

Legislative Council

Tuesday, 28 September 1982

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.15 p.m., and read prayers.

ROAD TRAFFIC AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

WESTERN AUSTRALIAN MARINE BILL

Assent and Royal Approval

Message from the Governor received and read notifying assent to the Bill and stating that he had sought the approval of Her Majesty to clause 2.

QUESTIONS

Questions were taken at this stage.

POLICE: CRIME

Commission: Ministerial Statement

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.52 p.m.]: I seek leave of the House to make a statement in relation to the proposed national crimes commission.

Leave granted.

The Hon. I. G. MEDCALF: The Commonwealth Government has proposed the establishment of a national crimes commission. Details of the Commonwealth proposal are contained in a Commonwealth paper attached to a Press release of the Commonwealth Attorney General dated 3 September 1982.

As a result of the existence of organised crime in Australia as revealed by recent reports of a number of Royal Commissions, task forces, and investigative bodies, the Commonwealth has proposed that a national crimes commission be given a general charter to investigate organised crime. In particular, it is envisaged that the commission could investigate as and where it sees it appropriate to do so; for example, in areas of white collar crime, corruption of officials, and public bodies.

The Commonwealth envisages that the commission would be subject to ministerial direction but not so as to hinder specific investigations or inquiries. The commission would not report to the Government, as do Royal Commissions. Rather, it would have an annual report and use the information and evidence it gathers to support and obtain criminal prosecutions.

The proposed national commission would have three principal features distinguishing it from existing law enforcement agencies. The commission would possess special powers; for example, power to issue subpoenas and search warrants, which Police Forces do not possess. Secondly, the commission would have the ability, as an expert body, to attract personnel having the requisite expertise. Thirdly, the commission would have access to equipment to enable sophisticated intelligence gathering and analysis.

The Commonwealth proposal amounts to a type of standing Royal Commission which, however, differs from traditional Royal Commissions in that—

- (1) its activities would not be directed to the production of a formal report for the Government, but rather to investigation with a view to prosecution and passing on information to the relevant Police Force;
- (2) counsel assisting the crimes commission would be selected with a view to being the ultimate prosecutor;
- (3) the primary objective of the crimes commission would be not to produce a report for the Government, but to put together evidence for a prosecution, where a prosecution was appropriate;
- (4) hearings when the crimes commission was investigating possible criminal offences would be in private;
- (5) self-incrimination would be expressly made a lawful excuse for declining to answer questions or produce documents; immunity for a witness could be sought by the crimes commission where considered appropriate as to use of his evidence in subsequent proceedings; and except where immunity was granted, the evidence would be admissible in other proceedings, including proceedings against the witness, subject to normal evidentiary rules;
- (6) the commission would not be permitted to name persons in public reports as suspected of committing criminal offences; and
- (7) it would not ordinarily examine orally under subpoena the principal target under investigation.

The Commonwealth proposes that the commission be established by Commonwealth legislation supplemented by parallel powers and functions conferred by State laws. Its duration would be initially limited to five years with renewal at the discretion of the Commonwealth Parliament.

In view of Australia's constitutional system, organised crime comes within Commonwealth, State and Territory criminal laws. It is therefore in my opinion essential that the establishment of any body, which will have as its function the investigation of organised crime, should be supported by requisite powers and authority from all Governments in Australia under the terms of an inter-governmental agreement.

If legislation is required to establish a national criminal intelligence commission or a national crimes authority or commission—hereinafter referred to as "the national body"—or to confer upon it special powers, such as the ability to issue subpoenas and search warrants, the legislative model used to establish the companies and securities laws in Australia could be most profitably followed; that is, the enactment of Commonwealth legislation for the Territories—pursuant to the Territories power, section 122 of the Constitution—and State legislation adopting the provisions of the Commonwealth legislation and adding thereto in so far as that is necessary.

The national body should be under the general control of a ministerial council comprising Ministers as nominated and representing the various participating State, Commonwealth and Territory Governments. Again, this arrangement could be modelled on the national companies and securities scheme whereby the commission is subject to a ministerial council.

The national body would itself comprise persons of integrity and experience appointed by the Governments after consultation. Thus, for example, the chairman could have the status of a judge or Royal Commissioner.

A Press release issued by me on 29 August 1982 sets out in some detail a proposal I then made for a national criminal intelligence commission. That proposal has been modified and amended as a result of discussions with the Minister for Police and Prisons, as appears in this statement, which now represents in broad terms the view put to the joint meeting of Attorneys General and Police Ministers on 24 September.

There will, of course, be a need for specific inquiries into particular subject matters or areas of criminal activities. These subjects and areas no doubt will be identified by the Australian Bureau of Criminal Intelligence and by the national body. When a subject has been identified, recommendations would be made to the ministerial council that there be a specific investigation set up with, for example, the status of a Royal Commission. The ministerial council or any participating

Governments would decide whether or not to set up the particular special commission.

Prosecutors could, from time to time, be used as consultants advising on such matters as the admissibility of evidence and the burden of proof.

The control of the use of any additional powers—for example subpoenas, search warrants, telephone and electronic interception, and access to Government information—which well may be needed during the course of specific investigations, should be vested in the chairman of the national body; that is, investigators should not be able to exercise such powers on their own authority. When the need for special powers arises, investigators should be able to go to the national body, its chairman—and, perhaps, its members or delegates of judicial status—to obtain the requisite authority to search and intercept.

The Australian Bureau of Criminal Intelligence should be suitably upgraded and upfunded and provided with adequate technological and manpower expertise. Its prime functions would be intelligence gathering and acting as a repository for information.

The present proposal may be summarised briefly as follows—

- (1) There appears to be a need to tackle organised crime on an Australia-wide basis.
- (2) To succeed this must effectively be a joint Commonwealth/State/Territory exercise arranged by means of an intergovernmental agreement supported by legislation if necessary.
- (3) Any new body must be organised on economical lines and must avoid duplication with existing arms and services.
- (4) A national body of limited life duration—say, five years—could be established with a co-ordination and supervisory role. It should have as its chairman a person of judge or Royal Commissioner status.
- (5) The Australian Bureau of Criminal Intelligence could be suitably upgraded and upfunded, but retain its existing role. It would be backed by Commonwealth and State law enforcement agencies.
- (6) The national body would be under the general control of a ministerial council composed of a representative of each participating Government.

- (7) The national body would liaise with and co-ordinate specific investigations to be made by special commissions from time to time.
- (8) Such special commissions would be appointed as and when required by particular Governments separately or in combination and would have the back-up of the Australian Bureau of Criminal Intelligence and be granted exemplary powers for specific tasks.
- (9) The special commissions could use prosecutors as consultants and report first to the prosecuting authorities, Commonwealth and State, rather than to Governments as such.
- (10) Safeguards in relation to civil liberties along the general lines outlined by the Commonwealth would be built in to all procedures.

GAS UNDERTAKINGS 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) [3.01 p.m.]: I move—

That the Bill be now read a second time.

The Government has taken note of recent indications in the Press of considerable trading in the share capital of Fremantle Gas and Coke Co. Ltd. This has given cause for concern that this company could be the subject of a take-over which could affect seriously the continuity of gas supply to consumers within the company's franchise area.

As a consequence, a review of the governing legislation and the obligations and responsibilities of gas undertakers has been carried out and the Government has decided that amendments to the Gas Undertakings Act 1947-1978 are necessary in order to safeguard the reticulation system and the interests of consumers.

The supply of gas by a gas undertaker to its consumers should be protected to the greatest extent possible and the powers of the Government have been strengthened in this regard. This Bill seeks to impose on gas undertakers a more positive statutory duty to supply gas than that which exists at the present time.

A notional statutory obligation also is imposed for the assets acquired by a gas undertaker in the

course of carrying out that duty, to hold them for the purposes of the future discharge of that duty. The obligation to hold the property is reinforced by a prohibition on disposal without the consent of the Minister. The prohibition is broken down into two categories.

Firstly, it applies always to land and interests in land vested in the gas undertaker and can be applied to specific other property of the gas undertaker. However, property used in the normal and ordinary course of the business of supplying gas has been excluded.

The Government believes that the imposition of these obligations and restrictions will assist in ensuring the continuity of gas supplies and, at the same time, act as a deterrent to any person contemplating the acquisition of the company for the purpose of asset stripping.

The accounting and financial provisions of the Gas Undertakings Act are considered to be outdated and may be easily flouted. Therefore, a new provision is included in the Bill which will give the Minister an element of discretionary control over future operations.

The Government is very conscious also of the restrictions on the dividends that can be paid out of profits by gas undertakers. The opportunity has been taken to consider legislation operating in other States and, in particular, that recently enacted in New South Wales.

Therefore it has been decided that some increase in the level of dividend payable by gas undertakers is justified, and members will observe that provision has been made that will enable a gas undertaker to pay a dividend to its shareholders which is more fair and equitable than is allowed at the present time. However, in an endeavour to prevent these provisions being flouted, a gas undertaker no longer will be able to increase its capital without the Minister's approval.

The Bill also contains powers which enable the Government to take action in the event that there is a default in the duty to supply gas. Here again the powers are in two stages.

The first stage will enable the Minister to make inquiry and force disclosure by requiring a gas undertaker to show cause and, if appropriate, to furnish security to the Treasury which might be by way of a fixed investment deposit with the Treasury but on which the gas undertaker would continue to receive interest.

The second stage, which can be used independently of the first, would authorise the Public Trustee, or some other person appointed pursuant to these new provisions, to go into possession as a receiver and manager and, if necessary, use the

State Energy Commission as his employee to carry on the business of supplying gas. The Public Trustee is given a specific power to seek directions from the court, and the State Energy Commission is answerable to the court.

Provision is included for a vesting order made under these amendments to be communicated to both Houses of Parliament, and ratified by a resolution of each House, failing which it is deemed to be revoked. Provision is made also for entry to the gas undertakers property, where emergency measures are required to safeguard supply, or to prevent danger or damage.

The Bill sets out the powers of the Public Trustee, or the person appointed by the order and provides for revocation of the vesting order and for indemnities.

Members will appreciate that a great amount of research and thought, supported by legal opinion, is reflected in these proposed amendments, which it is believed will greatly ensure the continuity of the supply of gas to consumers, and protect them from any prejudicial effects of a possible asset-stripping operation.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Fred McKenzie.

ACTS AMENDMENT (RESERVES) 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) [3.07 p.m.]: I move—

That the Bill be now read a second time.

This Bill contains amendments to part III of the Land Act, which deals with Crown reserves, as well as complementary amendments to the Parks and Reserves Act. The purpose of the amendments is to assist the effective control and management of Crown reserves and to generally update or streamline some sections in the interests of administrative flexibility.

Principal amendments to part III of the Land Act relate to—

enabling the Governor to create reserves for any specified purpose rather than continuing to define and update all the multiplicity of required purposes within the Act;

empowering the Governor to impose conditions and limitations in vesting orders

which vest the control and management of a reserve in a board of management; these powers include provision, where warranted, for the submission of working plans for the development, management and use of the reserve land for its purpose;

power to enable the Governor to revoke vesting orders whereby reserves were placed under the control of boards of management, as required; in cases of revocation, provision has been made for the protection of rights of third parties such as lessees or licensees;

authority for the Minister rather than the Governor to accept the surrender of land granted in trust for any public purpose; and

provision for the proclamation of reserves classified as Class "B"; whereas at the present time the Act stipulates that reserves may be classified Class "A" by proclamation, the Act is silent as to the means by which reserves shall be classified Class "B".

In the interests of uniformity, it is proposed that Class "B" reserves be classified by proclamation also. The amendment validates all previous classifications.

Additional amendments relate to the repeal of outmoded provisions which no longer are utilised, and these contain minor consequential amendments relating to the principal amendments.

The existing provisions of the Act, which have been confirmed as requiring that all alterations to Class "A" reserves require submission to Parliament, have been retained and a validation of previous approvals by the Governor to add additional land to existing Class "A" reserves has been included.

In respect of the Parks and Reserves Act, it is necessary to make a complementary amendment to those provisions which empower a board of management to issue licences for depasturing stock on a reserve or for the removal of sand, gravel or other like material from a reserve. Bearing in mind the possible provision of a reserve management plan, it is provided that prior ministerial approval to the grant of such licences is required.

A further amendment is proposed in the interests of consistency in view of the Land Act amendment which could revoke vesting orders over reserves. This amendment will ensure that by-laws in existence at the time of revocation will cease to have effect.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Fred McKenzie.

BILLS (2): RETURNED

1. Bail Bill.
2. Acts Amendment (Bail) Bill.

Bills returned from the Assembly with amendments.

**OFFENDERS PROBATION AND PAROLE
AMENDMENT BILL***Second Reading*

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [3.12 p.m.]: I move—

That the Bill be now read a second time.

A number of provisions are contained in this Bill which will further streamline the treatment and rehabilitation of offenders who are released on parole or under probation or community service orders. At the same time, a number of amendments relating to the administration of the Parole Board and the Probation and Parole Service also have been included.

As a result of the restructuring of the Probation and Parole Service by the Public Service Board, the titles of the Chief Probation and Parole Officer and his deputy have been changed to the Director, Probation and Parole Service, and Deputy Director, Probation and Parole Service, respectively. Provision has been included in the Bill for such appointments to be made by the Governor.

There are a number of references to these officers in the Act which will require amendment and provision for this is made in the Bill.

Included in this Bill also is a proposal to reduce the minimum probation period from 12 months to six months. It will be appreciated that probation is an alternative to imprisonment. It consists of the conditional suspension of punishment while the offender is placed under the personal supervision of a probation officer and is given guidance, counselling and assistance for his rehabilitation in the community.

The question of reducing the minimum probation period was considered by the committee of inquiry into the rate of imprisonment, under the chairmanship of Mr O. F. Dixon. The committee's conclusion was that there are, in fact, cases where the shorter term could be of considerable value to an offender and that such a provision should be available to the courts.

There already exists a provision in the Act under which an offender can be taken back to court and a probation order can be amended or discharged. This means that if six months becomes the new minimum term of probation, and

the offender attains the goal or purpose set by the court, the matter could be referred back to the court at the end of, perhaps, three or four months, and the circumstances reviewed.

The court would then have the option of discharging the order or amending it in some other way. This amendment is seen by the Government as providing offenders with an incentive to achieve a goal or purpose which has been set for them whilst still continuing to allow a discretionary role to the courts.

Section 9 of the Act requires that where an offender is placed on probation a supervising court shall be appointed. Any action for breach of probation must now be taken before the Court of Petty Sessions making the probation order, or the supervising court.

Although provision is made in the legislation for the substitution of some other supervising court, some delay in this substitution is inherent. It can and does occur in a State as large as Western Australia that considerable cost is involved in the apprehension of a person in breach of probation and his subsequent appearance before the supervising court.

It is intended that the Act be amended to allow a probationer in breach of his probation to be taken before any court of appropriate status to be dealt with. This should enable breach proceedings to be taken more expeditiously and, at the same time, reduce expenses which might otherwise be involved in transporting and escorting a person to the supervising court. Arrangements will be made administratively so that proper background material is placed before the court dealing with the breach proceedings.

A further refinement to the community service order scheme has been proposed to the Government. The community service order scheme has proved to be very successful for selected offenders, and it is hoped that further refinements will be possible in the future.

A recent amendment to the Road Traffic Act will enable a court to use community service orders as a sentencing option for selected traffic offenders where excessive consumption of alcohol is an associated problem. In order to make the greatest impact on those offenders involved in community service orders, it is considered that, where suitable, they should be required to participate in the alcohol education programme as part of that order should the court consider it to be a desirable course of action.

It is proposed that the Act should be amended so that a court may also, where appropriate, make it a special condition of the community service

order that the offender participate in an educational programme as directed by the Director, Probation and Parole Service.

Initially, it is intended that those offenders would be required to participate in the alcohol education programme for up to 25 per cent of total period of the community service order, but other education programmes could be included at some stage in the future. More than 30 officers of the Probation and Parole Service have now been through the Holyoake Institute training course on alcoholism, so the service is in a good position to provide the support necessary to those participating in the programme.

A court would need to be satisfied that the person involved was suitable for inclusion in the programme and that there were facilities at a location convenient to the person's place of residence.

It is intended also that any breach of a community service order issued by a court would be capable of being dealt with at any Court of Petty Sessions. This would bring breach action on community service orders into line with that proposed for breach of probation. The reasons for this are identical with those outlined earlier.

Certain matters relating to Parole Board membership are also included in this Bill. The first of these relates to the appointment of a deputy chairman. Under the Act, the Chairman of the Parole Board is a Supreme Court judge appointed in writing by the Chief Justice, but there is no provision for the appointment of a deputy chairman.

In the event of the appointed judge not being able to fulfil his duties as chairman, the Chief Justice nominates another judge to take over that position. It is possible that the nominated judge may, at very short notice, be unable to fulfil his duties as chairman, in which case a meeting of the board could not be held. It is therefore intended that the Act be amended to permit the appointment of the longest-serving member of the board to act as chairman in such instances.

The Director of Prisons is, by virtue of his position, also a member of the Parole Board. No provision is made for the appointment of a deputy to represent him in the event that the duties of his office prevent him from attending meetings of the board. His duties are such that emergency situations do arise from time to time which prevent his attendance at board meetings.

It is desirable that he be able to authorise another officer of his department to attend such meetings in his stead and a suitable provision is included in the Bill.

A further matter relates to the question of remuneration for the Supreme Court judge who is chairman of the board. The Chief Justice and other judges take the view that the judge who is appointed chairman should not receive any remuneration in addition to his judicial salary. In practice, administrative action was taken in 1977 to cease paying any remuneration to the chairman of the board, but it was suggested that the matter be clarified in the Act when a suitable opportunity arose. The amendment to section 25 will achieve this.

The remainder of the Bill deals with various amendments which are consequential to the matters I have outlined, as well as certain transitional provisions which are necessary to the on-going operation of the Act.

I commend the Bill to the House.

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

MILLSTREAM STATION ACQUISITION BILL

Third Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [3.20 p.m.]: I move—

That the Bill be now read a third time.

I would like to make a few comments on some parts of the debate that occurred in this House. It was suggested there had been a lack of consultation with the Aboriginal community. I want to place on record that that is not correct. As late as 31 August, the Minister received a deputation which comprised Mr Robert Isaacs, Chairman of the Aboriginal Lands Trust, Mr K. Morgan, Secretary of the Aboriginal Lands Trust, Mr P. Marabella, of the Aboriginal Lands Trust, Father John Gherardi, Mr Woodley King, and Mr Long Mac, both of Roebourne. As I understand it, they were pursuing a question of a lease of a small area of land on Millstream Station to establish facilities to rehabilitate alcoholics in the Aboriginal community of Roebourne. Talks are progressing, and some problems are being discussed with the strong hope by the Minister that these will be overcome and the request will be supported.

I am advised by the Minister that he can see no problem in dealing with the Aboriginal elders who have a strong interest in that area.

One other matter was raised relating to goods and chattels and assets that were being purchased by the Government from the Kennedy family.

The Hon. H. W. Gayfer interjected.

The Hon. G. E. MASTERS: Yes. Some concern was expressed by at least one member as to the fate of the tavern. The tavern is leased by J. G. and M. Eramia on a nine-year lease which, I understand, was taken out on 22 February 1982, and will run its term. So not only will water be available at Millstream, but also other liquid refreshments.

THE HON. P. H. LOCKYER (Lower North) [3.22 p.m.]: I place on record my appreciation of the Minister's comments. I said in this House last week that the questions were nit-picking, and I have not changed my mind in relation to that. I am delighted arrangements have been made with the Government for the tavern to continue operating. We should never forget the tremendous part that tourism plays in Australia; it is the world's biggest business. It is important that the Millstream area should be open to all tourists who visit the north. Tourism has increased State-wide by 40 per cent due to the Government's great efforts in upgrading roads. It would be a sad day if people had to go to Millstream and were unable to get a drink. No-one forces them to go to the tavern and have a beer, but it is nice to have something available, not just the alcoholic beverages and soft drinks, but also the service station which is important to tourism. The place will be returned to the State and it will be available for water supply purposes. I am delighted that the Minister has given an undertaking that the facilities will remain.

The Hon. H. W. Gayfer: There will be a tavern in the town.

The Hon. P. H. LOCKYER: The Hon. Mick Gayfer will appreciate that, as I would. I am delighted the Government was strong on this matter and was not put off by a few fairly insignificant interjections during the debate.

The Hon. H. W. Gayfer: Is the debate closed?

The PRESIDENT: No it is not.

Question put and passed.

Bill read a third time and passed.

PRISONS AMENDMENT BILL

Second Reading

Debate resumed from 21 September.

THE HON. FRED MCKENZIE (East Metropolitan) [3.25 p.m.]: This Bill contains a few minor amendments to the Prisons Act. As the Minister pointed out in his second reading speech, some anomalies have become apparent since the large amount of work undertaken to rewrite the Act in 1981. We have no argument with the amendments; in fact, we support them.

The Hon. G. E. Masters: Thank you.

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.

MINE WORKERS' RELIEF AMENDMENT BILL

Second Reading

Debate resumed from 21 September.

THE HON. R. T. LEESON (South-East) [3.28 p.m.]: On several occasions the Mine Workers' Relief Act has been before us for amendment. The Act was first introduced in 1934 so that mine workers would receive some compensation in respect of silicotic diseases which they were contracting as a result of their work at that time, and which they are still contracting at this time.

Over the years I have spoken about the problem of industrial diseases on many occasions, and I do not intend to debate the matter at length at this time. Five years ago it was decided to wind up the Mine Workers' Relief Fund; because of the strengthening of the industrial disease provisions in the Workers' Compensation Act it was found that the fund was no longer required.

Two years ago a Bill was introduced in this House to wind up the fund and to disburse approximately \$2 million to people who had been receiving a small benefit of \$4 a week over those years. It was found that people over the age of 65 who were still receiving the last portion of their compensation were unable to receive a lump sum payment. The Bill before us at the moment will overcome that problem.

I commend the Government for its decision on this matter as it will enable the workers to receive sums of money—from \$200-odd to a maximum of just in excess of \$1 000—as lump sum payments to wind up the fund. I believe these workers are justly entitled to some small recompense, and I am sure all members in this place agree with me.

I support the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

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

ROAD TRAFFIC AMENDMENT BILL (No. 2)*Second Reading*

Debate resumed from 21 September.

THE HON. J. M. BERINSON (North-East Metropolitan) [3.32 p.m.]: I should make it clear in the first place that the Opposition has decided that its members should exercise a free vote on this legislation. Therefore, I do not purport to speak for others when I indicate my own support for the Bill.

This Bill was debated at length in another place, and I do not propose to cover all the same ground. Certainly I will not cover the same ground at the same length. However, one provision in the Bill does seem to call for comment, and that is the provision described by the Minister for Police and Prisons as the most important single provision of the Bill. Certainly it is the most novel and onerous. I refer to clause 13, the object of which is to make it an offence for a probationary driver to drive a motor vehicle with any detectable level of alcohol in his body.

I have heard it said against this provision that it is too harsh, and that it discriminates against teenagers who constitute the greater majority of probationary drivers. It has been said also that it is a weakness of the proposal that it is unsupported by any objective assessment of its likely effectiveness. The third of those objections has to be conceded, of course. We heard from the Minister that Tasmania has had a similar measure for something over 10 years, but that no scientific assessment of its effectiveness has been conducted in that State. That is a shame.

On the assumption that the Bill will be passed, I hope that an analysis of its effectiveness will be undertaken by our own authorities, if only as a guide to authorities elsewhere. However, in spite of the absence of that sort of objective evidence, it appears to me this proposal is supportable on grounds of common sense.

We do know some things: For example, we know a well-established correlation exists between drink-driving and accidents; we know as well a well-established correlation exists between inexperienced driving and accidents. Compounding

those two elements seems to me to be clearly undesirable and appropriate to the imposition of a strong and, one would hope, effective deterrent.

At the risk of betraying some small authoritarian streak in me, I must admit that I am attracted also by the Minister's argument that it is a good idea to emphasise from the earliest stages of a driver's career that drink-driving is dangerous and socially unacceptable.

To that I would add one caution which goes to the way in which the early administration of this provision might be implemented. This is a rather drastic provision and, on that count alone, it calls for more than ordinary notice to those who are likely to be affected. This is not a case where we can rely safely on the maxim that ignorance of the law is no excuse; nor should we assume that our proceedings are so well followed or so well reported in the Press that all our existing probationary drivers will know about this legislation without anything further being done.

This seems to me to call for a special media campaign to put probationary drivers on notice and I invite the Minister to give the House some commitment to that effect. Of course, I take it for granted that appropriate emphasis on this provision will be provided to all future probationary drivers as they receive their probationary licences.

Somewhat similar considerations apply to clause 16 of the Bill, which rewrites the current requirements relating to refusal to provide a sample. A refusal of this nature already is a serious offence, but it is to be made even more serious by equating the penalties for it with the penalties applying to a conviction of driving under the influence.

It is normally assumed that a refusal to give a sample really is the equivalent of an admission of guilt. Against that it is possible to conceive of other reasons, but, in any event, given the new and more drastic consequences of a refusal, this change also seems to justify a specific warning at the point of the offence, or the point at which the offence seems about to occur. I suggest that, where a driver has been apprehended and asked for a sample of breath which he refuses to give, before further action is taken, he should be given clear notice, preferably in writing by way of a small card, as to what are the legal consequences of such a refusal. I make that proposal in line with my earlier proposition in respect of probationary drivers.

A further question arises on clause 16: The Minister for Police and Prisons has said elsewhere that it is not intended to seek convictions both for refusing a test and for driving under the influence

where the test eventually is taken. Now that the refusal to take a test is to be treated as the equivalent of an offence of driving under the influence, a very serious question arises as to whether there should be any circumstances in which an apprehended driver should be charged and open to conviction on both counts. There seems to be a very serious element of double dealing in that.

On the face of it, it is an element which is excessive and unfair and I do not see, in this context, that the safeguard applying to people who eventually take the test after an initial refusal should be withheld from those who maintain that refusal.

While the consequences of the conviction on both charges is serious enough, at the point at which those convictions are made it seems to me also, if I understand the position correctly, that further serious consequences apply in the event of any future offence.

I refer here to clause 16 of the Bill and to proposed new section 67(4) which this Bill seeks to enact. This subsection provides that, "For the purposes of subsection (3)" which subsection establishes penalties for first and subsequent offences, "where a person is convicted of an offence against this section any offence previously committed by him against... section 63... of this Act" which section relates to driving under the influence, "shall be taken into account and be deemed to have been an offence against this section... in determining whether that first mentioned offence is a first... or subsequent offence..." Following that there is an exclusion clause withholding this result from offences for which convictions have been obtained prior to this Bill being enacted.

Under the present administration of the Act that seems to carry with it the result that a person refusing a test can be convicted for that and suffer a penalty equivalent to a penalty for driving under the influence. At the same time he can be convicted also for the substantive offence of driving under the influence. Should the occasion arise when he commits what would normally be a second offence—that is, he is apprehended at some later stage and again refuses to take a test—although he has been apprehended on only two occasions, he will be liable to punishment as for a third offence which carries with it permanent disqualification from holding a driver's licence. That adds up to a most extreme and, I would think, unintended effect. It ought not be permitted by the future administration of the Act.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. J. M. BERINSON: I come next to the Minister's comment, which goes to another question of administration, and is not, strictly speaking, related to the Bill. At page 8 of his printed notes the Minister had this to say—

At present the Traffic Board has power under the Act to refuse to issue or may cancel or suspend a driver's licence, where it has reason to believe that the applicant is addicted to alcohol or drugs. It is proposed that the board will exercise this power administratively in the case of second or subsequent offences within a five-year period and require acceptable written confirmation from the Alcohol and Drug Authority or a medical practitioner that the applicant is not addicted to alcohol or drugs, before reissuing a licence.

This intention strikes me as both improper and silly. It is bad enough that the Minister for Police and Prisons should advocate it, but our Minister here, with the benefit of a second look and further consideration is enthusiastic also in support of this sort of measure, and that is really quite sad.

The intention of the Minister in this respect relies for its source of power on the provision of section 49(1)(b) of the Act. That section reads as follows—

The Authority may refuse to issue a driver's licence, or may cancel, suspend or refuse to renew a driver's licence, where it has reason to believe—

I emphasise the words "has reason to believe" and continue—

—that the applicant for, or the holder of, a driver's licence—

(b) is addicted to alcohol or drugs to such extent as to render him a danger to the public when in control of a motor vehicle on a road;

As can be seen from that passage, the board is required to have a reasonable belief that a driver is in fact addicted to drugs or alcohol, but we are not told the board is to be required to believe that that is always so where there have been two or more convictions. If that is the intention it ought to be legislated, not implemented by way of administrative decision. I would be prepared to consider a proposal of that sort if it came forward by way of enabling legislation, although I must say that, even with my unlimited loathing of drink-driving, I suspect I would not be likely to support the legislation.

The proposed course adopts the worst of all worlds, and apart from any other consideration it is an open invitation to a legal challenge, and on

such a challenge I would not like its chances. In this context the Minister might enlighten us on the application of this direction where a driver is convicted under section 63 at one time for driving under the influence of "pot", and is again convicted under section 63, say, four years later for driving under the influence of alcohol. Under the administrative direction outlined to us, that driver would lose his licence in the purported exercise of the power of section 48(1)(b) for being addicted to alcohol or drugs. But what precisely would the board claim to believe reasonably: That he is addicted to alcohol or that he is addicted to drugs? On any ordinary meaning of "addicted" there would surely be no evidence of either.

If that is thought to be a strained example—I do not believe it is—I would add that the same considerations would have to apply even when over a four-year period there are two convictions of driving under the influence of alcohol.

As for the further requirement that the Alcohol and Drug Authority or a general practitioner should confirm that the applicant is not addicted, how on earth are these to know except on the basis of what the applicant tells them or some limited and inconclusive contact? The pattern in this situation will almost certainly take the form of statements in the negative; that is, the authority or the general practitioner will certify that "I" or "We have no reason to believe" rather than give any sort of positive certification that "I" or "We confirm that he is not".

Certification in that negative form is as persuasive as no certification at all. Certainly this appears, as I have already said, to be both an improper and unwise intention by the Government. We are unable to do much about it as a House because it is not part of the legislation before us, but the least I think we ought to do is to tell the Government to have another look at, and a rethink of, the position.

I do not think it is necessary to launch into any lengthy diatribe against drink-driving or to express one's abhorrence of it. I confess to have very strong feelings on this matter and no doubt from this emerges the support I have given to the very serious and strict measures proposed.

I was once in a position of assisting duty counsel at the East Perth Court on what is called, "drink-drivers' day". As some members may know, I came to the law late in life and the duty counsel I was assisting was half my age. On leaving the court he complained to me about how strict the magistrate was; almost, as he put it, to the point of being unfair in relation to the penalties imposed. I think my young friend was rather

disappointed in me when I suggested that anyone who had been through the court that day was lucky to have had the magistrate they did rather than me, because in the latter case they would have ended up in a much worse position.

The lasting effect of that day was to change my previous impression of the risks of drink-driving that had been based until then, on the actual injuries and damage caused by drunk drivers. What staggered me on that day was the realisation of how lucky we were that so few people are injured and maimed by drunk drivers. The accounts of people speeding in busy streets, crossing red lights, and weaving in and out of heavy traffic not only were horrifying but also made one realise that what one sees in the actual accidents and the killing and injuries statistics is only the tip of the iceberg.

The drink-driving problem is not just a criminal offence. It is a social offence and it is antisocial activity of the worst kind. Whilst the penalties now to be imposed may to some people seem severe, as far as I am concerned they are no more than proper.

THE HON. R. J. L. WILLIAMS (Metropolitan) [4.12 p.m.]: I am forced to my feet in relation to this Bill in so far as I share, as does every member in this House, the abhorrence of drink-driving expressed by the Hon. Joe Berinson. We in this State are not doing enough in this regard. The Hon. Joe Berinson said it is a social offence as much as a criminal offence and we do precious little to prevent our people from behaving in an antisocial manner. It is characteristic of the Australian way of life to encourage the youth of this State—and I can speak with some authority in regard to this State—to be brave, have a few drinks under their belt, and get behind the steering wheel, and this results in the carnage that we know.

We will not cure that sort of behaviour in any shape or form by the drastic punishments meted out to the youth today. One step which will help is to train the probationary driver. It must be entrenched in his mind that he must not drink and drive, or he will lose his licence in very quick order.

I would like to see a training scheme involving social behaviour introduced for children of five years of age when they commence school and for it to become an integral part of the school programme. I say this because parents today, not in the majority but in the minority, do not appear to be teaching their children the social implications of our society and the social behaviour which is required in order to maintain a decent standard.

We need to educate children from an early age of the dangers of alcohol and drugs—both of them are drugs—to the human being. This procedure, as I have said before in this House, is carried out in Canada. When the Hon. Graham MacKinnon was Minister for Education I gave him an entire set of books relating to the Canadian system. I understand they were taken to the Education Department in order that it could investigate the Canadian system, but they have been swallowed up and nobody knows where the books are now. The entire education system must be restructured to get away from the punitive ideas we have about drink-drivers.

The Hon. J. M. Berinson: Might it not be the case that we need both?

The Hon. R. J. L. WILLIAMS: At this stage of our development I would say that what the Hon. Joe Berinson just said is very true. We do need both now but I would suggest that within two decades, with proper education, this Bill would appear to be horrific to the people of that day.

We have failed to implement meaningful programmes to assist people who are addicted, and who drive; indeed, I believe that was one of the original purposes of the establishment of the Alcohol and Drug Authority.

Earlier this afternoon, we heard the second reading speech on the Offenders Probation and Parole Amendment Bill, one of the main provisions of which was to reduce the minimum period of probation from 12 months to six months. I suggest the court could order that people undergo rehabilitation programmes; in fact, it could become the duty of the ADA to establish such retraining programmes. No-one can tell me it cannot be done, because it is being done at a hospital site in Victoria; a device something akin to the link trainer is being used.

The myth among drivers who drink is that a couple of drinks makes them better drivers. Under the system established in Victoria, their reactions to driving under certain road conditions, and affected by varying degrees of alcohol, are measured and filmed. These people are literally staggered the next day when they view a film of their performance. I do not know whether the research yet has produced any valid figures as to the recovery rate of some of these people; however, it was hoped—and I do not think it was a vain hope—that more than 70 per cent of the people rehabilitated in this manner would never again commit such an offence.

The Hon. Joe Berinson referred to the number of young people being convicted today. The police

have the worst possible task in apprehending people for drink-driving offences. Those charged must go through the rigmarole of testing and—for the first time for most of them—the horrific experience of being photographed, fingerprinted, and placed behind bars. This is the sort of treatment people can expect for committing what has been described as a “social” offence. In next to no time, the fears of many people have come to fruition; namely, that the young people of today have come to detest the police of today. That does not worry the police; they have a job to do; they are only enforcing the laws we make.

It is a fact that the motorcar has contributed towards creating a social situation in which people quickly can become criminals. These people are treated as criminals: They are charged, fingerprinted and photographed and must be subjected to all the paraphernalia of the courtroom. However, precious little rehabilitation is offered to these people.

If we are honest, I am sure we could all think of occasions in our past when we have offended against the drink-driving laws of this State. Let us take the situation of a young man of 18 years, who spends his evening at a party, and is apprehended on his way and charged with a drink-driving offence. He may only have been behaving in a stupid manner, and not have caused any damage to property. His conviction has a very salutary effect on his behaviour, and he suffers the indignity of having his licence suspended and having his mates make a great joke about his catching the bus to work, and having to arrange lifts and the like. Then, perhaps five or six years later, he makes another slip and is charged again. Under this legislation, he will know that his next offence will mean a mandatory prison term. If a person commits an offence at the age of 19, that record will follow him everywhere. When he applies for a job, and must fill out a form which says, “Have you any convictions for drink-driving?” he will be disadvantaged.

I believe that after a period of seven years of driving during which time no similar offence has occurred, the first offence should be expunged from the record. Additionally, although I understand the reason for fingerprinting—I am not going to state it in this House—I do not see the need for this practice. Also, as drivers in Western Australia or, for that matter, in any other State, do not carry drivers’ licences with photographs of the holders, I do not see why we should photograph offenders, either; it is a waste of time and money.

My main quarrel with the legislation is that very little real attack is to be made on the prob-

lem; the Bill will have the effect of bringing the police and the Government into even more odium, to the point where they will be regarded merely as revenue raisers. In the case of the police, that is totally untrue; but whichever Government is in office, it will be accused of implementing harsher penalties for revenue raising purposes. If 50 per cent of this revenue then is fed back into an organisation like the ADA with the express intention of carrying out rehabilitation programmes on convicted drivers, there may be some purpose to harsher penalties.

I do not propose to move any amendments; I intend to support the legislation. However, I hope the Minister will convey to the Minister in charge of the Bill the unhappiness many people feel about our present drink-driving laws. We are making the police responsible in this area when I do not believe they should be; they are simply carrying out the requirements of the law. I do not think they should suffer the odium of being the law enforcers, without some support programme being instituted.

I have talked this afternoon about the single offenders; I have not talked about the perpetual offenders, at whom this legislation appears to be aimed. Those people present a very different problem. I say to the Hon. Joe Berinson that if people have registered themselves as addicts with their doctor, or a Government agency—as many of them have—it is not necessary to conduct a medical screening to establish that fact. Tests can be carried out by the ADA which could state very positively that the person no longer was addicted to the drug to which he was known to be addicted.

The Hon. J. M. Berinson: I was referring only to what you might call “deemed addicts”—people who are deemed to be addicts because they have two convictions within a five-year period.

The Hon. R. J. L. WILLIAMS: I take the point; it partly supports my argument. We have an agency within the State which can do this, provided it is allowed to expand. Unfortunately, I believe the ADA has become virtually another Government department and has lost its original enthusiasm and pioneering spirit in the field of rehabilitation in this State.

One can see that evidenced by other organisations which are mushrooming and persuading us to give money, saying they are the only people who can cure. Of course, that is a load of rubbish. Any body which is set up properly can cure anything, provided it has support. Not one organisation in the world has a complete monopoly on the treatment of any addict. All addicts are individuals, and they should be treated as such.

I am not very happy with the provisions of the Bill. We are not making sufficient use of the facilities in the State. We are not supporting the Police Force in its attempts to clear these people off the roads. We will not cure habitual offenders by giving them heavier fines and even sentences in gaol. It is not done in that way.

Bless my soul, if the police make an application to the court for a person to be referred to an institution, they are usually told, “Well, that is all right, but the institution is full. We haven't got space, and we can't do this.” Consequently, I know of policemen even today—there are decent policemen; they are in the majority, in case anybody is in doubt about that—who have taken offenders aside and told them, “You are at risk. You haven't committed an offence, but if I were you I would stop driving the car. I would put the keys in my pocket and walk away.” I know of one policeman who has said, “Why don't you go and see a doctor, because I think, old chap, you have got a problem.” I know of this happening in at least five cases.

The Hon. H. W. Gayfer: It is after they have been caught driving a car, they have been told to stop driving, put the keys in their pocket, and walk?

The Hon. R. J. L. WILLIAMS: They may have been parked on the side of the road, for some reason or other. The vehicle may have had a light missing. Instead of the usual procedure, the police officers have been inclined to do some instant rehabilitation—with the grateful thanks of the recipients, I might add. More of that approach should be used by our police officers—

The Hon. H. W. Gayfer: Of course, other methods have been used, too.

The Hon. R. J. L. WILLIAMS: I am aware of the other methods which are used by callow, possibly inexperienced, young policemen. Certain cases of that nature could well have happened.

Generally speaking, I have found that members of the Police Force are tired of the frustration, and the revolving door syndrome. They catch a fellow today; he is sentenced the next day, and the police go in to bat for him and say, “We think, Sir, that he would benefit from a course of rehabilitation.” The fellow then has nowhere to go, and he is told, “The place is full. Come back in three weeks.” He is in desperate need; addicts are in desperate need.

Members should not forget that an alcoholic can be created very easily. If a person drinks four glasses of beer a day continuously for 20 years, one has an alcoholic on one's hands. Whether members like it or not, that is the definition. Be-

fore one knows it, the police have caught him again, and eventually he becomes a joke. He becomes well known at the police stations.

If the Minister wants the figures to which I have referred, they are published by the World Health Organisation in "A Guide to Addicts".

I appeal to the Minister to talk to his colleagues in the Cabinet about providing greater facilities and approaching this problem from an educational point of view—as I said, at the age of five years and onwards. If that is done, fewer people will be killed, and fewer will be maimed on our roads. We will not see the immediate benefits of that; it is a long-term project. Less charge will be made on the public health system, particularly in our hospitals, if it is done.

I will support the legislation, but I do so reluctantly. I appeal to the Minister to use all of his undoubted influence in the Cabinet to urge the Ministers not to make people into social criminals, but to support them.

THE HON. P. H. WELLS (North Metropolitan) [4.29 p.m.]: Most members would know where I stand in connection with some of the issues raised by this Bill. I will deal with the administration facilities, changes affecting young people in terms of alcohol, the advertising of campaigns, and community service orders.

I noted in the second reading speech that there will be some tightening up in terms of the driver's test. That is a move in the right direction. On Saturday evening I was speaking to a driving instructor from the United Kingdom who told me of an Australian who sought to obtain a licence in the United Kingdom, but who had no chance of passing any driving test there. He was staggered by his failure. I gather that a lot of faith is put in people when they are in charge of a motor vehicle.

I remember the first time I obtained a driver's licence. No doubt in the early days I had some nervousness; but it is reasonable that we should do something about the driving test. Despite the fact that 4 068 people were convicted of first-time offences connected with drink-driving, and despite the fact that young people are killed on the roads every day, we say, "We will do this if we can find enough staff." What are we thinking of? The lives of the people of this country are at stake and we say, "It is necessary. If we can find a few extra people, we will do it." That is not really the solution to the problem. It is not sufficient for the people in authority to recognise the problem and say that something needs to be done. The lives of the people are worth much more than the few measly dollars it would take to employ the extra

staff necessary to cover the problems associated with the driving test.

I have already received complaints about the current system of extremely long delays in giving people driving tests. One needs only to contact a driving instructor to find that students are relisted to fit in with a follow-up system. That is one area that deserves more attention by the Government.

In such an important area, one cannot depend upon finding extra staff, because we are dealing with the lives of our people. When we give a licence to a person, we put him in charge of a vehicle that could kill or maim many other people. We have a responsibility to ensure that drivers are tested adequately for their licences.

For instance, we do not say to a person seeking a pilot's test, "Yes, if we have enough extra persons, we will do the extra tests that are necessary." Because of the importance of the ability of a pilot, with 300 or 400 people travelling in an aeroplane, extra people are provided to do the testing. I suggest that if this need is not recognised and if the extra people are not found for the testing of drivers' licences, we will have an outcry in the community.

I deal now with the changes proposed for young people or for probationary drivers. The majority of probationary drivers, according to the Minister's speech, fall into the category of 17-year-olds—young people who, theoretically, cannot go into hotels, so they should not be inconvenienced by this provision.

I spent a considerable time one evening at the casualty section of Royal Perth Hospital because my daughter had been involved in an accident. If any member thinks the proposition in this Bill is not warranted, I suggest he visits that casualty section one evening and see the parents who have had their young children brought there following accidents. Members would see the trauma written on the faces of those parents because of the loss of lives.

The very fact that last year there were 4 068 first-time offenders for drink-driving offences is enough to show that the provision in the legislation that young people should not drink if they wish to drive during their probationary period is extremely desirable, and a great step forward in educating young people.

Certainly a lot of young people will not like the idea; some will believe it is harsh. Nonetheless, the provision is justified when we read the statistics we are faced with, which show the reality of lives lost on the roads.

To some degree members of the community are getting what they deserve. We have taught our

young people that it is manly to drink and if they do not drink they are wowers. I have heard that sort of thing many times in this place. This sort of idea is ingrained in our young people; we teach them that they should get used to drinking unless they want to be the odd ones out in society. The end result is that many deaths occur on our roads.

It is high time we tried to reverse this trend and called on members of the community to show some responsibility in this area. Earlier speakers have mentioned that an advertising campaign is needed to educate people against drinking and driving. I call on parents to show some responsibility and to help to ensure that this message gets across to young people. In *The West Australian* of 20 September an article appeared about a \$1 million road safety programme to be introduced by the Federal Government. The article read as follows—

The Prime Minister, Mr Fraser, has announced a \$1 million national media campaign against drink driving.

He said yesterday that the campaign would probably start later this year and continue through the Christmas-New Year holiday period.

He had written to the Premiers and the Chief Minister of the Northern Territory asking for their co-operation.

The Federal Government would contribute \$500 000 to the campaign provided the States matched that amount on a dollar-for-dollar basis.

The Premier, Mr O'Connor, said yesterday that he had not yet seen the Prime Minister's letter.

He wanted to assess the programme before committing the Government.

"But naturally we're anxious to do whatever we can to help reduce the road toll and press on drivers the dangers of drinking and driving," Mr O'Connor said.

"If it's a worthwhile programme, and I imagine it is, then we'll have to see what can be done to get involved."

I suggest that the Minister for Police and Prisons should immediately refer the matter to the Premier to ensure the State does come up with money which can be matched by the Commonwealth and used for an advertising campaign. Now is the time to act in the lead-up to Christmas.

The Minister said in his second reading speech, "Provision is made in the Bill for the courts to impose a community service order by way of a penalty on a first or second drink-driving offender." I

wonder whether an assessment was made of the number of community service order jobs which might be available in the community and which will be required to meet the number of offenders. As I mentioned earlier, last year there were 4 068 first-time offenders for drink-driving offences. Would enough jobs be available if these people were given community service orders?

In a previous debate dealing with the subject of bail I mentioned the worth of these community service orders and how the community must accept some responsibility and provide jobs to meet these orders. Community service orders are a very humane approach, a second chance approach, deserving of support by members of the community.

In this case I would like to know whether the department did its homework and established whether there will be enough jobs to handle the number of offenders. It is possible that not enough people in the community are willing to make available these jobs. I challenge local governments and community organisations to provide these second chance opportunities, particularly where people covered by this Bill are involved. I remind members that we will be dealing mainly with probationary drivers who are mostly around the age of 17 years, so we are talking about young people who are just moving into adulthood. They deserve a second chance because we are probably responsible for them being in a position to be charged with a drink-driving offence. We have ingrained in them the idea of how great it is to have a drink and how if they do not have a drink they will be considered to be wowers.

The Hon. A. A. Lewis: They take on a responsibility for themselves. You are one of those who go on saying that we are responsible for them, but surely they have a responsibility, too.

The Hon. P. H. WELLS: Certainly the young people do have a responsibility, but parents also have a responsibility to educate their children. I gather that is the foundation of our education system. Certainly members of the community cannot opt out of their responsibility when, to some degree, they have ingrained in these young people that if they do not drink they are wowers. This has been thought of as something of a joke but I am afraid the joke is coming home to haunt the community. This is shown by some terrible figures representing road deaths. With the amendments we make to the road traffic legislation, I find we are gradually waking up to the fact that we must deal with this problem of road deaths; we are waking up to the fact that we cannot live with it forever, because people are being killed.

If as many people were killed in industry as are killed on the roads the unions would make an almighty outcry and there would be strikes all over the place until something was done to correct the situation. However, so many people are killed on the roads and all we have is silence because it appears that the majority of people in the community drink and they feel it is their right to drink and drive and that to prevent them doing so is an infringement of their rights. Of course they have rights, we all do; but those rights carry some responsibility.

When we allow people to drive on the roads and those people kill or are killed, we as a Government have a responsibility to ensure a degree of safety for other road users. Just imagine if a driver under the influence of alcohol caused a commercial bus to have an accident. We could end up with not five or six deaths but in the order of 80 or 90 deaths. We might have that on our conscience if we do nothing about the problem facing us today.

Drivers have to contend with problems such as fatigue and mechanical breakdown without having to be troubled by drink. I believe our responsibility is greater than that of most people because we have been elected to the Parliament and we should be expected to show responsibility. We should show some responsibility by supporting the provision in the Bill to educate people to understand their own responsibility.

The Bill contains some good points, such as no drink-driving for probationary drivers and the provision for advertising programmes so that people understand that we want to make members of the community more responsible about drinking and driving. The point I made earlier about examining the community service orders and the jobs available is an important point.

I support the Bill.

Debate adjourned, on motion by the Hon. I. G. Pratt.

SETTLEMENT AGENTS AMENDMENT BILL

Returned

Bill returned from the Assembly without amendment.

MOTOR VEHICLE DEALERS AMENDMENT BILL (No. 2)

Third Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.46 p.m.]: I move—

That the Bill be now read a third time.

Earlier today I asked that this Bill be deferred until a later stage because some questions were asked which I, on behalf of the Chief Secretary, was not in a position to answer. The questions were asked by the Hon. J. M. Brown and the Hon. A. A. Lewis. I have since had the opportunity to read the transcript again. The questions mostly had to be directed to other Ministers. The Chief Secretary will ensure that the members receive their answers in writing.

Question put and passed.

Bill read a third time and passed.

House adjourned at 4.47 p.m.

QUESTIONS ON NOTICE EDUCATION: DEPARTMENT

Staff

505. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) How many executive staff, exclusive of the technical education division, were employed by his department as at 1 July 1982 for each of the personnel categories—

- (a) deputy director-general;
- (b) assistant director-general;
- (c) director;
- (d) assistant director;
- (e) regional director; and
- (f) superintendent?

- (2) What amount, by way of salaries, did the executive staff in (1), in addition to the director-general, absorb for the financial year 1981-1982?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

- (1) (a) 1;
- (b) 2;
- (c) 8;
- (d) 6;
- (e) 5;
- (f) 57.

In addition to the deputy director-general there was a vacancy for a similar position which has since been filled.

- (2) \$2 772 129.

HEALTH: MENTAL HEALTH SERVICES

Edward Millen Hospital

506. The Hon. ROBERT HETHERINGTON, to the Chief Secretary representing the Minister for Health:

Can the Minister advise what progress has been made towards the provision of funds to enable the conversion of the Edward Millen Hospital in Victoria Park to an adolescent guidance unit of the Mental Health Services?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

The information sought by the member will be revealed when the Premier presents the 1982-83 expenditure Estimates.

ALUMINIUM SMELTER

Bunbury: Feasibility Studies

507. The Hon. FRED McKENZIE, to the Leader of the House representing the Minister for Fuel and Energy:

Referring to question 437 of Wednesday, 15 September 1982, will the Minister advise, in each case of the appointment of Arthur P. Little Inc. of the United States and W. D. Scott & Co. Pty. Ltd., to do separate studies in relation to the proposed aluminium smelter for Western Australia—

- (1) For whom is each separate study being performed?
- (2) What are the separate costs involved?
- (3) If the costs of the studies are not paid directly by the State or its instrumentalities, is the cost recouped by any reduction in charges covering any commodity supplied?
- (4) What commodities are involved?

The Hon. I. G. MEDCALF replied:

- (1) Both studies are being performed jointly for the State Energy Commission and the Resources Development Department.
- (2) The consultants are paid on a fees and expenses basis, and the estimated cost of the studies is \$180 000.
- (3) and (4) Not applicable.

EDUCATION: TECHNICAL

Staff

508. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

- (1) How many executive staff within the Technical Education Division were employed as at 1 July 1982 for each of the personnel categories—
 - (a) directors (excluding the Director of TAFE);
 - (b) assistant directors; and
 - (c) superintendents?
- (2) What was the total amount paid in salaries to the total executive staff within the Technical Education Division during 1981-1982?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

- (1) (a) 3;
(b) 3;
(c) 8.
- (2) \$525 173 (including the Director of TAFE and the administrative and finance officer).

FUEL AND ENERGY: GAS

North-West Shelf: Dampier-Wagerup Pipeline

509. The Hon. MARGARET McALEER, to the Leader of the House representing the Premier:

With reference to the Premier's news release concerning the construction of the Dampier to Wagerup natural gas pipeline dated 20 September 1982, could the Premier tell me whether the inclusion in the planning of a feeder line to Geraldton indicates a firm intention to supply gas to industrial and domestic consumers in Geraldton?

The Hon. I. G. MEDCALF replied:

The Government's intention is to establish a gas supply in Geraldton at the earliest opportunity.

The timing of a decision to proceed will depend on the outcome of the market survey currently being undertaken for the State Energy Commission by the Geraldton regional development committee.

When a supply is established, it will be available to all industrial and domestic customers, subject to normal economic

justification of the associated mains extensions that will be required.

FUEL AND ENERGY: ELECTRICITY

Power Station: Bunbury

510. The Hon. FRED McKENZIE, to the Leader of the House representing the Minister for Fuel and Energy:

Referring to question 437 of Wednesday, 15 September 1982, in relation to Burns & Roe Inc. being retained to produce an economics feasibility study for the Bunbury "C" power station, will the Minister advise—

- (1) What are the parameters in terms of reference given to Burns & Roe Inc.—
 - (a) maximum; or
 - (b) minimum?
- (2) What are the costs involved in the study?
- (3) What is the period of time involved?
- (4) If the costs are not paid directly by the State or its instrumentalities, is the cost recouped by any reduction in charges covering any commodities supplied?
- (5) What commodities are involved?

The Hon. I. G. MEDCALF replied:

- (1) to (5) As with question 507, asked of the Minister for Fuel and Energy, the Hon. F. E. McKenzie is seeking fairly detailed information and, although I have provided some general details in relation to that question, if the member would write to the Minister for Fuel and Energy, indicating any concern or requirement he might have for information regarding the works being undertaken, the Minister will do what he can to assist him.

EDUCATION

P & C Associations and School Councils: Subsidies

511. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

I refer the Minister to table 7:2 of the 1981 annual report relating to instruction finance, and ask—

- (1) How does the Minister account for the increase from \$58 722 for subsidies to school councils and P&C associations in 1979-1980 to some \$4.7 million during 1980-1981, representing an increase of some 7 800 per cent?
- (2) What expenditure was there during 1981-82 on the item referred to in (1)?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

- (1) The format of tables included in the annual report is revised from time to time so that the information more accurately reflects the transactions of the department. Table 7.2 of the 1981 annual report relating to subsidies to school councils and P&C associations now includes grants paid to these bodies whereas in previous years they were included under other items. This change does not reflect a change of policy or a sharp escalation in expenditure but a more accurate presentation of the data.
- (2) The compilation of this data involves a great deal of detailed work and the information will not be available in this form until the tables for the 1982 annual report are compiled.

FUEL AND ENERGY: GAS

North-West Shelf: Dampier-Wagerup Pipeline

512. The Hon. FRED McKENZIE, to the Leader of the House representing the Minister for Fuel and Energy:

Referring to *The West Australian* of 21 September 1982, and the natural gas pipeline from Dampier, will the Minister advise—

- (1) Is the total of wages to be paid in Western Australia on the construction of the pipeline in the order of \$35 million?
- (2) If not, what is the estimated figure?
- (3) How many kilometres and tonnes of pipeline will be manufactured in—
 - (a) Western Australia;
 - (b) outside WA; and
 - (c) in what countries?
- (4) What is the source of steel in each case?
- (5) What is the price per tonne of the steel involved?

- (6) Will tenders be called for the erection of the remainder of the pipeline and equipment to be installed?
- (7) What preference will be given to Australian organisations?

The Hon. I. G. MEDCALF replied:

- (1) No.
- (2) A more indicative figure for the payment for direct labour and supervision for mainline construction is in the order of \$60 million.
- (3) I am advised the capacity to roll the line pipe required was not available in Australia at the time, and the tenders received reflected this incapacity to supply from within Australia. However, the Government supported the establishment of line facilities at Steel Main Pty Ltd's plant at Kwinana, where the Western Australian manufactured line pipe component is being rolled.
 - (a) Western Australia—285 km
40 000 tonnes;
 - (b) outside Western Australia—
1 219 km
181 000 tonnes;
 - (c) Italy—501 km
70 000 tonnes;
Japan—718 km
111 000 tonnes.
- (4) Italy for Italian pipe; Japan for Japanese and Australian pipe.
- (5) Contract prices are for completely manufactured pipe. The cost of the steel plate for the manufacture of the pipe is not known.
- (6) Tenders will be called for the construction of compressor stations, metering stations, and maintenance bases.
- (7) The prescribed 10 per cent preference will be applied for Western Australian products and services.

HOSPITAL

Fremantle: G. J. Rayson

513. The Hon. H. W. GAYFER, to the Chief Secretary representing the Minister for Health:

With reference IP account No. LDO 65623, amount \$200, Fremantle Hospital, could the Minister advise—

- (1) Time and date G. J. Rayson admitted?
- (2) Time and date G. J. Rayson discharged?

- (3) Full details of account referred to above?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

- (1) to (3) The Minister for Health does not provide information regarding the accounts rendered to or clinical information in respect of patients in public hospitals without the authority of the patient. Certainly it would not be provided in a public forum.
If the member wishes to obtain written authority from the patient and submit it to the Minister for Health, he will give him an answer in writing.

EDUCATION: HIGH SCHOOL

Northampton

514. The Hon. TOM McNEIL, to the Chief Secretary representing the Minister for Education:

- (1) Has the Minister either directly or indirectly told any member of Parliament that the work on the Northampton High School will not commence or has been delayed because of representations by a member of Parliament who is not a member of the Liberal Party?
- (2) Will the Minister confirm that the allocation of funds for repair and renovations or reconstruction of the Northampton High School will be based on need and the availability of funds?
- (3) When is it anticipated that funds for the Northampton High School will be made available?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

- (1) No.
- (2) Yes.
- (3) Redevelopment of the school will commence as early as possible in 1983 depending on Budget allocations.

TOWN PLANNING: MRPA

Membership

515. The Hon. FRED McKENZIE, to the Chief Secretary representing the Minister for Urban Development and Town Planning:

Referring to question 467 of Thursday, 16 September 1982, wherein it states—

The chairman is a well known valuer and has had wide experience in that field and in the land devel-

opment business. He was also a member of the Town Planning Board before assuming office as chairman.

Will the Minister advise—

- (1) How long was the chairman a member of the Town Planning Board?
- (2) Has the chairman, or any of his associates, whilst he was the Chairman or a member of the Town Planning Board, been engaged in the business of—
 - (a) valuing; and
 - (b) land developing?
- (3) If so, have the areas of involvement been nominated to the Government?
- (4) If not nominated, will the Minister arrange accordingly and advise?
- (5) Is the businessman's representative on the Metropolitan Region Planning Authority also Chairman of the Metropolitan Transport Trust?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

- (1) 21 months, from 1 February 1978 to 6 November 1979.
- (2) (a) and (b) Mr I. A. Wilkins was appointed to the Town Planning Board in accordance with section 4 (2) of the Town Planning and Development Act (1928-81)—

... by reason of his qualifications in the business matters dealt with by the board.

He continued to run his private business interests until 30 June 1979. He assumed the office of Chairman, Metropolitan Region Planning Authority on 1 September 1979.

- (3) Mr Wilkins "declared an interest" in any matter being dealt with by the board in which he was financially involved. This is the usual practice adopted by all part-time members of the Town Planning Board.
- (4) Answered by (2) and (3).
- (5) No.

INDUSTRIAL ARBITRATION ACT

Prosecutions

516. The Hon. PETER DOWDING, to the Minister for Labour and Industry:

- (1) How many successful prosecutions have been taken under section 100(1) of the Industrial Arbitration Act, 1979-1981?

- (2) What was the date of such convictions, and the amount of the fine in each case?

The Hon. G. E. MASTERS replied:

- (1) Two.
- (2) (i) (a) On 21 November 1980, Mr G. Del Paggio, trading as Perth Brick and Block Company, was convicted of dismissing a bricklayer, Mr Spanswick, from his employment on 19 June 1980, because he was not a member of a union.
- (b) On 21 November 1980, Mr G. Del Paggio, trading as Perth Brick and Block Company, was convicted for refusing to employ a bricklayer, Mr Spire, on 20 June 1980, because he was not a member of a union.
- (ii) A fine of \$80 was imposed by the industrial magistrate against Mr Del Paggio for the above two convictions. The Industrial Commission also ordered that \$180 and \$300 be paid respectively to Mr Spire and Mr Spanswick as compensation for loss of employment.

INDUSTRIAL AWARDS

Federal

517. The Hon. PETER DOWDING, to the Minister for Labour and Industry:

- (1) Has the Minister received legal advice in relation to a Federal award applying to an industrial situation, and the operation of State law in such circumstances?
- (2) If so, from whom was the advice received, and when was it obtained?
- (3) Will the Minister table the advice?
- (4) If not, why not?

The Hon. G. E. MASTERS replied:

- (1) to (4) I refer the member to the answer in response to question without notice 122.

TRANSPORT: BUSES

MTT: Brian Murrell Turpin

518. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to question 436 of Tuesday, 14 September 1982, wherein it was stated—

Mr Turpin was seconded to the State Transport Authority South Australia, to discuss problems in the STA bus building programme.

will the Minister advise all the names involved, and their positions relating to Mr Turpin's secondment?

The Hon. G. E. MASTERS replied:

The then Chairman of the Metropolitan Transport Trust, Mr G. A. Shea and the then General Manager of the South Australian Transport Authority, Mr F. Harris, both now retired.

TRANSPORT: BUSES

MTT: Disabled Persons

519. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to transport to suit the disabled, will the Minister advise—

- (1) Has the Metropolitan Transport Trust inspected the Hino AM 100 bus built by Leyland Motor Corporation Australia Ltd. to suit disabled people?
- (2) If not, will it do so?
- (3) Will consideration be given to trial running with a view to evaluation?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) Not applicable.
- (3) The Metropolitan Transport Trust does not consider a trial evaluation of the Hino AM 100 bus is necessary.

The 1981 report by the MTT "Transport and the Disabled" concluded that the trust's conventional fixed route type of operation precludes the type of service required by wheelchair-bound people. The report suggested that a modified taxi would best suit the needs of such disabled people, as it provides a door-to-door service.

The Commissioner of Transport currently is undertaking a study of the travel requirements of severely disabled people which will take into consideration vehicle type and suitability.

RAILWAYS

Sleepers

520. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to question 433 of Tuesday, 14 September 1982, wherein—

A large number of sleepers from the two Tapub contracts are known to have been subsequently forwarded by rail from Kewdale to the Eastern States, Westrail received revenue from both of these movements.

will the Minister advise—

- (1) What does the large number represent in approximate terms?
- (2) What total freight has been paid by Tapub?
- (3) What is the general destination nominated on the consignment notes?

The Hon. G. E. MASTERS replied:

- (1) to (3) The movements involved an arrangement between Tapub and a freight forwarder. Therefore, the information is not known to Westrail.

RAILWAYS: STATION

Goodwood Racecourse

521. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to Goodwood Racecourse railway station, will the Minister advise—

- (1) Are there any plans and intentions to upgrade this station to serve the racing fraternity and the exhibition venues involved?
- (2) If so, when will the work be done?
- (3) If not, can appropriate steps be instituted urgently to improve this station?

The Hon. G. E. MASTERS replied:

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

- (3) The Metropolitan Transport Trust addressed the WA Turf Club on this matter recently asking that consideration be given to payment by the club for basic improvement costs at Goodwood which were estimated at \$17 330. The reply from the Turf Club to the request was negative.

It should be appreciated that the Goodwood stopping place is not used for the normal public passenger service.

The trust cannot justify the expenditure of public moneys on a facility which is essentially for the exclusive benefit of the activities associated with the race-course.

RAILWAYS

Railcars: "Prospector"

522. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to the *Prospector* railcars, will the Minister advise—

- (1) The date these cars entered service?
- (2) In relation to (1) total powercars, (2) total trailercars, since inception, what was the total direct labour cost to maintain—
 - (a) engines and associated ancillary equipment;
 - (b) under gear;
 - (c) framework; and
 - (d) interior?
- (3) The direct cost of each section of related material?
- (4) The total kilometres run in each case?

The Hon. G. E. MASTERS replied:

(1) Powercars

WCA 901, 902, 903	20 Nov 1971
WCA 904	27 Nov 1971
WCA 905	1 Jan 1972

Trailercars

WCE 922	16 Nov 1971
WCE 921	20 Nov 1971
WCE 923	1 Dec 1971

- (2) (a) to (d) Costs have not been nominated by Westrail in the four categories for maintaining the five power cars and three trailer cars from the dates they were placed in service until the end of the 1981-82 financial year were—

Five power cars	\$1.452 million
Three trailer cars	\$0.416 million

These costs include one major general overhaul for each of the power and trailer cars.

- (3) The total direct costs of related material for the same units for the same period were—

Five power cars	\$0.975 million
Three trailer cars	\$0.248 million

These costs include one major general overhaul for each of the power and trailer cars.

(4) Powercars		Trailercars	
WCA 901 431 584 km		WCE	
	921	400 548 km	
902 468 718 km	922	467 361 km	
903 530 355 km	923	553 150 km	
904 365 350 km			
905 289 701 km			

RAILWAYS: IRON ORE

Tonnage

523. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to the transport of iron ore from Koolyanobbing to Kwinana or Wundowie by Westrail, will the Minister advise—

- (1) In each financial year since the inception, the tonnage carried to each destination?
- (2) In each of the financial years concerned, what proportion of Westrail's total revenue has come from this haulage?

The Hon. G. E. MASTERS replied:

(1) and (2)

IRON ORE TRAFFIC EX KOOLYANOBING

Year	Mass (tonnes)		% Total Iron Ore To Total W' Rail Revenue
	To Kwinana	To Wundowie	
1966-1967.....	* 77 284	—	0.5
1967-1968.....	1 062 860	—	6.3
1968-1969.....	1 173 421	—	8.6
1969-1970.....	1 235 907	* 27 785	8.7
1970-1971.....	1 821 951	96 512	10.9
1971-1972.....	1 577 324	105 325	9.8
1972-1973.....	2 351 483	88 320	13.0
1973-1974.....	2 543 177	95 791	12.3
1974-1975.....	2 209 139	99 593	9.9
1975-1976.....	2 072 507	101 281	8.9
1976-1977.....	1 803 889	79 032	8.2
1977-1978.....	1 163 922	61 181	5.8
1978-1979.....	1 170 989	62 867	5.9
1979-1980.....	1 646 012	96 426	7.1
1980-1981.....	1 641 881	23 341	7.0
1981-1982.....	905 840	—	4.7
Total 1966-1982.....	24 457 586	937 454	7.6

* Haulage to Kwinana commenced 1966-1967

* Haulage to Wundowie commenced 1969-1970

" Haulage to Wundowie ceased 1980-1981

RAILWAYS

Electrification.

524. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to question 465 of Thursday, 16 September 1982, wherein answer (1) states—

Two hundred million dollars is really a conservative estimate of the Opposition's suburban railway pipedream

and to R. Travers Morgan Pty. Ltd., June 1982, Vol. I report to the Government wherein it states:

This would imply a range for total costs attributable to electrification of about \$44.1m.-\$48m. (January 1981) (Vol. I 7.17)—

will the Minister advise—

- (1) To what is the difference of about \$150 million attributed?
- (2) Is it considered that R. Travers Morgan Pty. Ltd. statement is substantially correct?
- (3) If not, what is the amount of error involved?

The Hon. G. E. MASTERS replied:

- (1) to (3) As has been said in answer to the earlier question from the member, it is not proposed to turn the Government into a "costing" service for the Opposition's election promises. However, I am happy to provide some help to the member in reconsidering the Opposition's transport pipedreams.

The member's quotation from the Travers Morgan's report refers only to the infrastructure costs of electrifying the Fremantle, Midland and Armadale lines. If he had turned to the next page of that report he would have discovered that the Opposition also will be faced with the need to buy electric railcars to run on the electric lines.

On top of that fact, the Opposition still will be left with the problem of financing the extensions to the suburban system which it moots from time to time.

QUESTIONS WITHOUT NOTICE

FUEL AND ENERGY: SOLAR

Advertising Campaign

123. The Hon. R. J. L. WILLIAMS, to the Leader of the House representing the Minister for Fuel and Energy:

- (1) Is the Minister aware of the present advertising campaign being waged by Solahart Pty. Ltd.?
- (2) Has a detailed analysis of the claims contained within the advertising campaign been made?
- (3) If the answer to (2) is "Yes", what findings have been reached regarding the claims being made?
- (4) Having regard to a previous advertising campaign by the same company, which was the subject of investigation by the Bureau of Consumer Affairs, have the present media advertisements and the pamphlet which is being distributed been referred to the Bureau of Consumer Affairs and/or any other State or Federal statutory authority or instrumentality?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) Yes. A detailed analysis of the claims has been made by the State Energy Commission which has a responsibility under its Act to advise consumers on the relative merits of all energy consuming and converting apparatus, and a concomitant duty to advise consumers if claims made in respect of such apparatus by others are incorrect.
- (3) There is serious concern about the accuracy and presentation of the material used in the advertising campaign by Solahart Pty. Ltd. There are a number of inaccuracies in the material which compound to distort the costs of water heating in favour of the system being sold by the company. I am advised that the company has been extremely selective in some of the detail presented, especially in regard to comparative energy costs, where the stated relativity with other States is incorrect. The quantity of energy used in the Solahart calculations, and said to represent an average family, is far higher than that derived from State Energy Commission records.

In response to a previous question on this matter, the Minister for Fuel and Energy gave details of the distribution of domestic accounts by size, which showed that only about 2 per cent of domestic customers use the quantity of energy claimed by Solahart to be average. In fact, a figure half that used by the company would be more representative. The State Energy Commission has published a detailed booklet entitled "Your Guide to Running Costs of Domestic Appliances" which is available to the public and which has been distributed widely. The booklet gives details of the energy consumption for a wide range of appliances; and I commend it to members. There are a number of less important errors in the Solahart booklet "The Power and the Story Part 2", which are misleading and which could influence potential customers with incorrect assumptions.

To assist members, and to ensure that more detailed and precise information is made public, I seek leave to table a table of energy costs which relate to Western Australia and the other energy utilities throughout Australia for the broad range of different tariffs involved, and two charts which illustrate that the ranking of water heating appliances in terms of annual cost will vary according to both the time period and hot water consumption level.

- (4) I am advised that there have been a number of instances over the past few years where the Commissioner for Consumer Affairs has found it necessary to investigate advertising used by the company. The State Energy Commission has carried out its responsibilities in referring the Solahart material to the Commissioner for Consumer Affairs for his further investigation and action. To assist him in this, a detailed analysis of the advertising material has been provided, but I cannot pre-empt the conclusions that may be reached by the commissioner. I understand the advertising is also being investigated by the Federal Trade Practices Commission.

The papers were tabled (see Paper No. 418).

COURTS: LEGAL AID COMMISSION

Costs

124. The Hon. J. M. BERINSON, to the Attorney General:

In respect of each of the States and Territories, what is the present legal aid scale of costs for the following work in the criminal jurisdiction—

- (1) Supreme Court—
 - (a) Getting up;
 - (b) first day;
 - (c) second day.
- (2) District Court—
 - (a) Getting up;
 - (b) first day;
 - (c) second day.
- (3) Court of Petty Sessions defended cases—
 - (a) First day (including preparation);
 - (b) each other day?

The Hon. I. G. MEDCALF replied:

(1) to (3)

NEW SOUTH WALES: Australian Legal Aid Office.

Supreme Court—

Solicitors	No lump sum fee is applicable. The fee is usually negotiated depending on the complexity of the proceedings and seniority of the solicitor. The negotiated fee is reduced by 20 per cent.	
Counsel	First day	\$340 net
	Second day	\$220 net
Conference	Accused in custody	\$50
	Accused on bail	\$30
	Witness	\$30.

There is an additional allowance of \$40 per day for each co-accused represented by counsel.

District Court—

Solicitor	First day including preparation	\$224 net
	Second day	\$175 net
Counsel	First day	\$196 net
	Second day	\$132 net.

Where a matter is complex or having regard to seniority of counsel, a fee of up to \$260 net per day can be negotiated.

Court of Petty Sessions (Magistrates Courts)—

Solicitor	First day including preparation	\$196 net
	Second day	\$161 net
Counsel	First day	\$168 net
	Second day	\$112 net.

Where a matter is complex or having regard to seniority of counsel, a fee may be negotiated of up to \$250 net per day.

(The above fees have not been revised since October 1981.)

VICTORIA: Legal Services Commission.

Supreme Court—

All work done is costed by item remuneration under the rules of the Supreme Court (appendix N) and is reduced by 20 per cent.

District Court—

The fees are related to the maximum length of imprisonment the charge carries.

Greater than 15 years' imprisonment	\$450 first day \$300 thereafter
Between 10 and 15 years' imprisonment	\$378 first day \$252 thereafter
Less than 10 years' imprisonment	\$307 first day \$204 thereafter
Rape	\$450 first day \$300 thereafter.

All fees above are reduced by the statutory reduction of 20 per cent.

Courts of Petty Sessions (Magistrates Courts)—

Getting up is costed on item remuneration based on County Court scale B.

Where a solicitor appears without counsel, then depending on the type of offence a fee of either—

\$200-\$300-\$400 for first day,
\$300 thereafter.

All fees above are reduced by 20 per cent. (The above fees have not been revised since July 1981.)

TASMANIA: Australian Legal Aid Office

Supreme Court—

First day including preparation	\$508
Second day	\$362

Where a matter is complex, then for solicitor work a fee of \$38 per hour can be allowed and a fee of \$60 per hour for time spent in court.

Senior counsel can negotiate a higher fee for time spent in court.

District Court—

No comparable jurisdiction.

Court of Petty Sessions (Magistrates Courts)—

Preparation	\$38 per hour
Trial	\$38 per hour.

All fees are reduced by 20 per cent.

(The fees have not been revised since March 1981.)

SOUTH AUSTRALIA: Legal Services Commission

Supreme Court—

First day including preparation	\$545
Second day	\$315.

District Court—

First day including preparation	\$545
Second day	\$300.

Courts of Petty Sessions—

First day including all preparation	\$365
Second day	\$230.

All fees above are gross fees and subject to 20 per cent reduction.

Where a matter is complex, then for solicitor work a fee of \$66 per hour is allowed. There is no additional loading for time spent in court.

(The fees above were last revised in November 1981.)

QUEENSLAND: Public Defender's Office.

Supreme Court—

Preparation		\$121
Counsel	—fee on brief and first day	\$330
	—Second day	\$209
Solicitor appearing with counsel	—First day	\$165
	—Second day	\$121
Solicitor appearing as counsel	—First day	\$250
	—Second day	\$165.

District Court—

Preparation		\$110
Counsel	—fee on brief and first day	\$253
	—Second day	\$165
Solicitor appearing with counsel	—First day	\$143
	—Second day	\$110
Solicitor appearing as counsel	—First day	\$214
	—Second day	\$143.

Court of Petty Sessions (Magistrates Court)—

Preparation		\$300
Solicitor appearing	—First day	\$200
	—Second day	\$150.

All fees are net fees.

(The scales were last revised for the Supreme Court and District Court in November 1981, and for the Magistrates Court in July 1981.)

The Public Defender's Office has power to double the preparation fee only in complex cases. If additional fees are sought for preparation then ministerial approval is required.

AUSTRALIAN CAPITAL TERRITORY:
Australian Legal Aid Office.

Supreme Court—

Preparation and first day—	Barrister	\$320-\$400
	Instructing solicitor	\$250-\$300
Solicitor appearing as counsel		\$400-\$525
Second Day—	Barrister	2/3rd of fee
	Instructing solicitor	\$45 per hour
	Solicitor appearing as counsel	\$45 per hour.

District Court—

No comparable jurisdiction.

Court of Petty Sessions (Magistrates Courts)—

First day including preparation—	Barrister	\$300
	Instructing solicitor	\$200-\$300
	Solicitor appearing as counsel	\$300

Second Day—

Barrister	\$200
Instructing solicitor	\$40 per hour
Solicitor appearing as counsel	\$40 per hour.

(The scales were last revised in April 1982.)

Where a matter is complex then there is a discretion to allow on extra conference fee only for barristers.

In the time available it has not been possible to ascertain the legal aid scale of fees for the Northern Territory.