoted by the honourable member as saying that in fact information is available verbally from the

Chief Inspector. That has been the pattern and the method that has been used over a period of time, but for how long, I do not know. Reading the legislation, I am still not absolutely sure that the Chief Inspector legally is able to enter into such discussion.

The Hon. D. K. Dans: It does not actually say so.

The Hon. G. E. MASTERS: No, that is right. It has still been the method that has been used by the Chief Inspector. It is not there in black and white; maybe it is challengeable. Perhaps I should make the point that it is all very well while the present Chief Inspector has the job, but it may be that if it is not written into the Act in black and white, a future Chief Inspector may say, "I am not going to discuss anything." That is the point we should understand. I am not arguing with the speakers from the Opposition side. We need to take a good look across the board.

I have already discussed this matter with my officers and have asked them to obtain Crown Law advice to see what can be done. I feel strongly about the matter and can imagine myself in the position of someone who is related to a badly injured person who may suffer as a consequence of not being able to obtain enough information for a court case. If I were involved, I would have strong feelings about the whole matter.

I assure the Opposition that I will pursue the matter. I am concerned that secrecy in this respect may be carried too far and that the information is not necessarily available to those people needing it. I give no firm promises. If advice comes forward that complications could arise, I will have to take that into account. I thank members of this Committee who have expressed concern at what is happening.

The Hon. D. K. Dans: The crux of this matter is that had the coroner not pointed it out, this very bad situation would have continued.

The Hon. G. E. MASTERS: I agree. I am not arguing about that.

The Hon. J. M. BERINSON: I do not want to prolong these proceedings unduly. We all seem to agree on the general approach to this Bill, and to possible follow-up action. However, it is necessary to say that, if anything, the Minister's own comments as to the Chief Inspector's current practice make all the more necessary and even more urgent some attention to further amendments to this Bill.

The Chief Inspector's approach to making available certain evidence of reports is, in my view, admirable; but I cannot, for the life of me, see how it could possibly be legal.

Section 33 of the Act seems to be quite specific on the point. It reads as follows—

> 33. A person who discloses any information that has been furnished to him or obtained by him under this Act . . . commits an offence unless the disclosure is made—
>
> (a) with the consent of the person carrying on or operating any business to which that information relates; or
>
> (b) for the purpose of giving effect to the objects of this Act and . . .

I stress the word "and". The paragraph continues—

> . . . in the performance of a duty under this Act.
>
> Penalty: Two thousand dollars, or imprisonment for twelve months, or both such fine and imprisonment.

I may be missing something in the Act, but I can find nothing in it to suggest that part of the duties of the Chief Inspector is to make available the sort of advice to which we have been referring. As the question of that practice has been opened, it demands speedy attention.

Relating this to the main point of our earlier submissions, I point out also that, in any event, this informal advice of the Chief Inspector, even if authorised in some way by the Act, does not necessarily meet the problem. In fact, in most cases it would not meet the problem. The reason is that the Chief Inspector would not normally be the inspector with first-hand knowledge of the inspection. It is only the person with first-hand knowledge who, in the normal course of events, would be looked to for the purposes of evidence in judicial proceedings. For the reasons that I indicated earlier, it is therefore the early advice of that person—the original inspector looking at the problem—that a potential litigant requires most.

I do not take that any further at this stage, but leave it with my first comment on this part of the proceedings. The very desirable practice of the Chief Inspector adds weight and urgency to the calls we have made for a review.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), and transmitted to the Assembly.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [9.02 p.m.]: I move—

That the House do now adjourn.

Justices of the Peace: Imprisonment of Pensioner

THE HON. TOM KNIGHT (South) [9.03 p.m.]: I rise on a matter that I consider most urgent in respect of question 246 which appeared on the notice paper today. Unfortunately the Hon. Peter Dowding is not here, and I am sorry about that. I am concerned that he took the opportunity to name two of my constituents, who are justices of the peace, who were doing the job they were elected to do by the public, working without any payment—

The Hon. J. M. Berinson: They were not elected by the public.

The Hon. D. K. Dans: How were they elected by the public?

The Hon. TOM KNIGHT: The public support the work of the justices of the peace, because the public are represented by the Parliament.

As the question appeared on the notice paper today, I felt that I should bring to the notice of the House the fact that I condemn the Hon. Peter Dowding for naming the justices of the peace. He had no need to name them. The situation could have been brought to the attention of the Attorney General without naming them.

Under the privilege of Parliament, the Hon. Peter Dowding took the opportunity to attack two people who, as I said before, were doing the job expected of them by the public. The attack was unwarranted and uncalled for. I go as far as saying that it was a cowardly act, in all respects.

Because the member was operating under parliamentary privilege, the people named have no opportunity of answering his attack. They have no right to criticise or speak against the Hon. Peter Dowding. This places them in a very awkward position. They are honourable and upright citizens, and as such they were elected to the position of justices of the peace—

The Hon. Robert Hetherington: They were not elected. They were appointed. Get it right.

The Hon. TOM KNIGHT: These justices of the peace should be held in high respect. They should not be criticised under the privilege of Parliament by parliamentarians who also expect to be held in high regard in the community. We nominate people to accept these duties, and to work in the area of law and order in this country.

The person named in the question, Clifford Flowers, is an elderly, full-blood Aboriginal pensioner. The fact is that he has no family of his own to care for him. He was begging on the streets of Esperance. He has been picked up regularly on many occasions for minor offences, mainly of drunkenness.

The Hon. Peter Dowding noted that Clifford Flowers had been sent to prison in Boulder for one month. The actions of the justices of the peace were those that have been taken by justices of the peace on many occasions, to give a person a "drying out" period. Clifford Flowers has nowhere else to go. He has no home in Esperance; he has no-one to care for him. He has gone to a realtively new prison in which I understand the standards are of a very high quality. He is receiving three meals a day and the care that he obviously could not receive as he does not have a family.

I do not believe that the Hon. Peter Dowding should have named the Aboriginal pensioner. However, he also named the two justices of the peace. I will not name them here, because they have already been named in the House. It was unfair, unwarranted, and despicable of the Hon. Peter Dowding to name them in the House. He simply could have approached the Attorney General and made him aware of what went on. That would be the right way of doing it.

Adverse publicity may result from this and the people involved are unable to stand up for themselves, because the Hon. Peter Dowding had the privilege and protection of the House—

The PRESIDENT: Order! I ask honourable members to cease their casual conversations and comply with the Standing Orders of this House.

The Hon. TOM KNIGHT: It is unfortunate the Hon. Peter Dowding is not here tonight; however, I have no doubt he will be told about the speech I have made.

Several members interjected.

The Hon. TOM KNIGHT: I am not making these comments behind the Hon. Peter Dowding's back. I feel very strongly that two justices of the peace were named on the floor of this House for

doing their job. That situation should be condemned.

THE HON. D. J. WORDSWORTH (South) [9.06 p.m.]: I join with the comments made by the Hon. Tom Knight on this matter. I too was disgusted at the manner in which a member of this House chastised two justices of the peace who were going about their normal duties serving on the bench of the Court of Petty Sessions in Esperance. If this sort of activity continues, we shall have to consider reviewing some of our Standing Orders. Fortunately in the past it has never occurred, because members of this House and of the other place have had enough decency not to become involved in that sort of behaviour. I am utterly disgusted by what has happened.

The Hon. J. M. Berinson: Don't you think this sort of criticism would go better if Mr Dowding were present?

The Hon. P. H. Lockyer: It is a battle to get him here now. He is never here.

The Hon. D. J. WORDSWORTH: The Hon. Peter Dowding criticised these two gentlemen when they did not have a chance to defend themselves

The Hon. P. H. Lockyer: That is dead right.

The Hon. Tom Knight: I am prepared to tell him tomorrow what I said tonight.

The Hon. D. J. WORDSWORTH: Apart from anything else, it is completely out of place for us, as members of Parliament who are responsible for formalising laws, to criticise those who are endeavouring to carry them out. It is very difficult to get people to act as justices of the peace and sit on the bench. It is a rather thankless task and it is completely unreasonable for such people to be chastised by members of this House under parliamentary privilege.

This is typical of the actions of the Hon. Peter Dowding who, on other occasions, has used the opportunity to ask questions and to mention the names of members of the public in an endeavour to bring them into disrepute. On this occasion the two justices of the peace concerned were in a position to hear the evidence given in the court. Presumably they received advice on the matter and the defendant had the right to be represented by counsel and to appeal against his sentence. Therefore, I do not believe it is right for a member of this House to criticise openly, by way of questions, members of the public who are fulfilling their normal responsibilities.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [9.08 p.m.]: I never fail to be amazed at the way in which adjournment debates proceed. Tonight I had to sit and listen to the Hon. Victor Ferry tell us how we should use the adjournment debate. I have stated previously in this place that any member may come here under parliamentary privilege in full view of his colleagues on both sides and raise any matter he desires as long as he does not offend you, Mr President, or Standing Orders.

Bearing in mind the remarks made tonight by the Hon. Victor Ferry, this particular matter is not urgent and it would have been far better had it been dealt with when Mr Dowding was in the Chamber. Members opposite have attacked the character of the Hon. Peter Dowding in his absence. At least the Hon. Peter Dowding stands up in this place so that he is seen, and speaks up so that he is heard.

The Hon. P. H. Lockyer: When he is here!

The Hon. D. K. DANS: That is why we all come to Parliament. Members may not agree with the comments made by the Hon. Peter Dowding, but it is his right to speak. If members look at the question asked by the Hon. Peter Dowding, they will see that it is quite reasonable.

The Hon. P. H. Lockyer: You would not ask it.

The Hon. D. K. DANS: It is not a matter of whether or not I would ask the question. I resent an interjection Mr Lockyer made earlier to the effect that, "One of the lackeys will tell him!" I am certainly no lackey but, as the Leader of the Opposition, I shall tell the Hon. Peter Dowding what occurred in this Chamber tonight.

The Hon. J. M. Berinson: Behind his back.

The Hon. D. K. DANS: I shall tell him what occurred behind his back tonight.

The Hon. P. G. Pendal: That is nonsense. It was not behind his back.

The Hon. P. H. Lockyer: How often has he been here lately?

The Hon. D. K. DANS: There are cerain unwritten rules in this Chamber—

The Hon. P. H. Lockyer: Don't talk to me about "unwritten rules".

The Hon. D. K. DANS: —and members are aware of them. If members start breaking down the unwritten rules, as has occurred tonight, we will end up in a state of chaos. Whether or not members agree with the action taken by Mr Dowding, they do not enhance their moaning and groaning by taking exactly the same action, because that is what members opposite are doing. The Hon. Tom Knight said the Hon. Peter Dowding attacked these people in a manner that rendered them unable to defend themselves and yet the Hon. Tom Knight has done exactly the

same thing by attacking the Hon. Peter Dowding in his absence.

Several members interjected.

The Hon. D. K. DANS: In the past I have had to sit here and listen to vehement attacks on trade union officials and others from a position of parliamentary privilege and I have never squawked about it. I have been irked, but I have not complained, because we are here to put forward our views.

The Hon. D. J. Wordsworth: This is a matter of two people carrying out the law.

The Hon. D. K. DANS: Members opposite always take the stance in this place that their views are right and their suggestions should be applied.

I reiterate, as I have done on other occasions, that the Opposition has a duty to perform here. A provision in Standing Orders relates to the asking of questions and that is all Mr Dowding did: He asked a question. Regardless of whether members opposite agree with the question he asked, it is his right to ask it. If members opposite want to destroy that privilege, they are eating at the foundations of our democratic process.

Tonight the Hon. Vic Ferry said we should amend Standing Orders so that only urgent matters could be raised during the adjournment debate. I do not challenge anyone's right to stand up and speak under parliamentary privilege. If a member is out of order, the President will indicate that, but he did not do so when the Hon. Peter Dowding asked the question to which members opposite object.

The Hon. Peter Dowding asked a perfectly legitimate question which came within Standing Orders. I was not present when the answer was given, but if members opposite intend to play "tiggy tiggy touch wood", I can assure them the Opposition will do the same whenever possible. However, let us not reduce the decorum of the Chamber to some sort of idiot's palace.

The Hon. P. H. Lockyer: You would not have asked the same question yourself.

Question put and passed.

House adjourned at 9.14 p.m.

QUESTIONS ON NOTICE

212. *This question was postponed.*

PENSIONERS: HEARING IMPAIRMENT

National Acoustic Laboratory

213. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Health:

(1) Is the Minister aware that pensioners with hearing impairment are forced to wait up to 12 months for an appointment with the National Acoustic Laboratory in order to obtain a hearing aid?

(2) Will the Minister take this matter up with the Federal Minister concerned with a view to improving the service and expediting the provision of hearing aids to those pensioners requiring them?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) Yes.

RAILWAYS

Labour Costs

214. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

With reference to a pamphlet titled "Delivering the Goods" signed by the Minister for Transport and the Commissioner of Railways, on page nine it is stated that "A labour bill of the order of $15 million dominates our present cost structure in the area".

(1) In view of the proportions of labour to total costs, what proportion of total costs does this dominant figure represent?

(2) Does the total cost match that stated by a Westrail representative on ABC "Nationwide" on 23 November 1981, of about $22 million?

(3) If not, what is the total cost?

The Hon. G. E. MASTERS replied:

(1) to (3) The information referred to by the member regarding costs in the "smalls" traffic area should have indicated that the total avoidable cost to Westrail is estimated at $15 million of which the labour bill is the dominant factor.

NOISE

Skating Rink: Kardinya

215. The Hon. P. G. PENDAL, to the Minister representing the Minister for Health:

(1) Will the Minister investigate reports of noise problems emanating from the skating rink at Kardinya?

(2) Is the Minister aware that vibrations associated with the noise level are adversely affecting householders who live directly opposite the rink?

(3) What powers does the Minister have to force such establishments to reduce their noise levels to a tolerable level?

(4) Are the current anti-noise legislation and regulations adequate for the task of protecting the community from the intrusion of intolerable noise levels?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) The Minister for Health has received no complaints about the Kardinya Skating Rink. The Minister is led to believe that the City of Melville has investigated complaints about the Kardinya Skating Rink. He is also led to believe that the City of Melville has hired a noise consultant to establish if a noise nuisance does exist and to recommend possible solutions.

(3) The noise abatement (neighbourhood annoyance) regulations 1979 and the Noise Abatement Act allow for the control of noise nuisance by local authorities.

(4) Reasonably so. The Noise Abatement Act and its regulations are under constant review by the Noise and Vibration Control Council. The Act and the continued updating of its regulations allow for the future control of community noise in accordance with changing conditions.

RECREATION: FOOTBALL

Anzac Day Trust

216. The Hon. TOM McNEIL, to the Minister representing the Deputy Premier:

With reference to question 210 of Wednesday, 21 April 1982, would the Minister review the answer provided as it does not appear to bear any relationship to the question?

The Hon. I. G. MEDCALF replied:

The Minister is aware that following question 210 the member has expressed his views on this matter. The Minister is examining the transcript of the speech and will reply in writing to the member.

NATURAL DISASTERS

Fund

217. The Hon. H. W. GAYFER, to the Minister representing the Deputy Premier:

I understand New Zealand has a national natural disaster fund which is large enough that, through investment, funding is generated to satisfy the means for which the fund was established. Has this fund been investigated with the view of adopting the principles of its establishment in Western Australia?

The Hon. I. G. MEDCALF replied:

No. Natural disaster relief is met either from State funds or, in the case of major disasters, under Commonwealth-State natural disaster arrangements.

Under the arrangements the Commonwealth provides assistance on a $3 Commonwealth to $1 State basis for expenditure on approved relief and restoration measures where such expenditure exceeds an annual base amount—currently in the case of Western Australia, $3 million.

TRANSPORT: AIR

Airlines of WA: Fare Increases

218. The Hon. TOM McNEIL, to the Minister representing the Minister for Transport:

Would the Minister review the answer provided to question 169 (10) in which it is stated "There is a return flight from Geraldton to Perth on Saturday by Airlines of WA"?

The Hon. G. E. MASTERS replied:

The flight referred to in the answer to part (10) of question 169 is Saturday flight 319 by Airlines of WA. This service commences at Derby, departing at 0600 hours. It then travels via Broome, Port Hedland, Karratha, Learmonth, Carnarvon and arrives in Geraldton at 1210 hours. Departure is at 1235 hours and the aircraft proceeds direct to Perth, arriving at 1320 hours.

IMMIGRATION

Skilled Labour

219. The Hon. D. K. DANS, to the Minister for Labour and Industry:

I refer the Minister to comments expressed in the 1981 annual report of the Department of Labour and Industry (page 22) wherein it is stated that the State Government fully supports employers who intend to recruit for skills that are in shortage, and ask—

(1) In actively supporting the recruitment of skilled migrant labour, does the Government recognise any obligation on its part to share in the responsibility of ensuring that any migrant intake is controlled?

(2) If so, how does he propose that such control be instituted?

The Hon. G. E. MASTERS replied:

(1) and (2) As indicated in the report referred to, the State Government has always given priority to training our own citizens for skilled work through the normal apprenticeship system and the Commonwealth/State special trade training programme. However, training to trade status takes at least three years. Immediate requirements by employers for skilled workers not available locally are controlled by an occupational demand schedule issued and regularly updated by the Commonwealth Department of Immigration, after advice from the States, which is distributed to its overseas immigration offices. Only those categories listed as shortage would satisfy entry criteria for immigration to Western Australia and in many cases require employer nomination.

ROADS: FREEWAY

Western Suburbs: "Year 2000 Study"

220. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

Referring to the Director General of Transport's "Year 2000 Study", and the fact that the Chairman of the Metropolitan Region Planning Authority stated on ABC Television on Monday, 12 April 1982, that figures from the "Year 2000 Study" had been used to justify the proposed freeway system through the western suburbs, will the Minister advise—

(1) What figures were used in each of the 20 years to 2001?

(2) Will the results of the study be tabled before the Director General of Transport ceases duty?

(3) Will the results be tabled in this session?

(4) If not, when will it be tabled?

(5) What similar figures from the "Year 2000 Study" were supplied in each of the 20 years relating to the Perth-Fremantle railway study being performed by R. Travers-Morgan Ltd.?

(6) If used in the one case and not in the other, could some explanation be given?

The Hon. G. E. MASTERS replied:

(1) The figures cannot be released prior to the study's publication.

(2) to (4) Printing of the study is due to be completed prior to the Director General of Transport ceasing duty. Neither of these events is expected to take place during the current parliamentary session. However, when printing is complete, the Government will consider tabling the study.

(5) and (6) The consultants are making their investigation independent of the Government. It is not known where they have obtained figures or what the figures are.

WOMEN'S ADVISORY COUNCIL

Women's Adviser

221. The Hon. LYLA ELLIOTT, to the Minister representing the Premier:

With reference to the Premier's statement of 20 April 1982 concerning the consideration by a Cabinet sub-committee of a proposal to establish a women's advisory council and whether a full-time women's adviser should be appointed—

(1) Will the subcommittee be inviting submissions from women's groups in the community on this matter?

(2) (a) Does the Government have any person in mind for the position of women's adviser should one be appointed; and

(b) if so, who is that person?

The Hon. I. G. MEDCALF replied:

(1) The Government does not intend to invite formal submissions on this matter.

(2) (a) No;

(b) not applicable.

RAILWAYS: FREIGHT

Joint Venture: General Goods

222. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

With reference to the proposed Westrail joint venture and the answer to question 302 of Wednesday, 31 March 1982, in the Legislative Assembly; the articles appearing in *The West Australian* of 9 April 1982 (p. 26), and *The Sunday Times* of 25 April 1982 (p. 73); the Westrail annual report 1981; and the Commissioner of Railways quarterly report for the quarter ended 31 December 1981; will the Minister advise—

(1) Since "farmers will now be able to carry all their own produce and supply requirements" *(The Sunday Times)*, will most of the general goods freight disappear from Westrail?

(2) If not, how much is estimated to remain?

(3) Is there any provision which will prevent farmers, jointly or by arrangement, carrying their own produce and supplies?

(4) Referring to the $55.6 million received by Westrail in 1981 for "general goods" (annual report p. 16), and the remaining goods left to carry (quarterly report), will Westrail revenue drop by about $14.5 million per year?

(5) If not, what is the figure?

(6) The 780 fewer employees of Westrail indicate a direct wage saving of $10.9 million per year, including all higher salaries in Westrail (annual report p. 17), plus a reduction in pay-roll tax of about $540 000 per year—

(a) what is the total annual salary and wages for the particular 780 employees involved; and

(b) what is the associated pay-roll tax involved?

(7) Will Westrail's loss increase by at least an additional $3.6 million per year?

(8) If not, what is the figure?

(9) Will the social cost—i.e. social service, pay-roll tax, loss of income tax, excise, etc.—have to be generally made up by remaining workers?

(10) If not, who will make it up?

(11) Will it amount to about $6.9 million per year?

(12) If not, what is the figure?

(13) Apart from any increased road transport costs, what is the overall loss to the State?

The Hon. G. E. MASTERS replied:

(1) No. Westrail will continue to haul general freight in wagon load consignments for the joint venture company and other clients.

(2) It is not possible to give a precise estimate of the volume of general freight which will be carried by Westrail. This will depend upon the freight volumes which the joint venture company is able to attract in a competitive environment and the demand from other clients for forwarding freight in wagon loads.

(3) Generally farmers will be permitted to carry their own produce in their own vehicles in accordance with exemptions from licensing Nos. 31 and 31A under the Transport Act.

Exemption 31A will be further amended as from July 1982, to include wool, mohair and chaff, subject to the Parliament passing the Government Railways Amendment Bill this session.

(4) and (5) No. The estimated revenue at risk to Westrail, in 1981 values, taking into account that it will retain revenue from undertaking the line-haul of general freight in wagon load consignments is approximately $11 million.

(6) to (8) The calculations indicated in question (6) are of the right order, but in arriving at the $3.6 million loss stated in question (7), the member has failed to take account of additional costs besides labour and also revenue such as that which Westrail will receive for handling the line haul traffic, lease revenue from fixed facilities, sale of redundant assets and a share of the joint venture profits.

When all factors are taken into account it is estimated Westrail will benefit by approximately $7 million per annum from 1984-85.

(9) to (13) General traffic not hauled by Westrail will be transported by other modes, thus generating social benefits elsewhere in the land transport industry.

The move is in line with the SWATS study which was designed to evaluate all relevant factors and found that the State would benefit from deregulation of goods traffic.

HOUSING

Ms Marcia Chamberlain

223. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

(1) Is the Minister aware that a Ms Marcia Chamberlain has applied for State Housing assistance in Port Hedland?

(2) Is the Minister aware that this young lady is blind and is presently living in a caravan on a friend's property dependent upon an invalid pension for her income?

(3) Is the Minister aware that this lady wishes to remain in the north-west for health reasons as she is also asthmatic and finds the climate there beneficial, but is unable to obtain employment and has been so unable since May 1981?

(4) Is the Minister aware that it is desirable that she should be able to find a permanent home and establish a set routine in familiar surroundings?

(5) Is the Minister further aware that the department has refused assistance on the basis that this young lady is not 50 years of age and must attain this age before her eligibility is established?

(6) Will the Minister provide some assistance for this young lady in housing in the north, or must she be dependent upon the charity of her friends in order to provide housing accommodation for herself in this area?

The Hon. R. G. PIKE replied:

(1) to (6) It has been a long-standing policy not to make public the personal details of an applicant with the State Housing Commission.

An examination of Ms Chamberlain's housing circumstances is currently under way and I will advise the member of the outcome by letter.

224. *This question was postponed until 4 May 1982.*

ABORIGINES: ALCOHOLICS

Roebourne

225. The Hon. PETER DOWDING, to the Minister representing the Minister for Lands:

(1) Has the Minister received an application from or on behalf of Mr Woodley King of Roebourne seeking an area of land near Daniels Well being part of Millstream Station as a special lease for a small drying out centre in conjunction with Mr King's work amongst Aboriginal alcoholics in Roebourne?

(2) Will the Minister say when this application was received and what has transpired as a result of this application, and when can Mr King expect any positive response?

The Hon. I. G. MEDCALF replied:

(1) No.

(2) Answered by (1).

226. *This question was postponed.*

EDUCATION

Karratha College

227. The Hon. PETER DOWDING, to the Minister representing the Premier:

(1) Did the Premier announce at the opening of the Karratha College that tenders had not been called for the business studies building?

(2) When will tenders be called?

(3) When is the work to be commenced and completed?

The Hon. I. G. MEDCALF replied:

(1) In his speech on 16 April 1982 at the opening of the new apprentice workshop buildings at Karratha College, the Premier said that tenders would be called in the next few weeks for two classroom blocks at the college.
The Premier understands that one of these blocks will be for the School of Business Studies and the other will be for the School of Trade Studies.

(2) Interested builders have been asked to register their interest in tendering for this project and those selected will submit their tenders by 21 May 1982.

(3) It is anticipated that work will commence in June for completion by the end of this year.

EDUCATION: ABORIGINES

North-west: Language Instruction

228. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

(1) Is the Minister aware that in the north of the State and elsewhere, there are communities served by Education Department schools, and in which the language spoken by the school children and pre-school children is one or more of a number of Aboriginal languages?

(2) Is the Minister further aware that in these centres, no Education Department school teaches the, or any one of the, local languages as a subject of instruction?

(3) Is the Minister aware that for many of these languages there are written works, teaching material and a written work to form the basis of teaching the language?

(4) Will the Minister investigate making a commitment to the Aboriginal children in these areas to have available at least one teaching period each day from a linguist teacher in the local language?

(5) If not, why not?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) The vernacular is included in the educational programme at Warburton.

(3) It is my understanding that there is very little material suitable for use in schools.

(4) I am prepared to review the situation in those centres which have a resident linguist but I am not willing to enter into any commitment at this stage.

(5) I believe that there are limiting factors which would prevent wide-scale implementation of a bi-lingual programme in Western Australia.

EDUCATION: HIGH SCHOOL AND PRIMARY SCHOOL

Wickham

229. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

(1) Has the Wickham High School been built so that the main Wickham to Roebourne road divides it and the primary school?

(2) Has the Minister been advised when the highway will be realigned to pass around the school?

(3) If so, when?

(4) What safety measures have or will be taken for children in the interim period?

The Hon. R. G. PIKE replied:

(1) The consolidated Wickham District High School site does include part of the present road reserve, but this is a temporary situation.

(2) Yes. Construction work has commenced on the realignment.

(3) Completion is programmed for early September.

(4) A path between the two schools is to be laid and the school will be expected to initiate any road safety measures which may be needed at the crossing.

CONSUMER AFFAIRS: SUPERANNUATION

Derby

230. The Hon. PETER DOWDING, to the Minister representing the Minister for Consumer Affairs:

I advise the Minister that a complaint has been made to the CIB about the activities in Derby of an allegedly unscrupulous insurance sales group selling superannuation policies to those who neither understand nor can afford such policies. I ask—

Will the Minister investigate the matters and see if his department should take any action?

The Hon. R. G. PIKE replied:

If a complaint in respect to this matter is made directly to the bureau—which

at this time has not been done—it will be investigated.

COMMUNITY WELFARE: RESERVES

North Province

231. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

(1) What reserves were the subject of the recent report on reserves conducted in conjunction with his department?

(2) Is it presently under consideration to close the Hill and Anne Street reserves in Broome?

(3) What are the proposals under consideration for each community welfare reserve in North Province?

The Hon. R. G. PIKE replied:

(1) Northam, Mullewa, Meekatharra, Kalgoorlie, Leonora, Laverton, Onslow, Marble Bar, Port Hedland (Three Mile), Broome Reserves (Anne Street, Kennedy Hill, One Mile), Derby, Fitzroy Crossing, Halls Creek, Wyndham (including Fork Creek), Kununurra.

(2) No. The department is discussing with the State Housing Commission future plans for the Anne Street reserve.

(3) Proposals at this stage are not definite or finalised.

HOUSING

Port Hedland

232. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

(1) What is the present maintenance delay for SHC four bedroomed accommodation in Port Hedland?

(2) What is the vacancy period of such accommodation before it is re-let?

The Hon. R. G. PIKE replied:

(1) The maintenance delay for State Housing Commission four bedroom rental houses in Port Hedland depends largely upon the condition of the property of the time of vacation and the ability of the maintenance contractors to complete any necessary work in placing the property in a reasonable condition for re-letting. Currently the maintenance period is averaging at 35 days.

(2) The period involved in the re-letting of the property upon completion of all necessary work is averaging at 4 days.

233. *This question was postponed.*

CONSERVATION AND THE ENVIRONMENT: EPA

System 7

234. The Hon. PETER DOWDING, to the Minister representing the Minister for Conservation and the Environment:

(1) What action has the Government taken to implement EPA recommendations on national parks and nature reserves in system 7 being the Kimberley region?

(2) In respect of the recommendations for national parks and nature reserves of other EPA systems reports, what recommendations were made and accepted by the Government and implemented, and on what date were the parks and reserves recommended therein established?

The Hon. G. E. MASTERS replied:

(1) The Government has adopted the system 7 recommendations of the EPA as a guide to the establishment of conservation reserves in the Kimberley, and each recommendation contained in the report is to be referred back to Cabinet for consideration on an individual basis. Recommendation 7.18, Hidden Valley, has been agreed to by the Government and currently is being implemented.

(2) The Department of Conservation and Environment compiles a status report from time to time. The latest review was undertaken in December 1981 and a list of recommendations which have been implemented follows. To provide a date of implementation to each of these would entail a great amount of work; however, if the member is interested in the date of implementation of any particular recommendation, this can be researched.

STATUS OF EPA RED BOOK RECOMMENDATIONS FOR SYSTEMS 1, 2, 3, 4, 5, 8, 9, 10, 11, 12 AS AT DECEMBER, 1981

Implementation Completed

The recommendations which are listed hereunder comprise EPA endorsements

of previously existing reserves, recommendations completed exactly as recommended, recommendations for which all actions have been taken as far as practical to progress them and recommendations completed in keeping with the intention of the following extract from the preamble of the EPA's report of 9 July, 1976:

"It has been suggested that there are technical problems in exactly implementing some of the EPA recommendations endorsed by Cabinet on 9 February, 1976. It is, therefore recommended that in regard to the EPA recommendations endorsed by Cabinet on 9 February, 1976 in regard to Systems 4, 8, 9, 10, 11, and 12 and those of Systems 1, 2, 3 and 5 in this 'red book', that the spirit of the recommendations endorsed by Cabinet be carried out as far as possible, but if technical problems such as the definition of geographical boundaries or the matter of vesting and management should arise they can be resolved at permanent head level, knowing Cabinet's general policies".

1.1.1(1).	1.1.1(11).	1.1.1(111).	1.1.2(1).
1.1.2(2).	1.1.2(4).	1.1.3(1).	1.1.3.(2).
1.1.3(3).	1.1.4(1).	1.1.4(2).	1.2(1).
1.2(2).	1.2(3).	1.4(2).	2.1(1)
1.4(5).	1.4(6)	1.4(7).	1.4(8).
1.4(9).	1.5(1).	1.5(2).	1.5(4).
2.2.	2.4.	2.5(1).	2.5(2).
2.6(1).	2.6(2).	2.6(3).	2.6(4).
2.6(5).	2.6(7).	2.6(8).	2.7.
2.8.	2.9	2.10(1).	2.10(2).
2.11.	2.12(3).	2.12(4)	2.13
3.1.	3.2(1).	3.2(2).	3.2(3).
3.2(4).	3.3(1).	3.3(2).	3.4(1).
3.4(3).	3.5(1).	3.5(2).	3.5(3).
	3.5(5).	3.6(1).	3.6(2).
3.7(1).	3.7(2).	3.11(1).	3.11(2).
4.1(1).	4.1(2)	4.1(3).	4.2(1).
4.2(2).	4.2(3).	4.2(4).	4.2(5).
4.3(1).	4.3(2).	4.3(3).	4.4.
4.5.	4.6.	4.7(1).	4.7(2).
4.7(3).	4.7(4).	4.7(5).	4.7(6).
4.8(1).	4.8(2).	4.8(3).	4.8(4).
4.8(5).	4.8(6).	4.8(7)a.	4.8(8).
4.8(9).	5.1.	5.2(1).	5.2(2).
5.3(1).	5.3(2).	5.5.	5.6(1).
5.6(2).	5.8.	5.10.	5.11.
5.12.	5.13.	5.14.	5.16.
5.19.	5.21(2).	5.22(2).	5.23.
5.25(1).	5.26(1).	5.26(2).	8.1(1).
8.4.	8.5.	8.6(1).	8.9.
8.10.	8.11.	8.13(1).	8.13(3).
8.14(1).	8.14(4).	8.14(5).	8.15.
8.16(2).	8.17.	8.18(1).	9.1.1
9.1.2(2).	9.1.3(2).	9.1.4(2).	9.1.5.
9.3(3).	9.3(5).	9.3(6).	9.5(2).
9.8(2).	10.2.	11.2.	11.3 & 11.4(1).
11.5.(1)(2)	11.6.	11.8.	11.9(a).
11.9(b).	11.9(c).	11.9(d).	11.11.
12.1.	12.5.	12.7.	12.9(2).
12.9(3).	12.10.	12.11.	12.12.
12.15(1).	12.15(2).	12.16.	12.17.
12.18.	12.20.	12.22.	5.18

HOUSING: NORTH-WEST

Use of Pindan

235. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

(1) How many houses have been constructed in the north-west or elsewhere of local pindan soil or pindan brick?

(2) As to each, what was—

(a) the location;

(b) the date of completion; and

(c) the cost?

(3) Have any tests been carried out on the use of pindan for housing construction?

(4) If so, when and where?

The Hon. R. G. PIKE replied:

(1) to (4) The member will be advised of the information sought by letter.

ABORIGINES: ALCOHOLICS

Milliya Rumurra Inc.

236. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

(1) Is the Minister aware of the excellent work done in Broome with alcohol counselling done by the group know as Milliya Rumurra Inc.?

(2) Does the Minister's department provide any financial support for Milliya Rumurra, and if so, what amount?

(3) Will the Minister encourage the setting up of these groups with departmental finance in other parts of the State in order to help with alcohol problems wherever they arise?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) No direct departmental financial support is being given at present. A specific purpose grant of $3 900 was made to Milliya Rumurra in 1979-80 for building maintenance. Three officers of the Community and Child Health Services Branch—two Aboriginal health workers and a co-ordinator—are seconded to the organisation through the Alcohol and Drug Authority which also provides supervision and general support.

(3) The Alcohol and Drug Authority is being encourage to pursue its policy of facilitating the provision of Aboriginal alcohol counselling services in these areas of need. This is a joint initiative with close co-operation between Kulila—the State Aboriginal alcohol committee—the Alcohol and Drug Authority, Community and Child Health Services and the Department of Aboriginal Affairs.

COMMUNITY WELFARE: RESERVE

Kununurra

237. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

(1) Has the Minister's attention been drawn to the deplorable state of maintenance on the community welfare reserve at Kununurra?

(2) Is the Minister aware that the department spent no money on the maintenance of the reserve this financial year?

(3) Will the Minister make a commitment to improve the facilities for the inhabitants of the reserve, and if so, when and what moneys will be spent to do so?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) This is not the case. An amount of $44 600 has been allocated from the 1981-82 Budget to cover operating and maintenance costs on this reserve. At the end of March 1982, $20 476 had been expended. Funds have been allocated for full-time caretaking on this reserve.

(3) Kununurra staff currently are investigating the situation and dependent upon their report and the urgency of the situation, all adequate measures will be taken. If there are any pressing health risks these will be remedied immediately and other work will be allocated priority contingent upon adequate funds being available.

ABORIGINES

State Services: Involvement

238. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

(1) Is the Minister aware that in answer to question 3179 in the House of Representatives, the Minister for Aboriginal Affairs stated, *inter alia*—

> State agencies may not always be as responsive as Aboriginal Groups would like, but they also have access to large resources. By increasing Aboriginal involvement in the delivery of services it is more likely responsiveness will increase?

(2) Are there any plans to increase Aboriginal involvement in the delivery of State services funded by Commonwealth money?

(3) If so, what are the plans?

(4) If the Minister is not aware of any suc plans, will he state in whose portfolio such overall planning directives would fall?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) to (4) Each State department responsible for delivering services to Aborigines makes its own decisions on how this is best achieved. However, it is State Government policy to encourage increasing participation by Aborigines at all levels of government administration provided they have appropriate qualifications.

In general terms, planning and co-ordination of Aboriginal involvement in services delivery is properly the concern of the Aboriginal affairs co-ordinating committee which comprises the permanent heads of State Government departments involved with Aboriginal matters. The operations of the co-ordinating committee fall within my portfolio. I would not wish to comment on the details of staff planning in departments that are the responsibility of my ministerial colleagues.

239. *This question was postponed.*

RECREATION

Committee Meetings

240. The Hon. PETER DOWDING, to the Minister for Recreation:

(1) For the years ended 30 June 1980 and 30 June 1981, and to date, how many meetings have been held of—

(a) the youth sport and recreation advisory committee;

(b) the youth committee sub-committee;
(c) the Institute of Sport Advisory Board; and
(d) the community recreation committee?

(2) How much was each member paid for each meeting?

The Hon. R. G. PIKE replied:

(1) (a) Period ending 30/6/80 15
Period ending 30/6/81 8
Period ending 28/4/82 9
(b) Period ending 30/6/80 5
Period ending 30/6/81 10
Period ending 28/4/82 7
(c) Period ending 30/6/80 3
Period ending 30/6/81 6
Period ending 28/4/82 9
(d) Period ending 30/6/80 7
Period ending 30/6/81 10
Period ending 28/4/82 9

(2) Members are paid according to scales as set by the Public Service Board.
(a) Youth sport and recreation advisory committee: Chariman $3 000 per annum plus $300 expenses allowance. Members $72 full day, $48 half day.
(b) Youth committee subcommittee—no fees paid.
(c) WA Institute of sport advisory board. Chairman $2 350 per annum plus $300 vehicle allowance, members—no fees paid.
(d) Community recreation sub-committee — no fees paid.

HOUSING: COMMONWEALTH-STATE HOUSING AGREEMENT

Applicants

241. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

(1) How many applicants currently are listed on the Commonwealth-State Housing Agreement funds loan priority list for—
(a) Pilbara; and
(b) Kimberley?

(2) How many applicants were assisted for—
(a) Pilbara; and
(b) Kimberley:

under the scheme in the financial year—
(i) 1980-1981; and
(ii) 1981 to date?

The Hon. R. G. PIKE replied:

(1) and (2) The information sought will take some time to collate and I will let the member have my reply by letter when the details are known.

WITTENOOM: TOWN

Closure

242. The Hon. PETER DOWDING, to the Minister representing the Premier:

(1) Is it the plan of the Government to phase out the town of Wittenoom?
(2) What does the Premier mean by "phasing out"?
(3) What is the position of home owners and business proprietors whose town is being phased out?
(4) What compensation will be offered to—
(a) home owners; and
(b) business proprietors;
if alternative facilities are opened with Government assistance or encouragement of an integrated tourist facility near to the town?
(5) Will the Premier delay advertising for this facility until the position of the town's businesses are secured?

The Hon. I. G. MEDCALF replied:

(1) Yes.
(2) The normal understanding of the term which should not need any further clarification.
(3) and (4) Some people already have been assisted; discussions are continuing with others. Each case is considered separately to try to meet the applicant's requirements.
(5) Advertisements were published nationally on 3 and 4 April 1982.

ABORIGINES: ABORIGINAL LANDS TRUST

Representation

243. The Hon. PETER DOWDING, to the Minister representing the Minister for Community Welfare:

(1) Is it intended that the Aboriginal Lands Trust be representative of the views of Aboriginals throughout Western Australia?

(2) Do members of the trust represent particular areas in the State?

(3) Has the Minister required the Pilbara Aboriginal communities to nominate four persons to fill one position on the trust?

(4) If so, why, and will he not accept the nomination by them of one person only as their representative?

(5) If not, why not?

The Hon. R. G. PIKE replied:

(1) Yes, on matters related to land.

(2) Yes, but members meet as a body to consider issues relating to land affecting Aboriginals throughout the State.

(3) It is usual practice for the Minister for Community Welfare to request the Aboriginal consultative committee in the area where a trust vacancy exists, to nominate candidates for the position.

(4) and (5) As it is my responsibility under section 21 of the Aboriginal Affairs Planning Authority Act to make appointments to the trust, I prefer to consider a range of nominations provided by Aboriginal people from the particular area concerned before making the final decision.

PRISONS: PRISONERS

Juveniles

244. The Hon. PETER DOWDING, to the Minister representing the Minister for Police and Prisons:

(1) How many juveniles were held in Fremantle Gaol in each year 1979, 1980, 1981, and to date?

(2) For what period or periods was each so held?

(3) What were the ages of each at the commencement of being held there?

The Hon. G. E. MASTERS replied:

(1) to (3) These figures are not readily retrievable from departmental files and considerable research time would be required. Even when the figures were obtained, because of the nature of prisoner movement the answers would be heavily qualified.

If the member has some specific reason for asking, or if he could more clearly indicate his requirements, the Minister will endeavour to obtain the answers for him.

LAND: CROWN LOT 1378

Total Transport Services

245. The Hon. PETER DOWDING, to the Minister representing the Minister for Lands:

(1) Was Crown land lot 1378 Broome leased to Total Transport Services?

(2) What procedures were followed?

(3) Were such procedures in keeping with the normal practice for granting leases of Crown land?

(4) What form of agreement was established between Total Transport Services and the WA Government?

(5) What specifically are the lease payments or otherwise to be?

(6) Why was not a Land Board convened to consider any other applications?

The Hon. I. G. MEDCALF replied:

(1) and (2) The approval of His Excellency the Governor-in-Executive Council is about to be sought to the granting of a two-year lease over Broome lot 1378 under the provisions of section 117 of the. Land Act to Mayne Nickless Ltd. for the purpose of storage.

(3) to (6) A short term lease was offered to accommodate an immediate need for storage.

The lot adjoins land held in freehold by Mayne Nickless Ltd. and is situated in the Broome heavy industrial area which has recently been redesigned.

A servicing programme is to be undertaken and upon completion the lease over lot 1378 is to be terminated in order that applications may be publicly invited for the long-term leasing and development of lot 1378 together with a number of other lots.

This will be in accordance with normal practice, with a Land Board determining allocation if multiple applications are received.

The short-term arrangement will meet the urgent storage need of the company pending the public release mentioned. The rental of the two-year lease will be $500 per annum.

JUSTICES OF THE PEACE: ESPERANCE

Imprisonment of Pensioner

246. The Hon. PETER DOWDING, to the Attorney General:

(1) Is the Attorney General aware that Clifford John Flowers, a 71 year old

pensioner, was sentenced to one month imprisonment in Esperance recently for a charge under section 65(3) of the Police Act for begging?

(2) Is the Attorney General aware that Flowers was unrepresented at the hearing and was sent to Boulder Prison to serve his term?

(3) Is it a fact that the sentence was passed by two justices of the peace, James Kelman and Phil Arlidge?

(4) Is this term of imprisonment consistent with the desire of the Government to reduce the rate of imprisonment in Western Australia, and does this highlight the problem of using justices of the peace in Courts of Petty Sessions?

(5) Will the Attorney General investigate this case and ensure that James Kelman, JP, and Phil Arlidge, JP, undertake a course of education so as to ensure that the taxpayer's money is not wasted on unnecessary terms of imprisonment?

The Hon. I. G. MEDCALF replied:

(1) to (3) Yes.

(4) and (5) While the Government is anxious to reduce the rate of imprisonment it is nevertheless aware of the problems faced by Courts of Petty Sessions in some isolated cases.

These problems are well illustrated by the report of the Committee of Enquiry into the Rate of Imprisonment, particularly at pp. 115-119. The particular justices in this case are both experienced but nevertheless have voluntarily enrolled in the correspondence course for justices conducted by the Technical Education Division of the Education Department.

QUESTION WITHOUT NOTICE

DEPARTMENT OF YOUTH, SPORT AND RECREATION

Newspaper Advertisement: Elderly People

57. The Hon. W. M. PIESSE, to the Minister for Recreation:

I refer to the recent advertisement by the Department of Youth, Sport and Recreation relating to elderly people. In view of the fact that there are numbers of concerned people in country areas volunteering their time and efforts towards recreation for aged citizens—

(1) Has the Minister arranged for these courses of instruction to be made available to people in country areas where there is a request for it?

(2) If not will he be good enough to organise such instruction?

The Hon. R. G. PIKE replied:

I thank the honourable member for some notice of this question, the answer to which is as follows—

(1) Yes, in keeping with the humanitarian policy of the O'Connor Government.

(2) Details of location, time, venue, etc. are still being organised and I have requested my department to advise the. member as soon as arrangements can be finalised.