Legislative Council

Tuesday, 23 October 1984

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

ACTS AMENDMENT AND REPEAL (DISQUALIFICATION FOR PARLIAMENT) BILL

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

BREAD AMENDMENT BILL

In Committee

Resumed from 21 August. The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. D. K. Dans (Minister for Industrial Relations) in charge of the Bill.

Clause 2: Section 8 amended—

Progress was reported after the clause had been partly considered.

Hon. D. K. DANS: Members will recall that when we reported progress on an earlier occasion, I said that I would try to ascertain the wishes of bakers in this State; but when I said that, I did not realise what a mammoth task was involved.

We circulated a total of 103 questionnaires. One questionnaire was returned unclaimed and of the 44 which were returned, those in favour of the retention of existing hours numbered 23, while those in favour of an alignment of country hours with the hours followed by city bakers numbered 21. A total of 44 bakers replied, so it can only be assumed that the remaining bakers are not worried whether the hours are changed.

Hon. G. E. MASTERS: The Opposition expressed concern over the proposed reduction in hours for country bakers at the time we last debated the Bill. I commend the Minister for having taken the trouble to send out the questionnaires to the various country bakers in an endeavour to clarify their opinions. Certainly the Opposition had very little response to its queries right from the time of the debate until today.

It is interesting to learn that many of the country bakers did not return the questionnaire; that amazes me. I would have thought that country bakers would consider a reduction in hours was unacceptable and that they would prefer to continue with their longer hours. There seems to be a lack of interest in this matter on the part of the majority of country bakers. The Opposition is concerned with what has happened, but I will not debate the matter at length. Had the Minister received an indication of a greater degree of concern, or had the Opposition itself received inquiries or complaints from the country bakers, I would have suggested that we take some action, but that does not seem necessary now. We intend not to oppose the clause or the hours suggested by the Minister.

Clause put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. D. K. Dans (Minister for Industrial Relations), and transmitted to the Assembly.

ROAD TRAFFIC AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.41 p.m.]: I move—

That the Bill be now read a second time.

The Bill has several purposes. However, it is principally intended to provide a formal basis for farm firefighting units to travel on public roads for bushfire control purposes. The measure also—

clarifies the extent to which a vehicle licensed at a concessional rate as a farm vehicle may travel on public roads;

requires the drivers of commercial passenger vehicles to undergo periodic medical examinations;

provides that newly-licensed persons remain probationary drivers until at least the age of 18 years;

removes a formal requirement that the traffic board serve notices of accrual of demerit points;

expressly enables the making of regulations to cover charges made for services provided by the traffic board.

For many years farmers have provided their farm firefighting equipment in time of emergency.

However, in serving the community in this way, they are still at present subject to legal hazards including possible massive personal liability for injury suffered by other people. The Government supports this vital contribution made by farmers and considers it to be unacceptable that they remain at risk any longer.

The Bill seeks to minimise the hazards faced by farmers in undertaking this type of community service by providing that farm firefighting trailers be licensed. It is considered appropriate that no fees be charged for the actual licence. However, there will be an initial plate fee, a recording fee, and a small annual third party—personal—insurance premium to bring the users of the vehicles within the protection of the Motor Vehicle (Third Party Insurance) Act.

The traffic board has recommended to the effect that where farm firefighting trailers do not comply with the vehicle standards regulations, those regulations be applied to a reduced extent consistent with an acceptable degree of road safety in the circumstances, and it is expected that a flexible approach will provide for acceptable levels of road safety without imposing any undue expense upon farmers or detracting from the practicability of the trailers as firefighting units in rough bush country.

The fact that firefighting trailers will be licensed places beyond doubt, the lawfulness of their use on public roads for purposes related to bushfire control, including organised bushfire prevention operations. The Bill places the requirement of addressing such matters as—

(a) brakes;

(b) speed restrictions;

(c) lights;

(d) mudguards;

(e) fitment and use of towing chains and;

(f) proving the legitimacy of the use of firefighting trailers,

upon the user, if required.

The Road Traffic Act presently provides that vehicles licensed at concessional rates as farm vehicles may be used on public roads for the purpose of passing from one portion of a farm to another.

Doubts have arisen over the interpretation of this provision, and in order to remove those doubts, redrafting has been undertaken to clarify the orginal intention to permit travel between portions of a holding which, but for a physical barrier such as a road, river, pipeline, or similar, would be contiguous.

At present there is no general requirement for the drivers of commercial passenger vehicles, such as buses, to undergo regular medical examinations. However, the industry has favourably responded to a practice of the traffic board that those drivers undergo a medical examination every five years.

The Bill provides a legislative basis for this practice of periodic medical examination to be regularised and extended in the interests of road safety. It is intended to prescribe in the road traffic—drivers' licences—regulations that the intervals between examinations be—

every five years to age 45;

thereafter every two years to age 65;

and annually thereafter.

To facilitate the scheme the Road Traffic Act is to be amended to remove the option of persons renewing drivers' licences for three years where this would have the effect of enabling the requirements for medical examination to be avoided.

By obtaining a class "N" licence to ride mopeds, a 16-year-old can, under the present provisions of the Road Traffic Act, serve most or all of the required probationary driver period of one year prior to obtaining a licence to drive a motor car or a larger motorcycle.

A consequence of this situation is that inexperienced drivers can effectively exempt themselves from special provisions earlier than would be the case, but for their holding the "N" class licence. This situation can be rectified by amending the Road Traffic Act to provide that a person obtaining a driver's licence before age 17 years must remain a probationary driver until attaining 18 years of age.

Recently, a charge of driving a motor vehicle whilst under disqualification was quashed in a Supreme Court decision because the prosecution was required to, but could not, prove the posting of notices advising of the recording and accumulation of demerit points in accordance with the Road Traffic Act. These notices are automatically produced by computer and there is no direct evidence of such a notice.

The Bill dispenses with the need to prove posting of notice of accumulation of demerit points. Disqualification of a driver's licence will take effect from the personal service of a notice advising the person of that disqualification. It is intended to continue to provide notice of accumulation of demerit points in order to place drivers on notice.

The Bill also expressly extends the power to make regulations to cover the levying of charges for services provided by the traffic board.

I commend the Bill to the House.

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

ACTS AMENDMENT (CONSUMER AFFAIRS) BILL

Second Reading

Debate resumed from 16 October.

HON. G. C. MacKINNON (South-West) [4.47 p.m.]: It is my pleasure to debate this Bill on behalf of the Opposition. It is a simple measure and its broad principles are expressed in the second paragraph of the second reading speech, a copy of which the Minister was kind enough to supply.

It states that this Bill principally gives statutory recognition to the establishment of the Department of Consumer Affairs which was created following the election of the Labor Party in 1983.

I suppose this and a number of other pieces of legislation which are currently before the House, are really the last remaining remnants of the old socialist platform of the Australian Labor Party; the principles which were held so dearly by the late Joe Chamberlain, who was interred today and at whose death we all expressed sorrow.

I consider him to have been one of the giants of Australian politics. Indeed, I suppose the Labor Party should enshrine or canonise him, because he is responsible for that party still being a party. He held that party together during a traumatic period.

This Bill and the four or five other Bills on the same subject, really enshrine the last remaining shreds of the socialism in which Joe Chamberlain believed; that is, that business is evil and the consumers are all goodies.

Hon. D. J. Wordsworth: You had better be careful, it might disappear.

Hon. G. C. MacKINNON: It has not quite disappeared. I said this Bill represents the last remaining shreds of it. If members cared to read one or two other pieces of legislation which are to come before us, they would note the same principle is running through them.

It is enshrined in the legislation that companies must obey the law and that they are, by definition, all evil. Those who use credit are, by definition, good.

I do not know why the penalties have been increased. Members will find that, throughout the legislation, the penalties have been increased from $200 to $1 000. I feel that the penalties should remain at $200 because a small businessman can be found guilty, these days, almost on hearsay evidence. Someone has only to say that he or she got a bad deal from a supplier for that supplier to be found guilty. I feel, therefore, that the amounts of the penalties should remain as they are because the penalties which are inflicted on the providers of goods are such that they have now caught up with inflation.

I suppose that the Australian Labor Party is relying on the fact that the average member of Parliament cannot make much fuss about the protection of the individual from that heinous group of people known as businessmen, because there are more individuals than there are businessmen. However, I believe that, such are the regulations imposed upon businessmen today, this legislation will only increase beyond reason the cost of services provided by those businessmen. For instance, pharmacists are so burdened by laws and regulations that they must add five per cent to their profit margins in order to cope. Indeed, that applies to virtually every businessman.

I wonder whether the Minister in charge of the Bill will explain why it is necessary for clause 2, relating to the commencement of the Bill, to be inserted in the legislation. It states—

> Subject to this section, this Act shall be deemed to have come into operation on 6 April 1983.

I take it that the reason for that clause is that, as with a number of other areas in which the new Government has been caught up, the Government has jumped the gun and has said that it believes that this is a fairly reasonable piece of legislation. It hopes, therefore, that the Opposition will pass it. It has taken it for granted that the legislation will be passed and it can, therefore, be backdated.

I would not expect the Minister to be sufficiently honest to stand up to say that Hon. Graham MacKinnon is correct in his supposition. I expect him to equivocate, beat around the bush, and carry on with a lot of nonsense. However, I believe that what I have said is the truth and that the Government has jumped the gun and placed a number of businesses in invidious positions. I believe that the Government does not want to make life too difficult for anyone and so it wants the Opposition to okay that quite incorrect assumption that it is all right for the legislation to be backdated. The Government thinks that it has a God-given mandate to govern and that it can go ahead and put its policies into place.

Hon. Garry Kelly: I thought the Liberal Party had the God-given mandate to rule!

Hon. Kay Hallahan: Would you not call it "an electorate-given mandate"?

Hon. G. C. MacKINNON: Both the assumptions are correct. We are the party with the natural God-given power to govern. I am quite sure that, in the fullness of time, people will come to realise that. I am sure that Hon. Garry Kelly will not be disappointed when that happens. In relation to Kay Hallahan's interjection, I cannot recall Phil Smith or David Smith having said that the ALP was going to introduce a Bill to amend the Consumer Affairs Act, the Building Society Act, the Hire-Purchase Act, the Motor Vehicle Dealers Act, the Petroleum Products Pricing Act, and the Petroleum Retailers Rights and Liabilities Act, thereby gaining a mandate to govern. Maybe it slipped my mind; however, I have my doubts about it.

As we are mentioning a number of matters here today which have nothing to do with the legislation, maybe I should welcome back to the House Hon. Tom Stephens. I am not surprised that he looks a little wan and a little pale. He has been in parts of Australia where the sun does not shine very much.

I repeat that this is the sort of legislation against which it is difficult to mount an argument, but about which there should be grave reservations. I am not joking now. The consuming public in this State and throughout Australia should be warned loudly and clearly about this sort of pseudo-protection—it is nothing more than pseudo-protection—being offered by the Australian Labor Party. It will prove tremendously costly. No protection for the consumer is provided by this sort of legislation other than that obtained from his own vigilance. That is the most economic method of protection.

The Government is setting up a department to look after all matters relating to consumer protection. A person who has a cross word with a small businessman, a supplier, or with anybody at all in business, whether it is his lawyer or a pharmacist, can resort to protection under this legislation. That will mean additional costs for consumers.

Over the next few weeks, we will see introduced piece after piece of legislation, repeating the pattern of this Bill. I repeat my warning to the public of this State that this type of legislation will prove costly to them. I know that the Government is acting on a wave of popularity. First of all, it introduced conservation legislation because it was assumed that that would be popular legislation. It has now introduced this consumer protection legislation for the same reason.

I am not just preaching. Members can approach intelligent people like John Stone and other interesting and intelligent people—

Hon. Garry Kelly: Oh!

Hon. G. C. MacKINNON: I hope the member is not trying to tell me that that man is not intelligent. Those people have warned the community about the reliance which the Labor Party places on this sort of legislative protection. It is setting false hopes.

I hope the Minister will answer my question relating to clause 2 reasonably. I hope the answer is satisfactory. If it is not, the Opposition will, in the Committee stage, examine that clause very closely and may delete it. I think the Government should address itself to answering that question in a serious manner. I think it should also address itself seriously to the reasons for the sharp increases in penalties. I think those increases are unrealistic, bearing in mind that when the Acts being amended by this Bill were originally enacted, prosecutions were rare and required a fair amount of substantiation.

These days the whole climate has changed towards almost a matter of verbal accusation. I hope the Minister will seriously address himself to that problem because I think that that penalty is a real problem. Every businessman who becomes exasperated and addresses a customer a little sharply is facing the prospect of action under consumer protection laws. It is no good saying that is not true because anywhere that one sees small businessmen operating in contact with the public one can see it is happening. These operators will find themselves facing this problem, and I am not talking about fly-by-night operators, but ordinary business people.

After seeing the Minister's photograph in the newspaper the other day with a person who had had repairs done to her house, I have no doubt that he will quote a number of outrageous cases. We all know that such cases exist. However, quite often they exist because the customer has been chiselling to get a lower price. The customer may have done that for good reasons; perhaps because he was too poor to afford any other price. Often he has had to take the work of fly-by-night operators for that reason. There are many such operators around and there always will be. I am suggesting that all businesses today are paying the price for those one or two bad apples in the box. As a person who operated in the field of general employment a long time ago and who dealt with the public, I suggest there are a number of sharp operators among the public also.

I know that one cannot expect members on the ALP side to understand that situation because they have not worked in that field. Hon. Robert Hetherington has been in a protected field in an academic institution and, therefore, would have little knowledge of it. I do not blame him for that, but I expect him to listen carefully to those who understand the situation and to accept what we say.

I have no intention of refusing the passage of this Bill, but I wish to sound a note of warning. I ask the Minister to seriously consider the points I have raised.

HON. PETER DOWDING (North—Minister for Consumer Affairs) [5.03 p.m.]: I am surprised that the honourable member, with his wealth of service in this House and in Government, in response to this legislation should put up comments which quite clearly take an extreme position when the whole thrust of the philosophy we purport to espouse is to take a moderate and fair position.

I am not here in defence of a Government agency or a Government which seeks unfairly to inhibit the activities of small or large business people. I think our Government and the Federal Government have demonstrated a commitment to work with business, both small and large, and to ensure that we minimise the interference that might be imposed by Governments on their activities where they are consistent with the broad interests of the community. The broad interests of the community are entirely consistent with an efficiently operating public and private sector. No Government has done more for the private sector than have the Labor Governments of Western Australia and Australia. It is evident in our Budget that we take very seriously the need to stimulate the private sector of the economy. I am surprised that Mr MacKinnon ignored that in his comments.

It is quite clear also that in relation to the operation of the Department of Consumer Affairs, and my role as Minister, we have made every endeavour to ensure that the department is not acting unfairly towards the business sector. Indeed, it recognises that among the consumers there are good and bad just as I ask Mr MacKinnon to understand—he apparently chooses to ignore it—that there are good and bad among the business community. It is not just that there are occasional bad apples. Perhaps these things happen simply because we are emerging from this deep recession—which people like John Stone and the Liberal Party dragged us down into and where we should still be if the Liberal Party had not been defeated at the last election. Perhaps it is because we are in the midst of a recession, although coming out of it, that large sections of the community are in financial difficulties and a considerable number of bad apples are preying on that section of the community. It is also true that some businesses do not operate with the same regard for the interests of honesty and the interests of the community as they should. I hope members opposite understand that that is not a reference to the entire business community.

The other day I received a letter from one of the major car dealers in Western Australia. He wrote about a rather peremptory letter that had been written to him by an investigations officer of the Department of Consumer Affairs. This is a small department with very few resources. Its officers are very dedicated public servants working extremely hard. They are working under extreme pressure because of the number of consumers who contact them daily. The complaints officers on duty receive 80 telephone complaints each during a day's session. Those callers are not asking for information, but ringing with detailed problems they wish to discuss and seek advice about. Some of those 80 telephone calls are lengthy and of a serious nature. It is a heavy load for one officer to deal with that number of calls in the course of a day's work in addition to writing up each telephone call and attending to the ongoing paper work created. In that context there are times when an officer may be overenthusiastic or may not perhaps write in the subtleties that should be in written correspondence when inquiring about an alleged complaint.

When I received the complaint from the major car firm, I contacted the proprietor and spoke with him and I also spoke to the officer concerned in the Department of Consumer Affairs. I believe that the problem was resolved to the satisfaction of both the car dealer and the department.

It is most unusual that we have that sort of complaint about the Department of Consumer Affairs. I believe that puts to bed firmly the assertions of Mr MacKinnon that this is some sort of socialist plot to defeat the efforts of business.

I also add that these very loyal public servants have been trying to do the work they are now doing despite the very heavy hand that the previous Government placed upon them. On many occasions when there was clear evidence of malpractice on the part of a person against whom the complaint was made, departmental officers felt they did not have the full support of the previous Administration.

My view—and I speak as the Minister on behalf of the Government—quite clearly is that the Department of Consumer Affairs exists to ensure

that consumer interests are properly recognised, and that legitimate business interests are understood and represented equally. The fact is that the majority of business people are undermined and adversely affected by business malpractice. It is hard to run a business and do the right thing by the consumer and compete with a fly-by-night operator who sets up his shingle down the street and starts to undercut and do all sorts of shady things in order to attract consumers, and not perform the work that he is meant to do.

Hon. G. C. MacKinnon: That is a very good point. Tell us about clause 2.

Hon. PETER DOWDING: It is in the interests of the business community at large that people should be protected from fly-by-night operators, and more especially from operators who keep popping up time after time in different guises, and who are essentially hoodwinking the public.

I do not receive complaints from the business community about the operations of the department, and I do not believe that, by and large, members of the business community believe that they are adversely affected by the operations of the department. All the Ministers are well aware of the need to deregulate as much as possible; and this is the basis on which any departmental proposal for regulation is examined.

It is interesting to note that Mr MacKinnon referred to an old lady's photograph in the paper. The old lady was put upon by a fly-by-night, door-to-door sales operator who offered to renovate her house, which badly needed renovation. It was not a case of the consumer trying to drive the price down. The fact was that somebody represented himself to the lady as being capable of performing certain tasks. In fact, the price quoted for those tasks was outrageously high. The person inveigled himself into the lady's premises, and, by using a number of sales tricks, persuaded her that he had the answers to her problems. She was inveigled into passing over her life savings.

Mr MacKinnon would take the view that in our society there are some winners and some losers, and that one should just drop the people who cannot cope.

The PRESIDENT: Order! There is far too much audible conversation. I ask members not to persist with it.

Hon. PETER DOWDING: The people who are conned by the shady operators and who are sucked into deals by glib sales talk and unfulfilled promises and, in many cases, falsities, are the people Mr MacKinnon suggests we just drop in a hole and say, "Too bad". Mr MacKinnon suggests that if we do anything about them, we will be interfering with the proper private enterprise activities of the community. That is as silly a proposal as is the proposal that the consumer is always right. It is as silly as is the proposal that the business person who has an argument with a consumer ends up with a consumer complaint against him. That is absolute nonsense, and that is not the sort of protection in which the Department of Consumer Affairs is involved. If any evidence that that is happening is given to me, I will put a stop to it here and now.

Several members interjected.

Hon. PETER DOWDING: Hon. Graham MacKinnon makes assertions about the operations and the philosophy of the department, the Government, and the Act; but they are just nonsense. If members have evidence of the department's putting upon legitimate business operators, I would be grateful if they brought those events to my attention so that they could be investigated fully.

I will now deal with the specific rather than the general comments made by the honourable member. This Bill is not like the credit legislation; this Bill is largely devoted to an administrative arrangement; that is, the creation of a department which has been in *de facto* existence since 6 April 1983. The legislation's clauses which are to commence from that date are only those which deal with the nomenclature of the department and do not affect in any way the interests of any member of the business community or any other person.

In relation to the penalty increase, again Mr MacKinnon has misrepresented the purpose of the Bill. It is not dealing with punishment for an offence in relation to a commercial contract or a consumer transaction. It is only in respect of a requirement that the Commissioner for Consumer Affairs is entitled to information; and it is in respect of a person who wilfully and without reasonable cause refuses or fails to provide the information. If the member had referred to the amendment to section 21, he would have seen that the reference is to the failure to supply information where that failure is without reasonable excuse. That is the only area in respect of which the penalty is imposed.

If the commissioner has an inquiry in respect of a transaction with a very substantial sum of money involved, and the "malpractiser" or potential "malpractiser" refuses to supply the information, the penalty is so small as not to have a commercial sanction attached to it. After the commissioner's going through the route of a prosecution and having to prove the case and disprove that there was any reasonable excuse—the onus is

on the commissioner to show that there was no reasonable excuse—and perhaps litigating in respect of the issue, the magistrate is faced with having the power to award a maximum penalty of only $200. In this case, we say that the maximum penalty, which ought not be an average or necessarily a norm, should be increased to $1 000.

I am not in favour of draconian penalties against individuals or anyone else, but here, concerning failure to supply information in a commercial situation, the maximum penalty open to the magistrate is only $200. It is the view of the Government, on advice from the department, that the maximum ought to be increased.

Members will see that this Bill largely enables a change from a bureau to a department. It is really not a matter of great weight, but it facilitates administratively the structure of the department and its operation. I have explained our reasons concerning the commencement date. In respect of an increase in penalty, Hon. Graham MacKinnon misrepresented the purpose of the increase to a maximum of $1 000.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. Peter Dowding (Minister for Consumer Affairs) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement—

Hon. G. C. MacKINNON: I again repeat that it is not the Opposition's intention to oppose this Bill, so we do not want to hear a long, haranguing address. Perhaps the Government has some visitors coming after tea to hear debate on a subsequent Bill; I cannot think of any other reason for a Minister in charge of a Bill to spend so long padding up a reply when he has already been told that we will support it, and then to give such a poor answer to the only question he was asked! I take it that he wants to wait a while until he gets people into the gallery, for some reason or other.

Anyhow, I wonder whether the Minister would give me a good and valid reason which could persuade one or two of the people who are a little more critical of the Bill than I am, why we should not amend this retrospectivity provision. Can he assure the Chamber unequivocally that it is purely and simply a matter of nomenclature? Was I correct in my original assessment that the Government beat the gun and wants to validate some things? We accept that. We all make those sorts of mistakes now and again. I do not want a half-hour speech about it! I want only a brief explanation so that those who trust me to handle this Bill in Opposition can say that at least I did a reasonable deal on it.

Hon. PETER DOWDING: I indicate to the Hon. Graham MacKinnon that it is a matter of nomenclature. It has no effect on the business community or anything other than the administrative arrangements within the Government department. I mentioned that in my second reading reply.

Hon. G. C. MacKinnon: I lost it among your verbiage.

Hon. PETER DOWDING: The member probably lost it because he was talking to someone at the time.

Hon. P. G. Pendal: Don't be patronising.

Hon. PETER DOWDING: The retrospectivity affects only those clauses which refer to the nomenclature of the department, its role, or its administration. As I said, the department was set up *de facto* from that date, but the performance of the department is really a *fait accompli* in the sense that that is what the department is doing. Nomenclature matters are covered later under the other Acts, but none of the clauses which have any substantive effect outside the administrative structure of the department and its name are affected by that proposal.

Hon. G. C. MacKINNON: I thank the Minister for verification of my own assessment of the situation. It is now on the record and I am quite pleased with that.

Clause put and passed.

Clauses 3 to 29 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. Peter Dowding (Minister for Consumer Affairs), and transmitted to the Assembly.

QUESTIONS

Questions were taken at this stage.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 18 October.

HON. KAY HALLAHAN (South-East Metropolitan)[5.30 p.m.]: In supporting the motion I would like to congratulate the Government on presenting an outstanding Budget. The Press release which was issued by the Premier's department and which acknowledged the role of various community groups and the assistance they gave to the formulation of the Budget is quite historic. This continues the philosophy of this Government in drawing into the business of Government all those in the community with a relevant interest and shows it is rapidly being realised. I will read one paragraph of the Press release which stated—

> The Government acknowledges the role of the Confederation of Western Australian Industry, the WA Chamber of Industry and Commerce, the Primary Industry Association and the Trades and Labor Council as principal organisations who assisted and counselled the Government in the drawing up of the Budget.

It is therefore a Budget with very wide input and support, contrary to some of the remarks made by some members of the Opposition. One Opposition member referred to the population being conned by the Labor Party in this Budget. I believe that member insulted the population of Western Australia in making such an assertion because it is a well-thought out Budget. The population is not given to being conned, and it was a frivolous response to a very good document. It is a document which lends itself to not much criticism, hence the lightness of that comment.

Another Opposition member made a very colourful reference to the Budget as being "bushrangering by the Government".

Hon. P. G. Pendal: The Taxes Rangers!

Hon. KAY HALLAHAN: That member did not understand the Budget and strongly resented the good job this Government is doing. He recognised that a very much improved performance is needed from the Opposition if it is to seriously tackle the Government on the job it is doing.

The Budget is quite a determined document; it did not come about by accident, but as a result of much consultation. There are several guidelines in the Budget. The first concept was to balance expenditure and receipts; that is, a balanced Budget, not a deficit Budget and certainly one on which we can build in our years in Government, years which I am sure will be long.

The second point about the Budget which is a fact, in spite of the "bushrangering" comment, is that it attempts to hold down taxes to below the inflation rate where possible. All members would agree that is a laudable intent, but not an easy exercise for a Government. Nevertheless, it was one of the fundamental guidelines.

Hon. P. G. Pendal: Is a 13 per cent increase acceptable?

Hon. KAY HALLAHAN: The third guideline was an attempt to boost employment and encourage the business sector.

Hon. C. J. Bell interjected.

Hon. KAY HALLAHAN: That interjection is quite erroneous.

The fourth point related to initiatives in selected areas of social policy. When we came to Government, serious social problems existed in many areas and these problems required a rethink. Money had to be set aside in this Budget to begin a rethink and re-delivery to meet those social needs.

Even members of the Opposition would agree that a need existed to strive for greater efficiency in Government services. People who are the recipients of Government services are those who feel this lack of efficiency most keenly. In the past I do not believe they have been heard as clearly as they should have been. We are now seeing the results of a Government which is listening to the grass roots level of society and trying to make a more sensitive and positive response to the needs of our community.

The final point is that it is a Budget which complements and enhances the Federal Budget.

I want to make a few points in relation to expenditure in the Budget. There are quite a few features and advantages and I will deal with what it means to people in my electorate. The business and employment stimulation programme is to cost $48.6 million. This will incorporate tax concessions to assist private business at a cost of $38.9 million. That is a significant boost to the business sector. The Budget contains a $12 million programme to encourage high technology, an area in which people have a growing concern that if we do not keep up we risk losing any advantages in this resources rich State of ours.

The Budget also provides an increase of 43.8 per cent in funds available to small business through the Small Business Development Corporation and an 81 per cent boost for the tourist industry. Those two areas are the great employment sectors. Small business is often said not to be assisted by this Government. Personally, I have never found any truth in that statement. When these programmes get under way, the people making that accusation will do so less frequently and in quieter tones. Development of the tourist industry has been one

of this Government's great innovations. We have worked to get it going and to provide the employment potential of which it is capable.

Another feature of the Budget aims at meeting community needs for public housing. This is a great labour intensive industry and the Government aims to provide safe, secure housing, the production of which will create employment opportunities. Funds to the State Housing Commission will rise by $114.3 million, or 157 per cent. That is significant and it shows this Government's emphasis on meeting the needs of ordinary Australian families.

I want to refer now to some other factors which will indicate the value of this Budget to Western Australia. I refer to the provision of 485 new staff for the Education Department, 387 of whom will be new teaching staff. The Budget makes provision for the appointment of 100 additional police officers, and in the area of needs, an absolutely innovative provision is the setting up of 17 new child care centres. That will provide great relief to many stressed people who do not have family networks and friends and relatives living nearby, and who face the continuous problem of child care. This is a drop in the ocean, but it is a beginning.

Hon. P. G. Pendal: Don't you think it is bad that they cut the funds for Ngal-a Mothercraft Home?

Hon. KAY HALLAHAN: It may be difficult for Mr Pendal to imagine, but there is a comprehensive scheme in which these 17 centres will mesh with what is being provided at Ngal-a.

Hon. P. G. Pendal: I am sure they will be convinced.

Hon. KAY HALLAHAN: We can discuss it later if the member is genuinely concerned.

Hon. P. G. Pendal: I have raised the matter here twice.

Hon. KAY HALLAHAN: The member's purpose in raising it here was not clear to me, so my offer still stands.

Hon. P. G. Pendal: That is most generous as you cannot do anything about it.

Hon. KAY HALLAHAN: I want to refer to the tax cuts in this Budget.

The member who interjected might like to know that payroll tax was reduced. Some people have said it is a small reduction from five per cent to 4.75 per cent. Nevertheless, it is the first time in 13 years a Government in this State has reduced payroll tax. It is quite a significant morale booster to the private sector and small businesses, and it should not go unnoticed.

The other area where there has been a lot of input to the Government is in the reduction of FID. It has been reduced by a walloping 40 per cent—it is down from 5c to 3c per $100. That shows that significant changes—

Hon. C. J. Bell: We will reduce it completely when we are in Government.

Hon. KAY HALLAHAN: The Opposition will not have the opportunity.

Hon. P. G. Pendal: Are you going to fiddle the boundaries? That is a terrible thing to say, Mrs Hallahan.

Hon. KAY HALLAHAN: Mrs Hallahan does not believe in fiddling the boundaries, and she would like to see the principle of one-vote-one-value so that we do not have to worry about fiddling boundaries or dealing with the results of those given to us by conservative parties.

I would like to refer briefly to the question of youth, and the employment incentives which have been included in the Budget. The Minister in this place gave a good speech on this area and outlined—

Hon. G. E. Masters: Did he allocate it?

Several members interjected.

Hon. KAY HALLAHAN: The Minister has allocated a lot of money.

Hon. G. E. Masters: More money!

Hon. KAY HALLAHAN: The Minister spelt it out in an excellent speech in this House. I thought that members would have remembered it. If not, they should refer to *Hansard*.

An allocation of $5 million in the Budget will assist a programme of bridging the gap between leaving school and employment for high school children. That is an area where the youth are experiencing many problems. Employment for young people is only part of the programme.

I would like to return to the South-East Metropolitan Province.

Several members interjected.

Hon. KAY HALLAHAN: It has 83 500 people on the roll, and it is not a small area. It is one of the largest areas represented in this House. It gained more than $12 million for health and education in the Budget. I point out that a large amount of that money was needed because of the neglect of the past Government. Slowly the Government will have to lift the public facilities for people in my electorate.

Under the works programme, the Metropolitan Water Authority has been allocated $2.7 million to continue amplification works at the Bibra Lakes main sewer and $1.8 million to commence

construction of the Cannington sewer. There are problems with sewerage throughout my electorate.

The MTT bus depot at Gosnells has been allocated an amount of $312 000 to upgrade facilities. The two areas I have just mentioned are a little outside the matters I usually deal with in my electorate. However, I think efficient sewerage is fundamental to health and it is a pity that residents do not recognise that fact. The previous Government was remiss in its failure to allocate more money to sewerage than it did. Approximately 55 per cent of the metropolitan area is still without sewerage.

With regard to the Armadale area of my electorate, an allocation has been made in the Budget to purchase land to provide a division of police headquarters. It will be an interesting introduction to the area and for the first time operational facilities will be available for the CIB, general duty policemen, and the traffic branch. The Budget allocation is for the purchase of land in order that planning of the project can be started. That has been welcome by the council and the people of my electorate.

Another matter that has been the subject of many representations to me since I became a member for that area is the condition of the schools. I feel unforgiving towards the Opposition for what it has done. Some of the things that are occurring at the present time are occurring because of rapid growth. There are many areas that were neglected by the previous Government. While I would not want to cast too much doubt upon the ability of the previous members, particularly the member in the Chair at the moment—

Hon. P. G. Pendal: He would not be too pleased because he represented them longer than I.

Hon. KAY HALLAHAN: The South-East Metropolitan Province is, at the moment, getting very active representation. The Budget provides for two new schools in the South-East Metropolitan Province. One will be at Ashburton in Gosnells; that will take its new enrolments in 1986.

Hon. P. G. Pendal: We were planning that when we were the Government.

Hon. KAY HALLAHAN: It is one thing to plan, Mr Pendal, but it is another to do it.

Hon. P. G. Pendal: With a 13 per cent tax increase you can do that.

Hon. KAY HALLAHAN: It was not 13 per cent.

Hon. P. G. Pendal: It is 13.3 per cent.

Several members interjected.

Hon. KAY HALLAHAN: In this Budget $10 000 has been set aside as a starting commitment for the building of the Ashburton primary school. The forward commitment is $785 000 and that will come out of the 1985-86 Budget. In addition, $200 000 has been set aside for a new school at South Bibra and that also will take in students in 1986. In applauding the Government for that allocation I need to mention the fact that there was some controversy as to whether there should be a new school at Bibra Lake or at South Lakes. In fact, there is a school at Jandakot, but a need exists for three schools in that area. The decision of the Government to build a new school at Bibra Lake will help a lot of families in that area, but there are a number of people at South Lakes who will have to travel to take their children to school and no doubt they were disappointed with that decision.

The Queens Park Primary School was one of the first schools built in Western Australia. It was previously known as the Woodlupine School and is an old-type construction that needs revamping. An amount of $50 000 has been set aside in the Budget to do that. Most of the improvements will be around the external toilet block and will include a sick bay and a storage area. A further $100 000 will be spent in the forthcoming Budget. This allocation gives me particular satisfaction because it was a matter of concern to me when I visited the school last winter. Children were lying in draughty passageways, albeit, wrapped up in those warm grey rugs, but it is not satisfactory at all. When children become sick at school and, for some reason, cannot be taken home, they should be kept in secure and warm conditions. That will now happen at the Queens Park Primary School. It seems to me to be a state of neglect for that situation to have arisen. It would not have been tolerated in other schools, because parents would expect better standards.

Hon. P. G. Pendal: I believe that the Queens Park Primary School is in Mr Bateman's area.

Hon. KAY HALLAHAN: An allocation of $65 000 has been made also in the Budget for upgrading of the Armadale Primary School. Part of that amount will be used to build an undercover area.

It is interesting to visit schools in one's area and be confronted with the needs of those schools. Some of them need hall-gymnasiums, others undercover areas, some need school music facilities, and others improved manual arts facilities. I guess that as our standard of education and standard of facilities rise we are bound to have uneven developments between schools. It is certainly an

area of constant parental concern, and representation.

The Kingsley Primary School is also near Armadale and it has been allocated $76 000 which will be spent on an administration block. An amount of $240 000 has been allocated to the West Lynwood Primary School and I pay tribute to the Opposition for its foresight. This amount will complete the works at that school. However, the school was poorly planned and it is terribly difficult for the staff and the children at that school, but it had to be built as cheaply as possible and as a result it is in a state of upheaval. The administration block was knocked down and the teachers could not use the staff toilet.

Several members interjected.

Hon. KAY HALLAHAN: I am criticising the Budget allocation made by the Opposition when it was in Government, for recognising the need, but being mingy with the allocation.

Hon. P. G. Pendal: That is because we did not raise taxes by 13.3 per cent.

Several members interjected.

Hon. KAY HALLAHAN: Alterations costing $100 000 are taking place at the Yale Pre-primary School, close to Thornlie school. Libraries in primary schools represent another demand. Two schools have had expenditure for libraries set aside for this financial year. The Gwynne Park Primary School, which is a disadvantaged school near Armadale, has been granted $250 000. This is a growing area; there will be an enormous population increase. A very big State housing development is in progress now.

At Langford there is to be a conversion on the library costing $250 000, and more is set aside for the forthcoming years. Langford is an area where people do not have many resources; they do not have money to spend on taking their children to experience things which are available to children of most families. I regard it as very important that schools in that area have adequate allocations.

An extraordinary amount of $150 000 is set aside to upgrade the toilet block at Beckenham Primary School. This is too much. I have still to find out exactly what is to be built, in addition to the toilet block. Obviously there are great needs at the Beckenham Primary School.

At Westfield Park Primary School money is required for an increased administration area. One of the things happening is that as specialist teachers come into the school part-time, the administration blocks come under greater and greater pressures. First aid rooms may be used as music rooms for visiting specialists. Administration blocks become impossible for staff to work in. Staff rooms are inadequate. Staff have lunch together and tea together, but the facilities should be adequate. I think we probably all agree that teaching is a fairly demanding occupation and teachers need to be able to sit with their colleagues for five or 10 minutes in order to gather their energies without having to look around to see where to sit, or whether there is room to stand against a wall to drink a cup of tea. That is what is happening in some staff rooms.

High schools suffer from a lack of interest in expanding numbers in the electorate. The Lynwood High School has a large enrolment. Some facilities are appropriate to schools with much lower enrolments.

In addition to an enrolment of well over 1 000 students, Lynwood has a manual arts area which is particularly noisy. I personally think it is unsafe. The decibel level I am sure outstrips any noise safety measures. In fact tests have been carried out by the Public Health Department and the noise was found to be in excess of what is reasonable. We are subjecting our young people to that level of noise. In spite of the fact that we might think they like loud music, which is detrimental, we have a responsibility to ensure that in their school activities they are not exposed to harmful noise levels.

Parents and citizens at Lynwood are happy to see an allocation in the Budget to improve the manual arts area, and indeed to cover the whole outdoor paved area as a protection against noise and smelly fumes.

At Thornlie High School there are extra problems. A significant amount has been set aside for the manual arts department. There seems to have been some very poor planning in the formulation of those manual arts centres, with insufficient space for traffic and no walls to cut down on noise levels. We are now facing the bill for refurbishing and trying to overcome the problems.

Rossmoyne Senior High School has been asking for some time for a hall-gymnasium, and $360 000 is set aside for that. This facility, which members know many schools take for granted, does not exist at Rossmoyne. It is one of the last of the larger high schools to get that facility. Work will begin on that in the new financial year.

There are some other areas of interest in respect of the Government's allocation to the South-East Metropolitan Province. One of those relates to the area of health. The psychogeriatric units now being built in Western Australia are an interesting change from the old days when people were put in centralised hospitals, inadequately cared for, in

circumstances not at all suitable for their condition. The move by the Government to close Swanbourne hospital and to move those people into the community and into psychogeriatric units is a very forward-thinking plan. I endorse that move by the Ministry. Bentley Hospital will enjoy that facility in the forthcoming year, as will the Armadale-Kelmscott Memorial Hospital.

It is significant that some people are believed to have lost many of their skills and much mental stimulation at Swanbourne hospital. Now people will move to much smaller units which will be as close as possible to a conventional residential nursing care situation.

The feeling at Armadale-Kelmscott is that it would really have been preferable to have a unit or a ward for people with senile dementia who are simply aged and need nursing home care. It has not been possible to provide this under the present Budget, but I have made strong representations to the Minister to ensure that we can move in that direction in the next financial year. Providing that sort of facility cuts away from what has been done previously, except in country areas. Governments have never attempted to provide nursing home care attached to a general hospital. This concept may have to be introduced into the metropolitan area. Perhaps the residents of Armadale-Kelmscott will be those to lobby successfully. The year ahead will tell.

In addition to that particular facility, in Armadale-Kelmscott there will also be a community health centre. I worked in a community health centre, and those centres are great facilities. This centre will provide the services of a physiotherapist, a social worker, an occupational therapist, a podiatrist, and all the other health-related services which people need and which are preventive in nature and cut down very often on the need for hospitalisation.

The sum of $310 000 is set aside in this Budget for the establishment of that centre, and the total outlay at this stage is thought to be $670 000. We hope to see that allocation set aside in the next Budget and a move made to complete that centre.

One very significant facility is to be provided under the Division for the Intellectually Handicapped, although we are not sure where it will be. As we know, the Division for the Intellectually Handicapped has become a division under its own right now in the new Health Department, and it is a division that I would commend to all members as I think it is a particularly effective and efficient unit in caring for people with those afflictions. We will see group homes in my province.

I will wind up my comments by saying I think this is an excellent Budget and I commend it to members. I have much pleasure in supporting the motion.

Debate adjourned, on motion by Hon. P. H. Lockyer.

Sitting suspended from 6.00 p.m. to 7.31 p.m.

EQUAL OPPORTUNITY BILL

Second Reading

Debate resumed from 16 October.

HON. I. G. MEDCALF (Metropolitan) [7.31 p.m.]: This is a very interesting Bill. The long title of it reads as follows: "A Bill for an Act to promote equality of opportunity in Western Australia and to provide remedies in respect of discrimination on the grounds of sex, marital status, pregnancy, race, religious or political conviction, or involving sexual harassment".

At the outset I indicate that the Opposition supports the Bill. I make that quite clear. Indeed, I make it transparently clear, because, in the course of my remarks, I shall be making one or two comments by way of observation as to what one might refer to as philosophical aspects which arise out of a consideration of the Bill.

It is necessary that I should say quite clearly that the Opposition supports the Bill, and, indeed, I support it personally, quite apart from being a member of the Opposition. However, I make it clear that my comments in no way derogate from our support for the Bill. They are the kinds of things which, as a representative of the public, one should say in this Chamber in the public interest. If that sounds ominous, perhaps I should indicate that I propose to make some observations, but I do not wish them to be misinterpreted.

Men and women are not equal by nature, nor are they equal in nature. Men are usually, although not always, physically stronger than women, but according to the statisticians and more general experience, women live longer than men; so that women are probably constitutionally stronger than men in the sense that they have a longer life expectancy and presumably stronger constitutions.

The attitudes of the sexes differ in many notable ways. Far be it for me to attempt to describe the different attitudes of the sexes to different matters, but it has been my experience over many years, being a married man and having had a lot of experience with women one way and another, that frequently their views differ from mine. That does not mean in any way that their views are superior to mine, or my views are superior to theirs; but it is quite true that attitudes differ.

All these things are rather obvious. Very sensibly, this Bill endeavours to give these people with different attitudes and different natures, one might say, or perhaps slightly unequal natures, equality of opportunity. In other words, it endeavours to give them equal chances in the community in the different aspects in which they may otherwise suffer.

However, I remind the House that there is a price to be paid for sexual equality. For women to be equal to men in all respects is not simply all beer and skittles. Careers are fine and it is fine that women can and should be able to engage in any employment, but careers and employment exact a penalty and any person who has been in employment, who has had a career, or who has attempted to have a career successfully or otherwise, will have experienced just that. Every person is not necessarily fit for all the ambitions to which he or she aspires. Work engenders cares and troubles and, in some ways, it is a very mixed blessing to join the work force.

Of course, there is a counter-argument to this which is that it is much worse to be unemployed and I am well aware of that; but I am just mentioning that perhaps a woman who has been accustomed to home life might feel that joining the work force is a very doubtful benefit.

Sometimes children are neglected if their mothers as well as their fathers are away. There are many examples of children who have gone astray in their later lives and sometimes in their earlier lives, because their fathers have not been at home; because their fathers have always been away at conferences, working late hours, in the Eastern States, not around to talk to the children, or not there to help the childrens' mothers. If a child's mother as well as the father, is away there is a price to be paid for that as well.

There is a price also in terms of the health of some women. Only a few days ago I read in the newspaper that ulcers are becoming far more prevalent among women these days. In the past ulcers were a disease contracted mainly by men who were trying to meet deadlines, whether they worked as transport drivers or executives. Now many women are suffering from this complaint whereas previously I suppose not many did.

I will not go into all the other health aspects, but it is rather obvious this is one of the risks people run and it is a possibility, of course, that the statistical facts in respect of the life spans of women may be changed in future years; indeed, it is very likely, and whether they come down to that of men remains to be seen.

There is also a loss of some of those old world courtesies and favours which have always been accorded to women and that is something for which I think most people have a good feeling. That is an unfortunate aspect which perhaps is part of modern life too.

There is a problem of whether having more women in the work force in fact affects the chances of young people getting jobs. Some people say that it does. I do not know whether it does, but it is something about which an employer might well think when he is engaging people. He has to weigh up the following, "Am I going to engage a woman who is experienced and mature, or a young girl who knows nothing about the job?"

In the future after this legislation becomes law, and I do not doubt that it will, women will be unable to discriminate against men. That is something which perhaps some people have not thought about in any depth, but the position will be the same for both sexes. That is fine. That is fair philosophically and theoretically, but it is something to bear in mind.

There will be some unexpected results. We have had one already in that curious earring case in Victoria where a 16-year-old boy insisted on wearing earrings at school. He took proceedings under the Victorian equal opportunity legislation when he was prevented from doing so. That had some curious effects in that the girls at that school were also prohibited from wearing earrings so that the students were all on an equal basis.

Obviously there will be some other curious results of this legislation and I will not waste the time of the House forecasting what they may be, nor am I suggesting we should flinch from the legislation because of them.

The areas of work which some women perform now may well suffer. As I understand the Bill—no doubt the Minister will correct me if I am wrong—advertisements must all be non-sexist after the passage of this legislation and it seems to me that it will not be possible to advertise for female secretaries. Most members of Parliament have female secretaries.

Hon. Robert Hetherington: Not all.

Hon. I. G. MEDCALF: Indeed most Government Ministers have male private secretaries. As far as I can see, once the legislation is passed, it will not be possible to advertise for a male private secretary. These are changes to which we will have to become accustomed. In the future it is possible female private secretaries will work for Ministers.

Hon. Robert Hetherington: We have that now.

Hon. I. G. MEDCALF: Ministers may all have female private secretaries, and, of course, on its own that may cause some problems and we shall have to adjust and become accustomed to the change.

However, I again make the point that sexual, political, religious, and racial tolerance are fine and to be supported. We support them now and we have always supported them. The question arises as to whether the community at large supports them. It is an interesting question and I do not propose to go into it too deeply, but as I see it the Bill itself is an attempt to educate the community and in that respect it is laudable, because it attempts to avoid excesses.

It seems to me that, in avoiding most of the excesses which appear in other legislation of the same kind, this Bill has charted a very careful course.

I need to correct some statements which have been made—not here, but just in case they are made here—in another place, to the effect that women's rights and equality have been totally neglected in the last nine years. I presume those comments were intended to refer to the period of the Liberal Government in this State and I shall briefly allude to some of the historical facts.

I am going back well beyond the nine years referred to and I remind the House that votes for women originally came about in this State as a result of a move by a conservative Government. The first female member of Parliament in this State was Mrs Edith Cowan who was a conservative member. The first female Cabinet Minister in this State, indeed in Australia, was Dame Florence Cardell-Oliver who was the Liberal or Nationalist—whatever it was called in those days—member for Subiaco.

In general, I must say that earlier State Governments had a rather perhaps old-fashioned, but nevertheless quite proper, attitude to accepting equal rights for women as they were thought to be.

I understand that in those days the ALP was basically not interested in the subject. I am not saying that the ALP was actively opposed to equal rights for women, because I do not know, but, of course, many union members were against equal rights, and for a very good reason; they could see that their jobs were on the line. Certainly, the ALP attitude at that time was equivocal, and due to the change which has occurred in the ALP, one might say as a result of the change from largely blue-collar members to a different type of member—mostly academics, teachers, and lawyers—a different attitude has developed within the ALP.

What of the previous nine years? I can say only this: I have seen some quite notable changes in the attitude of the Governments in this State towards women. Admittedly, previously no Bill such as the Bill we have before us today was put forward, but a number of changes were made to the rape laws, changes which were beneficial to women. I will mention briefly some of those changes.

Provisions were inserted in the laws of evidence and the Criminal Code to prevent women in rape cases being cross-examined as to their previous sexual conduct, and to prevent the media from reporting the names or addresses, or any identifying detail concerning the women victims in rape trials, even to the extent of the husband-and-wife situations. If a woman were assaulted by her husband, from whom she was separated, a charge could be brought against him. In addition the provision for unsworn statements was abolished.

What all that means in simple language is that the traditional lawful right which had lasted for centuries and which allowed the defence counsel in a rape trial, to mercilessly cross-examine the woman victim of the offence, but not the defendant himself to be cross-examined, because he had made an unsworn statement and refused to give evidence, an oath was abolished. This State is the only State, other than Queensland, which, in order to assist the women—that is, the victims of rape—abolished that right of the defendants. No other State has yet done the same. The Northern Territory Government was bold enough to insert it in its Criminal Code, and it met with opposition from the present Commonwealth Government, but I am pleased to say that the Commonwealth Government finally retreated and allowed that provision to remain in the Northern Territory Criminal Code.

In addition, this Parliament passed the State Family Court Act which was a corollary of the Commonwealth Family Law Act, which enabled all domestic matters of concern to husbands and wives, and to children who were born of the marriage, were illegitimate, or adopted, to be dealt with in the one court on the one occasion. This is the only State in the Commonwealth where that court operates—it is the only State in the Commonwealth which has that law today—while other States are still arguing about the matter.

We also brought in an entirely new Act in relation to criminal injuries, so that a woman—of course, it is not only a woman; the Act applies to a man, also—who suffered as a result of some criminal assault, including rape, did not need to bring further proceedings in the court and confront the criminal who had perpetrated that offence. She could go separately, quietly, and privately to an

assessor, outside the court, without the need of a lawyer, and without having to confront the criminal who offended against her, and, as from 1 January 1983, she could obtain compensation on a greatly increased scale.

Indeed, that Act included a section which I commend to the present Government; that it can, by regulation, vary the amount of compensation. I mention that fact just in case the Government had forgotten about it.

In spite of some comments which raised various technical arguments against us, I point out that we insisted on bringing in a new part of the Justices Act to enable persons who suffered from situations of domestic violence to obtain some immediate relief, and to call the police in to help them. Of course, the people who benefited from that were largely women—women who were the victims of domestic violence.

I may say in that respect that we owe a debt to the Hon. Lyla Elliott for bringing that matter to the attention of the House 12 months before we brought in the legislation. We introduced the Bill, and some of the pundits in the legal profession raised objections to it, but it is a very popular form of relief, and many women have taken advantage of it since it became law.

Those are just some of the things which come to my mind readily when I think of what we did in the previous nine years. Of course, there were other matters also. It is wrong for anyone to imply that this area was neglected by the previous Liberal Governments. I just want to make that clear. That has not been said in this House, but just in case anyone attempts to say it, I want to make the position clear right from the outset. If at any time, anyone wishes to debate any of those areas with me, I would be more than happy to do so.

Those were all worthwhile, practical measures. As I said a moment ago, it is true that no legislation such as the Bill before us was brought forward. I am not blind to the facts, but I do say that some very worthwhile, practical measures were brought into this area. We are now supporting this initiative, brought forward by the present Government.

I want to point out to the House that this new law, as I understand it—and someone may correct me if I am wrong—is largely designed to be educative. It is designed to present in a rather mild form to the public some antidiscrimination areas. They could be presented in a much more drastic way, as has been the case in some other places.

The law which came into force in the United Kingdom contained many different provisions. Indeed, it was ridiculed quite frequently, which does no good for the cause of antidiscrimination or for the cause of assisting men and women to achieve equality.

In many ways this legislation merely reflects what now is either generally accepted or has become generally accepted in many areas. I am delighted that the ALP has changed its attitude. I only hope that all the supporters of the ALP will likewise change their attitudes. I refer particularly to those who, in the last few years, have tried to ban women from worksites, and so on. That action, of course, must stop. It must be outlawed.

Women are now a force in many areas in which they were not previously. I want to illustrate this fact by talking of an area about which I know most; that is, the professional area.

I do not think that this Act will do much for those women, because they have already done it for themselves, or are doing it for themselves. Women in the professional area are already making their own way. I am not saying that we should not have this legislation. I am just saying that those women have already set the pace. If anyone has any doubts, I urge that person to read the issue before last of *Brief*, which is the journal of the Law Society of Western Australia. That journal contains a lot of material about women in the law. Indeed, it is an extremely good issue. Not only does it refer to some of the early lawyers who were women, people such as Sheila McClemens, but also it refers to the present position and the tremendous advances made by women in the legal profession. I will give a few illustrations by quoting several figures from some very well-written articles in this issue.

Were you aware, Mr President, that 50 per cent of the law students at the University of WA are women? That is a tremendous advance. I doubt that there are many people outside legal circles who would be aware of that fact.

The figure for 1982 is just below 50 per cent for women law students. I am informed by the Law Society that at the beginning of the year, 54 per cent of the students were women. That figure has dropped to just under 50 per cent at the moment. A few must have fallen out for one reason or another. Half the law students at the moment are women and that is a tremendous change. When I was at law school, there was only one woman student. The present figures are quite remarkable.

The figures given in the article show this tremendous increase, an ever-increasing percentage. It is expected that the figure will rise above 50 per cent in the next few years.

So far as the practising profession is concerned, it need not be thought that women are hanging

behind or dawdling there either. In 1984, there are 141 women practising law and that figure represents about 14 per cent of the total of all legal practitioners. In 1984, there are 39 sole practitioners and partners who are women. Many women are practising on their own, without assistance from any male practitioner.

Over 20 per cent of all Government lawyers are women. Also, almost one-third of all lawyers involved in legal aid are women. It is a remarkable development and illustrates the fact that those women do not really need much help from this legislation. Other women need the help.

The same kind of situation applies to the medical profession. The number of women involved in the medical profession has increased tremendously in the last few years not only those who attend Medical School, but also those who have already graduated. Indeed, women are practising on their own as private doctors. In Government hospitals qualified women are practising doctors in all aspects of medicine. Indeed, there are women in partnership exclusively with other women—they will not have any men with them, I think. This of course is a significant development.

The main problems are not in the professional areas; they are in the workplace, or in other areas. I can understand the attitude of some semi-skilled or unskilled workmen who might see women as rivals for their positions.

I can well understand that attitude, particularly if the workmen have families to support. Perhaps they have certain rather hidebound views about things and of course they object to anyone who threatens their jobs, whether these are men or women. If men threatened their jobs, they would have the same view. However, because they are threatened by women, the workmen are able to use the argument that they will not have women in those jobs. That is not a good argument, but it is the kind of argument which comes immediately to their minds.

Discrimination by fellow workers is something which applies not only to the professions, but also generally speaking, to many of the trades and industries in which semiskilled and unskilled workers operate.

In approaching this question, the Government must bear in mind that, whoever it appoints to the position of Commissioner for Equal Opportunity and whoever it appoints to the Equal Opportunity Tribunal which will operate under this legislation, must have a balanced approach. Other matters are dealt with in this Bill, as I have already indicated, but I should stress those two positions because, as well as our dealing with sexual equality, we are dealing with matters connected with race, religion, and politics which issues are all very sensitive. They are far more sensitive, in many ways, than are the issues relating to sexual discrimination.

Whoever holds the positions which I have just mentioned must be very balanced people. I hope that they will not copy the example of Mr Al Grassby who was the Commissioner for Community Relations a few years back. I say that without wishing, in any way, to derogate from Mr Grassby. That is not my intention. His was an example of how not to start off a new position. He succeeded in antagonising people.

I think anyone filling the new position set up under this Bill, must move very warily and very carefully and not try to take political sides. The commissioner must not allow himself to be used for political purposes by any person with political motives. Indeed, the very thing that the commissioner will be trying to stamp out is political discrimination. If he falls victim to that, what hope would there be for the people for whom he must deliver judgment? Nor should he try to take on hopeless cases which might be used by political parties. He should be very careful to ensure that he is not used for some base, political motive. Therefore, he or she must be a very balanced person.

Hon. Kay Hallahan: Hear, hear!

Hon. I. G. MEDCALF: I am using the word "he" in the sense used in the Interpretation Act. The masculine includes the feminine. That is what one does when one has studied Statutes for as long as I have.

The commissioner must not be a political nominee nor a prejudiced person. The commissioner must be independent and level-headed. He must be courageous. For "he" read "he or she".

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! I ask members not to carry on conversations in the Chamber. There are many people in the Public Gallery and they are having difficulty hearing the speaker.

Hon. I. G. MEDCALF: The commissioner must be courageous, not only in taking things on, but also in refusing to take some things on, otherwise he or she may be led up the garden path.

There are one or two things which have been omitted from the Minister's second reading speech, but to which reference should have been made. At any rate, I believe they should be mentioned, certainly in the course of this debate.

I observe that no reference has been made to discrimination which may occur between unionists

and non-unionists. Yet, we know that that form of discrimination exists and is, frequently, the cause of industrial dispute.

There are provisions in relation to partnerships, which provisions I believe present some quite serious problems. Partnerships are entirely different from contracts of employment. Whereas one can readily agree with the provisions relating to employment, one must also agree that the provisions should be different in relation to partnerships where people have come together, because of mutual trust and confidence, if that partnership is going to last. It seems to me that there are some real problems in this area, but I will have more to say on that during the Committee stage. It is not that I have any quarrel with the principle of antidiscrimination. However, in relation to partnerships, I think that some real problems can arise; for example, in the case of serious political, religious, or other differences which may have an effect on a party's entering or remaining in a partnership.

Some rather loose references are made also to public authorities, and in the Committee stage I will also have more to say about that aspect.

I note also—I am surprised that the Minister did not mention this—that he has included class actions in the legislation. I do not know whether class actions have been included in other legislation which has been before this Parliament in recent times. Certainly there would have been very few cases. I think this is worthy of note because representative actions introduce an entirely new concept into proceedings under Western Australian law.

I commend the Government for the way it has approached this legislation. It has profited from some of the mistakes which have been made in other places. Generally speaking, it is a moderate approach. The Government has not used a big stick. It has included some sensible exemptions in the legislation, exemptions such as those relating to single-sex boarding schools, religious and educational institutions which operate on the basis of single-sex or which have religious teachers, and so on. Single-sex clubs have been exempted from the legislation as have hospitals and schools run by religious bodies. Certain sporting activities have also been exempted. There are a number of other exemptions which I will not go into. They are all in the Bill and I think that they indicate a very sensible and moderate approach by the Government. Although, in general terms, the Government has avoided any excesses in this legislation, I believe that those excesses must continue to be avoided. One can forgive the Government for a certain amount of window-dressing in the second reading speech and for a certain amount of self-congratulation. Congratulation of the Government ought to have been left to me rather than the Government's congratulating itself.

Hon. J. M. Berinson: We could not count on it.

Hon. I. G. MEDCALF: It is always better to be congratulated by someone else than by one's self.

I am very pleased also with the change of attitude which has come over the Australian Labor Party. It has changed its traditional policy of many years ago and has produced this moderate initiative. Further progress must now be left to community attitudes. I believe that community attitudes will, generally speaking, come into line with the principles of the Bill. When community attitudes change, that will be time enough to change this legislation. Community attitudes are absolutely vital, because if the community does not accept the legislation, of what use is it?

I have already indicated that I will have some serious comments to make in the Committee stage. Indeed, I will raise serious problems concerning one or two items in the Bill. However, they do not, in any respect, affect my support and that of the Opposition for the general principles of the legislation.

HON. LYLA ELLIOTT (North-East Metropolitan) [8.07 p.m.]: The Bill before us deals with discrimination on the grounds of sex, marital status, pregnancy, race, and religious and political conviction. However, in the main, I wish to devote my contribution to this debate, to discrimination on the grounds of sex and to the manner in which such discrimination has affected the lives of women.

The earliest European women in Western Australia had few rights and even fewer rights if they were poor and illiterate. Many of them were orphans from the slums of London or they came here as a result of the Irish famine.

If they were lucky enough to escape the sexual attentions of the male passengers and crew and not arrive pregnant, they had several choices on arrival in the colony. They could become domestic servants—and that often meant a life of virtual slavery—they could get married, they could become prostitutes, or they could end up in the poorhouse.

In those days, marriage often meant a life of brutal physical abuse, and, sadly, it is still the case today.

According to Tom Stannage in his book *The People of Perth*, Perth, in those years, had an unhappy reputation as a town of wife beaters. However, until 1863, a wife was not legally able to

divorce or even leave her husband. In that year, the Matrimonial Causes Ordinance was passed, and it provided for judicial separation for either party on the grounds of adultery, cruelty, or desertion for two or more years.

However, divorce was a different matter. The Act made it possible, but difficult, for the wife. While she had to prove either incestuous adultery, bigamy, sodomy, bestiality, adultery accompanied by cruelty, or desertion for two or more years, the husband was able to obtain a divorce merely on the grounds of his wife's adultery, and he could sue her lover for damages into the bargain.

It was not until 1911 that the Act was amended to provide equal grounds for divorce. That is just one of the many examples of when, only a little over a generation ago, women were denied elementary human rights and social justice.

Through the years, various women's organisations campaigned for improved facilities such as King Edward Memorial Hospital, aged persons' homes, and kindergartens, a better deal for widows and women pensioners, and for equality concerning jury service, pay, votes, and the right to stand for Parliament.

Hon. Ian Medcalf referred to the fact that a conservative Government introduced votes for women. I cannot let this moment pass without taking him up on that point. In fact, in 1899, when Sir John Forrest granted votes to women, he did it for an ulterior motive. In the 1890s, the Women's Christian Temperance Union began to campaign for votes for women. Towards the end of the century, that campaign coincided with the gold rush. Of course, there was a great influx of miners into the goldfields. Many of them were not accompanied by women, and had pushed into the goldfields wheelbarrows containing their goods and belongings.

At that time, to coincide with the demand for votes for women, the miners who had arrived in large numbers on the goldfields, realised that they were under-represented in the Parliament; that the people in Parliament in the main represented the less populous areas of the south-west. Therefore, they were demanding better representation in the Parliament. Sir John Forrest hit on the idea of killing two birds with one stone.

He realised that the miners had very few women in their communities, but that many women lived in the south-west. They were the wives of landowners and were, in the main, conservative voters. He thought that if he gave the vote to women, this would balance the numbers on the goldfields. That was the reason women were given the vote in 1899. So I take issue with Mr Medcalf in his suggestion that it was a generous act on the part of the conservative Government.

I also want to take him up on another matter. He referred to conservative women who represented a number of the first members of Parliament in the State. I do not wish to take anything away from them, but the first woman member in this House was a Labor member, Mrs Ruby Hutchison, my predecessor, and a member I am proud to follow.

I return to my comments relating to the various women's organisations which campaigned for these matters. It was not until the late 1960s that the women's movement commenced in earnest in this country. A plethora of feminist literature published in the 1970s challenged the whole basis of male-female relationships, and queried whether long-held values and stereotypes were due more to nurture than to nature. After the initial shock of such radical ideas, the majority of women began to realise the justice and commonsense of the case and supported issues raised by feminists.

The same could be said for many male politicians because male-dominated Parliaments—of all political colours—have passed fairly enlightened legislation and changed discriminatory laws, and the Governments have introduced humane social welfare policies affecting women. However, because prejudices have been entrenched in community attitudes and policies for so long, the removal of legal barriers to equality has not been enough. Many stories can be told of injustice, wasted skills, frustration, and heartbreak, because of discrimination or prejudice on the part of persons in positions of power and influence. It is for this reason that in the past decade we have seen antidiscrimination legislation passed in South Australia, Victoria, New South Wales, and, more recently, in the Federal Parliament, all with the support, and in Victoria the initiative, of Liberal members of Parliament. I am pleased to hear that the Opposition will support this Bill tonight.

A perusal of the annual reports of the relevant antidiscrimination authorities in the States I have mentioned gives a clear indication of the importance of the legislation and the fact that the overwhelming percentage of complaints are registered by women. The New South Wales 1983 Antidiscrimination Board annual report shows that 87 per cent of the complaints for that year concerning sex discrimination were from women, and two-thirds of those related to women's employment.

The 1983 annual report of the South Australian Commissioner for Equal Opportunity stated that "In terms of the Sex Discrimination Act women

experienced the most discrimination, as has been noted in all previous reports".

The report also stated that while complaints regarding sex discrimination were not confined to women, the ratio of complaints was approximately three women to every man.

A similar ratio can be found in the 1983 report of the Victorian Commissioner for Equal Opportunity. The report stated that of all forms of discrimination covered by the Equal Opportunity Act in that State, the most pervasive and deep-seated remains economic discrimination against women and most of all in the workplace.

Employment is just one of the areas covered in the Bill. It is an extremely important area, and it is here that one can see clearly reflected the results of past attitudes and policies. Although women constitute 50 per cent of the population, the number of them in top jobs in the community is miniscule. For example, in this Parliament only 7.7 per cent of the members are women; in the Federal Parliament 8.9 per cent are women; only nine per cent of local government councillors are women; and, in the administrative, executive, and management areas, the figure is 15 per cent. How many heads of Government departments are women? None. How many judges in this State are women? None. Hon. I. G. Medcalf referred to the number of students enrolling for law courses and that information was very encouraging.

Hon. I. G. Medcalf: There will be more eligible to be judges when they get more experience.

Hon. LYLA ELLIOTT: Let us hope so. To continue, just over six per cent of school principals in this State are women although women represent 53 per cent of all teaching staff. I had on my files a cutting from *The Western Teacher* of 6 July 1984. This publication comes into my office regularly and I thought this extract might be useful in the debate. The article is headed "Women's promotion highly emotive topic". It begins as follows—

> In recent weeks there has been a lot of talk in staffrooms about changes and pending changes to the promotion system in relation to access for women.
>
> Much of this discussion is highly emotive and bears little resemblance to the facts and likely outcomes of such changes.

The article lists a number of ill-informed statements which are made and provides the correct answer. One of the ill-informed statements is that, "there is no discrimination against women". The following answer is given—

> FACT:
> In 1983: Men made up 47 per cent of all teaching staff.
>
> Men held 93.4 per cent of principal positions.
>
> Men held 53.8 per cent of deputy positions.
>
> Men held 85.8 per cent of senior mistress/masters' positions.
>
> Men held 75.3 per cent of senior assistant positions.
>
> In 1983 women were promoted in the following areas:

	Women	Men
Principal High and Senior High	0	9
District High Class I	1	4
District High Class II	0	9
Senior Mistress/Master	3	15

> Primary—one woman became a principal in a Class IV.
>
> When viewed from an informed perspective one can see that women are grossly underrepresented at the decision making levels of the Education Department.
>
> As the prime role of the system is to educate the young of this State it is essential that students be provided with male and female role models at all levels of education.

Women represent 37 per cent of the labour force and nearly two-thirds of these are in only three occupational groupings; clerical, sales and service, and sport and recreation. Women and children form the majority of people living in poverty. Mr Medcalf referred to the fact that some men might be put out by this legislation because they have families to support and they could feel that their jobs were threatened. I submit that many women in the community support families and they, too, should be entitled to employment opportunities. Women are unemployed in greater numbers and for longer periods than are men.

Apart from the social conditioning of girls which has discouraged them from seeking higher education or training for non-traditional types of occupations, deliberate policies of discrimination were practised which have made it very difficult, if not impossible, for women to achieve promotion to top administrative positions. For example, until 1968, all women in the Public Service were required to resign on becoming pregnant. Until 1970, the same women had to resign on marriage. Is it any wonder that there are few women at the top in the Public Service?

While such overt examples of official discrimination have now been removed, practices and atti-

tudes still exist which place women in a disadvantageous position when seeking employment or promotion. Numerous examples can be found in the pages of the annual reports referred to earlier from the commissions in New South Wales, Victoria, and South Australia. Cases can also be quoted by our women's interest division, even though it has been operating for only a short period.

The legislation before us, like that of other States, has a two-fold purpose. One is to provide a means of redress for people who have suffered injustice, in the same way that many other pieces of legislation on the Statute book have. The other, and equally important, purpose is its educative role, a role which was referred to by Mr Medcalf. The functions of the commissioner listed in clause 80 very clearly spell out the way this is to be achieved.

Research has shown that changing the law has a very powerful effect on changing attitudes. When a certain form of behaviour is made illegal, people come to accept that it is wrong. I believe that there is already general acceptance of this type of legislation. The Federal sex discrimination legislation which came into effect on 1 August of this year, has not to my knowledge produced any opposition, except from a few extremists.

In addition, some 30 major corporations and tertiary institutions in this country have voluntarily introduced equal opportunity programmes. These include such companies as AMP Fire and General Insurance Co. Ltd., Ansett transport industries, ANZ Banking Group Ltd., BHP, G.J. Coles & Co. Ltd., CSR Ltd., Dunlop Olympic Ltd., Esso Australia Ltd., IBM Australia Ltd., Woolworths Ltd., Westpac Banking Corporation, the Australian National University, and many others. Between them, these organisations employ something like 250 000 Australians.

The public meetings and seminars held prior to the introduction of our legislation elicited only keen interest and support for the general principles contained in it. Why would that not be the case? No reasonable thinking person could quarrel with the Bill. It merely writes into our law principles which the overwhelming majority of Australians would already regard as fair and just. It forces nobody to lay complaints, but provides a means whereby victims of discrimination can seek redress. That has been denied to them in this State until now. The legislation will honour our obligations under international treaties; in particular, the United Nations convention on the elimination of all forms of discrimination against women.

It is my great pleasure to support this historic piece of legislation, and to urge all other members to do the same.

HON. MARGARET McALEER (Upper West) [8.30 p.m.]: I rise to indicate my support for this Bill and more particularly for the principle of non-discrimination against people on the grounds of sex, marital status, pregnancy, race, religion, and politics, to which principle the Bill seeks to give effect.

Although there are undoubtedly many, and some glaring, examples of discrimination in all these fields—and law or no law, it will be some time before the attitudes which give rise to them disappear—the very fact that we have this legislation before us, and that similar legislation with the same objectives has been passed in the Commonwealth Parliament and in other States, demonstrates that we have come quite a long way along the road of non-discrimination. But certainly, for instance, Commonwealth legislation on human rights has done much to make us aware of the various prejudices which many, if not most, of us harbour in one form or another, and which are often a peculiar blend of ignorance, or experience, myths, half-truths, and the like.

When I was a student, it used to be said of historians that one could not expect them to write without prejudice, or interpret history without the colouring of their own beliefs and attitudes. What one could require of them was a recognition of those prejudices and attitudes so that they could make allowances for them. In the same way, I think that legislation such as this induces us to examine our approach to people of different ethnic or national backgrounds, religion, and so on, and to see which of our dealings with them are influenced unfavourably by our attitudes. But other people's attitudes are often hard to define, and it is easy to pass judgment on them. How often have we heard someone say something like, "I cannot stand the Dutch, they are all arrogant", but that does not mean to say that, face to face with individual Dutch people, they are anything else but polite and fair in their dealings with them. They may even have a friend who is Dutch. It is thoughtless and it could be hurtful to say such things, but it is not necessarily a guide to people's actions.

This Bill, while it seeks to change attitudes, is not so unrealistic as to try to outlaw them. It simply tries to ensure that the attitudes are not translated into discriminatory actions. This variance between expressed attitudes and actual behaviour is one of the things which perhaps ought to make us rather wary of legislation in this field. There are other reasons—the grey areas—where it

will be very hard for a commissioner or a tribunal to decide whether there really was an unreasonable element of discrimination at work, for instance, where the genuine preference of an employer for one applicant for a job coincides with a possible cause of discrimination against another, as, for instance, when choosing, say, between an Australian and a Vietnamese applicant for a job when their qualifications are equal in the sense of training or academic achievement. It is going to require a great deal of good sense as well as sensitivity on the part of the commissioner to deal with many of the complaints which come before him or her.

I think it would be a pity if, in the enthusiasm to abolish discrimination and give equal opportunity to all, regardless of sex, race, religion, or political belief, we went to the other extreme and demanded a positive discrimination in favour of anyone who might consider he or she could be categorised as a natural victim so that we then come to the position in employment where an individual's choices—"individual" being the employer in this case—could be absolutely circumscribed. That would be a real infringement of liberty.

The part of this Bill which has attracted the most attention and by far the most enthusiastic lobbying is part II which deals with discrimination on the grounds of sex, marital status, or pregnancy. Not all the lobbying has been in favour of the Bill. Some people, women as well as men, have felt that certain sections constitute an attack on family life and a downgrading of marriage, or simply that the Government is attempting to legislate in a field in which it has no business; again, that legislation will lead to witchhunts without achieving its objective. I do not see how the Bill can be thought to constitute an attack on family life. It is mainly directed towards women in employment and simply recognises that so many women today are in the work force and more would be if they could be.

It is only 63 years ago that the first Australian woman entered Parliament. That was Edith Cowan who has already been mentioned twice tonight. One cannot help remembering that much of the argument first directed against women's obtaining the vote and often against women's standing for Parliament was that this would erode the foundations of the family. Of course, in that 63 years, not enough women have become members of Parliament to wreck the family life of a town let alone a State or the country. Giving women the vote has certainly not had that effect, either.

There is nothing in the Bill to force or even encourage women who have a purely domestic role, to relinquish it. There is a real effort to give those who do desire to work and especially those who wish to have a career, a wider choice and a greater chance of success in their chosen fields. I am not sure that it does so much for women who simply work out of necessity and who do not qualify for a trade or a more professional job. I would say again that much of the discrimination which did exist in the workplace has disappeared already.

My own experience is limited and I was particularly lucky in my upbringing because it was never suggested to me that my being a woman would disqualify me from any career to which I might aspire. Nevertheless, in one field I did encounter real difficulties when I wanted to qualify as a wool classer. In those far-off days, women were not seen in the woolshed and when, having completed the classroom part of my course, I needed to get experience in the woolsheds or woolsheds, as most of my classmates did, I found that nobody would have me in the woolstore. They would not employ me and would not even have me for free. At least I was allowed to do some work at stated times alongside my teacher who worked for a woolstore—he was responsible for me—until one day the section manager came from behind a pile of bales swearing horribly, and he got such a shock to see me within earshot that I was forbidden to ever go there again. So I never did get my wool-classing certificate.

Nowadays, the woolsheds are full of women; they are dependent on women as rouseabouts and women are learning to shear as well. No doubt many of them have their wool-classers' certificates. In one way, I cannot help feeling that this legislation is a little late for women. It certainly is a little late for me. Women have done and are doing a lot for themselves. More of them have acquired that confidence in their own ability, a quality which is so necessary to succeed and which enables one in many cases, to ignore and overcome unfavourable attitudes.

There are areas, particularly in Government employment, where the policy of promotion is extremely discriminatory. Hon. Lyla Elliott has outlined other areas, and I was interested to see that a section in this Bill sets out management plans to correct the policies that are so obvious in Government departments.

I am for this Bill in so far as it may help all those who still suffer from discrimination on the grounds of sex, marital status, pregnancy, race, religion, or political beliefs. I hope that it will be self-extinguishing because it will achieve its objectives in a reasonable time. I realise, as Mr Medcalf has pointed out, that it may well be more

difficult in times of unemployment to get the public to accept it, certainly as readily as they would in times of full employment, although I do not think that that non-acceptance will be entirely a recent reaction.

I hope that the Bill will be administered in a low key and a sensible way and I hope that, when we review it, as I hope we shall in a year or two, we will be able to amend it if something which we cannot envisage today is found to be lacking.

HON. KAY HALLAHAN (South-East Metropolitan) [8.41 p.m.]: In supporting this Bill, I would like to congratulate the Government for introducing it, and I want to commend the Premier for giving the member for Gosnells the opportunity to handle the Bill in another place.

The gesture of giving one of our newer members an opportunity to present the Bill was appreciated by many women in this State. I also would like to congratulate the member for Gosnells on the successful and effective way that she did handle this Bill. Many of us have waited a long time for it and to see it handled in that way was a matter of great satisfaction.

I am very pleased to hear the comments of the Opposition speakers tonight and to know that they support the Bill, not only in principle, but as it stands. That is the message I am picking up, and if that is the case, I think it is a remarkable thing that we can move forward in a bipartisan approach through the Committee stage and, I hope, come to some arrangement where by, although maybe there will not be absolute agreement in many sections, the Bill will pass through the House pretty much in its present state.

Personally I think it is a very significant piece of legislation. I regard it as being second only in importance to that dealing with the abolition of the death penalty. Previous speakers have indicated that they think that while discrimination has been a problem in the past, and in some areas it is a problem in the present, by and large, is on its way out as a problem. That has not been my experience and it is not the experience of my constituents and associates. While it is very pleasing to hear that other people see it in that way, I still think that there is a very great need for this piece of legislation. At present, there is no place to seek redress in our community for those people who feel that they have been denied access to services, to accommodation, or to job opportunities simply because some other person has a subjective view about them. I do not think that is very acceptable at all, particularly not in a State which aspires to democratic principles.

I think this Bill is a landmark in the social development of this State. It is an indictment on our social development so far that we tolerate the institutionalisation of inequality in the functions of the Government and in organisations both large and small in this community. In doing that as a community, we deny ourselves the wealth of talent which is available to us, and we limit our visions to a very small and narrow perception of what is acceptable and how people are going to participate and contribute their particular strengths to our ongoing welfare. There are still people who grapple with great difficulty with the situation of dealing on an equal basis with women in decision-making processes.

I would not want to be too unkind, but I guess my acceptance in this House has been of a fairly fair standard. There are times when I have thought that even members in this Chamber have some difficulty in accepting women in an equal role and in a decision-making way. A prominent member has wrinkled up his nose, and maybe others would not agree with that statement, but that is how I perceive it. There are people who find difficulty in accepting anybody other than those with an Anglo-Saxon background, and they, like women, can point to one or two examples. There are some noteworthy people in the Perth community who are successful and who are of Asian origin. We have Hon. Sam Piantadosi with his Latin origin as a member of this place, but, generally speaking, it is easier to get on in life if one has an Anglo-Saxon background.

Measures are taken which get in people's way, and I am pleased that we are moving to ensure that that sort of thing will not be on any longer. Religious differences are tolerated if they are presented in a conforming way, but we are still pretty intolerant of the people who present different religious viewpoints. When I say that, I am thinking of some of the less traditional groups. In fact, they have great value for the community and they add richness to our society. They have the right to exist and to believe in whatever they wish to believe in.

Some people are unconcerned about the marital status of other people, unless those other people happen to be women. Very often when I have been in the company of men, I have not heard them refer to the marital status of anybody until a woman joins the group, and then her marital status becomes a matter of great interest. That is not a satisfactory state of affairs. When people are mixing in such circumstances, the marital status of another person is absolutely irrelevant. We should move from the notion that women are the property of the men to whom they are married. I

know we have all grown up with that long historical belief, but gradually we will grow out of that attitude and see women in their own right, with the ability to choose the person with whom they wish to live. Really, that is not a matter of concern for anybody else. It is because of such difficulties and such attitudes that we need this legislation.

Speakers who went before me referred to the problem of changing attitudes. The Bill will play a role in that, no doubt, but I do not subscribe to the point of view that the Bill is an end in itself. It is simply part of a process; and I endorse the point of view of the people who see it as an educative mechanism.

In our community, we cannot have laws which reinforce behaviour which is no longer tolerable. That is one of the aspects of the Bill, and I am sure it will have long-term effects. They will probably be slow effects, but the Bill will provide redress for the people who need it.

I now refer to the measures taken by the present Government. I should prefix my remarks by saying that among members of the Australian Labor Party, there was a very keen awareness that people were suffering from discrimination. People were feeling strongly about that and, therefore, it was necessary for a major political party to come to terms with it. I do not need to remind members of this House that, electorally, there were certain rewards for the ALP in doing so. There is no doubt that the women supported the ALP in greater numbers at the last election; and we have greater numbers of women in the two Houses now than was previously the case. That is not due only to the campaign we conducted; to a large extent it is due to the changing attitudes in the community. The campaign along these lines was clear and determined.

Clearly, we could see that many people felt undervalued and that they needed to be valued. They did not need to feel inferior or that their complaints were not just. They needed somewhere to go and equality of opportunity. Something had to be done at an administrative and legislative level in this State.

Flowing from that conviction, as the Government we have taken a number of steps. Of course, the Premier began the process by instituting the portfolio of Women's Interests as a significant first step. That was the first indication to the women in this State that their aspirations would be met by this Government in office.

A member was appointed to assist the Premier with women's interests, and of course that move has provided great benefits. The Women's Advisory Council was appointed and we followed the model of other States. I think Hon. Ian Medcalf made the point that our Bill has been able to avoid the difficulties experienced in other places; and in this area we have been able to benefit by the experience of services already operating. I hasten to add that they have been operating for a long time in some other places, so we have had the benefit of their experience.

The women's interests division within the Department of Premier and Cabinet was the next body to be established. That office is working effectively, advising the Premier on policy matters relating to women.

No doubt members would be aware that the Women's Information and Referral Exchange, down in the old TAA building, is providing an absolutely necessary service. Such an information centre is operating effectively in other States; and the demand for the services of the exchange here has really surprised even those of us who thought the need was great.

The Government also created a women's register from which women are appointed to boards and committees. The register has been proceeding quietly, but very effectively and efficiently. Many women are gaining experience on boards and committees when previously they would not have had the opportunity to put their expertise to work. Previously they had no opportunity to gain confidence in that sort of arena. In the years to come, we will benefit by having many talented people of various backgrounds and expertise, and with confidence in their abilities.

Another aspect is the appointment of women as ministerial advisers. There are few women involved in this, and I look forward to the day when we have more women ministerial advisers. However, they are playing an enormously important role in the life of this Government.

The culmination of much of this work can be seen in the Bill. The basis of this measure is to lift the status of women in Western Australia. The Bill recognises the structural constraints placed on women, and the things which prevent them from living a full and equal lifestyle. The Bill seeks to overcome the disadvantage of the socialising processes which have resulted in many women regarding themselves as inferior, and allowing others to regard them in that way—indeed, to undervalue their work. The measure is designed to improve the status of women and will have great significance for all women in all sphere of activity. I will refer to one sphere in particular.

Hon. Lyla Elliott dealt effectively with the area of employment, and in fact Hon. Margaret McAleer raised the issue of some concerns

expressed to her about the effect on the family and home life. It seems to me that women in the home will benefit in three particular ways by this legislation. The first is that they will receive a very clear indication that their work in caring for the home and family is a role valued by the community.

At present, many women do not feel that. For example, last week I attended a reunion of policewomen, and I asked a former colleague what she was doing now. She said, "Well, I am only a housewife. I've got four children". I struggled to hold back my protest at her putting down her position in life. She was an extraordinary gifted and able woman. When I first met her she had left an order of the Catholic Church and joined the Western Australian Police Force. Quite consciously she then left the force, married, and had children. She is a deeply religious person who values the stability of the home environment and family relationships. She wanted to become a parent; but there I was listening to her putting down, in a very apologetic way, the lifestyle she values most. It seems to me that her apology for something which is so valuable to her is a result of attitudes of the wider community, and the feeling that her role is not valued by the community.

The fact that women have come to regard themselves and their contributions to the community so lowly is one of the sadnesses of life. It is my hope that from the time this Bill becomes law, in concert with the Federal Bill, women will develop a very different perception of themselves. I know that will take time; but we are on the path of change.

The second way in which women in the home will benefit from this Bill will result from the knowledge that, simply, women are equal—that they can expect equal treatment and make their own choice in the context of that equality. That will lead to the recognition that marriage and children were their conscious choices and not the result of having no other option or the result of the expectations of other people. The choice exercised by a woman will be recognised as a real choice, and that will lead to a feeling of dignity and the knowledge that the woman has power over her own destiny and the freedom to enjoy the choice which she has made.

The third way in which the Bill will benefit women at home is in the greater recognition of the value of women's work and the fact that it is unpaid work. At present, a euphemism is used which says that it is a labour of love to have children and bring them up, and to care for the family home. That may be so, but at present it is regarded as a duty by many women, and it is taken for granted by many others. I strongly resent that attitude. The value of women's work is undervalued; and the sooner we come to take account of that, the sooner we will be able to stop worrying about the value of the family to society and the future well-being of our children.

Clearly, we are about to see the role of the home carer, the child bearer, and the child rearer receiving great recognition in the community. The choices made by people will be legitimate ones, and women will enjoy more status.

I must comment at this point, of course, on the role that men are playing in sharing the upbringing of children. This very welcome practice is emerging. In the sharing of the parenthood role, what can become a very isolating experience for a woman is becoming a shared one. Surely there is no greater model for our children than to see a caring and sharing relationship, and one from which they gain a great deal of security. Surely that is what all human beings need.

I will make a brief reference to discrimination in the workplace, as Hon. Lyla Elliot covered that matter well. I must say that I cannot agree with Hon. Ian Medcalf when he says that the professional areas are free of discrimination. It may be that the professional areas are more free of discrimination, but I have had a number of cases brought to my attention of where women in professional circles have experienced discrimination. The discrimination may not be as blatant or as gross, but nevertheless it is as effective.

I must say I have received only one complaint from a constituent on the ground of religious discrimination, and I know that he will be following the course of this Bill with great interest.

I will give a couple of examples of women who have experienced problems in the professions, because I would not like the impression to be gained that discrimination is a problem for people in less well-paid jobs and less skilled jobs. There was a case of a young woman who won a university prize for business management. She was not even granted an interview by the company which provided the prize, let alone a job.

My own niece is an honours graduate in law; she attended interviews for a position two years ago and at one interview it was very clear that all the prospective employer wanted to discuss was her hobbies, which were ballroom dancing and basketball. She was suffering discrimination because she was a woman. There was no other explanation.

That sort of discrimination does go on; but it must be said that some firms, at least, interview some women.

Hon. P. G. Pendal: What evidence is there that that was discrimination, because that has a bearing on the way the Act will work.

Hon. KAY HALLAHAN: It would not be something about which she would proceed to make a complaint to the tribunal, but nevertheless she has a very strong feeling—and there is nothing anyone can say to persuade her otherwise—that she had been discriminated against. But she would be unlikely to take that sort of case to the tribunal.

Hon. P. G. Pendal: I should hope she would not take a case "on a strong feeling".

Hon. KAY HALLAHAN: The point is taken. In a lot of cases, these matters will not be taken to the tribunal. Nevertheless, as many people have said, this Bill will have an educative role, a conscience-raising role; many people will become aware that what they are doing is not on, although it may not be grounds for people to take action on and to make complaints to the tribunal.

Hon. P. G. Pendal: If you raise that as an example without evidence, that is the very thing some people fear.

Hon. KAY HALLAHAN: Some people will fear what they want to fear, but there is no cause for them to fear on this point. I have no doubt that she did suffer discrimination, but I am not giving this as an example of the sort of thing on which a complaint should be made. I take the point made by Hon. Phillip Pendal that in the community there are a lot of misdemeanours committed which do not become the subject of police action. Of course, in the area of discrimination, a lot of misdemeanours will not be taken to the tribunal. But people will have some concrete mechanism to allow them to make complaints against discrimination; at present that mechanism is not available. If the member makes an issue of what I have said, I will regret having brought up the matter, but in our family it is quite an issue.

Many of the activities of religious bodies are exempted under this Bill. Nevertheless, it is interesting that there is a big movement in this area as well, and I draw the attention of the House to an article which appeared in *The Western Mail* last weekend under the Heading "WA backs Women Deacons". In the past, I have had a close association with the Anglican Church and I know it to be a very conservative body, but here we find that the WA Anglican synod wants women admitted as deacons, and it has agreed to put a motion to this effect to the national Anglican synod next August. The Anglican Church is considering the difficulty which it now faces—ordained women are coming here from overseas and they are not able to practise in this country. It is a bit of an embarrassment when we are so far behind the rest of the world.

Hon. G. C. MacKinnon: Do you applaud the gradual acceptance of males into the nursing profession?

Hon. KAY HALLAHAN: I would have thought they were well and truly accepted in that profession, and I have no objection to it.

Hon. G. C. MacKinnon: It seemed a long, hard battle.

Hon. KAY HALLAHAN: I know that it takes a while to break new ground and that some people are prepared to take part in a long, hard battle to do that. Some men have got to the top of the nursing profession, and they are a minority in that profession, while there are a majority of men at the managerial level in that profession.

Hon. G. C. MacKinnon: I raised that aspect to indicate that discrimination is not entirely one-sided.

Hon. KAY HALLAHAN: I agree, and this Bill is not one-sided, because it deals with discrimination on the basis of sex, be it male or female.

Hon. G. C. MacKinnon: We have now changed the name of "matron" in order to handle males who work in that capacity.

Hon. KAY HALLAHAN: Just as I think "headmaster" should be "principal"—that is a much better word.

Hon. G. C. MacKinnon: I am glad you agree.

Hon. KAY HALLAHAN: We have some wonderful agreement in this House tonight, and besides that agreement, we have a widespread community support for this Bill. People have alluded to some lobbying which has occurred against the Bill, but some of that would be on the basis of the effect of the Bill on the role of women in the home. I hope those people who are worried about this aspect can now feel somewhat assured by my remarks.

I will take this opportunity to list some of the organisations and movements in this State which have endorsed not just the principle of equal opportunity, but also the Bill itself. They include the following bodies—

Young Women's Christian Association
Women's Service Guild
Women's Electoral Lobby
United Nations Association of Australia
Royal Australian Nursing Federation
State School Teachers' Union
Perth Chamber of Commerce
Trades and Labor Council

National Council of Jewish Women
Primary Industry Association
Women's Advisory Council.

I commend the Bill to the House. I think we are on the brink of some very progressive attitudes in this State, and I am very pleased we are moving foward with the approval and endorsement of the Opposition in this House.

HON. ROBERT HETHERINGTON (South-East Metropolitan) [9.05 p.m.]: It gives me great pleasure to stand in my place this evening to support this Bill; it gives me even more pleasure to know that the Opposition is supporting the Bill. The legislation in one sense is different in kind rather than in degree.

Hon. Ian Medcalf would be the first to admit that in the past I have praised his initiatives in the areas of sexual assault and rape legislation, and I do so again. Some of the initiatives which were carried out by the honourable gentleman when he was in Government are initiatives which should be and are applauded. I am glad he can see fit to give this further support.

I think we are doing something which in one sense is quite new, because we are trying not just to give a bit more justice to women, but also to grapple with the problem of equality.

Hon. Ian Medcalf pointed out that men and women were different. This is obvious; there are biological differences which can be seen and which produce various results in various ways. He also said that men and women had different attitudes to things. This too is true; but they are not necessarily innate differences in attitude which create problems. Many of the attitudes of men and women in our society are socialised attitudes; they are attitudes they have been taught; they are not necessarily innate attitudes.

One of the problems which faces us as we work our way through this legislation and through changed attitudes in society, is to decide what is innate and what is not. One of the things we can do if we look at different societies is to find out why sex roles change from society to society.

In many African nations, it has been the role of women to engage in agriculture; it has been the role of women to do the hard work. The apparent greater strength of the male has not been noticed by them.

There are other cultures where the physical characteristics between men and women, because they do much the same kind of work, are markedly similar; they are not as disparate as they are in our society, where boys are expected to play sports and to be vigorous from the very beginning, while girls are expected to be more passive. The end result has brought about changes in physical characteristics more marked than would be the case if we brought up both sexes in a more similar way than we do at present. We have to keep an open mind about all these things.

We do know that we have a society in which many of the physical differences are irrelevant because technology has changed so that many of the things which women were regarded as being unable to do because of their physical capabilities they can now do. I have mentioned in this House in the past how women drive the great 300-tonne Haulpacks in the open-cut iron ore mines in our north, not a lot of them but some of them. Because the Haulpacks are power driven and air-conditioned, women are now capable of doing a job which was regarded solely as a job to be done by men.

In the past, for various reasons, as we have developed our culture, we have regarded some jobs as being available for females and others for men, and this is the very thing to which Hon. Graham MacKinnon was referring a little while ago. Nursing was regarded as a woman's job—it was the nurturing job which belonged to mothering and women and therefore it was difficult for a man to break into that profession, in the same way that it was difficult for a man to break into pre-school education.

Hon. G. C. MacKinnon: It should not have been, because the original St. John nurses were male.

Hon. ROBERT HETHERINGTON: As our culture has developed and changed, so, too, have our attitudes changed, and this Bill is as interested in allowing men to do jobs which hitherto were done only by women as it is in allowing women to do jobs which hitherto were done only by men.

The day will come—and I have already experienced it in a minor way, as has Hon. Graham MacKinnon, when I had an operation in Sir Charles Gairdner Hospital for a kidney stone—when a woman will run a hospital. In my ward there was a charge nurse who was a man who had to explain that he was the charge nurse—that is the sister—and he was a man; there was a doctor who was a woman; there was another charge nurse who was a woman; and there was an ordinary nurse who was a man. After I got used to it, I got over my initial prejudice and the system seemed to work all right. In due course, it will work better as we become more relaxed about the whole thing.

One of the things about which Mr MacKinnon will know is that when it comes to the

administration of our hospitals and our Health Department, we have a majority of males in the higher executive areas. I realise that it might take time to change and I am not saying that it should be changed overnight or that it can be changed overnight; but we will be able to test the efficacy of our belief in equality when some of the top jobs are shared. This is one of the points I want to make about something Hon. Ian Medcalf said earlier.

Hon. D. J. Wordsworth: If we have another war, will we put as many women as men in the front line?

Hon. ROBERT HETHERINGTON: Israel has managed to do that successfully. I am not one who is anxious to put women in the front line. I am not going to adopt the attitude which seems to have been displayed across the Chamber in fear and in anger, an attitude which would see us put down women in other directions.

Hon. D. J. Wordsworth: I am not saying that at all; I am asking you a question.

Hon. ROBERT HETHERINGTON: We will work out an answer as we go along.

Hon. P. G. Pendal: You are being unduly sensitive.

Hon. Kay Hallahan: I do not see any evidence of his being unduly sensitive.

The PRESIDENT: Order!

Hon. ROBERT HETHERINGTON: I was not reacting to the question, but to the tone in which it was asked. The problem of what we do about women in war is one we will face at the time. If we have to go into another war, God forbid, we will probably put women in the front line—but we may all be vaporised, so we will not have to worry about it.

There may be some truth in some of the arguments that there are certain tasks which, because of the biological structure of women, are more suited to be carried out by men. I do not know whether that is true, and I will keep an open mind on that point.

If that is the case and there is real equality and we are prepared to take people on merit, we will perhaps have some jobs where there will be more men than women and some with more women than men. At present, in all jobs except those which are supposed to be women's jobs, there are more men than women.

Before I got the question from Mr MacKinnon which threw me temporarily out of stride, I was about to make a point in relation to the professions. I take Hon. Ian Medcalf's point that a great number of women have entered the legal profession, and some are entering with no mean talent and ability. I also take the point that the number of women judges in this country is minute.

Hon. I. G. Medcalf: It is only a question of time.

Hon. ROBERT HETHERINGTON: I hope it is.

Hon. I. G. Medcalf: When they have more experience.

Hon. ROBERT HETHERINGTON: I hope that will work its way through. I hope it is only a question of time before some of the old-established legal partnerships will admit more women because at present most are dominated by males. Problems still exist even within the legal profession. In the profession I come from—the academic profession—it is much clearer despite the fact that people like Dame Leonie Kramer worked her way up and showed what women could achieve. The number of women professors in Australian universities is infinitesimal.

Hon. G. C. MacKinnon: Was she in charge of the ABC?

Hon. ROBERT HETHERINGTON: Yes.

Hon. G. C. MacKinnon: The one the Labor Party sacked?

Hon. ROBERT HETHERINGTON: Yes.

Hon. G. C. MacKinnon: Wasn't that disgraceful!

Hon. ROBERT HETHERINGTON: No, it was not. She had an equal opportunity to be sacked like everybody else. I do not think it was disgraceful. I am trying to put something quite serious, but I notice Hon. Graham MacKinnon is trying to put me off as usual.

When one looks at universities, one sees that the ranks of tutors and senior tutors are heavy with women, but the further up the hierarchy one goes, the fewer women there are. There is still a long way to go in an area where physical abilities do not really matter. In some of the arts faculties, for example, there are more women than men, and intellectually they are as good as men. I have had both men and women as students and they are equally capable if they are good and the poor ones are equally poor.

One of the most interesting things is that the sex differential was most noticeable in the work of those students who failed. They were the people who did not manage to rise above the entrenched attitudes with which we have been socialised, whereas if one were given a first-class essay, one could not tell whether it had been written by a male or a female. It was just an excellent essay. So we still have problems in this area.

It is true that in the past some women have come to the top.

Certainly in Great Britain it was easier for women in aristocratic circles and in the higher middle class. The women who worked here and in the UK were those from the working class, particularly those with extended families. They worked in factories, and they have been doing so for many years. They have been working, not on terms of equality and at lower rates than men, but because they have extended families—sisters or mothers and grandmothers and aunts—who can look after the children. The people in the middle did not do so well.

It is not true that women have gone to work only lately. It is true that in the last half century the women who have gone to work have spread across the whole social spectrum. In the past, working-class women always had to work, and in this society it is still working-class women who find themselves discriminated against. Often they are employed on low wages and as young women on check-outs; they are sacked at the age of 18 years, because it is thought they are then old enough to go home and become mothers. They are not wanted by the work force any more. Those people are suffering a great deal of discrimination and we hope this legislation gradually will help them.

Of course, some middle-class women have managed to pull themselves up because they have had better opportunities and more support, although middle-class husbands can also be fairly difficult.

Hon. G. C. MacKinnon: It is not only middle-class women, but also agrarian women.

Hon. ROBERT HETHERINGTON: That is quite different and important.

Hon. G. C. MacKinnon: What is different about them?

Hon. ROBERT HETHERINGTON: I will tell the member if he allows me to develop the argument. One of the important aspects of agrarian women in Britain and here over the centuries is that they were very much equals with their men because they had an economic task on the farm.

Hon. G. C. MacKinnon: That being so, why haven't you talked about them? Why aren't you fair? You claim to be a fair man, but you are not, because you avoid the area where you can demonstrate your fairness.

Hon. ROBERT HETHERINGTON: I do not think I need to take Mr MacKinnon's remarks too seriously. He really has not had a lot of fun tonight because he has tried to be serious.

I have always said it is a fortunate man who marries a woman who is brought up on a farm and I regard myself as a fortunate man, because one starts off with somebody who is prepared to treat one on terms of equality. Such a couple can grow as people. That is a good thing to happen. At the same time, there existed on farms the idea which had come from our law that women were the property of the husband and legally, in the past, inferior.

Hon. G. C. MacKinnon: Even I cannot remember that far back.

Hon. ROBERT HETHERINGTON: Perhaps the member's memory is failing.

The point I am trying to make is that a vast number of areas exist today in which there is still a great deal of discrimination. There is racial discrimination, of course, and discrimination on grounds of sex. It is correct as Hon. Mr MacKinnon has pointed out, that some of this is discrimination against males, but generally our society—the patriarchy as it is called by many feminists—has been governed by laws for males and has tended to be for males, and women have been regarded as inferior beings. One sees this in some judgments of learned judges and in attitudes right through the community. This attitude is dying, and the point made by Hon. Ian Medcalf is very valid: One cannot bring in legislation like this before people are prepared for it. One of the reasons it has been brought in is that people are prepared for it.

I take the point the honourable gentleman made about the discriminatory attitude of the Labor Party in the past, but because it is an egalitarian party and we believe in egalitarian principles, as the notion of women's equality came to the fore, the Labor Party was forced, sometimes I think against its will, into embracing those principles. We have now reached the stage where I can make what I can only describe as a fairly advanced feminist speech at a Labor Party conference and be applauded by all delegates, male and female. In other words, the attitudes of the Labor Party have changed radically and for the better.

I do not know how far the attitudes of the Liberal Party have changed, but they are changing and I hope we will all reach the same stage in due course where we can get rid of our prejudices ingrained through the kind of society we have and our socialisation, the kind of society which brought us up to believe men were heads of the households whereas sociologists point out that despite the fact that men claim to be heads of the households, most of the brutal decisions have to be made by their wives.

Hon. I. G. Medcalf: Can I ask you a question? Is there discrimination against women in academic circles?

Hon. ROBERT HETHERINGTON: Yes, there is no doubt about that at all. There is not only discrimination, but disgraceful discrimination in academic circles. The people at present running universities in this State are discriminatory, biased, and way back in the dark ages in many ways. They are still tainted with the notion of a community of male scholars, a notion which they have not quite shaken off. I am very positive about this; the discrimination in our universities is strong and it should go. It is high time our universities became once more not a hierarchy of "God professors," but a true community of scholars including both men and women. This is one of the things I am looking forward to; it is something I cannot do much about, but it will have to change gradually as attitudes change.

I make that statement quite carefully and deliberately. I have thought about it and looked at it, and I have no doubt it is changing. There are women who are associate professors, full professors, and lecturers, and women who are respected as lecturers, but the power remains in male hands in our universities. I refer quite specifically to the University of Western Australia and to Murdoch University. Let there be no doubt about what I am saying. I am hoping this, too, will go.

I do not expect this Bill to produce miracles, but it will be an important step. It is quite deliberately, as the honourable gentleman noted, not unduly radical. It is in line with the whole approach of the Burke Government of gradualism, of attempting to bring in reform which can be accepted, and then moving on to take the next step.

In one sense, this is only half our Bill. Another package is still to come and it is not what members might think. Hon. Graham Edwards is chairing a committee looking into the problems of the disabled. One faces real problems when one is trying to get equality of opportunity for the disabled, particularly the intellectually disabled. What we are doing in this Bill is in one sense the easy bit. We do not want to do the controversial bits, and for this reason it would not be appropriate to talk about unionism in this Bill. We are talking about the things which should be accepted or ought to be accepted now—equality on grounds of sex, marriage, and pregnancy. This equality is gradually being accepted, in the two aspects we have always claimed to believe in, although we have not always done so in practice—race and religion.

Hon. I. G. Medcalf: And politics.

Hon. ROBERT HETHERINGTON: And politics. I am sorry I forgot that because we popped that into the Bill one day and we were quite amazed that we were game to do that. It is quite a package, is it not?

Hon. I. G. Medcalf: You have been talking mostly about sexual equality. I think the other items are more difficult.

Hon. Kay Hallahan: Are what?

Hon. I. G. Medcalf: I think the political, religious, and racial aspects are, in many cases, more difficult.

Hon. ROBERT HETHERINGTON: Yes, I think the honourable gentleman is quite right. I think from the point of view of development of our society, sexual equality is more vital in one sense, although the others are vital. However, the others are extremely difficult.

Hon. I. G. Medcalf: In terms of community attitude.

Hon. ROBERT HETHERINGTON: Yes. I grew up in the 1930s when there was a great deal of prejudice against the Greeks and the Italians. This was in Melbourne when I was going to school.

Hon. I. G. Medcalf: There were riots in Kalgoorlie.

Hon. ROBERT HETHERINGTON: There was prejudice against the Chinese. I remember Arthur Calwell coining the term "new Australians" to try to overcome the prejudices against the European migrants in the immediate post-war world. They were called the "Balts". Arthur Calwell called them new Australians and then we heard the joke that Europe was all right except for all the new Australians there. However, it worked and gradually migrants were accepted. One of the things I find upsetting is that some European migrants, who have migrated to Australia, are now showing the same kind of prejudice against Asians. The growth of prejudice against Asian migrants in this community is being seen in the graffiti such as "Asians out".

Hon. I. G. Medcalf: There is graffiti even on Parliament House.

Hon. ROBERT HETHERINGTON: I have not noticed that. I must come in to Parliament House with my head bowed. All this is important. What is in the Bill is something we all can accept. By "all", I mean all members in this House—members from both parties. I hope the Opposition does not spoil it by putting in things we will argue about. It is essential that we get a bipartisan package so that we then might be able

to sell it in the community and help to develop a better and more tolerant society.

I believe that the true mark of the developed human being is tolerance. I was very interested today when I went to Joe Chamberlain's funeral—many people thought he was tolerant, but I found him difficult when I disagreed with him, but personally very charming—to find that his service was being conducted by a Catholic priest who remarked on Joe Chamberlain's great personal tolerance towards people even when he disagreed with them. I believe that we must be tolerant towards each other, even when we disagree often, but I hope we will not disagree on this Bill. Perhaps I have really said enough.

Hon. G. C. MacKinnon: There are a few people I can see nodding their heads.

Hon. ROBERT HETHERINGTON: I would expect that, but I want to repeat what I said. I do regard this Bill as a most important Bill. As a feminist from way back—I regard myself as a feminist because I think it is possible for a male to be a feminist—this Bill brings me great joy and what brings me greater joy is that we can introduce this Bill and hope to get it accepted. Once that is done and we have appointed a tribunal—I take note of all the remarks of Hon. Ian Medcalf—the chairman of the tribunal, whoever she may be—members will note I subsume the he in the she—will have to be an exceptional person. No doubt as we develop the legislation, we will learn from our mistakes.

I believe this is a very good piece of legislation. It has been brought forward after a great deal of careful consideration, not only within my own party where a group of backbenchers worked on it under the chairmanship of Mrs Yvonne Henderson, but also within the community at large. We have had a great deal of input from all sorts of people and we have been pleased when talking about it to find that there is a great deal of general acceptance for it in the community. The Bill itself and the attitudes towards the Bill, auger well for the health of our society.

I do commend the Bill.

HON. H. W. GAYFER (Central) [9.36 p.m.]: I have listened to the debate with a great deal of interest. I did not intend to speak during the debate, but while I will not vote against this measure at the second reading stage, I feel I should make it perfectly clear that the wisdom that is being spoken and the belief of the goodness of the Bill, and all it stands for, is not generally shared in the area I represent, nor is it considered to be necessary. In fact, the general opinion is that many of the problems which this Bill is seeking to alleviate, are said to be in the mind and in the mind alone.

I married an agrarian woman and I am an agrarian man. My woman and my wife's man have had equal opportunities all their lives and have earned equal pay for years and in the first 20 years of married life although they did not even earn a basic wage, they earned the same wage. That applies to anybody and everybody who is in the agricultural areas. Indeed, those people are able and should be able to have a voice in this room to expound their points of view and the points of view aired to me on many occasions by many women.

In fact, I will go so far as to say that in the 24 years of being in this place I have never had a request from anyone in my electorate—an electorate of between 27 000 and 29 000 people—asking me to assist with the introduction of antidiscrimination or equal opportunity legislation—call it what one likes. I have received plenty of other complaints in other areas, but I have not received any letters or heard by word of mouth any suggestions that this Bill should be brought in. On the contrary, I have had many representations pointing out the stupidity of the Bill and asking why it is being introduced.

Perhaps it is a discrimination Bill, discriminating for the city people against the country people. That may be the case, but I do not know. However, whatever it is, it seems that there is an awful lot of people in the metropolitan area who cannot get on with others or who pedal along in their own way unless they have a law, some help, or legislation to assist them. With the promotion of welfare services, this problem seems to be growing and has come more to the fore in this State, other States, and in the Commonwealth.

Indeed, it is not so long ago that I listened to an American who, I think, came from Philadelphia, talking about the end process of antidiscrimination and equal opportunity legislation and now, in parts of America, there is a problem about antidiscrimination.

I have said that I will not oppose the legislation, but there are many organisations consisting of women who, frankly, do oppose it. I know, and members—especially those who have been following the legislation—know, that at the CWA annual conference, its President, Mrs Lola Lundy, made a statement that in her opinion the Bill was unnecessary and that women wanted to be preserved as women. She said that women believed they had equal rights in any case and enjoyed the equal opportunities they had in all those areas associated with the land. She said that they

enjoyed the fact that they were recognised as women and that their men were recognised as males. Whether members like it or not, or disagree with it, that is what she said. She believed in what she said. I believe that that is the cause of the happiness that exists in the country. Generally, it makes country homes and country families much happier together. From what I have read, this Bill will not have an effect in this area.

Hon. D. J. Wordsworth: It was a privilege.

Hon. H. W. GAYFER: It was a privilege to work side by side with Mrs Gayfer, to be called Mr Gayfer, and to have our families brought up in those traditions and to share what we had. It is an agrarian life and it is a pity that a few more people did not enjoy that sort of life because they would find out exactly what it is like to exist each one with the other.

The basic plank of the National Country Party—any cynicism on that score I will leave aside on the moment—is the family unit. That is the main thing that matters in the world. Nothing else matters. Why do we need to bring in equal opportunity legislation involving religion or whatever when it already exists in the family unit? The view of those in the country is that this Bill seeks to discriminate against the family unit and to break it down. They fear that they will lose their happiness and I would say that 95 per cent of the families in the country areas have this kinship. I believe that the people who introduce this legislation know not what they do. I could quote from the *Bible* which is scorned these days, but, nevertheless, it is a belief that a man's place is there and the woman's place is there, and she in turn is to be respected for the fact that she is a woman. Her aim and belief is to be treated as a woman and to be treated above all as a lady at all times.

Hon. V. J. Ferry: With respect.

Hon. H. W. GAYFER: With respect, Mr Ferry. These are the words I am trying to look at.

This Bill is something we will support, but members should mark my words; that is, that the wheel will turn and the women will get out of their pants and into their skirts and will want to be treated as women. They will want to be taken out and will want to talk to women and belong to women's organisations. They will not want anything to do with equality. That is what will happen despite the sniggers from Hon. Kay Hallahan. These are the points which Mrs Lola Lundy pointed out and that is what the women who were assembled at that conference pointed out to the media. These points have been conveyed to me by my family and the families of other people to whom I have spoken, and they would number as many people as members representing city areas have spoken to and not once has anyone ever asked for this type of legislation to be introduced.

As a matter of fact, there is a fear of its end result and of what it will do to the family unit. We have shearers working on our property, and the head shearer and the head wool classer advertise for women to work the sheds. In future, they will not be able to do that. However, the reason for their desire to do so is that women can handle particular jobs in the shearing shed much better than can men.

Once upon a time the job was done by men; now women do it. At the Royal Show, we saw women shearers from New Zealand and those who were being coached in Australia. We have women jockeys, women driving tractors, women feeding pigs, and women doing every job one likes to think of in the country. We even have women having babies up there! This is what it is all about!

We were not told that somebody was discriminating against someone else preventing somebody from getting a job or something or other. I have said before that I am not going to vote against this second reading. I should, because if I do not believe a Bill is necessary, I should not vote for it, but it seems to me that tonight we have heard all sorts of reasons for its being brought in, but I can point to 50 reasons for its not being necessary.

I know it is hoped that happiness will be achieved under the legislation. If happiness is not achieved, no-one will be satisfied with the Bill. If what one were trying to do was to bring contentment and therefore great happiness, one would be wasting one's time as far as many people are concerned, but perhaps not the majority of the population, because they are stirred up all the time and they know not which way they are going. The majority of the country is happy and content, each with the other—the man with his woman, the husband with his wife, and the sons and daughters with their mothers and fathers; that is family life. That is the type of community on which Australia should be built. I do not believe that legislation is necessary to tell us that that is what is needed, but if it will help, we will pass it. But, by God, do not tell me that this will be the answer to the problem which I have heard discussed here tonight! I do not believe it will be.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [9.50 p.m.]: When I introduced this Bill, I urged the House to approach it on a bipartisan basis, and with due acknowledgement to the reservations expressed by Mr Gayfer, I believe we have, in fact, achieved a bipartisan approach. While that may have reduced

the drama of the occasion, it has nonetheless been a very welcome response.

Also welcome and instructive in its own way has been the relative brevity of the second reading debate. What this indicates is that the concept of non-discrimination, at least within Parliament, is not only acceptable, but also indeed largely non-contentious. If I may say so, that is not only to the credit of the Parliament, but also of the majority at least of the society which we represent.

We should not fool ourselves, however, that the view represented by this Bill is a unanimous view outside the Parliament. Indeed, it is a function of the legislation to fortify the antidiscrimination sentiment in the community, recognising as we must that prejudice still exists in many quarters and is expressed in many ways.

Some speakers have foreshadowed queries in respect of particular provisions. These queries will no doubt emerge during the Committee stage. For the benefit of members, I have circulated an explanatory memorandum on the Bill and, for the record, I table a copy of the document.

Hon. D. J. Wordsworth: A little late, towards the end of the debate!

Hon. J. M. BERINSON: I regret that. It was only in the course of the debate that I was given to understand it had not previously been circulated.

This Bill has properly been described as moderate. It would not always have been thought so. In fact, in the same issue of *Brief* to which Hon. Ian Medcalf referred, there is an interesting account of the first application by a woman for admission to practise as a barrister and solicior in the State of Western Australia. In rejecting that application, one member of the Full Court of the Supreme Court said that if a woman could become a lawyer, she could also become a judge, and that, no matter what the Act said, that was clearly not in contemplation.

We have come a long way since that event. There is still a long way to go, and it is the role of this Bill to encourage and to expedite the process.

I commend the Bill to the House.

The paper was tabled (see paper No. 206).

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 to 4 put and passed.

Clause 5: Act done for 2 or more reasons—

Hon. I. G. MEDCALF: What this clause says, in effect, is that if one commits one of the acts which are found offensive under this Bill, but one has more than one reason for doing so, it does not matter whether the offensive reason is one of the minor or the subsidiary reasons and not the main, the dominant, or the most substantial reason.

If, for instance, a person discriminates on the grounds of, say, financial causes, or something similar, and perhaps one or two other grounds, but involved in those reasons is one of these factors of the Bill, such as political, racial, or sexual inequality—one of these offensive provisions—even though it might be a minor reason, is nonetheless sufficient to constitute an offence.

That is how I read the clause, and I would like to hear the comments of the Minister.

Hon. J. M. BERINSON: I would agree that the effect of the clause is as Hon. Ian Medcalf has put it. Indeed, even in stating the problem as he has done in a very fair way, he anticipates the response which would have to be made to any opposition to clause 5.

The response would be: How, given a combination of reasons, one of which is discriminatory, are we to provide the dividing line between a minor reason and a more substantial one? The difficulty of even attempting to define, let alone even to recognise that dividing line, is enough to indicate the necessity for a provision of this nature.

Hon. I. G. MEDCALF: In another place, objections were raised to this clause, and the general line of argument was that the dominant reason must be an offensive provision of the Act. In other words, the dominant reason must be, for example, that there was discrimination on the grounds of sex, marital status, pregnancy, politics, race, or religion.

It was suggested that the Government should change that clause and make only the dominant reason relevant so that the particular matter which caused an offence was the dominant matter; that is to say, that the main reason for the commission of the act must be discrimination on the grounds of sex, and so on.

I am not actually suggesting that the Government should change the clause; I appreciate the problem to which the Attorney is referring. It would be difficult to decide in some cases which was the dominant reason. However, I draw attention to the problem which this produces by reason of the fact that if the dominant reason is finance or something similar, the particular reason which creates the offence is one of the minor reasons. We may reach a situation where an offence occurs

without the reason causing the offence being the prime cause of the offence.

Although I am not suggesting that the Government should change this, because I can see its difficulty, nevertheless I am saying that it poses an equal difficulty when we come to consider some other clauses. Then we will find that the existence of this provision in clause 5 will create real difficulties. I wish to draw attention to this clause at this stage and to the problem which it will pose when we consider some of the later clauses. We will find that the major reason for some particular action being taken might be some matter which, on the face of it, is completely harmless and of which we could not possibly disapprove, yet because there is a minor or subsidiary reason, no matter how minor, which involves one of these cases of discrimination, an offence has occurred, and the tribunal may take action if the complaint reaches this stage.

I draw attention to that aspect, and I make the point at this stage. I do not suggest that the Government change that clause, but I believe that, by its very nature, although it may solve one problem, it will introduce another.

Hon. J. M. BERINSON: I recognise the difficulty which the member raises and the real answer to it will lie not so much in the terminology of the Bill, but in the way that it is administered by the authorities charged with dealing with complaints; that is, firstly, the commissioner, and, secondly, the tribunal.

If I may anticipate a later clause for the purpose of explaining the safeguards which exist in relation to clause 5, I refer to clause 127 which deals with decisions of the tribunal. It will be noted that that provision is made for the tribunal to either dismiss the complaint or, under paragraph (b)(v), find that the complaint is substantiated, but decline to take any further action in the matter.

Difficult questions of judgment will be involved in these sorts of cases, and because we are entering into a new area, we cannot be too definitive about what will happen in a particular case. Nonetheless, to take Mr Medcalf's example, if there is a combination of reasons for a particular act, but the overwhelming reason is financial and not any other, and if, indeed, that is so overwhelming on its own as to justify the act or the failure to act, as the case may be, we do have this clear provision permitting the tribunal to take the practicalities and the realities of the situation into account and to decline to take further action.

The capacity of the tribunal to adopt a very flexible approach to the unlimited range of practical possibilities which may arise as a result of this legislation, is relevant to clause 5 and to many other clauses in the Bill, and that is why I thought it would be appropriate to draw attention to this factor at this point.

Clause put and passed.

Clauses 6 to 13 put and passed.

Clause 14: Partnerships—

Hon. I. G. MEDCALF: This clause has caused me a great deal of concern and I find it hard to accept. It interferes with the freedom of people to form a voluntary association between themselves, which association has nothing to do with employment, or contracts of employment, or the other normal considerations which are referred to in this legislation.

In many respects, the clause is extraneous to the legislation and, in some respects, it is similar to the classes of exemption which have already been included by the Government in the Bill.

I refer members to the wording of the clause. It causes me some problems, because here we are dealing with people who either have entered into or propose to enter into a voluntary association between themselves for the purposes of their business. It is an association which frequently involves the expenditure of money, or the putting up of funds in one form or another, in order to finance the partnership; even if when putting up finance, this merely means their undertaking certain obligations and signing some form of guarantee or undertaking to a financial institution.

However, the problem which I see, is highlighted by clause 5, because, in deciding who should become a member of a partnership or in expelling a partner, after a partnership has been formed, the main reason for taking action may have very little, if anything, to do with a person's sex or one of the offensive factors. Indeed, it is most likely that it will have nothing to do with a person's sex. If that is so, it opens the door to all sorts of specious accusations being made by a person who claims that the partner was expelled or excluded from a partnership on the ground of sex.

This is opening the door to all sorts of additional problems for people who are in business as partners. A great number of people in the community are business partners in professions, whether in industry, in commercial enterprises, in syndicates, in agricultural or farming pursuits—in the agricultural community, partnerships are as common as grass—or in mining partnerships in the mining community. It also includes anyone else who may happen to contemplate entering into a partnership or who may be in a partnership and who may wish to terminate it.

In fact, there are single-sex partnerships—the Minister must be aware of that—just as there are single-sex schools and clubs. There are partnerships of women doctors who specialise in women's complaints or perhaps in some aspects of women's medicine, and likewise those doctors will be affected. How will they get on if they are seeking a partner and a person who, in all other respects, is qualified to handle women's complaints, applies to be a member of the partnership? They will not be able to reject him on the ground of sex. How will they reject him—not on the grounds of his qualifications or his financial position, because I am assuming he has the qualifications and wherewithal, and is of good reputation? What will they do about him? This is a difficult area.

I can well understand the idealistic principles behind this provision. Indeed, I applaud them, but the provision is not a practical answer to the problem. It means we are changing partnership law.

At the present time, the Partnership Act provides remedies for the problems encountered in the dissolving of a partnership should one partner prove to be difficult or if the other partners decide they must terminate the partnership. If one of these subsidiary arguments can be put up by that partner—and there is frequently a certain amount of bitterness when partnerships are dissolved —namely, that a particular partner is of a different race or religion, or has different political views, that would serve only to complicate the whole issue of the Partnership Act.

When all is said and done, section 43 of the Partnership Act lays down clearly the means by which a partnership might be dissolved, because it says that, when a partnership is entered into for an indefinite time, any partner may terminate it by giving notice in writing to the others of his intention to dissolve the partnership. Under this provision, it would be unlawful for any one or more of the partners to expel a partner where there is any discrimination. Where do we draw the line? We are not saying that it is unlawful to expel a partner, because it is lawful under the Partnership Act; but it is unlawful to discriminate.

While I laud the principle, can the Minister not see the problems this involves in a partnership on its dissolution? All a person of a different race needs to say is, "They expelled me, because I am of a different nationality".

Hon. J. M. Berinson: He needs to be able to do more than just say that. He needs to be able to substantiate it.

Hon. I. G. MEDCALF: He can say that, make a complaint to the commissioner, and then take the matter to the tribunal. If he has suffered some financial hardship, as often occurs because of the lack of generosity of the former partners, the commissioner or tribunal may be sympathetic. We have seen many a judgment given by highly qualified lawyers who, on grounds of sympathy, and when acting as magistrates, arbitrators, or even judges have stretched the law and found some other reason for finding in favour of the claimant.

This is a very dangerous provision. While I can accept the idealism behind it, it seems to me that in practice it just will not work out. I find it difficult to understand why, without any qualifications, the provision has been included in this rather absolute form. I do not find it is a legitimate reason to suggest that this may be dismissed by the tribunal under clauses 125 or 127. I know the Attorney has not said that, but he may be tempted to do so.

Hon. J. M. Berinson: Not now.

Hon. I. G. MEDCALF: But I do not find that to be a legitimate reason.

The problem arises partly because of clause 5. The straight out issue may be, "Are you expelling this partner because he is an Afghan?" I have nothing against Afghans; they are a fine race.

If the simple issue in this case was, "Are you expelling him because of his race?" Then I would agree with that law, that they should have no right to do it, but even though we find that the race question could well be raised, it might be a subsidiary issue, and it might arise in this kind of way. Here again, I have some hesitation in putting this forward because immediately one talks about religion or race one creates prejudices in the minds of people and that is the last thing I would wish to create.

Say, a partner went through a change of attitude in relation to his political or religious views and suddenly decided to adopt some strange religion which required him to dress in peculiar clothing and perhaps attend the office at odd hours because of his religious observances or something of that kind. I am talking about very odd and unorthodox religions. If this happened, I think the other partners may well feel that something ought to be done about it and indeed I believe their attention would be drawn to it by their clients. My experience in many partnerships over a long time is that clients always draw attention to the oddities of particular partners. It is often very difficult. Were they to say, "Look, this man does so and so. We don't like him coming around to our premises dressed the way he is. He upsets the staff or the girls", or something of that nature, they might feel constrained to do something about it. Their obvious and first reason would not be that

he had joined a particular religion, but that he commonly wore those strange clothes because he had joined that religion. I do not know how one separates those reasons. Certainly under clause 5 those reasons cannot be separated and it would not make any difference because the subsidiary reason would be just as likely to be taken into account as the principal one. Members might say, "Well, that is an unusual thing to happen", and perhaps it is; perhaps it is not; nevertheless, why are we doing it this way? Why are we subjecting business partnerships to this situation? In a moderate Bill I would have thought that moderation would have suggested not including partnerships or at least restricting these provisions. They are not restricted at all. I know that in some other parts of the Bill there are proper restrictions.

Hon. TOM KNIGHT: I support the views of Hon. I. G. Medcalf. I did not speak during the second reading debate because I basically support the Bill. I must come to the point and be very blunt: In no way can I or will I support this clause. It is against all my basic principles, as a member of the Liberal Party which believes in the freedom of the individual, freedom of choice, and the freedom of association. Today we have a Bill telling people how to run their businesses—how to spend their money, in other words—and the Government is going to tell business partners how to run that business. That is not the way of free and private enterprise. It is not the kind of interfering situation with which Parliament should be involved. We have the problem of the Minister and bureaucrats telling us whom to employ. We can run our businesses without involving a parliamentary Act to tell us whom we will have in partnership or how to spend or make money. In no way will I as a businessman have an outside source telling me whom I will take in as a business partner. I feel very strongly about this clause and I want to make it quite clear that I have no intention of supporting it. I will talk about the situation as I see it: It is very bad ethics, it is very bad business, and it will upset all the business people out there, whether they be male or female, regardless of their religious beliefs, race, colour, or creed. It is a wrong move to introduce such a provision into a Bill like this. As the previous speaker has said, in other respects it is a very moderate Bill.

I support all the other sections of the Bill but in no way or form will I support this clause.

Hon. MARGARET McALEER: I ask the Minister why it is that in the Commonwealth Sex Discrimination Act and in the South Australian Act when dealing with this matter of partnerships, the provision is for "six or more persons" who are forming themselves into a partnership, whereas our own Bill sets off to deal with "persons", which means any number. Why has a distinction been made?

Hon. J. M. BERINSON: The approach to this clause needs to follow several lines, one, speaking in general, the other related to the particular matters—

Hon. H. W. Gayfer: I know Mr MacKinnon asked the question but we are all vitally interested in this clause.

Hon. J. M. BERINSON: I will give a general answer related to the reasons for having the term "partnership" within the general structure of the Bill and I will also pay some attention to the queries that have been raised by some members.

The starting point is that there is no logical basis for distinguishing between partnerships and other situations of work in business, the trades, or professions. Moving from there, it is necessary to consider the range of partnerships which one might have and a distinction needs to be drawn in particular between small and large partnerships. It is very easy when thinking of a partnership to think of Mr and Mrs Gayfer in partnership on the farm or one's local grocer and his wife at the corner store. The answer to Miss McAleer's question is that really when one is dealing with partnerships as small as those, the practical fact of the matter is that there will not be a problem. The husband and wife decide they will be partners with each other and no-one could conceivably complain that he was not invited into the deal. Similarly, if the family business prospers and there is room for more members, nothing would be discussed which could give rise to this sort of problem, nor could any person external to that closed group complain about what was done.

Hon. H. W. Gayfer: Unless it was one within that group who was not included for some reason or another.

Hon. J. M. BERINSON: I suggest to the member that one would find it quite hard to construct a situation where within the small sort of partnership to which I am referring—

Hon. H. W. Gayfer: One child may be left out.

Hon. J. M. BERINSON: I accept the member's point, that one could have a situation of a family partnership with one child left out. I would have thought it would not be difficult for the parents to make very clear, if challenged, what their objections to that child were in a way which did not cut across the provisions of this Bill.

The point I was trying to make here was that these are the practical features of very small-scale partnerships which would make it most unlikely

that the provisions of the Bill would be relied on by anybody. I suppose in some jurisdictions the number "six" has been specified as defining an area where it is so unlikely, that we may as well provide that the question cannot arise. It is obvious that there are two points of view on that matter. It is true, as the member says, that in the Commonwealth and, it was suggested, South Australia, the limit of six is specified. On the other hand, in the other two jurisdictions which have similar legislation—that is, NSW and Victoria—there is no such lower limit. They have simply come to the opposite conclusion that a specification of the small number to provide the dividing line is not required. It has been suggested that the whole area is a dangerous one.

I suppose it could be suggested that it is particularly dangerous above or below the number six in a partnership, but the fact of the matter is—

Hon. Tom Knight: I think it is too dangerous.

Hon. J. M. BERINSON: —that in the other three States that have anticipated our move by many years—in all cases, by at least five years—this provision on partnerships is included in the legislation and no such dangers have emerged in practice.

Having been as cautious as we have been in this State in moving along this legislative route, we at least have the advantage of being able to rely on the practical experience which has emerged elsewhere. One of the practical advantages of observing the operation of similar Acts elsewhere over a number of years is that there is no problem in respect of partnerships and none of the dangers which have been anticipated in this debate.

Hon. Tom Knight: They are still there.

Hon. J. M. BERINSON: To conclude the comment I made earlier about the distinction between small and large partnerships, it is important to recognise that we can have very large partnerships such as those typical of the accountancy, legal, and other professions, and to attempt to draw a distinction between them and other forms of association becomes very difficult indeed. In fact, it is to enter into an area where a refusal on the specific grounds of sex, religion, politics, and so on, could well result in as severe a detriment to a person as would emerge in the other areas which the Bill seeks to tackle.

For all those reasons, perhaps above all, the fact that we are looking in this measure for as complete a coverage of potential problems as we can achieve, particularly where this can be done without causing disruption to the conduct of people's normal affairs—that is what is indicated by experience in other States—we should not be so cautious as to look to clause 14 as something that the Chamber should deal with in a special way.

Hon. Tom Knight: I think you should drop it.

Hon. J. M. BERINSON: I think that both the principle and the experience in practice elsewhere encourage the view that this clause can be supported in the context of this Bill without the need to fear any dangers or difficult consequences following.

Hon. V. J. FERRY: The Minister just convinced me that this clause very clearly should not be in the Bill. It is superfluous to the whole exercise, on Mr Berinson's own commentary.

Hon. J. M. Berinson: What in fact did I say that led you to that conclusion, Mr Ferry?

Hon. Tom Knight: Everything.

Hon. V. J. FERRY: The fact that there had not been any problems in other States. If there were no problems, why put it into the Bill? It is superfluous to the exercise.

Hon. J. M. Berinson: To avoid the emergence of such problems.

Hon. V. J. FERRY: This legislation has no place in business affairs in its present context. Quite frankly, it could damage the viability of any partnership or business that a partner might be engaged in; so much regulation and interference could sometimes cause such partnerships to fail. If it is to be subject to the determination of a tribunal as to what it can or cannot do, it will create more problems than the legislation is proposing to avoid.

I cannot see this helping in any way at all. I think it is creating a platform for the launching of more problems. I certainly oppose it.

Hon. G. C. MacKINNON: I ask members to take their minds back to the opening remarks of the Minister when he said that the basic relationship in a partnership was the same as the relationship in any other business organisation, or words to that effect.

Hon. J. M. Berinson: Comparable, was the word.

Hon. G. C. MacKINNON: He then started to put his case on that premise. I am suggesting his premise was false. I am suggesting that it is quite wrong. The relationship between members of a partnership is almost invariably one of far greater trust and interdependence than is the relationship in virtually any other sort of business organisation. In a true partnership each and every member has access to each and every facet of business on many occasions, particularly—to quote Mr Gayfer's brilliant speech—the agrarian community where one might buy, sell, trade, deal, and take home

money, equally in a partnership, something which does not happen in every other business arrangement. So his basic premise is wrong to start with, so none of the rest of his argument is worth listening to. I am sure as a student of logic he would accept that.

If he likes to start again—he surely has enough advisers to get a different slant if he wants—I am prepared to listen. But, starting from a false premise and trying to build a case on that really is not a proper exercise for this Chamber. I suggest that the Minister might start again and give us a little better explanation, because I am certainly a long way from being convinced. The more I listen to the argument, the more worried I am about the ramifications of this. Apart from bringing the happiness that Mr Gayfer seeks, it might not bring much contentment.

Hon. TOM KNIGHT: I agree with the previous speakers. This clause has no place in this legislation. It is a situation totally divorced from that which the legislation is trying to achieve. I believe it could lead to the disruption of business and cause the loss of job opportunities, business collapse, and result in people out of work.

The Government does not appreciate the fact that if two people who are in a business clash, there are many points that have to be considered when breaking up that partnership, as explained by Mr Medcalf, and it is all covered by a business Act.

I believe we are putting into this legislation something which has no part of it and should have no part of it; it is wrong. I am a businessman and I believe in free and private enterprise. I refuse to accept this interference in the business community.

I have a platform I have always stood by. People in the business world expect us to stand up for them and if they wish to go into a business they should be able to choose whether their partner be a male or female.This clause does not need to be in the legislation; it is covered in another Act. I am not prepared to support it.

Hon. MARGARET McALEER: I should like to ask a question of the Minister, taking into account Mr Medcalf's example, which was rather a extraordinary one, of a partner who converted to a way out religion and therefore behaved in an extraordinary way by wearing strange clothes and coming into work at all hours. I wonder whether in the case where one wished to expel that person from the partnership and there was a complaint on his part that it was because of his religion, it would be a fair defence to say that in fact although religion may have been the cause of his behaviour, it was the behaviour itself that made him unacceptable to the partnership. The wearing of strange clothes, coming in at all hours and treating clients in a strange manner, were quite sufficient grounds in themselves for expelling the partner. One could not therefore say it was discrimination on the grounds of religion, but only the effects brought on by it.

Hon. J. M. BERINSON: I think I can respond positively to what Miss McAleer is asking. It is one of the difficulties in dealing with extreme examples that they do not really cover the problem of examples which may be less extreme. It would seem to me, in the case of a person who has adopted a set of practices which do not permit him to carry out his ordinary functions within a partnership on in any other context that his inability or failure to perform his function would be a ground for dissociation. In whatever way that was achieved, it would not fall foul of this Act. At most the attempt to link his dismissal, or expulsion, whatever the case may be, with his religious beliefs, again taking Mr Medcalf's example, would fall within these provisions of the Bill dealing with what is referred to as indirect discrimination. There, the ability to meet an argument based on discrimination is much greater. I refer as an example to clause 8(2)(b) of the Bill which deals with sex discrimination, and which covers conduct which is found to be not reasonable, having regard to the circumstances of the case.

For the moment we have been given an extreme example, and taking that as the only one before us, it would seem to me that the position would be covered and safeguarded.

In response to the other comments by members, could I start at the beginning as Mr MacKinnon invited me to do. The long and short of it is this: This is a Bill to discourage and to counter discrimination of the various forms set out in the Bill. It is designed to counter those forms of discrimination in specified areas. One of those areas is the area of work, and partnerships are within that general cover.

I suppose that is the long and short of it. That is what the Bill is about, and given the desirability of having complete coverage of the areas dealt with by the Bill, then partnerships ought to be included. That no doubt explains why they are included in comparable Bills, and that is at the heart of the reason for their inclusion here.

Could I add only one other point; that is, the sort of legislative mess that could easily arise in the absence of this provision.

For example, if Mr Knight were to have his way and clause 14 were deleted from the Bill, we would

have a bits and pieces situation. We would have Federal legislation which would take effect in this State, as elsewhere, covering sex discrimination, but not religious or racial discrimination. That would take effect under the Commonwealth Act, because we had left a gap. Given that we are moving into this field and seeking to cover it adequately on a State basis, that seems undesirable for two reasons: Firstly, in terms of consistency and, secondly, in terms of ease of administration.

I put those as additional factors which should be considered by members as they approach this clause. At the risk of repetition, I can only refer again to the absence of discerned difficulty in the jurisdictions which have adopted this rule. With due respect to Mr Ferry, that is not an argument for saying it is not necessary. On the contrary it is an argument saying that to the extent that it is necessary it has apparently worked without problems.

Hon. TOM KNIGHT: The Attorney General is trying to substantiate a clause in the Bill. Whereas I support the Bill, I do not support the clause. As we go further into the Bill, clause 125 provides that the tribunal may dismiss certain complaints. It says the clause enables the tribunal to dismiss a complaint, if it is satisfied it is frivolous, misconceived, etc., or should not be entertained.

The only people who know what goes on between partners are the partners, and when they get before a tribunal or a court of law all sorts of stories come out. If the judge or tribunal should decide to take one person's word against the other, the man who wears the yellow dress to work and upsets clients can give such a convincing story that clause 127 can be referred to. This clause empowers the tribunal to hold an inquiry to dismiss the complaint, or if it finds the complaint substantiated, it is able to make one or more specified orders, and these include making an order for damages of up to $40 000.

What if this happens and the court decides to take some crank's views? It would result in breaking up a home and family and job opportunities. I think it is an ill-conceived clause.

When we note the decisions of the tribunal and what it can do, we see it further exacerbates the situation. The more I go into this matter, the more I am determined that the clause should come out of the Bill. If the Attorney General says that if it comes out it would make piecemeal of the legislation, then so be it. Let him take the Bill away and bring it back in a way that it makes sense.

As a businessman and a private individual there is no way in the world I can accept this clause. I will vote against it and I will call to divide, if need be, because I want the people to know that I stood up for them. I am not prepared to allow this imposition to be made on private enterprise.

Hon. I. G. MEDCALF: Like Mr MacKinnon I have great difficulty in finding any parallel between this and a contract of employment. A contract of employment is an entirely different matter; there is no employer-employee relationship between partners. Indeed, there is usually a financial relationship of various kinds.

Hon. J. M. Berinson: I did not suggest there was.

Hon. I. G. MEDCALF: The Attorney General made that his starting point.

Hon. J. M. Berinson: I talked about the area of work.

Hon. I. G. MEDCALF: I noticed that comment was made in another place, and I assumed the Attorney General would not do that.

Hon. J. M. Berinson: I talked about the area of work; not the area of contracts of employment.

Hon. I. G. MEDCALF: There is really no connection between an employer-employee relationship and partners.

Hon. J. M. Berinson: Could I ask you whether you would not agree that there is a connection between areas of work and partnerships? It was only in reference to areas of work that I said this clause related to a general area sought to be covered.

Hon. I. G. MEDCALF: They would still do the same kind of work. I do not think that is particularly relevant to this argument, if I may say so with great respect.

I have always taken the view, when advising people about their partnership disputes—having advised many partners who have been in dispute about their situation under the Partnership Act or under the common law which also applies—that a partnership is like a marriage; each must certainly at the outset trust the other party. They must be prepared to have a very close relationship, which in many ways is akin to marriage, because they would be very close to the other person in the business or commmercial sense. They are all doing the same kind of work, so they have to work together to achieve success. If they did not work together they might as well not be in partnership.

In case the Attorney has not heard that argument, I remind him that a partnership is like a marriage. I have used that analogy many times. It has been used also by many eminent people. Many eminent judges have used the same example and not the one quoted by the Minister earlier tonight. A partnership is like a marriage. If it does not

work it has to be terminated in exactly the same way as a marriage has to be terminated.

We have quite advanced laws in relation to marriage these days. One does not need to give excuses now for a divorce in the sense that one had to establish a case of adultery or desertion in days gone by. Some of those cases went on for an interminable period. Divorce these days is relatively simple. It has been made that way by Statute. One does not have to say that one does not like a person because he or she is an Afghan or that one does not like a person for any other stupid reason. One can get a divorce fairly easily under our modern laws.

However, we are now putting a further impediment on partnerships. What is the situation? Under this proposed law, it will be unlawful to expel a partner if the partnership involves any aspect, even a minor aspect, of discrimination.

Hon. J. M. Berinson: Now you are getting back to clause 5 again. I then have to refer you to clause 127 again.

Hon. I. G. MEDCALF: Clause 5 is the clue to my argument. Had the Government been disposed to do something about clause 5, I might well have changed my view. We now have a situation where it is unlawful to expel a partner if there is any aspect of discrimination, even though it might be a minor aspect. Anyone who abides by the law will not do an unlawful act so one would have to stay in a partnership with a person who may be temperamentally unsuited to be a partner.

What other conclusion can one draw from the words of the Bill? That is what they mean. People can laugh as much as they like. However, that is what the words mean and that is how I believe they will be interpreted. I do not think that has been understood. Maybe it has not been understood in some other parts of Australia.

There has been no attempt to modify clause 5 in the way that it may well have been modified in other places. I draw the Attorney's attention to that. It is obvious from the comments made in debate that a number of members have doubts about this clause. I suggest that he sees fit to have another look at the partnership clauses and that we, perhaps, proceed with the other clauses of the Bill.

I would also like to say that the Attorney has not answered my questions in relation to single-sex partnerships. If he did answer it, I did not hear it. All partnerships will be included in the legislation including partnership of women doctors who specialise in women's complaints and who do not desire to have a man in the partnership.

Hon. J. M. BERINSON: I do not know whether this matter can be taken much further. Some of the matters raised have been dealt with previously. With respect to Mr Medcalf's reliance on the perils of clause 5, I can only refer again, in respect of minor elements of discrimination in an overall situation, to the saving features of clause 127.

We are always giving analogies. I think, only a fortnight ago, I referred to the dangers of analogies and their limited usefulness. Mr Medcalf has offered us an anology between partnerships and marriage. That is a well-known comparison. I take that up by agreeing that, as a last resort, the difficulties in marriage, as he suggested, are resolved by dissolution. In the last resort, problems in partnerships, especially smaller ones, are also resolved by dissolution.

As I read it, there is nothing in this Bill to cut across the ability of partners to exercise their powers to dissolve a partnership. Clause 14 deals with three situations; that is, the formation of a new partnership, the introduction into an existing partnership of a new member, and the expulsion of a member from a partnership. It does not preclude dissolution and that, in the last resort, is what happens to partnerships which get into difficulties. Certainly, that is what happens when they get into the sorts of difficulties which have been posited here.

In relation to the question about the partnership of women doctors who wish to stay as a partnership of women doctors, I will fall back on a suggestion that I have made several times in this debate so far, and that is that one has to approach this matter practically as well as in terms of the Bill. I invite Hon. Ian Medcalf to suggest what standing any male doctor would have in a situation where a group of three female doctors decided to invite a fourth into a partnership. Who, in the whole of the medical profession, could argue or complain about that?

Again, I suppose, it is considerations like that which have led to the absence of any discernible problems elsewhere, particularly among the smaller-scale partnerships. Although I recognise the limitations of arguments of this sort, I do not think that they can be ignored altogether. The further one goes stretching examples in order to find a situation, the more one has, in the end, to come down to saying what would actually happen. We have had the example of a person who became a member of an outrageous religious cult which only allows its members to work at night, not serve customers, and to dress outlandishly. We have dealt with that. We now have the example of a small group of women doctors who want, for what-

ever reason, to invite another woman doctor into a partnership. In the last resort, that is what is going to happen.

Hon. I. G. MEDCALF: It seems to me that what the Attorney is saying is that, because this clause is not going to have any affect, why worry about it? He said that there is a way around it because the women doctors will invite another woman to come into the partnership and no man will ever hear about it. That is really what he is saying. That may well be the way they will avoid the provisions of the Bill. In other words, that part of the Bill may not have any practical application.

The Attorney is asking us to pass the Bill solemnly as if it were going to do something, and then telling us that it will do nothing.

The matters relating to the expulsion of partners are a different kettle of fish altogether. To say that the provision deals with the expulsion of partners and will not have any effect on partnership law is not, with due respect, correct at all. It will have a very great effect on partnership law because it will mean that a partner can no longer give notice to dissolve a partnership under section 43 of the partnership Act if one of the subsidiary reasons for the expulsion of a partner is the fact that he is wearing outlandish clothes and has joined a religious cult.

Hon. J. M. Berinson: Are you not putting two different concepts together there—the dissolution and the expulsion?

Hon. I. G. MEDCALF: The expulsion and the dissolution are exactly the same thing. Dissolutions occur as a result of the expulsion of a partner. If one wants to dissolve a partnership and one partner will not leave, then one is entitled to give notice under section 43, so it amounts to the same thing.

I believe that this is something that has not been seriously thought through and I do not really believe that the Government has given sufficient consideration to the practical application that this may have on business and professional partnerships. It is quite apparent that some consideration was given to this matter in some of the other States and in the Commonwealth where the operation of the Bill was restricted to partnerships involving six or more partners. They obviously thought that with a small partnership, there will be the kind of problems about which I have been talking; that is, the problems of closeness and mutual trust, confidence, and so on. No thought has been given to that here. No suggestion has been made that there is any need for any concern. That astonishes me as one who has had a good bit to do with a good number of partnerships. I have seen many partnerships break up, not only legal partnerships, medical partnerships, accountancy and engineering partnerships, and business partnerships, but also syndicates and farming partnerships in which even husbands and a wives have fallen out. It astonishes me that more thought has not been given to the effect that this legislation might have on well understood partnership law which not only is contained in the partnership Act, but also is enshrined in a multitude of precedents.

Hon. TOM KNIGHT: Unless I am mistaken, in listening to the Attorney General he said in one breath that if we are not satisfied with the way the law reads, then we should look at it in a practical sense and work out tenures as he did with the female doctors. That is breaking the law anyway. He said that if one does not achieve that, the partnership should be dissolved. Who wants to run around with that sort of cost hanging over his head? It means that if a partnership of three or four people is dissolved, the partner claiming discrimination does not have to revert back to the Bill that we are trying to pass.

The more we discuss this clause, the more reason we have for removing it from the Bill. It is a business matter. I believe it is covered by a business Act. As far as I am concerned it should be taken out of this Bill. We should carry on with a Bill that everyone in the Committee has agreed is acceptable and which everyone will support except for this clause. The further we go in considering this clause, the more tangled the Attorney General is becoming and the more excuses he is using about the practical application of this clause.

Hon. J. M. BERINSON: I acknowledged earlier that there is a distinction to be drawn between the smaller partnerships and the larger partnerships. Very early in the debate on this clause, Hon. Margaret McAleer raised a question on this very point and there is no doubt that views on the question are mixed. I tried to explain earlier why similar jurisdictions have gone one way in specifying a limit of six and two have gone the other way. It should not be thought that this matter has not been given a great deal of attention. Obviously it has. The very shape and scope of this Bill will reflect how much care has been devoted to it. The judgment was, at the end of the day, that partnerships should be included in line with provisions of all comparable legislation, but that in this State we should go the way of New South Wales and Victoria in not specifying that limit of six partners as the dividing line separating what I have referred to as the problems of small and large partnerships.

Not a great deal really hangs on that and I take up the implied suggestion by Hon. I. G. Medcalf that some of the problems and a substantial part of the whole area of partnerships could well be adequately covered by adopting the approach of the Commonwealth legislation, limiting the effect of the Bill to partnerships having more than six members. It has taken rather a long time on this clause for a suggestion even in that implied form to emerge. If members who have expressed this concern, and I refer in particular to Mr Medcalf and Miss McAleer, are indicating that they are interested in moving an amendment to specify this limit, or that an amendment of that sort by the Government would meet the larger part of their current reservations, I would be happy to take that on board and seek advice from the Minister.

Hon. I. G. MEDCALF: I appreciate the comments made by the Attorney General. If I understood correctly, he said earlier that if this clause was deleted from the Bill—and he can indicate whether I am right on this point—the Commonwealth legislation would apply to the partnership area of this section of the law.

Hon. J. M. Berinson: The Commonwealth Sex Discrimination Act would apply.

Hon. I. G. MEDCALF: In relation to partnerships?

Hon. J. M. Berinson: Yes, that is my understanding.

Hon. I. G. MEDCALF: It clearly applies to the State in that case?

Hon. J. M. Berinson: Yes, that is right.

Hon. I. G. MEDCALF: If that is so, there is nothing to be gained by deleting the clause. On the other hand, for the same reason, if that is so there is nothing to be gained by the Attorney General's not adopting the Commonwealth amendment. There is only one course open to the Government; that is, to adopt the Commonwealth amendment. The Attorney General has already suggested that he may be prepared to entertain that.

As it would need some examination by both of us to be quite certain that the Commonwealth law would apply and also to ascertain the exact words of the amendment because clauses 14, 40, and 57 are involved, all of which deal with partnerships from the various angles, these clauses should be further considered at a later time. We can proceed with the balance of the Bill.

Hon. J. M. BERINSON: I am happy to adopt that course and I will move that clause 14 be postponed. Before doing so, I want to ensure that I am not misrepresenting the position. My understanding is that in the absence of clause 14 the Commonwealth Act would certainly cover the same field in respect of partnerships with more than six members. We are agreed on that point. The member's reference to clause 57, however, deals with an area that is not covered by the Commonwealth Act, but which we would want to make consistent with what we do to clause 14. Mr Medcalf is indicating his agreement, and I leave it on the basis that we are agreed on understanding the scope of the Commonwealth Act as well as its limitations.

In these circumstances I will undertake to consult with the responsible Minister and Parliamentary Counsel with a view to modifying the relevant provisions in this Bill which affect partnerships to restrict their application to partnerships with more than six members. I move—

That further consideration of the clause be postponed.

Motion put and passed.

Clauses 40 and 57 postponed, on motion by Hon. J. M. Berinson (Attorney General).

Clauses 15 to 67—excluding clauses 40 and 57—put and passed.

Clause 68: Advertisements—

Hon. I. G. MEDCALF: During the course of the second reading debate I said that I understood it would now be unlawful to advertise for a female secretary. Although it may well be included in the Bill, this sort of thing is not spelt out. I ask whether female secretaries will come within one of the exemptions. The words "female" and "secretary" are synonomous and that is no disrespect to any woman. It is difficult to be a good secretary and in my experience women make the best secretaries. This sort of situation suddenly breaking on the community will create many problems.

I would like the Attorney General's views on it.

Hon. MARGARET McALEER: While the Attorney is answering Mr Medcalf, would he also be kind enough to solve a problem put to me by a farmer the other day. He said he had been accustomed over the years to advertising for married couples to work on his farm, presumably one working on the farm and one in the house. He had been advised that this would not be legal when the Bill came into operation, and he wanted to know how was he to advertise for the correct mixture.

Hon. J. M. BERINSON: There is a specific exemption for positions where it is desired to have a married couple, and in a moment I will be able to refer to the particular clause.

In general clause 68 would have the effect of preventing an advertisement for a female sec-

retary. That would not necessarily have the dire consequences that Mr Medcalf fears. He would not necessarily be loaded with an inefficient or less efficient male secretary. He would be in the position of making a choice on the merits of the applicants.

Hon. I. Medcalf: What if I make the choice on the ground of sex?

Hon. J. M. BERINSON: Only Mr Medcalf would know. I have such confidence in the fairness and the non-discriminatory way in which the honourable member would approach the task of selecting a secretary that I have not the faintest fear that he would make a choice on a discriminatory basis. I am sure that he only voiced that possibility in the same strained sense as he did some of the earlier examples which he advanced in this debate. I did undertake to point Miss McAleer in the direction of the clause referring to married couples. It is clause 29.

Clause put and passed.

Clauses 69 to 74 put and passed.

Clause 75: Commissioner for Equal Opportunity—

Hon. P. G. PENDAL: Like other members I had intended to make a contribution to the second reading, but declined to do so on the grounds that my query was largely confined to one clause. Therefore I now take the opportunity to raise it.

I ask the Attorney General, in a Bill that has as its stated aim, the remedying of various forms, indeed most forms of discrimination in our community, why it is that this clause should perpetuate the discrimination to which I have referred in the past in this Chamber; that is, discrimination towards the aged. I appreciate that the Attorney General can say, "Well, the description of the Bill itself at its very start tells us that we are dealing with remedies only in respect of discrimination on the grounds of sex, marital status, pregnancy, race, religion, or political conviction, or incidents involving sexual harassment".

The simple answer which has been given to me by other people is that those words do not attempt to remedy any of those situations in our community which represent discrimination on the grounds of age. Ironically it is the simple answer. In clause 75(3) we are dealing with the appointment of a public officer. That is the only form of direct discrimination in an otherwise very sound Bill.

It says—and I am sure the Attorney General knows this—anyone can apply for the job of commissioner except a person over the age of 65. That is discrimination on the grounds of age.

This is not the first time I have raised this matter in the Chamber. Early this year, during the Supply debate, I referred to an almost identical situation involving a constituent of mine, a retired principal mistress from a senior high school, complained that for the first time in her life she was excluded from witnessing passport documents on the grounds that she was retired. The specification was that people allowed to witness those documents must not be retired.

I used that occasion to suggest to the Government that perhaps the time had come when there should be some move to end that sort of discrimination on the grounds of age. It is not such a long bow to draw to take it one step further. For example, discrimination against a person on the grounds of colour is covered by this Bill—for example, discrimination against a person of Aboriginal descent. The Bill caters for discrimination against a person of Aboriginal descent, therefore it covers two per cent of the community. The Bill covers discrimination on the ground of pregnancy, and that might apply to another few per cent of the population.

The point I am making is that the problem is much wider than even this Chamber would be prepared to recognise. In this day and age there are more elderly people in the community than Aboriginal people or pregnant people; therefore it is not an inconsequential matter to raise as to why we tolerate discrimination against the elderly.

One answer is in terms of the public service, which has a commonly accepted retirement age, but one might have thought that in a Bill designed to end discrimination, the Government, for all the praise it has received tonight for being moderate, might be condemned on this ground alone.

The Bill would have lost nothing if that subclause had not been included in the first place. It simply means that the rest of the clause allows the Government of the day to appoint a Commissioner for Equal Opportunity along the lines spelt out in other parts of the clause. I am therefore asking why it is that in a Bill which I support almost down to the last clause that point was not taken into consideration.

Hon. J. M. BERINSON: The honourable member has really answered his own question. I cannot improve on the answer he has given. As I understood it, the answer was that this is a Bill attempting to preclude specified forms of discrimination, and it has not sought to go beyond those.

I think in my second reading speech I drew attention to a number of other areas. Age was one, and physical or mental incapacity was another. It is too easy to try to isolate a particular provision in

a Bill of this nature and say we are doing something about discrimination against age. If that is the aim of the exercise, it will need much more preparation, much more thought, and much more consideration of the inherent difficulties than is provided by taking an item like this in isolation and saying that we are serious about looking at the problems of age and employment, and this is our first step.

Similar age provisions appear for many judicial and quasi-judicial officers. The whole of the Public Service is subject to a similar age limit. Perhaps all of that is wrong. I am not saying it is; what I am saying is that, even if we are wrong, one does not go about remedying a problem as general and as serious as that by proposing to act inconsistently with the general pattern in a particular item of this nature. That is really repeating what the honourable member has said himself, but I do not think that one can reasonably take it further.

Hon. P. G. PENDAL: I do not intend to pursue the matter beyond again suggesting that the Government, of its own volition, ought to delete the subclause, if for no other reason than that its deletion does not prevent the Government from seeking to fulfill the provisions of the clause, and that is to appoint a Commissioner for Equal Opportunity.

Having made that request, and having got what I think was a fairly predictable response from the Attorney General, let me make one observation. It is true, as the Attorney General has said, that it is not the answer to say that other sections of the Public Service have themselves a common retirement age of 65. The fact is that this Bill is aimed almost entirely at those people employed in the State Government sector; in the Government work force of the State. It seems to me to be self-defeating to say that because the rest of the Public Service, of which the commissioner will be a member, continues to discriminate, should this Bill perpetuate that position.

My second point is this: It is rather disappointing, in legislation which is, by the Government's own claim, intended to be somewhat pioneering, that it appears all the Government has done is to pick up a few photostat copies of other State and Commonwealth legislation and put them together. No invigorating or creative thinking has gone into the whole philosophy of the Bill if all we are seeking to do is to reflect what is going on in other jurisdictions.

The Attorney General said that the grounds of sex, marital status, pregnancy, and so on, have been included because that is generally what the Government had in mind. I accept that. I can read the words before us, and I read them out earlier. My point, however, is still that at a time when the government, even with the support of the Opposition, is pursuing a piece of legislation which is desirable and moderate—and I believe it is—and which is, notwithstanding the different approaches, something that the community ought to have, the Government then offends against the very principle it sets out to abolish.

Clause put and passed.

Clauses 76 to 82 put and passed.

Clause 83: Making of complaints to Commissioner—

Hon. I. G. MEDCALF: I merely wish to notify people that class actions are contemplated by this legislation. I mentioned that in the second reading debate, but it was not mentioned by the Attorney General. It is important that we should signal the fact that representative or class actions will be permitted under this legislation. I am not opposing them; I am merely drawing attention to them. They are referred to in clause 4, where there is a definition of a representative complaint, and there are references in clause 83(1)(b) and clause 114.

Generally speaking, this is a departure in our law. If recent laws have involved class actions, I must confess I have not noticed them.

Clause put and passed.

Clauses 84 to 95 put and passed.

Clause 96: The Tribunal—

Hon. J. M. BERINSON: I understand that during the debate in the Legislative Assembly a proposal was made by the Opposition that the requirement that the legal practitioner should have five years' standing should be replaced by a provision that the person to be appointed should be a legal practitioner of not less than seven years' standing and practice. The Government indicated in the lower House that that amendment was acceptable in principle, but requested that the procedures in the Assembly should not be delayed to accommodate it. To meet the assurances which the Government gave in the Assembly, I therefore move an amendment—

> Page 71, line 18—Delete the passage "5 year's standing" and substitute the passage "7 years' standing and practice".

Hon. I. G. Medcalf: Make sure they put the apostrophe in the right place!

Hon. J. M. BERINSON: Yes.

Amendment put and passed.

Clause, as amended, put and passed.

Clauses 97 to 134 put and passed.

Clause 135: Tribunal may grant exemptions—

Hon. I. G. MEDCALF: On what grounds may the tribunal grant exemptions?

It can exempt anyone from any of the provisions of discrimination on the grounds of sex, marital status, pregnancy, political or religious views, or race, but there do not seem to be any criteria to guide the tribunal. This puzzles me.

I am aware that by clause 136 the tribunal is required to publish its decisions in the *Government Gazette* and set out its reasons for making its decisions; but the tribunal does not have any specific grounds for granting an exemption relating to the major clauses which we have already discussed and accepted.

It is rather curious that we are giving the tribunal the power to grant exemptions without giving it any standards or grounds for the exemptions. It appears we are giving the tribunal an open go. I am rather puzzled, and I wonder if the Attorney General can explain what grounds the tribunal might be expected to use.

Hon. J. M. BERINSON: The honourable member is correct. Clause 135 is drawn in such a way as to provide the tribunal with an open discretion. There are no specified considerations which it is required to apply. That was done with a view to providing maximum flexibility.

The explanation for that comes down to the consideration that there is a huge range of situations which might potentially give rise to an application to the tribunal. There is also the relative novelty of this sort of legislation, despite the experience elsewhere to which I have referred earlier. This will put a great deal of pressure on the tribunal to act responsibly. No doubt it will be encouraged in that by the need for public advertisement and advice as to the nature of applications and the nature of reasons for decisions of the tribunal. This clause reflects a deliberate decision and is largely in line with the whole approach of this Bill which is to provide for maximum flexibility in a new area where many things can go wrong.

As the member will have noticed elsewhere in the Bill, repeated references are made to the ability, by regulation, to exempt certain acts. The criteria for those exemptions also are not specified, but naturally they would be expected to conform to the spirit of the Bill, read as a whole.

Hon. I. G. MEDCALF: I thank the Attorney for confirming my worst fears. It really bears out the argument I made in relation to partnerships, that some situations might arise which are not really contemplated and, however extreme they might be, they do occur, and it seems to me this is probably the explanation: As the Attorney says, there are no grounds. This gives the tribunal ultimate responsibility and a far greater degree of flexibility than would normally be given to a Supreme Court. While this is one of the tendencies of administrative law, I personally wonder to what extent it is good practice not to provide any standards or any particular categories which may guide the tribunal in these circumstances.

I suppose a ground of natural justice might have been considered to be equally vague and it might well have been difficult to define grounds; but this indicates the degree to which the Government is entering into an unknown area, so it covers itself by giving the tribual power to exempt without specifying all the grounds on which it might exempt. It indicates that the people who are selected to act both as commissioners and members of the tribunal will be faced with an exacting task if they are to meet the criteria which the legislation does not specify, but which by its very nature it demands.

Hon. J. M. BERINSON: Of course, a great deal will depend on the personalities and abilities of the people who are selected to perform this role. There is no doubt about that.

I would not like it to be thought that the wide flexibility given to this tribunal is something which I would be inclined to recommend for all other tribunals. In general, it is desirable that the framework within which tribunals work be specified. The factors leading to the requirement for greater flexibility in this case are well understood and Mr Medcalf has referred to them. I do not think they need to be expanded upon. It goes without saying that whatever the tribunal does must be within the object and the spirit of the Act and that will be observed with great interest.

It should be noted also, in explanation of the very wide flexibility here, as opposed to specified powers elsewhere, that what the tribunal in this clause is being authorised to do is to grant exemptions rather than to impose obligations on people.

If it were a matter of the tribunal's imposing new obligations, then, of course, we would be anxious to ensure that it was subject to guidelines in performing that sort of duty; but here it is freeing people from an obligation. That makes it easier to accept the wide flexibility which is proposed.

Clause put and passed.

Clauses 136 to 138 put and passed.

Clause 139: Application of Part IX—

Hon. I. G. MEDCALF: I raise with the Attorney General the question as to what kind of body the Governor would declare by regulation under subclause (2); whether that is to be a public body or authority, or whether it could include any other kind of body, not necessarily a public body.

Hon. J. M. BERINSON: My understanding is that this whole clause relates to public authorities and public bodies.

Hon. I. G. MEDCALF: It seems to me that it does not necessarily say that. I refer members to the wording of subclause (1)(e). Does that bring in outside bodies other than public authorities? In other words, does it bring in any other authority, body, or voluntary group and would they be included simply because they are prescribed by regulation?

Hon. J. M. BERINSON: All of part IX relates to equal opportunity in public employment and, consistent with that, it is my understanding that the intention of all parts of this clause is to deal with public bodies, public authorities, and public groups as the case may be, but in all cases related to public employment.

Clause put and passed.

Clauses 140 to 169 put and passed.

Progress

Progress reported and leave given to sit again, on motion by Hon. J. M. Berinson (Attorney General).

ACTS AMENDMENT (FAIR REPRESENTATION) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Attorney General), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [11.47 p.m.]: I move—

That the Bill be now read a second time.

To assist in consideration of this Bill, members have received a summary of the Bill and a set of explanatory notes.

In 1983 this House rejected the Government's first attempt at electoral reform, the Acts Amendment (Constitution and Electoral) Bill 1983. A careful analysis was subsequently made of the criticism directed at that Bill, and where valid criticism had been offered it was listed for further consideration.

This process resulted in a compromise blueprint which was announced on 10 April 1984 by the Minister for Parliamentary and Electoral Reform.

The Government's 1983 electoral reform Bill proposed that members of the Legislative Council be elected from a single State-wide electorate by proportional representation. The Bill did not propose changes for the Legislative Assembly. In rejecting that Bill, Opposition members of this House, representing only 44.7 per cent of electors, denied the people of Western Australia a referendum on the question of electoral reform.

The criticisms made of that Bill included the following—

(1) The State-wide proportional representation proposal was criticised as encouraging members of the Council to focus on Perth, where most electors live, not having members of the Council accountable to any particular group, not allowing electors to have identifiable members of the Council and as not taking into account large areas of Western Australia and the problems of accessibility.

(2) It was said that electoral reform proposals should apply to both Houses.

(3) The proposed reduction in the number of members of the Council to 22 was unjustified.

(4) The superannuation benefits to members who were not re-elected were excessive.

The Government carefully considered these and other suggestions and took them into account in preparing this Bill, which maintains the essential principle of a reasonable equality of votes.

This Bill is a compromise. It is presented as a firm proposal embracing the spirit of consensus necessary to achieve reform in this important constitutional area.

The Bill proposes 57 equal enrolment districts for the Legislative Assembly and a regionally based proportional representation system electing 32 members for the Legislative Council.

The Legislative Assembly presently consists of 57 districts with enrolments that vary from 3 720 to 24 958. The proposed Assembly will have 57 districts, with variations of 10 per cent above or below the average enrolment of approximately 15 000 per district.

At present the Legislative Council has provinces made up of between two and five Assembly districts. These provinces vary in enrolment from 8 217 to 95 339 electors. The proposed Council will use proportional representation to elect mem-

bers from four regions: North metropolitan, south metropolitan, agricultural, and northern.

Three regions—north metropolitan, south metropolitan, and agricultural—will each have 10 members, with five to be returned at each election. The fourth region—northern—will have two members, with one returned at each election.

In the two metropolitan regions, the number of electors per member will be seven per cent above the State average. In the agricultural region, it will be 10 per cent below the average, and in the north region, 17 per cent below the average.

This weighting of votes for rural areas has been introduced by the Government in an attempt to secure bipartisan support.

It is proposed that all boundaries for the Legislative Assembly districts and the Legislative Council regions will be drawn by independent electoral commissioners, with allowance for public suggestion and scrutiny.

A majority of members of Parliament will no longer be able to influence the result or gain political advantage by itself drawing any boundaries.

Members of the Legislative Council will be elected for two Assembly terms, with the longest-serving half of the Council retiring with all Assembly members at each general election.

Other important reforms are also proposed, in particular—

> voters will not be required to show preferences beyond the number of candidates to be elected, though a voter may still indicate his preference to exhaustion as under the current system;
>
> if more than eight districts of the Legislative Assembly are more than 10 per cent above or below the average enrolment, an automatic redistribution will be required; and
>
> the electoral commissioners may take into account community of interest, distance from the capital, physical features and demographic trends in the drawing of boundaries.

Mr President, the proposed regionally based proportional representation system for the Legislative Council is well suited to cope with the vast outer areas of Western Australia in which some electors live and which their members represent. Each region will have identifiable Assembly and Council members who will be elected by and accountable to the electors of that region.

Accessibility to members will be improved by having more members covering certain portions of the State.

The Government has always maintained that the problem of isolation should not be addressed by excessive weighting which unbalances the electoral system. It will continue to expand the facilities and assistance available to remote electors and their MPs as a direct response to this problem.

If Parliament approves this Bill, it must go to a referendum of all electors. If, at the referendum, Western Australians approve of the Bill, then the democratic principle of equality of votes will become part of our Constitution.

Mr President, justice in electoral matters is essential to good government and to reduce divisiveness in the community.

This Bill is presented as a better system for electing our Parliament and it gives to each citizen, whatever his or her status, occupation or location within the State, a new dignity based on equality in the decision-making process.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

BILLS (3): RETURNED

1. Acts Amendment (Court Fees) Bill.
2. Adoption of Children Amendment Bill.
3. Pawnbrokers Amendment Bill.

Bills returned from the Assembly without amendment.

BILLS (2): RECEIPT AND FIRST READING

1. Constitution Amendment Bill.
2. Mines Regulation Amendment Bill.

Bills received from the Assembly; and, on motions by Hon. J. M. Berinson (Attorney General), read a first time.

House adjourned at 11.55 p.m.

QUESTIONS ON NOTICE

SPORT AND RECREATION: ROYAL WEST AUSTRALIAN BOWLING ASSOCIATION

Burswood Island

323. Hon. P. G. PENDAL, to the Minister for Planning:

(1) Has an application by the Royal West Australian Bowling Association for the use of Burswood Island as a major bowls/sporting complex been refused at any time in the past six years?

(2) If so, on what grounds was this refusal made?

(3) Will the Minister table any of the correspondence or records of inquiry by this organisation?

(4) If no formal request was made or refusal given, what informal advice was given to the organisation in question?

(5) What has altered from that time to now that would allow the Government to consider allowing Burswood Island to be used for a casino?

Hon. PETER DOWDING replied:

(1) to (5) The Town Planning Department is unaware of any application by the Royal West Australian Bowling Association for the use of Burswood Island during the past six years. There is no record of any informal advice which may have been given to that organisation.

PARLIAMENT: HOUSE

Air-conditioning

326. Hon. H. W. GAYFER, to the Leader of the House representing the Minister for Works:

(1) Has consideration been given to the provision of air-conditioning in Parliament House?

(2) If "Yes" to (1), why were plans abandoned?

(3) When is it proposed that consideration will be given to the extension of Parliament House to decently accommodate all the persons within it?

(4) If consideration is not going to be given what is to be the solution?

Hon. D. K. DANS replied:

(1) Yes.

(2) Funds have not been allocated.

(3) As soon as funds can be made available.

(4) Not applicable.

TRAFFIC: LIGHTS

Sussex St and Berwick St Intersection

327. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Police and Emergency Services:

(1) Does his department have a view as to the justification for traffic lights at the corner of Sussex and Berwick Streets in Victoria Park?

(2) If so, what is that view?

(3) If the Police Department supports the installation of lights, would he urge his colleague the Minister for Transport to expedite the matter?

Hon. J. M. BERINSON replied:

(1) to (3) The Police Department forwards statistical information on all traffic accidents, including location where they occur, to the Main Roads Department for collation and its assessment.

TRAFFIC: LIGHTS

Sussex St and Berwick St Intersection

328. Hon. P. G. PENDAL, to the Minister for Planning representing the Minister for Transport:

(1) Is the Minister aware of the grave concern of local residents regarding the absence of traffic lights at the Sussex-Berwick Streets intersection in Victoria Park?

(2) How many accidents have been recorded at this intersection in—

(a) calendar year 1984;

(b) calendar year 1983; and

(c) calendar year 1982?

(3) What is his department's view about the need for the lights?

(4) Does his department liaise with the Police Department on the matter and, if so, what is the latter's view?

Hon. PETER DOWDING replied:

(1) Yes. The Main Roads Department has received representations suggesting improvements to this intersection could be made by the installation of traffic signals.

(2) (a) Four recorded to 31 August 1984;

(b) four;

(c) nine.

(3) There are some 200 sites in the metropolitan area that are considered to have a greater priority than this location.

(4) The Main Roads Department receives input from various sources including the local authority and Police Department. It is the Main Roads Department's responsibility to determine the priority for traffic control signals.

HEALTH: NURSES

38 hour Week

329. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Health:

(1) Has the Minister, his department or the State Government, been involved in discussions with the Royal Australian Nursing Federation over the introduction of a shorter working week in Western Australian hospitals?

(2) Has a costing been made of this proposal?

(3) If so, what would a 38-hour week for nurses cost?

(4) If no costings have been made, will he explain why?

(5) Will the shorter working week involve domestic, maintenance and technical staff in hospitals along with nurses?

Hon. D. K. DANS replied:

(1) As a result of an approach to the Minister for Industrial Relations by the Royal Australian Nursing Federation, a working party has been established to look at the question of a 38-hour week for nurses.

(2) to (4) This will depend on the package negotiated.

(5) The shorter working week for domestic, maintenance and technical staff in hospitals involves other unions and will not be part of the negotiations with the RANF.

LAND: LANDS AND SURVEYS DEPARTMENT

Accommodation

330. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Lands and Surveys:

(1) Is all or part of the Minister's department moving to new premises in East Perth?

(2) If so, will he give details?

(3) What is the total cost of the move?

(4) For what reason has the move become necessary?

Hon. D. K. DANS replied:

(1) Yes.

(2) Planning is still being undertaken but the accommodation should house the photogrammetric, air photography and reproduction and microfilm bureau areas of the department.

(3) Final costing not known as planning is still being undertaken by the new Building Management Authority.

(4) Existing accommodation is either unsuitable or unavailable longer-term.

LIQUOR: LICENCES

Applications

331. Hon. G. E. MASTERS, to the Minister for Administrative Services:

(1) How many applications have been referred by the Minister to the Licensing Court since the moratorium came into being?

(2) On what basis are these decisions, to refer, made?

Hon. D. K. DANS replied:

(1) 21.

(2) The Liquor Licensing (Moratorium) Act provides that an application may be referred to the Licensing Court if in the opinion of the Minister the circumstances are extraordinary.

LAND: RESERVES

Bunbury Reserve No. 16044

332. Hon. V. J. FERRY, to the Leader of the House representing the Minister for Lands and Surveys:

(1) Has a decision been made to return reserve 16044 to the Bunbury endowment land holding?

(2) If so, when will the transfer take effect?

(3) Have any other arrangements recently been entered into between the Government and the City of Bunbury in respect of endowment land?

(4) If so, what arrangements have been made?

(5) Are any other planning and development exercises in respect of endowment land at Bunbury currently under consideration?

Hon. D. K. DANS replied:

(1) There is no intention to "return" reserve 16044 to the Bunbury endowment land holding. This reserve never formed part of the original endowment agreement reached between the Government and the Town of Bunbury in 1955 and 1978. This position has been made clear to the City of Bunbury.

(2) Answered by (1).

(3) There are long standing arrangements for progressive development and Crown granting of land within endowment reserve 670; for a rationalisation of boundaries between reserves 670 and 16044; and for creation of an educational complex over portions of both reserves. More recently, the Minister agreed with the council that he would examine any proposal put to him in respect of a possible joint planning and development exercise between the Crown and the city. No submission of this nature has been made by the city.

(4) and (5) Answered by (3).

EDUCATION: HIGH SCHOOLS

Student Driver Education

333. Hon. V. J. FERRY, to the Minister for Planning representing the Minister for Education:

(1) Has provision been made in the State Budget to fund student driver education for high school students?

(2) If so—

(a) how much money has been allocated; and

(b) how will the scheme operate?

Hon. PETER DOWDING replied:

(1) No. The present policy allows for approval to be given to a school to conduct a student driver education programme with the proviso—

(a) that all police, traffic, and National Safety Council requirements re licences and permits are complied with;

(b) the scheme is financed from school funds and no financial assistance is available from the Education Department.

(2) (a) and (b) Does not apply.

EMERGENCY SERVICES: SES

Bunbury: New Headquarters

334. Hon. V. J. FERRY, to the Attorney General representing the Minister for Police and Emergency Services:

(1) What changes, if any, have recently been formulated to provide suitable premises for the regional headquarters of the State Emergency Service based in Bunbury?

(2) When will these changes take place?

Hon. J. M. BERINSON replied:

(1) and (2) The Government has deferred any consideration of approvals for new regional SES headquarters until after the report of the emergency services review.

The report is expected in the next few weeks.

QUESTIONS WITHOUT NOTICE

LIQUOR: LICENCES

Applications

93. Hon. G. E. MASTERS, to the Leader of the House:

My question refers to the Leader of the House's answer to my question 331, dealing with applications to the Licensing Court. The Minister answered as follows—

(2) The Liquor Licensing (Moratorium) Act provides that an application may be referred to the Licensing Court if in the opinion of the Minister the circumstances are extraordinary.

He went on to say that there were 21 which obviously he would have considered to be extraordinary or in regard to which extraordinary circumstances applied. Would the Minister be prepared to table the details of those 21 extraordinary cases?

Hon. D. K. DANS replied:

I would be prepared to give consideration to the tabling of those 21 applications after I have had another look at them.

LIQUOR: LICENCES

Cabaret Licence: Mr Bisotto

94. Hon. G. E. MASTERS, to the Leader of the House:

In considering the tabling of those details, I ask the Leader of the House: Will he pay special attention, so that he knows which way I am heading, to an application by a Mr Bisotto of Geraldton for a cabaret licence? He is, of course, only one of the applicants.

Hon. D. K. DANS replied:

I will look at all the applications and will consider them. No doubt, if my decision is to table the details, Mr Bisotto's will be among them.

COMMUNICATIONS: VIDEO

Censorship

95. Hon. PETER WELLS, to the Leader of the House:

(1) Has he heard that the Senate has set up Select Committee to inquire into videos at the point of entry and the point of sale, which inquiry will affect an area which is covered by this State?

(2) Will his department be considering putting in submissions before the Senate Select Committee?

Hon. D. K. DANS replied:

(1) I am aware of the newspaper reports.

(2) No, at this stage we are not considering putting submissions before that committee. There is a meeting of the Committee on Censorship in Sydney this Friday, but unfortunately I will not be able to attend. After my officer returns and gives me a report on what has been decided, will we form our opinion. I might add that the control of videos in this State has always been very strictly supervised, and even with the "X" rated video ban, it is still strictly supervised. That excellent committee comprises people drawn from all walks of life. I would need to see the terms of reference of the Senate committee of inquiry before determining whether we as a Government, not as a department, would make any submissions.

UNIONS: BWIU

"Standover tactics"

96. Hon. G. E. MASTERS, to the Leader of the House:

Is the Minister aware, or has he been contacted with regard to some really heavyweight activities in the building industry or in the building sector during recent days, particularly with regard to the BWIU?

Hon. D. K. DANS replied:

First of all, I am not quite sure what "heavyweight" means.

Hon. G. E. Masters: "Standover", if you like.

Hon. D. K. DANS: I do not even know what "standover" means.

Hon. G. E. Masters: I will explain it.

Hon. D. K. DANS: I have been absent as I have been in Hobart. To the best of my knowledge, no reports were placed on my desk today on activities in the BWIU. I am not aware whether something came into my office on Thursday or Friday, but I would expect that if it had, it would be referred to me.