

Legislative Council

Wednesday, 22 August 1984

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

ADDRESS-IN-REPLY

Presentation to Governor: Acknowledgement

THE PRESIDENT (Hon. Clive Griffiths): I have to announce that, in company with several members, I waited on His Excellency the Governor, and presented the Address-in-Reply to His Excellency's Speech, agreed to by the House, to which His Excellency was pleased to make the following reply—

Mr President and Honorable Members of the Legislative Council:

I thank you for your expressions of loyalty to Her Most Gracious Majesty The Queen, and for your Address-in-Reply to the Speech with which I opened Parliament.

GORDON REID
Governor

QUESTIONS

Questions were taken at this stage.

DEFENCE: WARSHIPS

Visits: Urgency Motion

THE PRESIDENT (Hon. Clive Griffiths): Honourable members, I have received the following letter from Hon. V. J. Ferry—

Dear Mr President,

In accordance with Standing Order 63, I wish to advise you of my desire to move for the adjournment of the House until Monday, 24th December 1984, at 4.30 pm because this House:

- (1) Expresses its concern at the moves being made by the Australian Labor Party and other citizens of this State to discourage visits to Australia, and to Western Australia in particular, of naval ships and support groups of friendly countries.
- (2) That the antagonism shown towards nuclear powered and/or nuclear armed vessels places the ANZUS Pact and other international treaties under threat, and seriously weakens the national security of Australia.
- (3) That the removal or abandonment of US support facilities in this country would

leave Australia impotent to effectively counter any move by hostile forces.

- (4) Recognises the value of visiting service personnel as tourists, which is in keeping with the promotion of tourism in Western Australia.

Yours faithfully,

Hon. V. J. Ferry, MLC

Member for South-West Province.

It is necessary for four members to rise in their places to signify their support of the motion.

Four members having risen in their places,

HON. V. J. FERRY (South-West) [4.52 p.m.]: I move—

That the House at its rising adjourn until 24 December 1984 at 4.30 p.m.

I do that for the reasons expressed in my letter to you, Mr President.

The security of the nation, its independence, and its economic interests are fundamental. In a world of sovereign nation states, security ranks with the promotion of economic welfare, and the maintenance and development of its values, amongst the nation's basic interests.

Our geographical situation—between the Indian and Pacific Oceans and linked to Asia by the archipelago to our north—calls for a unique approach. The ANZUS treaty reflects the strategic interests shared by Australia, New Zealand, and the United States of America. This treaty is as relevant to Australia now as it was 30 years ago when it was first signed.

The treaty relationship has been a significant factor in the development of extensive co-operation and consultation with the United States in defence matters. It provides a firm basis for seeking United States' military support in the event of a threat to our security and it is a factor in the deterrence of hostile actions against Australia.

The treaty does not seek to define precisely the nature of the response which our partners might provide because each country has its own constitution and constitutional procedures to follow. However, an attack or major threat will ensure that Australia will receive some military support. The treaty provides the same support for New Zealand and the US.

Having such an alliance does not absolve us from the primary responsibility of providing our own security to the extent that our resources will allow.

In a modest way we are able to contribute to the avoidance of nuclear conflict with the support of

US deterrent capabilities. The naval communications centre at North-West Cape is a classic example of that.

The judgment of successive Australian Governments has been that the contribution we must make to the deterrence of nuclear war outweighs the risks involved.

It is worth noting that the Soviet Union's conclusion of an alliance with Vietnam in 1979 was an important breakthrough because Moscow's influence in this part of the world had previously been very limited. That situation changed because of that 1979 alliance. The alliance with Vietnam gives Moscow the means of exerting pressure on China in an area previously far removed from the Soviet homeland.

Hon. D. K. Dans: China is removed from the Soviet homeland, is that what you are saying? They share a common border.

Hon. V. J. FERRY: Its influence in the southern region has changed.

I remind members that the ASEAN treaty is not a defence treaty. It is an alliance to foster regional economic development. It has nothing to do with defence matters. The member countries of ASEAN are Indonesia, Malaysia, Singapore, Thailand, the Philippines, and Brunei. Those countries are concerned about the increasing Soviet influence in this region.

We take comfort from the United States' external powers because, through those powers, it maintains a strong military presence in South-East Asia. Its presence safeguards our sea lanes and our lines of communication, and provides assurances and assistance to its friends and allies in this region.

Australia's vast coastline, the dispersed nature of our infrastructure and population centres, and the distances to be covered in the defence of the north, south-east, and west of this continent, create great difficulties. The remoteness of our island territories and location and extent of our resources present a formidable defence problem. We have to decide what degree of independence we should aim for in defence matters.

How can we bring the defence needs of various parts of this continent together and concentrate our defence manpower and resources in the southern and western areas? Our defence force must be adequately trained and equipped.

It is worth remembering that, for most of Australia's history, our defence interests have been bound up very closely and directly with overseas interests and the commitments of those overseas powers. I refer, of course, to the United King-

dom, and, more recently to the United States. We are bound to those powers in our defence.

We, in Australia, cannot aspire to military capabilities of global significance. Australia is too small. We can contribute to international co-operation and security. However, it would be a more effective exercise if we implemented that in our own region where we have some positive influence.

A prime focus of our defence policy should be centred on the provision of national security within our region rather than on our having a global interest.

Our defence jockeys, at the national level, be they politicians or the media conscious advisers, seem to have perspectives that are too narrow. Issues tend to be seen on the basis of Australian Labor Party factional brawls rather than on their having a national or even an international dimension.

Under the current ALP position, the system does not allow the leadership, politically or administratively, to calmly reflect on the broader strategic issues and steer a sound course.

It is in this atmosphere that I have moved this motion as a matter of urgency and as a matter of greatest concern.

It is well-known that the ALP national conference, which was held in July this year, endorsed a Western Australian motion to slow down the number of United States ships calling at Cockburn Sound. It was reported that this motion resulted in the Western Australian ALP branch's frequent attacks at the conference, attacks which spilled over onto the conference floor. That was widely publicised.

It was also reported that the WA centre-left delegate, Mr Bill Thomas, successfully moved for Government consultation with allies to ensure that the frequency of US naval visits does not constitute home porting. I quote from a report in *The West Australian* of 12 July 1984 as follows—

Mr Thomas said that feeling about the issue was very strong in WA, particularly in ports such as Fremantle, which lived in the shadow of nuclear attack because of the visits.

Mr Hughes said the Thomas motion did not go far enough and he proposed that no nuclear armed or powered warships of any foreign government be given access.

The report continued—

Mr Thomas's motion restricting U.S. warships also sought to ensure that development work on naval installations in the Indian

Ocean were used only for the Australian navy.

Further on it was reported—

Mr Beahan told the conference that there was a deeply held conviction in the WA Labor Party that the number of U.S. warship visits should be reduced.

The visits started as a trickle 10 years ago but had now become a flood, he said.

In 1975, 10 of the 16 Australian visits by U.S. ships had been to W.A.

But, in 1982 W.A. had received 60 visits out of a total of 82 Australia-wide.

He said that the resolution gave Australia an independent international stance while allowing the Minister for Foreign Affairs, Mr Hayden, some room to manoeuvre in negotiating with the U.S.

In my motion I referred to the ANZUS pact and it is reported in the above article that the Federal Minister for Foreign Affairs (Mr Hayden) is to operate and negotiate within the framework of the ANZUS pact. However, the Western Australian branch of the ALP is determined to make his job difficult and to weaken Western Australia's defence capabilities.

What does the State Government think about this? I will quote from *The West Australian* of 13 July 1984 wherein it stated—

THE State Government would play no part in limiting the number of U.S. warships visiting West Australian ports, the Premier, Mr Burke said yesterday.

"The level of visits will be a matter for discussion between the Commonwealth Government and the U.S. Government," Mr Burke said.

Fair enough, it is a Commonwealth Government responsibility, but it appears that the Western Australian Premier has his motor running in neutral and is not prepared to say that we on this side of the continent deserve and demand to be properly defended. We can only do that within the framework of the ANZUS treaty and with the assistance of the United States because, alone, we can operate in a limited way only. If, in the future, we are confronted with a major conflict—I hope it does not occur—we will certainly require this assistance.

The Premier has said that it is in the hands of the Commonwealth and that everything will be fine. As a Western Australian, the Premier should be shouting from the top of his city office and saying that we should have the best possible de-

fence in view of Western Australia's situation on the west coast.

What has happened in the Labor Party of this State? I will quote from a reference which appeared in the Press and which I believe is authentic. The article, as far as I can determine, has not been denied by the ALP. It reads as follows—

THE Labor Party in WA is to set up a working party to make submissions to the Minister for Foreign Affairs, Mr Hayden, on how to reduce the number of U.S. warships visiting WA ports.

The Labor Party has set up its working party to put its case to weaken the defence of Western Australia. I wish to quote the following from the *Daily News* of 11 July under the heading, "ALP bid to limit warship visits"—

An ALP working party was appointed this week to consider ways of limiting the visits of American warships to WA.

The working party, chaired by senior vice-president Bill Thomas . . .

It continues—

Other members appointed by the party's administrative committee this week are MHR Wendy Fatin and senior party member Caroline Jakobsen.

Further on it states—

. . . the group also would include representatives of the Fremantle electorate council, the foreign affairs and defence committee, women and politicians.

The committee has the task of reporting to the Federal Minister for Foreign Affairs (Mr Hayden) within two months.

My concern was echoed in a Press item which appeared in *The West Australian* of 11 August 1984 under the heading, "Those bases", and which reads as follows—

NO sooner had the issue of U.S. bases apparently been settled by the ALP than Mr Hayden bobbed up at the disarmament conference in Geneva and stoked the fires again.

Australia, he said, might review its attitude to the bases if it was dissatisfied with U.S. disarmament progress or if the bases became part of a first-strike nuclear capability.

It continued—

But the bases are such an important aspect of the U.S.-Australia relationship that there is no room for equivocation. Having made up its mind to keep the bases, Australia should not let elements of uncertainty cloud its commitment.

That is what appeared in *The West Australian* and, of course, the ALP could not care less. The *Sunday Independent* on 12 August 1984 carried the following article headed "We need the U.S. alliance"—

We need an American presence here because without it we are horribly vulnerable. We have neither the manpower, nor the firepower, in our armed forces to defend our country.

We must maintain strong ties with our large, friendly ally because unless our whole economy is geared to meeting our defence needs we can never even come close to defending ourselves.

The Sunday Times of 12 August said—

THE question of whether to renew the agreement with the United States on the Northwest Cape Naval Communications Base is set to become a major political issue in Australia.

If the Labor Government is still in office when the present agreement expires in 1988, the issue could even produce a battle between Prime Minister, Bob Hawke, and Foreign Minister, Bill Hayden.

Hon. D. K. Dans interjected.

Hon. V. J. FERRY: The Government has a battle on its hands. The article continued—

Mr Hayden said in Geneva last week that if the Australian Government discovered US facilities here were part of a link in a nuclear first-strike capacity, Australia's commitment to them would have to be reviewed.

But Mr Hayden must know very well that Northwest Cape is to become part of just such a link in about five years when US Polaris submarines, with which the base communicates, are equipped with new Trident Two missiles.

Hon. Phil Lockyer may dwell on this matter later, but I wish to make a passing reference to the fact that the United States-Australia base at North-West Cape, as a communications base, is just as vital to Australian naval craft as it is to United States naval craft. It has the capacity to communicate with submerged submarines. Australia has six submarines and there is no secret about that. There appears to be no secret about armaments today because the information is well-publicised and every country knows what other countries have. The submarines would be useless without, at any time, being able to receive messages under water. Without the North-West Cape base that would not be possible.

What of the visits of US warships to Western Australia, and particularly to Fremantle? Bunbury, Geraldton, and I think Albany, have been visited by US ships at times.

Turning to tourism, it is interesting to note that *The West Australian* of 4 August 1984 carried a story on the value of tourism. It says—

THE State Labor Party's plans to reduce the number of US warships visiting WA could mean a loss to local businesses of millions of dollars in revenue.

The plan is winning the party few hearts among business people who benefit directly from the sailors' visits.

It goes on to say—

U.S. navy sources say that 113 ships and more than 75 000 sailors and marines have visited this State since 1982.

The money spent by the servicemen and on supplying the ships is conservatively estimated at \$55 million.

Using the three-to-one multiplier effect normally associated with tourism, this pans out to a \$165m boost to the WA economy.

The big year for U.S. visits was in 1982 when 53 ships berthed at WA ports.

Last year the number was 40 and about 20 have visited so far this year.

In 1982 we were visited by many ships and they were most welcome here. The Government of the day encouraged them to come. Since this Government has been in power the visits have tailed off. This Government has not encouraged them, nor has the ALP.

I have another quote—

The executive director of the WA Chamber of Commerce and Industry, Mr Brian Kusel, said that the chamber was disappointed that the ALP was looking at ways of reducing the visits.

Mr Kusel who is also secretary of the WA Tourism Industry Association, said that this apparently contradicted the tourist-oriented philosophy of the Premier, Mr Burke.

He said that the multiplier effect indicated that \$3 was spent in the community for every dollar spent by the navy.

"These people are bringing jobs to WA and the Labor Party should not forget that," he said.

"They would be doing a disservice by reducing the number of visits."

Mr Kusel said that the tourist industry had been horrified by the party's proposal.

That comes from the business sector and the tourist sector. It seems to me that this Government on the one hand speaks of encouraging tourism, but on the other it turns away the golden opportunity to help our local people in that industry.

A similar matter, one vital to Western Australia, is the HMAS *Leeuwin* naval establishment in Fremantle. That has been put into mothballs by the Department of Defence. That is very sad, because it was a very effective training station during its time. At its peak HMAS *Leeuwin* housed 700 boy seamen. At the present moment it is going into mothballs, and one of its last commanders, Commodore Bob Percy, decried the position as absolutely devastating. And who would not?

The last Press quotation I will refer to is from *The Australian Financial Review* of 13 August 1984, headed, "Hawke Facing Growing Party Unrest over US Bases". I quote—

THE veiled warning on the future of US bases in Australia by the Minister for Foreign Affairs, Mr Hayden, has been reiterated in even stronger form by a leading member of Mr Hayden's own Centre Left faction, putting the Prime Minister, Mr Hawke, on notice that the issue is gathering momentum within the Labor Party.

The chairman of the international committee of the ALP and convenor of the Labor Party's foreign affairs and defence platform committee, Mr Chris Schacht, warned at the weekend that the agreements governing the joint US facilities on Australian soil would have to be carefully scrutinised once their present terms ran out.

The three main facilities are the satellite ground stations at Pine Gap and Nurrungar, and the submarine communications station at North-West Cape.

There we have the top man in the ALP chipping away at Australian defence again. Even in the Press very recently—it might have been a couple of days ago—the Deputy Prime Minister of Singapore criticised New Zealand's defence policy of banning nuclear ships. He said that if the United States withdrew from the region, the Soviet Union would step in very smartly indeed.

I maintain that the Australian Labor Party stands condemned for its lack of realism in the defence of Western Australia in particular. It stands condemned for its past puffing against friendly nations, not only the United States but the United Kingdom, bearing in mind HMAS *In-*

vincible which was not allowed to dock in Australia. It is not just for one nation, but it is for all friendly nations that it would seem our facilities are not available. It is utter nonsense that the ALP should be so paranoid about nuclear areas. May I just mention that nuclear reactors are common throughout the world today.

Nuclear-powered vessels have been on the go for a long time. What utter claptrap and nonsense it is to talk of declaring nuclear-free zones, such as the City of Fremantle, and some of these other areas.

At the moment 12 per cent of the world's electric power capacity comes from nuclear reactors. In 1983 there were 317 reactors in 25 countries. This year another 209 nuclear-powered reactors are under construction. They are spread right throughout the world.

Of course nuclear-powered naval vessels use nuclear power. Nuclear power is used at the moment in 25 countries, and more are to follow suit. What is all the hassle about? What is all this paranoia about nuclear-powered ships off our coast or in our ports? Nuclear energy is probably as safe a fuel as any which has been found anywhere in the world so far. So the ALP here is shying at shadows.

I may mention that it is absolutely necessary for the US, through the ANZUS pact and through our friendliness with it, to be obliged to say, "We will be alongside you with our conventional and nuclear weapons in time of need". It is nonsense to suggest that the US should not have nuclear weapons. The Western Alliance has to be in the field with massive power.

It is only because of the balance of nuclear weaponry that we have had global peace in the last several years. We have had conflicts in places such as Malaysia, Vietnam, and so on, but global peace has been a direct result of nuclear weapons. Because of this balance of power, we have security. Anyone who thinks otherwise does not have much regard for the history books, which are strewn with examples of warfare because a nation—or a few nations—have been underpowered, undermanned, and underdefended. Such nations could be steamrollered by a more powerful nation. It is the balance-of-power game! That is why we have to be part of that balance of power. We must be under the American alliance to maintain a balance of power.

The ALP is prepared to sell Australia short. I make no excuse when I say that within the context of this committee which has been set up, the ALP contains fifth columnist members who are anti-Australia and antinational security. They are pre-

pared to consider surrendering this nation to some other power.

HON. P. H. LOCKYER (Lower North) [5.20 p.m.]: I would not like this opportunity to pass without bringing to the attention of the House my support for the motion moved by Hon. V. J. Ferry and the effect of this issue on part of my constituency; that is, North-West Cape and the town of Exmouth.

During the speech I made in the Address-in-Reply debate last week, some of my friendly colleagues opposite interjected. They would have us believe that the communications base at North-West Cape is a No. 1 nuclear target for the Russians. While they did not put it in so many words, that is certainly what they meant.

I shall indicate to you, Sir, the effect on the town of Exmouth of comments like those made recently by the Minister for Foreign Affairs (Mr Hayden) in Geneva and other parts of the world—comments for which he got the cane from the Prime Minister (Mr Hawke).

Without the Harold E. Holt communications base at North-West Cape, there would virtually be no Exmouth. While tourism makes a contribution, Exmouth exists almost wholly and solely as a result of the communications base which employs over 200 civilians, apart from the Royal Australian Navy contingent. These days it is a joint base, because that was insisted upon by the previous Labor Government under the Prime Ministership of Mr E. G. Whitlam.

When these sorts of comments are made, the people up there get the jitters. It upsets the stability of towns like that and it is the small things which count to such a large extent. For example, people do not want to buy their own homes and live permanently in the town, because they have the shadow hanging over their heads that one day the ALP while it is in power—let us hope it will be in power for only a short time—will close the base.

If the base is closed, what will happen to the 200 people who are employed by it and the two or three times that number of people who live off the work the base provides in the town? The base has brought a number of facilities to the town, and what will happen to the people if it is closed?

I wonder whether many members in the Chamber are aware that in May 1943, the town of Exmouth was bombed by the then Imperial Japanese Army. The only people responsible for defending the town and hounding away the Japanese were our allies in the United States of America. It is pure folly that only 30-odd years later, we should be wanting to pass up our friend-

ship with the USA when in fact we should be encouraging it.

We should not be fooled into thinking that the people from America who live in Australia are not affected by these sorts of comments. Other members in the Chamber should listen very carefully to what I am saying. I know people who are citizens of the USA who come to me when I am in Exmouth and say, "What is the Government trying to do to us? What does it suddenly have against us? Did not our fathers, mothers, brothers, and sisters fight on your behalf during the last war?" Of course they did. I just wonder whether we would be sitting in this Chamber today were it not for the massive sacrifice made by the people of the USA during the last conflict; that is, World War II.

Hon. D. K. Dans: I want to correct one aspect. They fought well and valiantly, but there were also many Australian sons and husbands who fell in that battle.

Hon. P. H. LOCKYER: There was never any question about that.

Hon. D. K. Dans: I should like to repeat a remark I heard the skipper of my ship make to an American captain during the war when we were refuelling. He said, "We knew the war was on in 1939".

Hon. P. H. LOCKYER: The Leader of the House, in particular, should listen to what I am saying, because he holds some power in this place. It is imperative that, when he has the opportunity to impart these comments to some of his Federal colleagues, he takes into consideration the fact that we need the Americans a lot more than they need us. If there were to be a conflict tomorrow and we did not have a power like America to come to our assistance, there would be no hope for us. Members should not kid themselves. We have all these pacifists—in my language, the words "pacifists" and "cowards" go hand in hand—and I wonder whether they are waving the flag of peace or extending their hands to our enemies. If a conflict occurred, I would be very concerned about some of the people who call themselves "Australians" today, because if we were called to arms, I wonder whether they would go.

Co-operation between the USA and Australia is absolutely paramount and communications bases like the one at North-West Cape should be used to foster it. In particular, the people of Exmouth are finding the continued innuendo that comes mainly from the left wing of the ALP more and more offensive, because it is affecting their futures. Up there, they call Mr Hayden "public enemy No. 1", because it is not the first time he has had his eyes

on the abolition of the communications base at North-West Cape.

On one occasion Mr Hayden visited Exmouth. The shire council intended to put forward a very strong view to the effect that it did not want Mr Hayden making comments about the closure of the communications base and, as a result, Mr Hayden would not even go and talk to the shire. That occurred when he was the Leader of the Opposition before being deposed by the present Prime Minister.

So let there be no grey area. Mr Hayden should go to Exmouth to explain to the people what will happen if he finally convinces his colleagues that they should close the communications base.

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.27 p.m.]: It is my task to put the record straight. I start, firstly, by saying that the present Australian Government has a very strong and enduring relationship with the USA. That relationship was formed by an ALP Prime Minister (Mr John Curtin) and successive Australian Governments have maintained it until now.

Our party has an active and sensible defence policy. The ANZUS treaty is quite safe and we enjoy the best possible relationship with the US Secretary for Defence (Mr George Schultz). He is on record as saying that the relationship between his country and Australia has never been stronger than it is at present.

Hon. N. F. Moore: That is not what the Republican Party is saying today.

Hon. D. K. DANS: I am not worried about what the Republican Party is saying today. I am talking about what Mr Schultz said recently at the ANZUS meeting in New Zealand.

Unlike the Liberal Party, the ALP has had sensible foreign policies. I remind members of what happened in respect of Vietnam when the Liberal Party did not believe in even accountability and responsibility. It will take 100 years to live that down.

Hon. Graham Edwards: You will never live it down!

Hon. D. K. DANS: Indeed, the Liberal Party will never live it down. Members of the Opposition should be very careful when they step into this arena.

I was very interested in Mr Ferry's remarks. I was waiting for him to speak to the motion and to give us some of his own opinions on it. Members do not have to take my word for it; it is simply a matter of their reading *Hansard*. Mr Ferry's contribution to his own urgency motion consisted of

his reading Press clippings, and, when he was not doing that, he was quoting from the ALP national conference.

I never have to read the policy documents of my party, because members of the Opposition who, in the eyes of the public, are assuming the guise of a party of political pygmies, get to their feet day after day and quote from it. They quote from the policy documents which my party is proud to debate publicly and then to publish for all to read and, if necessary or desired, to disagree with.

Hon. N. F. Moore: Aren't you bound to implement them?

Hon. D. K. DANS: Let us look at the reality of the situation; let us look at what our conference said about these bases.

[Resolved: That business be continued.]

Hon. D. K. DANS: Let me remind the Hon. Phil Lockyer that any defence facility in any country in the world would be very much amiss if it depended on one base only. I think Mr Ferry said that if the North-West Cape were closed down, messages would not be able to be transmitted to submarines.

Hon. V. J. Ferry: Underwater.

Hon. D. K. DANS: That is not correct. Where else would they be transmitted—to the top of the water? The idea of nuclear submarines is to have them under the water. Two major bases in the United States are located in Maryland and Virginia.

Hon. N. F. Moore: Are you saying North-West Cape is not necessary?

Hon. D. K. DANS: I have had the opportunity to speak with the admiral in charge of Pearl Harbour, and he believes that the technology employed in Maryland and Virginia—where aerials are not in the air, but go for miles under ground—is a much improved technology on that in operation at North-West Cape. I think the North-West Cape facility will remain and I will tell the House why.

Hon. P. H. Lockyer: You just said Mr Ferry was wrong for saying that.

Hon. D. K. DANS: Mr Ferry was trying to say that if somehow or other North-West Cape closed down, there would be no facility to transmit messages to submarines and he said, by way of interjection, "Underwater". Mr President, how else would you transmit those messages? Why are those particular communication centres so elaborate?

Hon. N. F. Moore: Clearly, submarines are in the range of North-West Cape.

Hon. D. K. DANS: The member knows very well that that is the sole reason for its being there. Item number 43 on page 93 of our 1984 conference on bases reads as follows—

Not oppose the use of Australian bases and facilities by allies in war-time, or in periods of international tension involving a threat to Australia, or in so far as they are involved with verification of treaties, agreements, and understandings on disarmament and arms control, such as the various SALT accords; provided Australian authority and sovereignty are unimpaired; and provided that Australia is not involved in hostilities without Australia's consent.

Hon. P. H. Lockyer: That is not what he is saying.

Hon. D. K. DANS: That is exactly the same kind of agreement that the previous Government had; it is no different.

Hon. P. H. Lockyer: Why do you keep saying so? He does say different things. He continually places doubt on—

Hon. D. K. DANS: Item 45 reads—

Will make known to the Australian public the general purpose and functions of the bases and any change to these.

That is our policy on bases; many people possibly do not agree with it, but I remind the House that one thing about America is that it allows its citizens a great deal of freedom to express opinions. The strongest antinuclear groups in the world are located in the United States, and are represented by retired admirals and generals. If members do not want to take my word for that, they should find out for themselves. Just as many of the anti-Vietnam demonstrations were led by ex-generals and ex-admirals during that unfortunate period of our history, so are the antinuclear demonstrations today. The American people live with that.

Mr Lockyer is trying to say that it is all right for millions of people in America to protest about nuclear submarines and nuclear-weapons power stations—and they have been very successful because no nuclear-powered stations have been built in the United States since the Three Mile Island incident—and that they are allowed to make known their view which is one of opposition to the nuclear arms race and nuclear-powered plants because they live in a democratic country that is one of the bastions of democracy. However, when an Australian citizen—

Hon. G. E. Masters: We are talking about the Foreign Minister, are we? What about Mr Hayden?

Hon. D. K. DANS: I will come to that in a minute. When an Australian citizen does the same thing, it is wrong. I want members to remember the sections I read from our platform because they are very important. When Mr Ferry said the ANZUS treaty was dead—

Hon. V. J. Ferry: I didn't say it was dead.

Hon. D. K. DANS: He implied that it was. This is a policy commitment of 1984 and it reads as follows—

A Labor Government will:—

Co-operate with the United States and New Zealand within the context of the Australia, New Zealand and United States (ANZUS) treaty. Recognise the need to ensure that the provisions do not derogate from Australia's right of national decision-making in foreign and defence policy matters or its duty to provide for its own security to the extent which its resources allow.

In that brief statement we reinforce the ANZUS treaty in the manner in which it was first written.

Hon. Tom Knight: Slightly strangled.

Hon. D. K. DANS: Not one little bit. The document continues—

Any perceived threat to ANZUS because of an adverse conference decision was erased when the above commitment was passed. This resolution and the resolution on Foreign Warships (see warships briefing notes) mean that ANZUS will remain the central part of Australia's defence arrangements.

I do not think that anyone inside or outside this House could get up and deny that. Many Australians, centre, left, and right—and I am not talking Labor Party members; but across the whole political spectrum—were aghast at Mr Hawke in New Zealand, along with Mr Hayden, trying to twist the arm of the present New Zealand Prime Minister (Mr Lange) to get him to change his mind. Members must be a little honest. Out of a total of 67 visits to Australia last year by United States warships, Western Australia was visited by 53 warships, or 78 per cent of the total.

Hon. G. E. Masters: Are you going to encourage that level to continue or to increase?

Hon. D. K. DANS: There should be a more equitable spread.

Hon. P. H. Lockyer: Don't you think it is a good idea for Fremantle, as the local member?

Hon. D. K. DANS: The number of US warships coming to Australia was running down naturally.

Hon. G. E. Masters: Where did you get that information from? I was told exactly the opposite.

Hon. D. K. DANKS: If we go back over the years we will quite easily find why the visits were running down.

Hon. G. E. Masters: Where did you get that information from?

Hon. Kay Hallahan: We listened to you lot in silence.

The PRESIDENT: Order!

Hon. D. K. DANKS: Mr Masters is well aware that on every occasion the US task force visits this State he usually engages in some talks with the admiral in charge of the task force and his senior officers.

Hon. G. E. Masters: That is right.

Hon. H. W. Gayfer: Would you repeat the total number of visits, please?

Hon. D. K. DANKS: Last year there were 67 visits of US warships to Australia and 53 ships, or 78 per cent of them, came to WA.

Hon. G. E. Masters: Mr Burke wants to spread those around a bit, does he?

Hon. D. K. DANKS: No, Mr Burke does not want to do anything of the sort.

Hon. G. E. Masters: That is right; he doesn't.

Hon. D. K. DANKS: Let us look at the base decision. It reads as follows—

Unlike Mr Burke, my party will fight to support Australia's defence alliance (ANZUS) and welcome visits by American navy ships.

There is nothing wrong with that. We have reinforced ANZUS. Members have only to read statements by George Schultz.

Hon. G. E. Masters: You would have to smile when you say that.

Hon. D. K. DANKS: Let us look at our real position. The ALP does support the Australian defence Minister and ANZUS, and plenty of speakers are available if any of them want to get on their feet to say that is not correct. Members are quite entitled to do so, but they cannot because it is correct. That has been proved. It continues—

The ALP does support Australia's defence alliance (ANZUS).

Since we have been in Government we have approached the Federal Government and the first real home porting of Australian ships is now envisaged. A slipway is being built to take a 6 000 tonne vessel.

Hon. P. H. Lockyer: What ship will be home ported here?

Hon. Tom Knight: Who opposed the setting up of the Garden Island base?

Hon. D. K. DANKS: The first ship to use the slipway will be HMAS *Stuart*. She will go on the slip in a matter of months.

Hon. P. H. Lockyer: There will be an expansion—

Hon. D. K. DANKS: There has been an expansion in the number of ships to use HMAS *Stirling*.

Hon. P. H. Lockyer: Home based?

Hon. D. K. DANKS: Home based for the first time, and a slipway is being built to take ships of up to 6 000 tonnes. It should be finished in about 13 weeks' time.

So much for the nonsense about our not being concerned about defence. Anyone who reads the history books and the history of the Labor Party will see that we are second to none in our concern about the defence of this country.

Several members interjected.

Hon. D. K. DANKS: Members need not take my word for that.

Several members interjected.

Hon. D. K. DANKS: This clown, Mr Pandal over there—

Withdrawal of Remark

The PRESIDENT: Order! The Leader of the House knows that that is an unparliamentary comment and I ask him to withdraw it

Hon. D. K. DANKS: I withdraw it.

Debate (on motion) Resumed

Hon. D. K. DANKS: Mr Pandal, who makes unsubstantiated interjections, knows full well that the party to which he belongs was guilty of the worst defence policy decision of all time during the war, and that is why it was thrown out on its ear.

Hon. P. G. Pandal: Rubbish!

Hon. D. K. DANKS: I refer to the Brisbane line. The Liberal Party's effort in the Vietnam conflict was such that people with any knowledge of that matter cannot take that party seriously.

Hon. Mark Nevill: Vietnam was their crowning achievement.

Several members interjected.

Hon. P. G. Pandal interjected.

Hon. D. K. DANKS: I was rather surprised to hear Mr Pandal equate cowardice with pacifism.

Hon. P. G. Pandal: Who said that?

Hon. D. K. DANKS: Mr Lockyer said it.

Hon. P. G. Pandal: Get your facts right.

Hon. D. K. DANS: I am rather astounded by that remark because it has taken men of great courage at times to be antiwar. Although I took part in a conflict, I certainly never pointed the bone at people who had the moral fortitude to say, "I do not want to go away and be butchered or to butcher others", for whatever reason. That was their point of view; mine was that I went away to the war. Before members opposite say that someone is a coward, they must first pass the test. All men are cowards when it comes to certain situations—

Hon. G. E. Masters: Mr Dans, you are changing gear again.

Hon. D. K. DANS: —in a conflict. Before Mr Lockyer makes those statements, he should verify them.

Hon. P. H. Lockyer: No verifying!

Hon. D. K. DANS: Before Mr Lockyer says that cowardice is equated with pacifism, he should pass the test himself.

Hon. P. H. Lockyer: In my view, pacifists and cowards are the same people; there is no grey area.

Hon. D. K. DANS: I think the member is very wrong. People who have fought for and on behalf of peace have lost their lives in doing so. The member offends the whole of the Quaker religion when he says that. Some of the great people of the world have been Quakers, and the member knows what they think of that matter. If he went to Pennsylvania and made that statement, he would not come out alive! It would be too much even for them to swallow.

[Laughter.]

Hon. D. K. DANS: Everyone is having fun tonight because no-one can really take this so-called urgency motion seriously.

Hon. G. E. Masters: A lot of people in Fremantle do.

Several members interjected.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order!

Hon. D. K. DANS: In *The West Australian* on 9 August in an article headed "No review of US bases—Hawke", the following paragraph appears—

Mr Hawke said that both he and the Foreign Minister, Mr Hayden, were satisfied with America's positive responses on disarmament.

Hon. G. E. Masters: Did he tell Mr Hayden?

Hon. D. K. DANS: This is what Mr Hayden said—

Several members interjected.

The DEPUTY PRESIDENT: Order! There seem to be interjections from the back of the Chamber, which interjections are not directed to the speaker. If it continues, I will name those two members. They know who they are.

Hon. D. K. DANS: Thank you, Mr Deputy President.

I cannot really take Mr Ferry's urgency motion seriously. It is one of the matters which bring this House into disrepute. A debate on this subject was held some weeks ago and now we have this move by the political pygmies over there who are looking for something to do; they can find no issues to raise, because the Government is performing so well.

Several members interjected.

Hon. N. F. Moore: Tell the Exmouth people.

Hon. D. K. DANS: We do not hold the seat of Exmouth.

Hon. N. F. Moore: You never will.

Hon. D. K. DANS: The Opposition has dredged this matter up and has said, "Let us have an urgency motion"—

Hon. Mark Nevill: Take a look at the cartoon in the *Daily News*.

Hon. D. K. DANS: I refer now to Mr Hayden's comment which was to this effect—

In respect to the existence of foreign bases in Australia, policy-making is at the discretion of the Federal Government.

The statement goes on as follows—

Yesterday, the Minister for Foreign Affairs, Mr Hayden, gave notice to the 40 nation U.N. Disarmament Conference in Geneva, of the Australian Government's commitment to nuclear disarmament.

He suggested Australia shared a special relationship with the United States, partly because U.S. bases which monitored arms control were stationed in Australia.

This relationship was at some cost to Australia's safety in time of nuclear war.

There is nothing strange about that statement. It continues—

The bases are tolerated because Australia accepts the importance of the verification and deterrence roles of the bases in arms control.

Further on, the statement went on as follows—

The tool of leverage was the question of the continued existence of American bases on Australian soil. It would only be invoked if it became apparent that America was not really working to reduce the nuclear arms threat.

What is wrong with that? This statement sparked people off, yet the Americans told us, and I have no reason to doubt what they said; that is, that they work continually for disarmament. Mr Hayden said that if the position were reached where the US discontinued seeking peaceful solutions to difficult problems around the world and discontinued its search for arms control and disarmament, we might have to take another look at the matter. I do not believe there is anything wrong with that.

Hon. Garry Kelly: Quite reasonable.

Hon. D. K. DANS: It is quite a reasonable statement.

Hon. P. H. Lockyer: The people at Exmouth do not think so.

Hon. D. K. DANS: I am not worried about the people at Exmouth.

Several members interjected.

Hon. D. K. DANS: I am not worried about what the people at Exmouth think. I am interested in the facts; those are the statements which were made, and that was the context in which they were made. Members opposite would serve the people of Exmouth better if they took the facts to them and called a public meeting and said, "This is what Mr Hayden said; you have nothing to worry about".

Several members interjected.

Hon. D. K. DANS: This motion has been moved for very shallow political reasons. The Opposition has a record in defence of no accountability or responsibility. It would not do as I have suggested because the Liberal party is based on the hate-and-fear syndrome. Rather than go to Exmouth and tell the people what Mr Hayden said, members opposite prefer to distort the facts for very shallow political purposes, and they are very narrow indeed.

How anyone could come here with this little document and listen to the drivel pumped out by Mr Ferry who said only two words out of his own head—and members opposite can all read *Hansard*—

Hon. G. E. Masters: A lot of people are going to read *Hansard*.

Hon. D. K. DANS: I do not support this motion—

Hon. Mark Nevill: Phoney motion.

Hon. D. K. DANS: The member had to rely on the Labor Party platform, *The Sunday Times*, the *Sunday Independent*, *The West Australian*, and anything else he could drag up. This leads me to believe that the motion is phoney and that it has been put up because the Opposition is doing so

badly and cannot find any other issue. Opposition members are political pygmies and their debating skills are at an all time low. They will probably adopt the hymn, "Lead kindly light amid the encircling gloom".

HON. V. J. FERRY (South-West) [5.51 p.m.]: I have never heard such a light-hearted response to a serious motion. It was a lightweight response from a lightweight government with lightweight policies in this State.

Hon. D. K. DANS: Say that I am a lightweight Minister and I will love you forever.

Hon. V. J. FERRY: The ALP puts up an official party to lay down policy by the Federal Minister for Foreign Affairs (Mr Hayden) without due regard for the defence of Western Australia and Australia. If defence is not a serious matter, I would like to know what is.

Hon. D. K. DANS: Who said defence was not a serious matter?

Hon. V. J. FERRY: According to the Minister, defence is phoney.

Hon. D. K. DANS: It is the motion that is phoney.

Hon. V. J. FERRY: The Government is deceitful in trying to sell out the people of Fremantle and Western Australia.

Hon. Graham Edwards: You tried to sell out Australia and Western Australia many years ago.

The DEPUTY PRESIDENT (Hon. D. J. Wordsworth): Order! Order!

Hon. V. J. FERRY: The Minister said that he could not take it seriously.

He said that the Government had a good relationship with the Government of the United States and the treaty organisation. I am in accord with Mr Dans on this issue, and he tried to paint a different picture. The point I made was that the Labor Party in this State is undermining that accord by its committee work and its influence on the Foreign Minister. That cannot be denied. Reference was made to my quotes from newspaper reports. I did not report from the Labor Party platform and if my remarks happen to coincide with views expressed in that document, it shows how accurate my words have been.

The facility at the North-West Cape is not situated elsewhere; it is in Western Australia and is part of Australia. Mr Dans knows, despite his blustering, that that facility assists and is vital to the operation of our Australian submarine fleet to ensure that communication is maintained. That cannot be denied.

The Minister has apparently sold out the people of Exmouth. Talk about the Brisbane line, what about the Exmouth line? That will be a headline tomorrow.

Hon. Robert Hetherington: You are as shallow as a drip tray.

Hon. D. K. Dans: Try to get angry, stamp your feet and squeal!

Hon. V. J. FERRY: I do not intend to do that, I can make my point in other ways.

Mr Dans referred to the concern at the visits of United States ships to Australia, and particularly the number that visited Western Australia. He said that 78 per cent of all ships which visited in that period came to Western Australia. And why not? It is obvious that those ships came here because Fremantle is on the western seaboard of this continent. They do not need to go to the east or the north, because they have other bases they can use in those areas. However, they do not have facilities on the west coast. That is why we need them.

Hon. D. K. Dans: They come for R and R leave, that is the reason.

Hon. V. J. FERRY: I believe I have made my point and that it has been proper to put forward this matter to be aired in this Parliament. This Parliament should be a place where members can express their views on serious matters like defence despite the frivolity and merrymaking from the Government members. It does them no credit. I thank members on this side for their support; they value the Parliament, our defence, and Australia.

Motion, by leave, withdrawn.

FRUIT AND VEGETABLE INDUSTRY: SELECT COMMITTEE

Extension of Time and Interim Report

On motions, without notice, by Hon. P. H. Lockyer, resolved—

- (1) That the time for submitting the report of the Select Committee be extended until 31 October 1984.
- (2) That the report do lie upon the table and be adopted and agreed to.

(See paper No. 110.)

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL (No. 2)

Introduction and First Reading

Bill introduced, on motion by Hon. D. K. Dans (Minister for Industrial Relations), and read a first time.

Second Reading

Leave granted to proceed forthwith to the second reading.

Sitting suspended from 6.00 to 7.30 p.m.

HON. D. K. DANS (South Metropolitan—Minister for Industrial Relations) [7.30 p.m.]: I move—

That the Bill be now read a second time.

In industrial relations, as in all areas in which this Government is involved, the underlying aim is to encourage and facilitate, as far as possible, community participation in the law-making process.

Too often, past State Governments have neglected the positive contribution consultative processes play in the preparation of laws. This consultative process is particularly relevant in the arena of industrial relations. Industrial relations is about people, and how they relate to each other in the workplace.

Our economy contains a wide range of industries, businesses, occupations, employees, and markets faced by businesses. Any industrial relations system to be relevant should therefore reflect the views of the parties involved in day-to-day human resources management.

Consistent with and central to this recognition, this Government's policy was to establish a permanent process of tripartite consultation on significant industrial relations matters. The policy provides—

Once in power, Labor will establish a permanent tripartite council which will consider and report to the Government and, if necessary, the Parliament, on legislative priorities, reforms, and administrative steps necessary to improve industrial relations in Western Australia.

While having its own views and electoral obligations, a Labor Government will, nonetheless, adhere to this consultative process and seek consensus.

Employers and unions will be expected to do the same.

When an agreement is reached, immediate steps will be taken to implement it. If, despite exhaustive effort, there is disagreement in whole or in part, and resort to independent inquiry is not appropriate, a report of each organisation's position and views shall be made to Parliament.

This Government does not in any way resile from its fundamental responsibility to the electorate. However, it recognises that business and unions are important elements in the social and industrial process. Progress

and stable government requires that they must be treated as such.

In December 1983, the Western Australian Tripartite Labour Consultative Council was established by this Government.

The private sector member organisations of the Tripartite Council are—

Confederation of Western Australian Industry;

Trades and Labor Council;

Australian Mines and Metals Association; and

Western Australian Chamber of Commerce and Industry.

The business community has responded positively to this Government's initiative in establishing the Tripartite Council and in its operation since its inception.

On 8 May 1984, I sought from member organisations on the Tripartite Council their views on the Acts Amendment and Repeal (Industrial Relations) Bill 1984 which was rejected in its entirety by the Opposition parties in this House on 18 April 1984.

I requested that members of the Tripartite Council examine the Bill, clause by clause, and indicate whether each clause was—

- (1) accepted;
- (2) accepted with amendment, and the terms of any such amendment; or
- (3) totally rejected.

The Tripartite Council reported its views to me on 1 June 1984. These were then consolidated in a tabular form and provided to Tripartite Council members.

The Tripartite Council then met on 12 June 1984, to discuss and finalise its members' respective views. Some matters were referred for further consultation. These matters are indicated in the minutes of the Tripartite Council and were finalised in discussions between personnel from my office and Tripartite Council members who attended the 12 June 1984 meeting.

Tabling of Report

I will now table the Tripartite Council Report on Industrial Relations Act, August 1984. This report contains minutes of the Tripartite Council meeting, Tripartite Council member submissions, and proposed amendments.

The report was tabled (see paper No. 109).

Debate Resumed

Hon. D. K. DANS: Importantly, the Tripartite Council unanimously recommended the acceptance of approximately 85 per cent of the clauses of the Bill. This is the same Bill that the Opposition in this House rejected in its entirety.

The Bill contains those clauses which embody—

The unanimous recommendation of the Tripartite Council; and the unanimous or majority views of the employer organisations of the Tripartite Council.

This means that the Bill, in the main, reflects all the submissions put by employers on the Tripartite Council.

Discussions at the Tripartite Council have been frank and positive, and the emphasis has been on finding workable solutions. Each side has shown a willingness to listen to the other's point of view. The members of the Tripartite Council are to be applauded for the spirit in which they have approached the job at hand.

I am most encouraged by the positive contribution the Tripartite Council members have made to fostering improved industrial relations, and I would like to record my sincere appreciation of the goodwill displayed and work done by the Tripartite Council.

The consultative policy of this Government in regard to industrial relations is also highlighted in the establishment on 11 August 1984, of the Western Australian Iron Ore Consultative Council. This State and Federal Labor Governments' initiative was described in an editorial headed "Pilbara Peace" in *The West Australian* of 13 August 1984, as follows—

The Pilbara iron ore industry has at last been offered a real chance to live down the shame of its long and sorry record of industrial disruption.

The signing in the weekend of an agreement to establish the W.A. Iron Ore Industry Consultative Council provides a mechanism by which the industry's problems can now be tackled by consultation instead of confrontation. It creates a new Tripartite Council which, if it works, may hold the elusive key to industrial peace.

The Government remains committed to the system of conciliation and arbitration. It is a living, viable system which can be adopted to meet all situations.

The present centralised wage system highlights the system's adaptability in facilitating the introduction of an incomes policy which has been the underlying catalyst to Australia's recent powerful

economic growth. The centralised wage system, born out of the ALP-ACTU prices and incomes accord, bears out the responsible attitude taken by employee organisations—responsible, in that falling real wages have been accepted as being the sacrifice employees are prepared to make in the national interest.

Our system has the flexibility to accommodate necessary economic responses which accord with the public interest. These have ranged from wage pauses to full cost-of-living adjustments to wages on a regular basis.

The system also accommodates the State economy's and, where necessary, individual businesses' capacity to pay.

The State's capacity to pay considerations occurs in State wages cases. Businesses are free to apply to industrial tribunals for awards applying to their businesses to be varied due to incapacity-to-pay arguments.

The Government is offering to the people of Western Australia a fresh new approach to the State's industrial laws. It does not believe that any series of amendments to the State's Industrial Arbitration Act can properly and responsibly be presented as a universal and instant panacea.

It is possible, however, to achieve an environment in which the industrial relations participants are encouraged to resolve their differences in a manner which minimises disruption and inconvenience to the community at large.

This Government sees its role in industrial relations as that of fostering the creation of that environment.

The practical way to achieve that end has been to amend the Industrial Arbitration Act to accord with those views of the parties directly concerned; that is, the members of the Tripartite Council.

It is heartening to be able to report that the central themes behind the Bill which the Opposition rejected have been fully endorsed by the Tripartite Council; these being—

- emphasis on conciliation;
- emphasis on allowing parties directly involved in industrial relations to reach agreements;
- consolidation of Government sector employees with the commission;
- rationalisation of industrial tribunals;
- complementary legislation bringing State and Federal commissions into a more integrated system of industrial regulation;
- increase in commission's flexibility to act quickly to resolve industrial disputes; and

broadening of the coverage of the commission in regard to employees and industrial matters.

The major provisions of the Bill are that the Industrial Arbitration Act is to be re-titled as the "Industrial Relations Act", to accord with the preferred use of conciliation as a means of resolving disputes.

The objects of the Act will be altered to mirror the objectives of the Commonwealth Act. Two significant additions to those Commonwealth objectives are—

- (i) seeking to encourage communication, consultation, and co-operation between Commonwealth and State industrial relations systems; and
- (ii) a qualification to the objective relating to encouraging union registration, which has the effect of avoiding overlapping union coverage of employees; it is hoped that this may assist in avoiding damaging interunion demarcation disputes in the future.

The definition of "employee" is to be extended to include the following classes of person currently excluded—

- academic staff of post-secondary education institutions;
- employees of the Parliament and of the Governor;
- railway officers;
- teaching staff of the Education Department; and
- public servants.

The definition of "industrial matter", which is the basic source of the commission's power, is proposed to be extended by—

- (i) removing those unnecessary and disruptive exclusions which were inserted by the previous Government, including—
 - benefits for injured workers;
 - union membership;
 - housing rentals;
 - collection of union dues; and
 - matters of management prerogative.
 This provision was unnecessarily put in by the previous Government in 1982. Managerial prerogative matters are already by case law and therefore by definition outside the commission's jurisdiction;
- (ii) specific legislative additions to the definition of "industrial matter" such as—

in relation to union subscriptions, the ratification of an agreement or restoration of a practice of deduction become industrial matters;

membership or non-membership of an organisation becomes an industrial matter. The commission will therefore be able to deal with disputes relating to these matters. Presently the commission is precluded from becoming involved in these disputes.

The commission's power to make orders and awards on matters relating to union membership will be significantly restricted. This is in accordance with the unanimous recommendation of the employer organisations on the Tripartite Council. Section 23 of the Act will be amended to prevent the commission from providing for—

compulsion to join an organisation to obtain or hold employment; or

nonemployment by reason of being or not being a member of an organisation; or

preference of employment at the time of, or during, employment by reason of being or not being a member of an organisation, except where, at the point of engagement for employment, all other things are equal;

the commission will be prevented from making any general order on the subject and all existing preference clauses are repealed from awards.

One of the consistent views presented by all parties to the Tripartite Council was the need to distance the resolution of industrial conflict from legal form and technicalities. One change which reflects that position is the altered requirements for appointment to the position of president and the status and style which go with the position. By this Bill, future appointees to the office of president will be required to be legally qualified, but the position will not attract judicial style and status.

The conditions for appointment of chief commissioner have been modified to delete the legal qualification requirement and place emphasis on experience at a high level in industrial relations.

Elsewhere in the legislation this idea is further advanced.

The Bill has as its central theme the resolution of industrial conflict at its source by discussion, by conciliation, and, if all else fails, by arbitration. In section 32, an obligation will be placed on the commission to attempt to resolve any conflict or disagreement by conciliation. In this respect, several amendments to this Act are modelled on provisions in the Commonwealth Act.

The commission will be empowered, in endeavouring to resolve a dispute by conciliation, to—

- (a) arrange conferences;
- (b) give directions and make orders to prevent a deterioration of industrial relations and to enable conciliation or arbitration to resolve the matter;
- (c) by order, encourage the parties to divulge attitudes or information which would assist in the resolution of the matter; and
- (d) do all things right and proper to assist the parties to reach agreement for settlement of the matter.

A section 32 "conciliation order" will be designed to deal with the cause of conflict and dispute—not as does the current legislation, with its effect. By concentrating on the cause, disputes should be settled more speedily and permanently. Section 45 is accordingly to be repealed.

It is imperative that all parties abide by conciliation orders. Failure to accept the authority of the commission reduces the credibility of the system and creates community dissatisfaction with the system of conciliation and arbitration. The continued use of some form of enforcement of commission orders is therefore necessary in the continuation of an effective industrial system.

Accordingly, those parts of section 45 relating to orders and their enforcement which are compatible with the approach outlined are retained in section 32 and are turned to the support of a conflict resolution system based on conciliation.

A new section 51A relating to public sector discipline is to be inserted. This provision enables the commission to make general orders covering employees of public authorities. The general order would be envisaged to cover matters relating to discipline, termination of employment, natural justice, and procedures to be followed. Any employee covered by disciplinary provisions in other Statutes will be excluded from such general orders.

The amendments proposed to the Act seek to simplify and streamline the procedures to be followed relating to union rules, registration, and control of unions by members. The amendments seek to avoid overlapping coverage by unions which has given rise to lengthy and expensive litigation and disputation.

The provisions relating to amalgamation in section 67 have endeavoured to encourage employee organisations to amalgamate subject to the wishes of their membership. Currently 68 employee organisations are registered under the State Act. Of these, 39 organisations have fewer than 1 000 members and only five of those organisations have more than 10 000 members.

The reforms proposed will remove most impediments to amalgamation for those organisations desiring to amalgamate, and should result in a more effective employee organisation movement.

The Government School Teachers' Tribunal, Public Service Arbitrator, Railways Classification Board, and Promotions Appeal Board will each be abolished and re-enacted as divisions of the commission.

In relation to teachers, the tribunal will cover all teaching staff employed by the Minister for Education. The constitution of the tribunal is not significantly changed. There has been an addition to jurisdiction, and decisions of the teachers' tribunal may now be appealed to the full bench of the commission. The chairman of the tribunal will be a commissioner appointed by the chief commissioner and the tribunal will generally follow the same procedures and exercise the same powers as the commission.

In relation to the Public Service Arbitrator, essentially the same format has been followed. In addition, those salaried employees of public authorities who, for historical reasons, have not been classified as Government officers, will in future be dealt with by the Public Service Arbitrator division of the commission. This will ensure greater uniformity of treatment for salaried employees of all public authorities.

The Public Service reclassification appeal system is to be replaced by a right to apply to the commission to review the salary and classification of any position within the principles of wage determination set by the commission.

As a necessary consequence of having this division of the commission regulate all salaried employees of public authorities, access to this division of the commission will be open to organisations other than the Civil Service Association. For the purposes of medical practitioners in public hospi-

tals only, the Australian Medical Association is given the same standing as any other organisation.

The Railways Classification Board is altered only to the extent that a commissioner will become chairman rather than a magistrate, and appeal rights to the full bench will apply.

The abolition and re-enactment of the Promotions Appeal Board as a division of the commission will bring together promotions within the various public authorities from a currently fragmented system. One central promotions appeal system for all public authorities which cuts across barriers based on the class of worker involved is proposed.

Public statutory bodies, not currently under the Government Employees (Promotions Appeal Board) Act—like the rural produce marketing bodies and tertiary institutions—will be subject to the promotions appeal system only in relation to their employees applying for positions within their own organisations. These organisations are identified in the Bill.

Decisions of the commission constituted by the Promotions Appeal Board will not be appealable.

The provisions contained in the Bill are generally a modification of the current Promotions Appeal Board legislation and the relevant provisions from the Public Service Act.

The commission will be empowered in section 80ZE to inquire into and report on any matter which may affect industrial relations and which has been referred to it by the Minister. The Minister may refer only matters which do not fall within the jurisdiction of the commission by reason of the definition of "industrial matter".

A similar power exists in the Queensland and New South Wales industrial legislation.

The ACTU-ALP prices and incomes accord and what has flowed from it have emphasised the need for a greater co-ordination and degree of co-operation between the Commonwealth and State industrial relations systems.

Part IIC enacts the provisions of the Commonwealth complementary Industrial Relations Systems Bill, which was introduced into the Federal Parliament by the Fraser Government, but not proceeded with before the 5 March 1983 Federal election.

This legislation was developed by the Commonwealth-State Departments of Labour advisory committee working party on complementary industrial relations systems established by the Ministers for Labour advisory committee. The Federal Labor Government has proceeded with that legislation. The States of Queensland, New South Wales, and South Australia have already passed

amendments to their State Industrial Relations Acts along similar lines.

Those sections of part IIC which relate to conferences with other industrial authorities were included following a decision taken at a heads of industrial tribunals conference earlier this year. Each of these provisions will assist in obviating the significant disabilities imposed on industrial relations by the joint and overlapping operation of the State and Commonwealth systems.

The industrial magistrate is to be confined to enforcement of orders and awards which relate to a contract of employment. The enforcement of provisions of the Act and orders of the commission made in conciliation proceedings or union rule observance proceedings will be dealt with by the full bench of the commission. The time within which proceedings before the magistrate, and the period in respect of which underpaid wages may be recovered, will be aligned with the provisions of the Commonwealth Act.

The Local Court action for recovery of a debt, an action which is similar in substance to an action for breach of award, has the same time constraints as are now proposed for award breaches before the industrial magistrate.

Section 84A will enable any contravention or failure to comply with the Act, conciliation order, or order in relation to observance of unions rules, to be dealt with by the full bench. It is hoped that the need for penalty provisions will become unnecessary after conciliation proceedings before the full bench.

Section 73 of the existing Act, dealing with deregistration of organisations, has been retained. This is a weapon of last resort and which desirably will be used only when all other measures have failed.

Section 97 substantially accepts the recommendations of the Kelly report relating to exemption from union membership and merely requires the payment of the equivalent of union dues to Consolidated Revenue. There is no requirement to establish grounds for exemption from union membership. This provision is necessary as a result of the repeal of part VIA, the expansion of the definition of "industrial matter" to include matters related to union membership, and the restrictions placed on the commission in inserting preference clauses in awards.

The amendments in summary aim to—

- (a) bring greater uniformity between State and Commonwealth legislation;

- (b) place greater emphasis on conciliation and thereby put a greater onus on parties directly concerned to arrive at consensus;
- (c) bring existing industrial tribunals within the Industrial Commission to achieve uniformity and reap the benefits of such rationalisation;
- (d) provide the Industrial Commission with greater flexibility so that it can respond where necessary more quickly in the settlement of dispute process.

Generally the provisions of this amending Bill seek to improve the efficient operation of the Act. Unworkable provisions have been removed and, where appropriate, replaced by arrangements which people involved in day-to-day industrial relations believe will work.

This legislation is not being imposed by the Government. It is legislation that is recommended and supported by employer and employee organisations. The community's clear expectation is that Parliament will accept the Bill.

Hon. G. E. Masters: Absolute rot!

Hon. D. K. DANS: The Bill reflects a central belief of this Government; that is, that each party involved has a contribution to make in this area. Through consultation, a greater understanding will develop of the mutual interests employers and employees share in our private enterprise dominated economy—that being an improvement in living standards over time.

I commend the Bill to the House.

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

ACTS AMENDMENT (COURT FEES) BILL

Introduction and First Reading

Bill introduced, on motion by Hon. J. M. Berinson (Attorney General), and read a first time.

BILLS (2): THIRD READING

1. Juries Amendment Bill.
2. Bail Amendment Bill.

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

ACTS AMENDMENT (ABOLITION OF CAPITAL PUNISHMENT) BILL

Second Reading

Debate resumed from 14 August.

HON. P. G. PENDAL (South Central Metropolitan) [7.58 p.m.]: Probably since time began

people have been debating the rights and wrongs of officially putting another person to death for some capital crime committed against the community. The matter has probably been subjected to more inquiries than has any other aspect of human behaviour. It is also the subject of more inconsistency in argument than almost any other matter that I can think of. It has been shown to have the capacity to raise the ire and even the blood pressure of people more than has most other subjects. In short, it is a topic upon which everyone seems to have an opinion. All of that is not the least bit surprising if we accept that the urge and the desire to live—that is, the desire to survive—is one of the strongest urges known to man.

Man will do, and has done, almost anything to draw breath. Likewise, another strong urge or desire of all human beings is the desire to punish or to take retribution. That is something with which I have no quarrel. The rules are simple—people abide by them or they are penalised.

Therein are the two extremes or opposites, from my vantage point, in this argument about capital punishment. On the one hand, people fiercely defend the right to life, and on the other, people just as fiercely defend the community's right to punish in the ultimate by the use of capital punishment. If it is true, as I suggested earlier, that most of us suffer the disease of inconsistency, I am happy on this occasion to plead guilty to that charge.

For example, I believe in the unqualified right to life of the unborn, and yet in a war-like situation I would not be a pacifist. If I had not been given indefinite deferment of my national service in 1968 I would presumably have been called up and possibly I could have served in Vietnam. If that had occurred in my case I would have served in battle, so far as I know, without conscience, and I would have killed rather than be killed.

Therefore, in those circumstances I cannot claim to have an unqualified view of the sanctity of human life. For me, the whole question comes down to what, on balance, I think are the rights or wrongs of the topic under discussion. In those circumstances I have no hesitation in saying that, on balance, I do not favour the taking of human life on the gallows.

It is true that I do not know how to assess an adequate penalty for the terrorist who storms Perth Airport and puts at risk the lives of a plane load of people. I could see the circumstances here where the death penalty would be both adequate and justifiable. Of course, that is a circumstance that has never happened in Western Australia and I hope it will not occur.

Equally, one can point out that in cases of wilful murder, some of quite an horrific nature, the State of Western Australia has refrained from executing anyone for nearly two decades. In my opinion, having had the death penalty on the Statute book has not deterred, and does not deter, people from committing capital crimes.

Finally, I can never quite see the logic or the justice in a system like that which we have inherited, of using such an ultimate and irreversible penalty where that very system of justice always leaves open the possibility of a change in the original verdict. For this reason, and because on balance I do not believe in unnecessarily taking human life, I support this Bill to abolish capital punishment.

HON. LYLA ELLIOTT (North-East Metropolitan) [8.05 p.m.]: Like all other members of this Chamber I am very proud to be a citizen of the great State of Western Australia. So it was with some degree of shame I read the following words recently in the 1983 World Book Encyclopaedia—

Many countries, including most European and Latin American nations, have repealed the death penalty since 1900. Canada abolished capital punishment in 1976. In Australia, the Federal Government and all of the six States except Western Australia, have repealed the death penalty.

I think it is rather an indictment of this State that we still have on our Statute book the sentence of death of a human being, and that in Western Australia we are still fighting a battle in 1984 that was fought and won decades ago in other enlightened civilised societies.

Many countries have abolished the death penalty because they have been convinced of two things: Firstly, that it is cruel and barbaric; and secondly, because no evidence exists to show that it acts as a deterrent to the commission of capital crimes.

This reform can be placed in the same category as many others down the ages, reforms which have reflected a society which was becoming more civilised and more humane. We in this country, irrespective of political persuasion, look back with horror and revulsion on some of the cruelty and inhumanity practised in bygone days by our ancestors in the name of the State, and regarded as legal and necessary instruments of punishment and deterrence. I refer to such things as the burning of witches and heretics, physical maiming of offenders, the cutting off of ears, noses, and tongues, and the blinding of people. In England, people were hanged, drawn, and quartered. There

were over 200 offences for which the death penalty was prescribed and, I might add, they were mainly offences against property.

In our community today there may be some people with rather sick minds who would be quite happy to see some of those punishments carried out now, for example, mutilation. I am sure every member in this Chamber would regard such punishment with horror and revulsion. Most of us find it difficult to comprehend how our ancestors could have been capable of such cruelty.

Those are just a few of the examples of the brutality practised officially and legally by certain societies in the past, and no doubt regarded at the time as necessary punishment and deterrent to would-be offenders.

Reform of the criminal law has always been opposed by certain elements in society for various reasons. I think Mr Justice Michael Kirby, Chairman of the Australian Law Reform Commission, made a very interesting comment in the John Barry memorial lecture which he delivered at the University of Melbourne in August 1979. John Barry, a distinguished judge of the Victorian Supreme Court, died in 1969. He was a strong opponent of capital punishment. Mr Justice Kirby said this when speaking about the late John Barry—

He was steadfast in his opposition to the death penalty and corporal punishment for he saw these as denying the humanity of civilized society. He was not deflected in this view by popular opinion to the contrary. In criminal punishment, though the law and practice must reflect the general moral sense of the community, there can be no slavish adherence to brutal public opinion.

Every major penal reform has been secured against public opposition and predictions of the gravest consequences. The abolition of disembowelling, burning, chaining, flogging and transportation were all accompanied by predictions of doom for society and were generally opposed and lamented for a time by judges and others in authority.

How relevant are those comments in regard to the Bill before us?

I believe the present law which requires the State to put human beings to death, and the means of achieving this—namely, hanging—will be regarded by people in the future with the same horror with which we regard the inhuman torture and brutality of the Middle Ages. A great many people already regard hanging in this light today.

Those who still argue for the retention of the death penalty do so in the belief that its existence will deter many would-be murderers. They cannot point to any reliable scientific evidence to support this theory. I am not aware of any statistics which show a relationship between the number of murders and the existence or otherwise of the death penalty in the laws of any State or country.

If the law remains in existence in this State and is not applied, how can it be said to be a deterrent? Nobody has been hanged in Western Australia since 1964, as the Attorney General and Hon. Phillip Pandal both mentioned, but murders have been committed since that time. Apparently the knowledge of the existence of the death penalty had no effect on the offenders. Why not? Did they rationalise that the State probably would not use it against them, or was it because they were not rational when they committed the crime? I tend to believe the latter was the case.

Why has it not been applied anyway? Is it because members of the Executive Council, with the awesome responsibility of life and death in their hands, could not bring themselves to allow a human being to die at the hands of the State? If that is so, why do we retain this penalty in the Criminal Code? Would the time ever be considered right to allow an execution to take place? Perhaps if a particularly brutal murder of a child occurred some would consider that an appropriate crime for which the death penalty should be applied. But such an act surely could only be committed by someone who is not sane, and we are not in the habit of putting such people to death.

Perhaps it could be said that the death penalty might be appropriate for terrorists who kill innocent people. But terrorists are usually so obsessed with a particular cause that they probably are prepared to become martyrs anyway, and are not concerned or interested in the existence of the death penalty.

Apart from the inhuman and degrading nature of official murder, there is always the real possibility of a miscarriage of justice. This has also been referred to by Hon. Phillip Pandal. In a number of well-known cases down through the ages the wrong man has been convicted and executed. I wonder how many have died for crimes they did not commit, and society has not learned of their innocence?

It is timely that a Bill such as this should be debated so soon after the Royal Commission into the Edward Splatt case in South Australia. He was released after spending more than six years in prison following his conviction for a murder, in relation to which the evidence was circumstantial.

Doubt will always exist in the minds of a number of people about the guilt of Lindy Chamberlain. It is not so long ago that those two people, both convicted on circumstantial evidence, would have been put to death. Edward Splatt's case is the fifth in Australian history in which a Royal Commission has overturned a conviction for murder. Had those people been executed, there would have been five cases of a gross miscarriage of justice, a miscarriage which could not have been undone.

The judicial system is fallible because the human beings who participate in it are fallible.

From time to time mistakes are inevitable. A case can depend on the competence of the defending lawyer, the veracity of witnesses, the expertise of forensic scientists, or the prejudices of the jury. Therefore, it is still possible for a person to be incorrectly convicted of a capital crime and sentenced to death, and for that sentence to be carried out in this State. If not, why do we retain the death penalty unless we intend to use it one day?

Members sit in this Chamber and debate legislation in an academic and detached way and decide whether we should retain in our laws the power of the State to kill people. I do not believe there is a member in this Chamber who would have the heart to personally carry out an official execution, or to even witness one. I ask members to think about that. If that is the case, how can we ask another person to carry out an execution on behalf of the people? Capital punishment is the cold-blooded premeditated killing of a human being. Where is the morality in a violent killing, just because it is carried out in the name of the State?

In 1977, the highly-respected organisation known as Amnesty International convened an international conference in Stockholm. Approximately 200 participants from 50 countries were involved in the conference; they consisted of theologians, lawyers, judges, politicians, psychologists, police officers, penologists, and journalists.

The declaration that came from that conference showed that people throughout the world, from all continents, believed the death penalty should be abolished. I would like to quote from the Amnesty International report as follows—

**Amnesty International Conference on the
Abolition of the Death Penalty
DECLARATION OF STOCKHOLM
11 December 1977**

The Stockholm Conference on the Abolition of the Death Penalty, composed of more than 200 delegates and participants from Asia, Africa, Europe, the Middle East, North and South America and the Caribbean region.

RECALLS THAT:

The death penalty is the ultimate cruel, inhuman and degrading punishment and violates the right to life.

CONSIDERS THAT:

The death penalty is frequently used as an instrument of repression against opposition, racial, ethnic, religious and under-privileged groups,

Execution is an act of violence, and violence tends to provoke violence,

The imposition and infliction of the death penalty is brutalizing to all who are involved in the process,

The death penalty has never been shown to have a special deterrent effect,

The death penalty is increasingly taking the form of unexplained disappearances, extra-judicial executions and political murders,

Execution is irrevocable and can be inflicted on the innocent.

AFFIRMS THAT:

It is the duty of the state to protect the life of all persons within its jurisdiction without exception,

Executions for the purposes of political coercion, whether by government agencies or others, are equally unacceptable,

Abolition of the death penalty is imperative for the achievement of declared international standards.

DECLARES:

Its total and unconditional opposition to the death penalty,

Its condemnation of all executions, in whatever form, committed or condoned by governments,

Its commitment to work for the universal abolition of the death penalty.

CALLS UPON:

Non-governmental organizations, both national and international, to work collectively and individually to provide public information materials directed towards the abolition of the death penalty,

All governments to bring about the immediate and total abolition of the death penalty,

The United Nations unambiguously to declare that the death penalty is contrary to international law.

I ask members to take note of that declaration when making up their minds about which way they will vote. I also ask members to remember that the laws of this State are not immutable. Those people who fear that the removal of the death penalty will remove a deterrent to the serious crime of murder should remember that it is always possible to move to reinstate that penalty at some future time. I certainly hope that never happens, but it should be borne in mind by the opponents of abolition.

I have much pleasure in supporting the Bill, and I trust that on this occasion we will see a decision made by this House which will be regarded by future generations as important and human law reform.

Adjournment of Debate

HON. H. W. GAYFER (Central) [8.20 p.m.]: I move—

That the debate be adjourned.

Motion put and a division taken with the following result—

Ayes 10

Hon. C. J. Bell	Hon. P. H. Lockyer
Hon. V. J. Ferry	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. Tom Knight	Hon. P. H. Wells
Hon. A. A. Lewis	Hon. I. G. Pratt

(Teller)

Noes 18

Hon. J. M. Berinson	Hon. G. E. Masters
Hon. J. M. Brown	Hon. Margaret McAleer
Hon. D. K. Dans	Hon. Tom McNeil
Hon. Peter Dowding	Hon. N. F. Moore
Hon. Graham Edwards	Hon. Mark Nevill
Hon. Lyla Elliott	Hon. P. G. Pandal
Hon. Kay Hallahan	Hon. S. M. Piantadosi
Hon. Robert Hetherington	Hon. Tom Stephens
Hon. Garry Kelly	Hon. Fred McKenzie

(Teller)

Motion (adjournment of debate) thus negated.

Debate Resumed

HON. H. W. GAYFER (Central) [8.25 p.m.]: Naturally I am extremely upset that the House has not agreed to adjourn the debate on the legislation before it. It is an unparalleled situation that such important legislation has not received the concurrence of the Government in a motion to allow the debate to be adjourned until a later stage.

I will be extremely brief in my declaration Bill before the House. I oppose the abolition of capital punishment, and I oppose it for the same reasons I opposed it in all those years I served in the

Legislative Assembly. At that time a similar Bill and the same arguments were put forward by Hon. H. E. Graham. I have heard nothing different in the time that I have been in this chamber to make me change my mind.

Hon. Fred McKenzie: No-one has been hanged during that time.

Hon. H. W. GAYFER: I have no intention of changing my mind on this issue. It is as simple as that. Members can talk all night, but their minds should be made up at this stage as to the way in which they will vote.

I believe that some members who are absent from this Chamber at the present time should be allowed to take part in this debate and to cast their vote. For that reason it was my intention to move the adjournment to allow the Bill to be debated in two or three weeks' time—I do not know how long the Government intends that the Parliament is to be in recess.

I must say that for some unknown reason there is a lack of confidence abounding in the parliament at the present time. The House either sits, or does not sit. It is a push-me pull-me situation.

The **DEPUTY PRESIDENT** (Hon. P. H. Lockyer): Order! I remind the honourable member that the Bill in front of him is the Acts Amendment (Abolition of Capital Punishment) Bill and that he should not move for an adjournment because such a motion has already been negated by the House.

Hon. H. W. GAYFER: I am referring to the Acts amendment Bill, which I believe would be defeated if all the members of this House were in attendance tonight. I blame the Government for taking three weeks' recess for no apparent reason; it has precluded members from their rightful ability to vote on this legislation.

HON. P. H. WELLS (North Metropolitan) [8.28 p.m.]: I consider this Bill to be important and, as such, the Parliament should allow an extension of time for the debate on it. However, as that request has been rejected, I would like to present my views on the Bill. I record my protest at the fact that those members who are absent tonight have been denied the right to participate in this debate.

Members of this Chamber participate in the making of the laws of this State. I am reminded that long ago there was a man who sought to wash his hands of the actions of his officers. That man was Pontius Pilate. My message to members is that they have no right to wash their hands of such a decision, and to allow some other person to decide the death penalty for a convicted murderer in this State. If people must die then, as legislators,

we in this place should debate legislation concerning such people.

Members in this House are making the laws and I ask that they do not pass a decision like this on to someone else. I have no doubt that the occasion will arise when someone may need to have the maximum penalty imposed upon him. I accept the fact that people who go to war might lose their lives, but there is no way I can shelve my responsibility by asking some other person to make a decision over a life and death situation.

I believe Parliament passes that responsibility to someone else when it should accept that the ultimate decision, when it comes to a person's life, should rest with the Parliament. This is the highest court in the land. If we are to make the laws, let us accept the responsibilities.

I support the Bill because I support the premise that Parliament accepts the responsibility.

HON. GARRY KELLY (South Metropolitan) [8.31 p.m.]: I support the Bill. I oppose capital punishment. I do not think that the penalty which embodies the taking of another human life has a place in the laws of this State.

Most of the arguments advanced for the retention of capital punishment revolve around the notion of deterrence. If one says that capital punishment deters those who might commit capital offences—to wit murder—in what sort of circumstances does murder occur?

Most murders can be broadly divided into two categories—those which occur as a result of fits of temper, passion, or domestic upheaval, and those which are premeditated and planned.

Dealing with the former category first, and using British figures, I point out that in 75 per cent of cases the victims are acquainted with the suspects. Quite often the victims are actually related to the suspects. In that sort of situation, it seems unreasonable to expect that the death penalty will have any deterrent effect. Before crimes are committed, people are not thinking about whether they will be hanged. The crime has not been premeditated; there is no conscious decision to kill someone; it just happens on the spur of the moment.

In the second case, where a crime is premeditated and planned, that person, for a start, is mentally unbalanced. If he or she is not, the question of a deterrent does not arise, because if he goes to the extent of planning a murder, he or she does not intend to be caught. He or she intends to commit the crime and get away with it, so that

the concept of deterrence does not arise there either.

In considering this question about whether capital punishment deters, we must look at what some of the experts say. Sir Robert Mark, who was at one time head of the Metropolitan Police in London, has gone on record as saying that the surest method to deter crime of any sort, whether violent crime or the ultimate crime of murder, is for the police to concentrate on detection and conviction of the perpetrators of these crimes.

The sureness of detection and conviction is by far the best deterrent.

Those in favour of the retention of capital punishment, or its reintroduction, seem to believe that by having it on the books, murders and violent crimes will be prevented. There is absolutely no evidence to support that contention. If one is to have capital punishment on the Statute book, there is the possibility of error creeping in. I am not prepared to have on the Statute book a penalty which, if carried out, is irreversible.

One can cast one's mind back to the most celebrated case in English legal history—Timothy Evans and Christie. Timothy Evans was hanged for the murder of his wife and child, and it was later found that Christie was responsible. Christie had, in fact, been responsible for a large number of murders. He was a mass murderer. In fact, it was Christie's evidence, in part, which convicted Evans—a fact which was, I suppose, rather ironic. After it was discovered that Christie had committed the murders, the House of Commons gave Timothy Evans a posthumous pardon. I am not sure if that did Timothy Evans much good, but the fact must surface in everybody's mind that the death penalty is final, that there is no going back once it has been carried out. I do not think that, in civilised society, we can afford to take the life of an innocent person.

In Britain, the death penalty was abolished in 1965. In the debates in the House of Commons in July last year, if members recall, Margaret Thatcher made quite an issue of the death penalty. This was during the 1983 election campaign. There was a debate in the House of Commons just after the election. I might say that debate took place in the face of opinion polls running in excess of 80 per cent in favour of the death penalty.

THE DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order! There is far too much conversation. Members should pay attention to the honourable member on his feet.

Hon. GARRY KELLY: That debate took place in the face of an opinion poll showing that 80 per cent of the electorate were in favour of reinstating

the death penalty. The vote went against reinstating the death penalty. One point made during the debate was that, had hanging been in existence from 1965, five innocent men would have been dead. That is something to think about.

There is another aspect about the death penalty being carried out, and that is the media. One has only to look at the situation in the United States, where the death penalty has been reimposed in quite a few States. Something like 1 000 prisoners are on death row. The Americans are even looking at some unique and exotic means of execution other than electrocution. They are looking at injections. The hoo-ha created during the run-up—if that is the right word—to the execution time, has a terribly brutalising effect on society.

This is a comment made by Mr Ted Heath, a former Prime Minister of Britain—

I conclude with these points. First, we must consider what changes there have been over the past 20 years. One change has been the immense growth of the media—television, radio and the press—and the almost complete removal of privacy. The media's impact in rousing public feeling on the occasion of an execution would be many times what it was in the days before the abolition of capital punishment.

That was in Britain, of course.

As I said, that situation is dangerous, because in the United States, some of the accused people waiting to suffer the penalty actually pleaded to be put to death; that adds a macabre twist to the whole situation.

The British Council of Churches, during the debate in Britain last year, made comment about the impact of capital punishment on society. The statement reads—

Since some find the thought of execution morbidly fascinating, capital punishment may positively excite a potential killer, and also be unwholesome in its emotional impact on others.

One other statistic in the Commons debate was that in one-third of all homicides the murderer actually commits suicide after the crime, so there is almost a death wish on the part of the perpetrators of many of the murders. They carry out the murder and then kill themselves. The death penalty in those cases would not deter them at all.

It is time now, in the last quarter of the 20th century, to remove the death penalty finally from Western Australia. I ask all members to consider the question seriously. I urge them strongly to support the Bill.

HON. TOM McNEIL (Upper West) [8.42 p.m.]: I have always been convinced that I would vote against legislation of this nature and vote for the retention of capital punishment. We are in a situation where we can make our own decision. We read of situations in the world where people do what may be, according to us, terrible acts, and we would like to see some form of retribution. I have always retained the edict of an eye for an eye and a tooth for a tooth. But in all conscience I would hate to think that I was in the position of having to pass judgment on someone who had committed a heinous crime. Certainly I would not like to think of a situation where one of my children might do something one day and, as a result, his or her life would be snuffed out in retribution.

I have examined my conscience and I have come to the conclusion that I can support this legislation, because in this day and age it is an act of cruelty to have a piece of legislation which will bring down the death penalty on a human being.

In the last 30 years or so, whilst we have had the right to use that legislation, it has not been used. I cannot see any point in having legislation on the Statute book permitting retribution like that to be carried out when it is not used. I will support the measure.

HON. W. N. STRETCH (Lower Central) [8.44 p.m.]: It gives me no great pleasure to oppose this Bill, but for some reasons I believe that I must. The frailty and ambivalence of human nature is never more troublesome than it is in a debate such as this.

It is one thing to debate capital punishment in a school debate, a university debate, a rostrum debate, or in any other similar form of debate; it is quite another thing to debate it in a Chamber like this. As Hon. Peter Wells pointed out, this is the Chamber of the legislators; this is where the buck really stops.

This should be clearly understood. We must search our consciences very meaningfully and deeply and make sure that we understand exactly where the responsibility lies. We are the elected legislators and we must make laws which will look after the total interests of the community.

As I have said, I cannot support the Bill. I am not a vindictive person and I take no pleasure from inflicting pain on living things. Indeed, as a farmer, I have worked with and for animals all my life, so a very large part of my time has been spent actively rescuing life. Although I do not expect members to equate human life with the life of animals, I hope I have given some indication of my compassion and my sincere feelings on this matter.

I cannot make a decision lightly, but members must realise that we do live in a violent world. If we lived in a non-violent world, in a world populated only by men and women of goodwill and charity, capital crimes would be committed only in fits of aberrant, uncontrollable rage or insanity. In such a Utopian situation, I could happily support this sort of Bill. However, the realities of today are that we live in a dissident and violent world, so we must consider the matter differently.

Hon. Garry Kelly spoke about the effects of international terrorism, and I gather he intended to leave us with the thought that it was overstated and not necessarily the threat which I believe it is. I must disagree. I believe the horrors of international terrorism, communism, and nationalism—and it is often postulated that those three are linked or are synonymous—have exposed Western Australians—and they are the people for whom we are concerned—to new and real threats. Those threats must be added to the inherent dangers of living in a normal community, and in a normal community of this size we always find criminal undertones anyway.

I am not attracted to arguments based on the fact that South American countries, many of the States of the USA, and the other States of Australia have abolished the death penalty. I have read the debates in the other place, and unlike the lavish quoters of Holy Writ down there, I do not believe that all wise men and wisdom come from the east.

Actual hanging itself is a form of execution which brings forth more emotion than logic. I do not defend hanging as the ideal method of execution, and I must confess that I have no deep knowledge of the more preferable ways of taking the life of my fellow man or woman. However, I sincerely believe that the death penalty, of whatever form, is a deterrent, and a very real deterrent. The very fact that we have not used the death penalty in Western Australia for over two decades does in some way add weight to the logic of that argument.

We have had quoted many cases of supposed miscarriages of justice in countries all over the globe, and we cannot deny that this may have happened. We have heard a lot about the trauma suffered by the murderer who has wilfully taken a life—the trauma he has suffered while awaiting his execution. We have not heard that equated with the suffering of the victim's family and the family of those who perhaps have been knifed, gunned down, or blown up by a terrorist bomb. What about their feelings, because they also suffer trauma?

Although I do not believe retribution has a place in the thinking of the law, I believe it is a fact of life and I do not believe it is fair to use such arguments to support the abolition of the death penalty. After all, the people awaiting execution are those who have caused the trauma in the lives of other people. That argument which is used in their defence is an argument which is not convincing.

As to the miscarriages of justice, I ask the Chamber: Is it the fault of the law or is it the fault of the Legislature? It has been apparent in Western Australia that where there has been any doubt, where there has not been a clear-cut case involving a heinous crime demanding the death sentence, a sentence of death has not been imposed. Therefore, the law as it stands in this State has served the community well by the very fact that we have not had to use it.

I hope I have as many deep feelings of goodwill as have the rest of my fellow members in the Chamber, but I cannot see a danger in leaving the penalty on the Statute book of the State. I believe the penalty to be reasonable and to have been used with great discretion.

As I hinted earlier, I believe there could be changes in the form of execution if that should unhappily be necessary. I am attracted to Hon. Peter Wells' argument that possibly a death penalty should have to come back for a decision of the Parliament, its being the highest court in the land. Nevertheless, I do not believe that is an argument for our removing the penalty from the Statute book.

For those reasons, I must stay opposed to this measure. I thank the Chamber for listening to me with attention, but I am unable to support the Bill.

HON. TOM KNIGHT (South) [8.52 p.m.]: I will be very brief in my opposition to the Bill. I believe that if a person wilfully takes the life of another by a premeditated act of murder or by an act of terrorism, that person should pay the penalty of death.

In my opinion, terrorists in particular are the lowest forms of human life on this earth. The things they have done to other people while showing complete and total disregard for human life and the feelings of the families of their victims, are such that they deserve no consideration at all.

I have always said that if the penalty does not fit the crime, it will never prevent crime. We have policemen and women out there on the streets trying to protect us from the sorts of things about which we legislate to protect our people. If we do not assist the police by making the penalty fit the crime, their job is made so much harder.

Where the penalties are severe, the crime rate falls. Members will remember that a few years back in the Middle East there were many terrorist hijackings. In those cases, the death penalty was immediate. After a while, we did not hear about many hijackings. The Middle East countries realised that the death penalty was needed. The terrorists understood what the penalty would be; they knew the penalty would be swift and sure and that there would be no chance of an appeal to a higher court so that they might be sent to gaol instead, from where they could later escape and become an added burden on the taxpayers of the various countries and cause the police more work in trying to track them down and bring them to justice again. The terrorists knew they would not be kept in strict custody—which is the other suggestion made here—and that the chance of escape was possible.

I can say right now that the use of strict custody life imprisonment will take from the taxpayers' purse in excess of \$400 a day per prisoner. The cost of running a teaching hospital is \$340 a day per bed. I do not think the taxpayers should have to pay the penalty of strict security imprisonment for convicted murderers.

I have a great admiration for the Jewish race; its members are a very religious people. During the Second World War, Hitler and his Nazis perpetrated the Holocaust against the Jews. After the war, the Jewish people sent teams to track down the war criminals, quite rightly and justly; and the penalty meted out was death. What happened to those war criminals should have happened to them. I do not believe that many Jewish people feel that the people who perpetrated those horrendous crimes during the last war should have suffered any other fate. I do not believe they would be inclined to support any other than a death penalty for people who destroyed the complete population of towns and killed millions of people. How could anyone say that those war criminals do not deserve the death penalty? People who inflicted that sort of crime on humanity do not deserve to live.

A crime that comes to mind is one committed a couple of years ago when a young couple were viciously murdered at Mandurah. I believe the murderer should have been executed. He caused a great deal of stress, trauma, and upset to the victims' families. I consider it to be an insult that those people should have had to suffer in that way. They should not have had to face the fact that the murderer was allowed to live. Those "animals" who call themselves human beings and who inflict that sort of suffering on people have no right to live.

Why should the public purse be used to keep someone in gaol for the rest of his life when it can be proved beyond doubt that he has committed the sort of thing about which I have spoken of tonight? This is especially so in cases of terrorism when the perpetrators have been seen by hundreds of people. The Bader-Meinhoff group killed many people and they were often seen to do this by people in the area. Those killers deserve no protection from the law.

For all those reasons, I am opposed to the legislation.

HON. D. J. WORDSWORTH (South) [8.57 p.m.]: If this Bill is passed, the effect will be that when a person is proved to be guilty of a capital charge, the presiding judge, rather than his being able to commit him to death, will be able to impose a maximum penalty of only committing that person to strict security life imprisonment.

However, as things stand, if a judge were to commit a person to death, that would not be the last decision made about whether that person would die. The Attorney General must make a recommendation to the Executive Council, and that body has the final decision.

Previous speakers have suggested that the innocent and the doubtful murderers could well lose their lives, but I have a greater faith in the decisions of the Executive Council, because its members do not have to accept the death penalty were that to be the Attorney General's recommendation.

It has been pointed out already that there has not been a hanging in this State for some 20 years. Although I was not in the State at the time of that case, I understand that the guilty party not only admitted to having committed a multiple murder, but also stated that if he escaped or was let out, he would murder the judge and the psychologist involved in the case.

I was a member of the Executive Council for five years. It is on record that during that five years that body never decided in favour of the death penalty. From my experience I feel it is highly unlikely that a recommendation in favour of a death penalty would meet with the unanimous vote of the Executive Council members. However, there might be a future occasion when that need did arise so the provision for the death penalty should remain.

I do not think the burden of responsibility should be lifted from the Attorney General and Ministers. They should accept that responsibility, together with other responsibilities which come with their office.

Many people are making life and death decisions in the medical field; they cannot walk away from those decisions, particularly when they involve the use of life support equipment for people who have brain damage following a car accident, or for some other reason.

Many difficult decisions have to be made with premature births, and with people who require liver and heart transplants. Often monetary value is involved in a decision to prolong life.

Under such circumstances, I believe this legislation should remain on the Statute book.

HON. NEIL OLIVER (West) [9.01 p.m.]: I am fortunate that I am a member of a political party which allows its members a conscience vote whenever matters of this type come forward. On many occasions I have voted according to my conscience, and I will do so on this occasion.

Last year I was in the United Kingdom when a motion went before the House of Commons for the reintroduction of the death penalty. From memory, I would say that that matter was before the House of Commons for 21 sitting days to allow for debate and public comment before the final vote was taken. As members would be aware, the motion for the introduction of capital punishment in the United Kingdom was not carried; it was defeated overwhelmingly, although the Press at that time did predict that it would be a close vote.

Of course, the situation in the United Kingdom has been coloured very much by the Christie-Evans case, which has clouded the attitude in that country on capital punishment for many years. However, that attitude has changed quite dramatically in recent months due to the acts of terrorism which occurred in the Libyan Embassy in London, and in Harrods Department Store and the manner in which some third world countries have used their diplomatic immunity.

I am sure that we will have similar problems with terrorism in Australia, because that situation is prevalent in most countries throughout the world. Unfortunately, it will only be a matter of time before such crimes occur in Australia.

We have already had a bombing incident at the Hilton Hotel in Sydney during the time of the Commonwealth Heads of Government Conference. I cannot countenance that type of activity, or hijackings, where mothers and young children are subjected to a violent death, or threats by terrorists with automatic weapons.

Mr Dans said that people are cowards basically. I disagree with him, although people do have fears. I know I was fearful when I was in action; I feared for my life, but it is just a matter of how one controls that fear. When 120 mortars are

dropped every night and one does not know whether one of them will come down one's trench, one is fearful. If one is not fearful, then there is something wrong. A person who shows fear in those circumstances is not a coward. I have seen cowards, and servicemen are not cowards. However, that is another matter.

It is over 20 years now since the death penalty was carried out in Western Australia. Since then many convictions have been recorded and in every instance the death penalty has been commuted to life imprisonment.

When I examined this legislation, I questioned its wisdom. I am still uncertain as to the motives behind it. I cannot understand how a political party can decide such an issue. That fact disturbs me, and I cannot find a solution to it. No doubt the Attorney General will enlighten us when he replies. I would be interested to understand the reason the Government has decided that this matter should be brought forward at this time and why the decision was unanimous, without members having the opportunity to offer alternatives.

The proposal is straight down a narrow path. That is unfortunate, but that is the way the legislation has been introduced into the House.

I ask the Government: If we are to abolish the death penalty, will the police officers still be armed? Will the wardens in gaols still be armed? At present, wardens in gaols may use a weapon to prevent a prisoner from escaping. There is every likelihood that a warden might kill a person who has not even appeared before a court.

A prison warden could kill a prisoner who is attempting to escape, even though the offender may not have committed an offence. While I appreciate the fact that wardens and policemen must make every endeavour to ensure that the escapee is only injured, it is a difficult situation. The outcome might be a major inquiry as to why the escapee was shot dead. I cannot see any difference between a policeman who walks a beat in Perth and a prison warden. They both might need to discharge a firearm to prevent an offender from escaping.

Members will agree with me that when a person is in a war zone and is discharging a weapon, he holds a completely different attitude to killing—it is either the enemy or him.

In conclusion, I say that I am disappointed the Bill has come before us, when the death penalty has not been used in Western Australia for 20 years. Whenever a person has been convicted and the death penalty has been brought down, the death penalty has been commuted to life imprisonment, and on several occasions life imprisonment

with remission. However, today the Government seeks to abolish the death penalty. I believe members of this House will come to regret that decision.

If we consider the situation in other parts of the world where acts of terrorism are committed—for example, when an aircraft was brought down in Zimbabwe recently—we know that the perpetrators of those crimes shall be subject to capital punishment. An aircraft was hijacked in Alice Springs some time back, but fortunately we in Western Australia do not have such terrorism problems often because of our isolation.

As a result of this legislation, any person convicted of an act of terrorism which has resulted in the death of innocent people will not be subject to capital punishment. Therefore, I will not support the legislation.

HON. JOHN WILLIAMS (Metropolitan) [9.13 p.m.]: I rise with mixed feelings about this Bill, but of one thing I am absolutely sure: I do not question the right of the Government to bring in the Bill and to seek to abolish capital punishment. That matter has been in the Labor platform since the days of Beatrice and Sidney Webb—people about whom many members opposite may not know. The abolition of capital punishment has been the Labor Party's philosophy for some half a century, if not more. When one considers punishment, one looks for an instrument which will deter or rehabilitate. Capital punishment certainly does not rehabilitate, because the person on the receiving end has no chance of rehabilitation, unless it be in another world. Certainly, as a deterrent, it just does not occur. It has not occurred throughout our history—the history of the English speaking peoples, if I can put it as simply as that, without going into too much detail.

Perhaps we should consider some of the famous case histories which shocked the world and made it reel. One which comes to mind is the famous Marconi case. One of the world's greatest murderers, a Dr Crippen, was arrested by means of the world's first telegraph. He committed murders which promoted the rise of hundreds of novels, films, and the like about Crippen and Neave.

That did not deter Christie of Remington Place fame who murdered so many people. In my opinion, Timothy Evans murdered his wife and children. I say that because the person in charge of the case maintained to his death that the evidence that he had was sufficient for the conviction of Timothy Evans. However, the judicial system found that he was not guilty.

Hon. Garry Kelly: It was too late.

Hon. JOHN WILLIAMS: Yes, unfortunately it was too late. A lot of capital punishment is carried out too late. A lot of human thinking on this subject is made too late.

If we are going to talk about our being too late, perhaps we have introduced this Bill for the abolition of capital punishment too late. However, I do not believe that we have. I am reminded, by the physiognomy of Robert Hetherington, of a famous member of the House of Commons who introduced into that House, for the first time, a Bill for the abolition of capital punishment. He was Sidney Silverman who represented a Lancashire constituency. His motion was roundly and utterly defeated. Sidney Silverman then said that he would reintroduce the motion until such time as the members of the House accepted how stupid they were being about despatching people from the face of the earth.

This is an emotive subject for anyone. It is an emotive subject for a group of people like us to discuss. There is no question in my mind, in this debate, that there is a them and an us. However, there is no difference between us. Each one of us is a potential murderer. We are human beings and, as human beings, we are subject to certain frailties. Things go wrong. In the last two centuries, the much-maligned field of psychology has come to the fore and identified certain problems associated with the human race. For goodness sake, we have only now identified stress in the classroom. That sort of stress can cause an imbalance.

Why were excuses made for a woman who within 12 months of giving birth, seized her baby by the ankles and smashed its brains out? Is there anything more horrible or horrendous than that? However, that woman was not charged with murder, but was charged with infanticide because her balance, post-partum, was suspected and nobody was too sure of her guilt.

Today we are told that there are females in the community who suffer from a syndrome called "PMT". If one reads some case histories of that syndrome, one wonders why women suffering from that syndrome do not commit murder under stress.

I wonder whether Hon. Lyla Elliott remembers our visits to Fremantle Gaol in about 1972. I wonder whether she remembers being in the boot shop when a person told us that he had been accused and found guilty of murder. He tied a stocking around a woman's neck and strangled her until she was dead. I wonder whether the honourable member recalls that he said that he did not remember anything about it for three or four months after

the event. He said that, as far as he was concerned, his trial and incarceration were non-events. He said that he did not remember. He had drunk a flagon and a half of wine that day before he had murdered that poor unfortunate woman.

There has also been the recent case of a man now incarcerated in Fremantle Prison for murdering his wife and two children. Will any member of this House go home tonight and murder his wife and children? I suggest that members could not give me an answer. That could well happen because one does not know with what circumstances one may be faced when one arrives home.

Members can use different cases, such as the recent case in South Australia, as excuses for abolishing capital punishment. However, I am not using that argument in this debate tonight. That is not my case at all. My case is that we have come a long way along this road and we are now faced with a decision. Had this Bill been presented again as it was previously, I would have voted against it. Nothing was offered in the Bill to give me and my people continued safety.

The present laws relating to imprisonment apart from what is contained in this Bill concerning the custodial aspects, leave a lot to be desired. People do not want to take a life for a life. However, they want to be safe and to be assured of their safety. I challenge any member or either side of this House to sit and think about what would happen if somebody they knew was murdered. They would be incensed and would scream, not for a deterrent or punishment, but for revenge. After the trial, they would want the convicted person to be sent to the death cell and would then want to pull the lever. However, they would not do it. We hear a lot about what one would do to that sort of person if one could lay one's hands on him. That is fine in a mob situation. However, on a one-to-one basis, man is a very fragile animal. The keepers of the peace—policemen—are challenged many times by people holding guns. When they return the challenge with a gun, nothing happens.

From my studies and experience in the psychology field, I find that when a person commits a murder, he or she is mentally unbalanced, if only for a brief second. A person may be totally insane when he or she commits some heinous crime such as the killings that took place at McDonalds in San Diego.

I have no doubt that this Bill reassures me that a person who is given a strict custodial sentence of 20 years will be dealt with very harshly. I think that is necessary. If I moved an amendment to the Bill, I would move that some of those people be

held in custody for periods longer than 20 years. I do not propose to move that amendment because another safeguard has been built into the legislation. As well as there being provision for a 20-year sentence, the Bill allows for a review to be made every three years.

I congratulate the Attorney General and his staff for recommending in the legislation that, if there is going to be an act of clemency or mercy granted to a prisoner, Parliament will be informed.

Those three aspects of the Bill have caused me to change my mind. I do not mind admitting that I have changed my mind. Nothing was included in previous legislation to guarantee my family's safety. As I see it, their safety is assured, because criminals will be held in custody. I can only think that that is a step forward.

I did not listen to speeches made by my colleagues this evening when they presented the other side of the case. I have been trying to persuade them, despite their firmly-held beliefs, to vote for the Bill. I have been more than influenced by the fact that the Catholic Church recently appealed to its adherents to support this Bill. I am not a Catholic.

Hon. P. G. Pental: A Catholic committee made that recommendation.

Hon. JOHN WILLIAMS: Yes, that is right. The Catholic Church does not usually interfere in politics. However, a committee of the Catholic Church had no hesitation in saying that this Bill should be supported.

I have had long experience with and carried out a great deal of research into, capital punishment. Following that and having regard for the safeguards included in the present Bill, I have no hesitation in supporting it.

Members on this side of the House will have the right to move a conscience vote on this matter. However, members of the Labor Party are committed to follow the party line. I am sure that many of us who vote for this legislation will be criticised for our changing our stance. However, many of us will be told that we did the right thing. I have no hesitation in supporting the Bill.

HON. G. E. MASTERS (West—Leader of the Opposition) [9.27 p.m.]: It is obvious to anyone who is listening and watching this debate that the members on this side of the House will have a completely free vote on this legislation. I think it is a great credit to those members that they are able to make that choice.

It is also obvious that the Labor Party has, as part of its platform, a recommendation for the

abolition of capital punishment. It had stated on many occasions that, if it were elected to office, it would abolish capital punishment. That is no secret.

Perhaps I am the only member of this House who entered this debate not having made up my mind. I have come to a conclusion on this matter only since the debate began. I am very sincere about that. However, I point out that, if a war commenced, I would be a more aggressive fighter than most. Many people say that I prefer a fight to a feed; they are probably correct.

If anyone harmed my wife or my family, I would probably go out and, in the heat of the moment, have no hesitation in shooting the person involved or taking whatever action was necessary. However, if it came to the point of my having to pull the lever to execute a person who had committed murder, I could not do it. If I were asked to attend a hanging, I could not go.

Generally, I have always been against hanging or any form of capital punishment. I have been in a position, as have other Ministers, of having to make a decision with the Executive to hang or not to hang a convicted criminal. I opposed that hanging. I was more supportive of long-term imprisonment. I thought the public would be protected from criminals by that sentence being imposed.

I am referring to strict security life imprisonment and I hope that if the Government is successful with this legislation it will continue with strict security life imprisonment because it is a genuine form of protection for the public.

There is only one area of this legislation with which I have had to wrestle with my conscience; that is, where there is an act of terrorism. People in Australia and Western Australia are fortunate that they have not suffered from terrorism, but in other parts of the world such acts have been dreadful and horrific. Aircraft have been hijacked and literally hundreds of people have been threatened with their lives and many people have been killed. Murder has been committed on a massive scale and if the terrorists are caught and imprisoned then those people who perhaps would wish to free them could undertake other acts of terrorism. They may hold the public to ransom and murder others in order to have those people released. Members know about whom I am talking. Such incidents have occurred over recent years and have become very serious, but perhaps in the last year or two terrorist activity has dropped off.

My colleague, Hon. Tom Knight, referred to the Israeli murders at the Olympic Games which

were held at Munich, and also there has been a mass murder at a Japanese airport.

As I said, I have had to wrestle with my conscience on this matter. In most cases I would oppose hanging, but in the case of terrorist activity there is some justification for it. Just on balance and in an endeavour to prevent terrorist activity I would prefer to leave the death penalty on the Statute book.

If I were asked in this House or in any other place, whether I supported the death penalty for murder in this State, I would say, "No". However, if terrorist activity resulted in cold-blooded killings then I would have to say that the death penalty would apply.

That is my predicament, and on balance, and because the Executive has the final choice—that choice has not been to hang a murderer over the last 20 years—the circumstance can continue to apply, but if there were a terrorist activity I am sure the Executive would have to think more carefully.

Therefore, just on balance I oppose the Bill.

HON. N. F. MOORE (Lower North) [9.33 p.m.]: Like Hon. Gordon Masters I have been wrestling with this matter for many years and I came into the House in a frame of mind similar to his; that is, I had not clearly made up my mind. I have listened with a great deal of interest to the debate and the comments of members who have spoken for and against the legislation; the arguments have been very strong on both sides.

To my mind it comes down to a question of making a value judgment based on my conscience or what I basically feel, rather than making a truly logical decision in respect of the series of statistics, the figures, and the facts which have been presented by some members. Deep down I am not convinced that the death penalty should be abolished. There have been, and I think there will be, murders of such brutality and such cold-bloodedness that the only penalty that would be appropriate is the death penalty.

The strict security life imprisonment option is one that I supported at the time, and I still believe it is necessary. However, that sentence does not prevent people escaping from prison. It means that if they do not escape they are imprisoned for a longer time.

Recently I read about a two-year-old girl who was raped and murdered and as a father of a two-year-old daughter, I believe that, if it were a premeditated crime, hanging would be too good for that person.

We have heard a number of members talk about terrorism. In cases of deliberate terrorist activity and in the sorts of brutal murders which have been known to occur, and which will occur in the future, it is necessary that the death penalty be retained.

Some members may suggest that my motives are based on revenge. Perhaps that is what it is. Deep down I believe society should have the power of revenge in the case of a murder which was outrageous in the extreme and which society believes is totally unacceptable. For those reasons I oppose the Bill.

HON. I. G. PRATT (Lower West) (9.36 p.m.): This is one situation where we put to test the duty of a member. Some people will hold that a member's duty in this place is to represent the wishes of the people who elect him, while thousands would say that the people elect a member because they trust his judgment. Obviously tonight in this debate some members will vote according to the wishes of the people who elected them to Parliament, and some members will vote on the basis that they know better than the people who put them in Parliament because they think they have the power to make a superior judgment on their behalf.

One thing is clear; that is, that the opinion polls, not only in Australia, but all over the world, show that public opinion favours capital punishment. That is what people believe in. We also find that some countries are reverting to capital punishment. The United States of America is a shining example because the people in that country are demanding that Governments carry out the death penalty.

In my situation I have no difficulty at all in making my decision as to the way I will vote on this Bill. Every representation I have received from within my province has been in favour of the retention of capital punishment. I have received many letters, some marked "urgent" and obviously typed on the same typewriter, on the same paper, but with different signatures, asking me to support this Bill. However, those letters have come from outside my electorate. None of my electors has asked me to vote in favour of it. My own view is that capital punishment should be retained and I had no difficulty with making that decision.

Firstly, I believe the Bill should be opposed, and secondly, I believe that the people I represent in this Parliament believe the Bill should be opposed.

One of the things that concerns me greatly is the matter of terrorism. I will not dwell on that subject because other members have spoken about it.

Another matter that concerns me greatly is that of a premeditated attack on a person which causes death, and particularly sexual attacks on women. Hon. Norman Moore mentioned the case of a two-year-old girl. I have heard about the case of a young lady who is close to my family. She and her friend were attacked and one of the girls was raped. The person who committed the crime received a penalty of four years' imprisonment. Within a week of his being released from prison he attacked and raped another woman. If, when he is released again, he commits a similar crime, why should he not be put out of this world? Why should victims of his crime pay taxes to keep him in prison for 20 years? I am sure they would expect not to be put in that situation and I do not think they should be.

Australia seems to be following the United States in the field of armed robbery. If members think back a few years, armed robberies in Western Australia were rare, but today they are commonplace. Everytime one picks up a newspaper there is some reference to an armed robbery.

It is obvious in Western Australia at present that bank and building society staff are being told to give an armed robber some money and, of course, the instruction from the Police Department is that the amount taken should not be divulged. It is obvious that the banks and building societies are not handing over all the money that is available.

Cases have been recorded in America where the robber, to make sure he receives all the money, shoots someone as an example. He says that if he does not receive all the money he will shoot all the customers in the bank. Obviously the bank staff hand over all the money they have. That situation arises from the fact that a few years ago capital punishment was phased out in certain parts of America. A bank robber knows that he can go to a bank, shoot a person, and obtain all the money that is available. He takes no risk because if he is caught he is imprisoned and the taxpayers pay his keep. If he knew that the death penalty would apply if he shot a person, I am sure it would be a different matter.

Luckily this type of situation has not occurred in Western Australia, but I believe that this Bill is inviting it.

The members who intend to vote in favour of this Bill should think for a couple of minutes about that situation and about the innocent person who may be shot down in cold blood. To my mind that is too big a price to pay, and I do not believe we

should give this type of alternative to armed robbers. This is what the Bill is about.

I very strongly oppose it.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [9.43 p.m.]: Every debate on capital punishment seems to operate at two levels. The first is practical. It leads us to ask, for example, whether there is some irresistible demand in the community for the hanging of certain offenders. That cannot be so because if it were the case, 20 years would not have passed in this State without a single execution.

Should the death penalty be retained as a deterrent? Certainly it should be provided only if some evidence can be brought to show that it has, in fact, a deterrent effect. No such evidence has been produced in this debate and there is very good reason for that.

Hon. Tom Knight: It deterred it in the Middle East.

Hon. J. M. BERINSON: The reason is that no such evidence exists.

There have been many years of Labor Government in this State when it was perfectly clear, as has again been made clear by the present Government, that no death sentence would be carried out. Compare the incidence of murder in those years with the years of anti-Labor Governments when no such deterrent existed and no difference can be discerned.

It is now 20 years since the last hanging in Western Australia in 1964. Compare the incidence of murder in those 20 years with the 20 years before 1964 and again the pattern is the same.

Capital punishment was abolished in Queensland 71 years ago. Compare the incidence of murder in Queensland with that in Western Australia over that period and the result is again the same. There is no difference, and no difference can only lead to one conclusion; that there is no deterrent either.

The question of terrorism has been raised. Earlier speakers have pointed out why the death penalty does not act as a deterrent against terrorism, and I do not intend to go over that ground again. Discussion on that aspect so far has been theoretical and I invite the House to look at the practical implementation or non-implementation of the death penalty as it applies to terrorist activity.

For at least the last 10 or 15 years there have been no areas in the world which have been so

consistently the target of terrorist attacks as have Israel in the Middle East, and, Northern Ireland. In Israel hundreds of convicted terrorists have been imprisoned. Those terrorists have committed all the atrocities that members have spoken about tonight. They have blown up planes, airports, schools, synagogues, buses, and hotels. They have engaged in indiscriminate slaughter and they have been caught, convicted, and imprisoned by the hundreds. Not one has been executed. There has not been a single execution in Northern Ireland.

I invite members to direct their minds to the experiences of people who have had to deal with this terrorist problem in practice and not simply in theory. I do not for a moment suggest that their experience is conclusive. What I do suggest is that it ought to be accepted as being reasonably persuasive.

I need not labour those tragic occasions where the death penalty has been imposed and carried out in error. The danger of that occurring was again demonstrated in Australia, even while the present Bill was before our Parliament. After spending six years in a South Australian prison for murder, a prisoner was pardoned when a judicial inquiry determined that he should not have been convicted in the first place.

Hon. D. J. Wordsworth: That is a poor example.

Hon. J. M. BERINSON: It is very difficult for the State to make adequate amendments in such a case. But what if South Australia had hanged that man six years ago?

Hon. D. J. Wordsworth: South Australia didn't!

Hon. J. M. BERINSON: How would that injustice have been remedied?

These are all serious and demanding practical questions.

There is, however, a second level at which the death penalty debate proceeds. This is at the level of principle, philosophy, emotion—call it what we will.

Speaking for myself, I am bound to say that although I approach all questions as best I can on an objective and rational basis, the death penalty to me is somehow different. Quite apart from the rational arguments, all of which it seems to me support the case for abolition, the fact of the matter is that my basic objection is frankly subjective. Murder is abhorrent beyond words, but at least it typically involves some passion, some mental aberration, if not legal insanity—some element of loss

of control. In a sense, hanging is even worse. You take a human being, break his neck, and you do it in cold blood, and that is supposed to reflect respect for the value of human life! It seems to me to debase it.

Hon. Tom Knight: They do it every day in the abattoirs with sheep and cattle.

Hon. J. M. BERINSON: In politics we are used to claiming all virtue for our own side and see all wrong, if not evil, in the other. I have never subscribed to that view, and I believe it is out of place particularly where questions of basic humanity arise. The death penalty is one such question.

Liberal members, when brought to the point, would no more allow a hanging than we would. The record makes that clear. Since 1964, we have had four years of Labor Government and 16 years of Liberal Government, with not a single hanging. That was not for lack of convictions for wilful murder in the years of Liberal Government. On the contrary, there were many such cases, and convictions for murder of the most brutal and barbaric kind.

At one time in 1980 there were three murderers in death row at Fremantle Prison. Each of them had been convicted of a double murder or an attempted double murder. The circumstances need not be detailed, but the crimes were terrible. If the death penalty was ever to be invoked, surely that was the time. In fact, all three death sentences were commuted.

It will be clear that I am not criticising those decisions as a sign of weakness or of inconsistency, or for any other reason. I publicly supported those decisions at the time. I respected them, and I do so still.

The real point is this: The death penalty no longer has a place in our society. The only argument really is whether the form of our legislation should be brought to reflect that reality. Of course it should. Whenever the law is amended in effect by avoiding its provisions through Executive actions the law itself is put at risk of disrepute. There is simply no point in that exercise, especially where, as in this case, the object we want to achieve meets with all that is best in terms of decency, humanity, and sheer commonsense. This Bill is a measure which is long overdue. Its importance lies in its value as moral statement as much as a significant legal reform. I commend it very earnestly to the House.

Question put and a division taken with the following result—

Ayes 17

Hon. J. M. Berinson	Hon. Tom McNeil
Hon. J. M. Brown	Hon. Mark Nevill
Hon. D. K. Dans	Hon. P. G. Pandal
Hon. Peter Dowding	Hon. S. M. Piantadosi
Hon. Graham Edwards	Hon. Tom Stephens
Hon. Lyla Elliott	Hon. P. H. Wells
Hon. Kay Hallahan	Hon. John Williams
Hon. Robert Hetherington	Hon. Fred McKenzie
Hon. Garry Kelly	(Teller)

Noes 12

Hon. V. J. Ferry	Hon. N. F. Moore
Hon. H. W. Gayfer	Hon. Neil Oliver
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. W. N. Stretch
Hon. P. H. Lockyer	Hon. D. J. Wordsworth
Hon. G. E. Masters	Hon. Margaret McAleer
	(Teller)

Question thus passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Attorney General), and passed.

PAWNBROKERS AMENDMENT BILL

Second Reading

Debate resumed from 15 August.

HON. P. H. WELLS (North Metropolitan) [10.02 p.m.]: I commend the Minister for having some interest in those who have difficulty and need to raise money by pawnbroking, but I do not thank him for this useless Bill which will not achieve what he claims.

I do not have much experience of pawnbroking, but since the introduction of the Bill, I have made it my business to obtain some information about the subject. I have circulated to members copies of some documents I have received from two pawnbrokers' offices.

Although some people say that pawnbrokers are loan sharks, they provide a service to the community. They serve people who cannot obtain money from the normal sources, such as banks, credit unions, or other finance houses. Those people could need that money for only a very short period and, on occasions, they may require it urgently. For instance, a person may have to pay a \$200 or \$500 fine or be faced with serving a number of days in prison. In such a case, the person is desperate to obtain the money.

People take their goods to a pawnbroker. Those goods may be in the form of jewellery or some other portable chattel. They offer those goods to the pawnbroker to obtain money to meet their needs. The Pawnbrokers Act was proclaimed in 1860 and, to a degree, it has worked effectively, in that people may take their chattels to a pawnbroker and borrow money. This has occurred despite the fact that the Act is very ancient and difficult to work under, because it was drafted in the conditions of another era.

However, the pawnbroker will give people money in exchange for their chattels, and they may return in a month or so, redeem the item, and pay interest on the money borrowed. The rate of interest is rather consistent in the States of Australia. I have spoken to pawnbrokers in the mainland States and I have been told that the lowest rate of interest charged by pawnbrokers is 10 per cent, but that it is more common for it to range from 15 to 25 per cent a month or part thereof.

If the interest rate were to fall below 15 per cent, the types of goods which could be pawned would be very limited and might be confined only to gold. This is the case because pawnbroking is a high-risk and costly operation. If the goods which are pawned are stolen, the pawnbroker loses the whole lot. Frequently the goods are pawned for only a week, fortnight, or month. Therefore, the interest rate is not worked out on a percentage basis over a whole year.

I shall give an example of a situation in Brisbane today where a woman's husband is overseas. She has no money to pay the rates and is faced with a summons and court appearance. She takes her jewellery to a pawnbroker on the basis that her husband will be home within a month. The pawnbroker lends her the money she needs and she knows she can pay the rates and redeem her jewellery at a later stage.

Today I heard of an unemployed person who went to a pawnbroker, because he needs some money to pay a fine. He was given that money.

I shall refer to some of the transactions recorded in the books of one of these loan companies to indicate the amounts of money involved. Just looking down the page, I find that some of the amounts entered are \$80, \$15, \$10, \$70, and \$400. It can be seen we are not talking about thousands of dollars. If a person wants to borrow large sums, he will go to a bank, because generally he would have some security, but people in desperate situations will go to pawnbrokers who often provide the money.

I suggest that, because this service is provided by pawnbrokers, frequently criminal offences are

not committed. Some of these people could be so desperate for money that, if they could not get it from a pawnbroker, their only other recourse would be to take the money from society. We know that a number of the people who came to Australia when it was colonised were from England and, because they did not have enough food, they stole it in order to live. They were then fined and frequently deported.

Pawnbrokers are not crooks. Most of the pawnbrokers to whom I have spoken also hold second-hand dealers' licences. They buy goods as well as operate pawnbroking outlets; so they run the two businesses together.

A buy-back arrangement exists not only in Western Australia, but also in Victoria and Queensland and a number of the other States. Frequently when a person goes to a pawnbroker, he is in two minds as to what he should do. He might need to raise \$600. The pawnbroker might offer him \$500, but he might need \$600. He might go to a number of pawnbrokers, but he might not be able to raise the \$600. Therefore, he might ask the pawnbroker, "How much will you give me if I sell the item?" He might be told \$600 or \$700. So he sells the goods.

Under the Second-hand Dealers Act, the goods must be registered in a book. When goods are pawned, the pawnbroker must keep them for three months. However, under the Second-hand Dealers Act, the dealer must keep the goods for only four days to enable the police to check them to ensure they are not stolen. After the four-day period, he may sell the goods.

Those goods might have sentimental value or one might prefer to have them back for whatever reason. Therefore, one might say to the dealer, "I think I can get some money at the end of the month. How about giving me a month to pay it back and the right to first purchase?" The dealer might say, "All right. My pawn charges are normally 20 per cent a month. I have given you \$600 and I will charge you 20 per cent a month in interest. Therefore, the sell-back price is \$720".

Hon. Peter Dowding: Why couldn't he pawn those goods?

Hon. P. H. WELLS: He could not do so, because no pawnbroker was willing to give him that much money.

Hon. Peter Dowding: What is the difference in the risk or the security?

Hon. P. H. WELLS: If all the pawnbrokers will loan only a certain amount on the goods because of the high risk—

Hon. Peter Dowding: What is the difference in risk to the pawnbroker if he adopts one mechanism or the other? He still has the same goods.

Hon. P. H. WELLS: There is a difference only in cost. We could deal with this in Committee. I shall finish the illustration and then return to the Minister's question. The cost to buy back the goods is \$720. The man then signs a document.

I draw the attention of members to the two pages I have circulated. One of those documents is from the National Loan Office. On the left-hand side of the form, details must be entered as to the nature of the article pawned and the interest on a monthly basis. On the right, we see the option to buy back is provided for. The name, address, description of goods, the date that the option expires, and the purchase price must be entered.

The dealer tells the individual involved, "The purchase price after one month is \$720". The person then says, "Yes, that is what I have to pay you", and he signs the document at the price.

In a month's time, the person might return and say, "I need another two or three weeks to pay", so they make another agreement which says, "I vary this document", and they add another \$20 or \$30 to arrive at the new price, and the agreement is signed.

In large letters at the bottom of the form the following statement appears—

IMPORTANT

It is your responsibility to either exercise or extend your option prior to the expiry date. We may sell the goods at any time after the expiry date.

The person then makes the arrangement.

I ask members: Is there something wrong with that? Is this the only State in which it happens? I telephoned people in Queensland and was told, "Yes, some people do it here". The people in Victoria said, "Yes, we have an Act, but most people operate under the Sale of Goods Act and buy-back arrangements". Therefore, this is not something peculiar to Western Australia; it happens in other places.

Let us take another example. I might sell my car as a trade-in. When I do so, I might say to the dealer, "My son is away. I intended to let him have the car. Why don't you hold it in your yard for a month and, when I have talked to him, if he is interested, I shall buy it back?" When my son returns, we might agree about the matter and I might go to the dealer and say, "I want that car". He might say, "You can have it. However, it will cost you \$1 000 more, because I have had to pay the yard costs, the interest on the money, etc." So

the dealer charges me a new price. I ask members: What is wrong with that?

Provided I know what I am doing and everything is above board, I cannot see anything wrong with it. I gather that system operates throughout Australia.

The question is whether it is desirable, and that is debatable. The Minister asked what the difference was between the two situations. As far as the first case is concerned, the Pawnbrokers Act 1860 states that a pawnbroker must hold the goods pawned for three months.

Even though a person might take out a loan for only one week, the pawnbroker is told to hold the goods for a minimum of three months. That means that if I, as a pawnbroker, loaned \$1 000 and, if I were working on an overdraft, I would have to take out that overdraft over a three-month period. I would not be able to do anything for three months. That applies to all amounts in excess of five shillings. Five shillings in 1860 was probably a month's wage for a person. However, that provision still applies today. Most Acts in operation in the various States of Australia are of that vintage. South Australia's Act is an 1888 Act and Tasmania's Act is an 1857 Act. I suggest that the system developed because it was only possible to work under the old Act.

So the pawnbroker has to hold the goods for three months. He is required to advertise the goods twice in Western Australia and in some other States. He is then required to sell the goods by auction and he is not allowed to buy them.

The Minister has asked me what is the difference. If he were running a business, there would be a lot of difference because there is a buy-back arrangement. The goods would have to be kept for one month and if they were not redeemed in one month, they could be placed on the shelf and become available for sale. There might be a chance that they could be got rid of before that time. I am told that, in different States, the cost of putting the goods through the auction system amounts to approximately 18 per cent of the value of the goods.

Hon. Peter Dowding: You did not get run over by one of those bloke's Rolls Royces!

Hon. P. H. WELLS: It appears from what the Minister says that it is a crime for anyone to make money.

Hon. Peter Dowding: You are the one who is pointing out that they are on hard times.

Hon. P. H. WELLS: I did not say that. I am explaining the two systems. The Minister asked me about the difference. I gather that my example

is a different sort of example from the Minister's. There is a lot of difference between the two systems. That difference exists in nearly every State of Australia. In fact, the only State which did not have the buy-back provision was New South Wales. I am told that that provision applies in Victoria.

I said that the question of whether it is desirable is another matter. However, after examining the situation, I have found that I really cannot call a person a crook if that person makes that type of arrangement.

In his speech, the Minister spoke about a company in this State. I do not have available to me all the evidence which the Minister would have available to him. Therefore, I am not in a position to say whether the company did anything wrong. However, I have circulated to all members information about the City Loan Office. The form I have circulated is similar to the one used by the National Loan Office which is a totally different company. The example I have given involves a camera which was pawned on 6 June 1984. The date expired on 1 July 1984 and the purchase price on that date was \$24. I understand that the article was pawned for \$20. That allowed the pawnbroker to receive a \$4 profit on that loan. That is not an exorbitant profit. It is a loan at a 20 per cent interest rate. However, the cost of the operation has to come out of that profit. If the person who pawned the camera did not return, the camera would have to be sold. However, in the meantime, it would have to be insured and stored and the owner of the shop would have to pay rent for his shop which, in a city area, is quite substantial. The person selling the camera would be happy to get hold of \$20 and he then would have the option to buy back his camera on 1 July for \$24.

In his speech, the Minister mentioned that some companies charged 240 per cent per annum on their loans. Unless the Minister can inform me otherwise, I maintain that he has worked that out by allowing for a 20 per cent loan a month, as I have previously mentioned, and then he has multiplied that amount by 12 months and has come up with a total of 240 per cent per annum.

Hon. Peter Dowding: What's wrong with that?

Hon. P. H. WELLS: What he has said is that if that loan were for 12 months, it would apply at an interest rate of 240 per cent.

Let us consider those figures another way. Surely Hon. Phil Lockyer and his Select Committee would have met a lot of market gardeners. Let us say that he goes to the market garden and buys cabbages for 30c each. Within the week, he

sells those cabbages for 60c. He has made 100 per cent profit in a week. That amounts to a total profit of 5 200 per cent per annum. The Minister has come to his percentage in the same way. He has multiplied the amount of interest made in a month by 12. The range is the same in every State of Australia.

The Minister does not control the interest rate in this legislation. Incidentally, the Queensland Parliament has just passed new legislation in relation to pawnbrokers. The Minister has raised the question of the 240 per cent, but he has not altered the Act to amend that area. In fact, I am told that, if that provision were enacted, most pawnbrokers would become second-hand dealers and any remaining pawnbrokers will, as is the case in Singapore, would deal only in gold. The little bloke who wants to obtain loans on his rings, watches, and radios would not have the opportunity to obtain loans from another area available to him.

The Minister has used his position in this House to attack a person without allowing that businessman the right to defend the case. The New South Wales Act makes provision for some sort of appeal. If the Minister came into this Parliament and made accusations, the 1860 Act would not allow us to take any action against the person about whom he is making those accusations. We would not be able to cancel that person's licence until the following year because he is licensed for a period of 12 months.

Section 8 of the New South Wales Act No. 66 of 1902, which deals with the disqualification of a licensee, states—

(1) A licensed pawnbroker may, on complaint made by a member of the police force, be summoned before a court of petty sessions to show cause why his license should not be cancelled—

- (a) where the pawnbroker is a natural person, upon one of more of the grounds of objection specified in section 7 (1) (a); or
- (b) where the pawnbroker is a corporation, upon one or more of the grounds of objection specified in section 7 (1) (b),

and why he should not be disqualified from holding a license.

So with the NSW Act, if the Minister for Consumer Affairs receives a report that something is questionable, the person concerned goes before the Court of Petty Sessions in that State, a charge

is laid, and the person has a chance to defend himself. Section 7 of the Act states—

(1) A person who under section 6 (3) (a) makes a report on an application for a licence may in the report specify that he objects to a licence being issued to an applicant—

(a) where the applicant is a natural person, on the ground that the applicant—

(i) is not of good fame or character;

(ii) is not a fit and proper person to hold a licence;

(iii) has improperly obtained a licence; or

(iv) has been convicted of an offence against this Act or the regulations,

or on more than one of those grounds; or . . .

So, if the City Loan Office is questioned, and it is believed that a person is not fit to hold a licence, under our Act, the matter will come before the court and the person concerned can defend himself. If the Government had said, "We have an amendment to the Act, it might be worth looking at", some action could have been taken. We are not using the privilege of Parliament to attack the person; we are asking whether a business in the community should be questioned.

I mentioned the matter of buy-back. It may well be that the Minister—as was indicated in his letter to the pawnbrokers on 28 May 1984—could have considered that the arrangements for buy-back needed to be banned, or that regulations needed to be changed.

Let us say there are two options: I notice that interest is paid monthly. The Minister may have required that the form be stamped, "This is not a pawn, this is a sale", or a number of other things. The Minister should provide for a regulated form or come forward with an amendment to the Act which requires that the form be legal. The other option was that he could have outlined the provisions.

The Minister has come back with a piece of legislation which I suspect he supports and has said, "We will stop the practice of buy-back". I am certain that is correct.

Let us assume the Minister wishes to stop the buy-back system in this State, despite the fact that it is practised in Victoria and other States. What has he done?

He has brought forward a piece of legislation and I am interested whether he can tell me, with his legal mind, whether he is right. I have been told by legal men that my interpretation is right; but I know that is what keeps legal men in busi-

ness. The Minister has said that many Acts affect people in terms of selling. We have the Sale of Goods Act, the Second-hand Dealers Act, and the Pawnbrokers Act. I have read many of these Acts and their provisions relate to many different areas.

This measure deals only with a pawnbroker's licence. I gather a pawnbroker has to rely on the Money Lenders Act, and I believe that it is used only on certain occasions if he happens to be a second-hand dealer who decides to take an option to buy back.

Hon. Peter Dowding: He cannot do that.

Hon. P. H. WELLS: Under what Act?

Hon. Peter Dowding: Under the Money Lenders Act, one is not allowed to lend money at rates of interest which exceed the prescribed amount.

Hon. P. H. WELLS: What is the prescribed amount?

Hon. Peter Dowding: It is in the Money Lenders Act.

Hon. P. H. WELLS: Let us say he buys back above the prescribed amount.

Hon. Peter Dowding: It is much less than 240 per cent per annum.

Hon. P. H. WELLS: I am referring to the system of buy back. All the legislation refers to is "a pawnbroker licensed under this Act".

Hon. Peter Dowding: There is no real objection to buy back if it is not at this sort of punitive interest rate.

Hon. P. H. WELLS: Then the question is: Will the Minister control pawnbroking interest rates which are exactly the same in this State as in other States? I suggest he should be careful in deciding what level they should be because he may finish off a number of pawnbrokers. A lot of them got out in other States or moved into the high-class area which deals only with gold. We should be careful before we do away with the one avenue which may be available to the unemployed and the sick to get money urgently when they cannot get it elsewhere.

The Minister has not introduced this legislation in order to change the interest rate on buy-backs. He could have controlled that interest rate, but that is not what the legislation is about. He said the Government was not against buy-back, but against the interest rate. That same rate is charged in each pawnbroker's shop in this State and in every other State, so there is an inconsistency in his argument.

Let us see whether what is proposed will work. Proposed new section 27A states—

A pawnbroker licensed under this Ordinance shall not buy an article from another person (in this section called "the seller") at a certain price (in this section called "the first price") and, having so bought the article, grant to the seller an option to purchase the article within a particular period at a price higher than the first price.

My understanding of that is that if I go to sell my jewellery to raise \$500, the pawnbroker cannot take an option to buy back unless it is at the present moneylender's rate because I am the person who took the jewellery in. I could take my wife down there; the legislation says nothing about her, or a friend.

Hon. D. J. Wordsworth: I hope you are not going to pawn her!

Hon. P. H. WELLS: There is no way I would pawn my wife. I am one of those fortunate members of Parliament who has a gem.

I should be thankful to the Minister that he is so against the system because the legislation will enable City Loan Office and any other loan company to continue this practice. All they have to say is, "I cannot give you an option, but bring in a friend you can trust and I will give him the option". I have checked that point twice today, and I am told it is correct.

I believe the Minister will not achieve what he intends. I suppose in view of that, we can let him proceed with the legislation because it is useless and any person who wants to operate in this way will only have to take someone else along to a pawnbroker. Is that what the Minister said in his second reading speech?

I am not supporting anyone in the pawnbroking business breaking the law and getting away with it or taking a sick person for a ride. We accept that there is some value in having pawnbrokers and that it is a high-risk, short-term business with an interest rate of 15 to 25 per cent per month or part thereof. We do not disagree with buy-back. If we are going to control it, surely the area the Minister should be dealing with is that relating to licensing. The purpose of licensing people is so that if they do not toe the line, if they carry on some underhand business, they are made to get out. I would have looked seriously at legislation to amend that area if the Minister had brought it in.

I suppose one consolation is that the Minister has said the Act will be reviewed. The question I raise is: when? When will it be available?

Hon. Peter Dowding: As soon as the Law Reform Commission can give me its report.

Hon. P. H. WELLS: Thanks very much! Let us look at a more recent case of the speed with which the Law Reform Commission reported, and the Government's reaction. It is a matter which the Attorney General recently brought into the Parliament. I refer to the Bail Amendment Bill. We worked out that by the time the legislation gets through, it will be six years since the Law Reform Commission report was completed—not started.

Hon. Peter Dowding: A request has been made that it be expedited.

Hon. P. H. WELLS: If the Attorney General had said he was going to give them additional people to work on this and require them to provide a report in six months, and could guarantee that the Parliament would have new legislation in 12 months, we might have got a promise. Whether one could take much notice of that is questionable.

I refer to another example in the Strata Titles Act. When we were in Government, I asked the then Attorney General when we could expect some results. He said, "We are going to expedite the matter". That was three years ago.

Now we are proposing to pass this temporary measure which any two-year-old criminal could get around. One does not have to be a lawyer to get around this legislation. It is a little window dressing on the Minister's part so that he can say this practice is banned. The Minister wanted to engage in an exercise in the Parliament and belt some businessman who is making too much money. He is a criminal because he is making a profit. Is that a crime?

Hon. Peter Dowding: It is interesting to hear you support this particular type of operation.

Hon. P. H. WELLS: I did not say I was supporting that operation. The Minister has brought in a piece of useless legislation which will not do what he claims it will do. If he believes what I am saying is incorrect, he has an opportunity to rebut it. All one has to do under this legislation is to take a friend along to the pawnbroker. What is the use of legislation if that is the result? There may be an argument that the type of person who goes to a pawnbroker does not understand the law and the Government may then say it will not allow pawnbrokers to buy back. If that is the case, let us legislate to that end. This legislation does not control that, as it enables a person going to a pawnbroker to take along a third party. I am suggesting it is useless in that respect.

The Minister says the Act is to be reviewed, but we do not know how far down the line that is. Perhaps because it is a service industry which is of some help to the unemployed, the Parliament should set up a Select Committee to look into it

and write the flopping legislation for the Minister. A number of States have been looking at this matter, and Queensland has already amended its legislation.

Under our system, a pawnbroker can hold an auction after three months and advertise the goods for sale. Under the Queensland legislation, pawnbrokers are required, if they make a profit out of the auction, to put the money in a trust fund.

Under the Queensland legislation, if goods are not claimed within 12 months they become the property of the pawnbroker. With regard to the trust fund situation in South Australia, if the goods are not collected within three years they become the property of the pawnbroker.

Under the 1960 Act all goods with a value of over five shillings must be held for five or six years by the pawnbroker. It is a costly method and the Government may as well introduce the buy-back method.

Hon. Peter Dowding: I cannot understand how it can be cheaper or more secure for anyone to use the buy-back method.

Hon. P. H. WELLS: I remember saying to the Attorney General the other day that sometimes members do not understand what one is saying in this House, and something must be said a number of times.

Several members interjected.

Hon. P. H. WELLS: There is a totally different cost structure under the buy-back system because in the case of a person who has an option of one month to purchase a property, and does not take it up, the property can be sold on the spot. If the Minister decided that that was bad and said that the buy-back system required the property to be held for 30 days—

Hon. Peter Dowding: There are higher interest rates on the buy-back system than on the standard pawn operations.

Hon. P. H. WELLS: I have spoken to many pawnbrokers in Australia and I have been told that the buy-back system incurs exactly the same interest rate as the standard pawn operations; that is, 15 to 25 per cent.

Hon. Peter Dowding: Per month.

Hon. P. H. WELLS: The Minister gave an example of this in his second reading speech. Any pawnbroker in this State charges an interest rate of between 15 and 25 per cent.

Hon. Peter Dowding: Per month.

Hon. P. H. WELLS: Yes, and according to the Minister's letter a number of those pawnbrokers operate under the buy-back system.

Members can go to the main street in Melbourne and find that pawnbrokers are charging between 15 and 20 per cent. They can go to Queensland, New South Wales—

Hon. Peter Dowding: If they charge those rates they must comply with the conditions of the pawnbrokers' ordinance. In those circumstances there are protections for the person pawning his or her goods, protections which do not exist under the buy-back scheme.

Hon. P. H. WELLS: I am trying to explain the difference in cost. Under the 1960 Act, goods over the value of five shillings can be sent to auction. The other system allows the goods to be put in the pawnbrokers' window—

Hon. Peter Dowding: One day after, or not at all.

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order! May I suggest that questions of the Minister are more appropriate during the committee stages. While I have been very tolerant for the sake of the debate, I believe the proper place for questions is during the Committee stage. Would Hon. Peter Wells take cognisance of that?

Hon. P. H. WELLS: I am happy to take cognisance of that, but the Minister interjected and I answered in an endeavour to be helpful.

The provision in the Act pertaining to the five shillings does not apply to modern day circumstances. Articles under the value of \$200 should be allowed to be displayed in the shop. It is proper that, rather than the pawnbroker holding an article for three months, he should be able to display it in the window the next day. Under the buy-back system, the requirement is to allow the person pawning his goods to have 30 days in which to claim them.

The Minister has not tackled the problem in this legislation, and it will not work. I suggest that if the Minister wants to achieve what he stated as his objective in his second reading speech, he should withdraw this legislation and refer it to his legal officer. If that officer is unable to help him I will offer my services. Even though I have limited experience, I could do it myself.

Hon. Sam Piantadosi: Why didn't you do it during your nine years in office?

The DEPUTY PRESIDENT: Order!

Hon. P. H. WELLS: It is debatable whether the buy-back system should operate. However, it is already operating in the Labor State of Victoria. Should there be something wrong with the buy-back system, all that would be required is to amend the Act. I have no argument if the Government wants to amend legislation.

The Minister appears to think that I am at loggerheads with him, but I am concerned about his attack on business. As a legal person, I would have thought he would have defended business.

Hon. Peter Dowding: You will recall what I did.

The DEPUTY PRESIDENT: Order! If the Minister would assist he will not keep interjecting. The Committee stage is the proper place to ask questions. If Hon. Peter Wells wishes to conclude his remarks I suggest that he should address his comments to the Chair.

Hon. P. H. WELLS: If the Minister is honest and wants to do something constructive, he should withdraw the legislation. If he wants to control interest rates on the buy-back system, he should present appropriate legislation to this Parliament.

To look at the matter realistically, pawnbrokers should be deregistered if they do something illegal. A pawnbroker's licence costs \$150, and when making an application for such a licence the pawnbroker must find five people who are prepared to certify that he is suitable for such a licence. A second-hand dealers, licence costs \$50, but there is a difference in the licencing system.

I feel that three or five years is too long a period to wait for this legislation to be amended. From my investigations I believe that this legislation will not be amended for at least six years. If the Minister is to deal with the legislation properly, he should withdraw it and receive advice on how it should be presented to Parliament.

I feel we should have a sunset clause in this legislation to ensure that it comes back to Parliament. If it ceased after 12 months, that would make no difference because the pawnbrokers could do it any case. If the Minister is honest and takes this back to his department, he will take some action. The Act has been in existence since 1860 and the fact that very few charges have been made under it is an indication that it has served the State well. In fact, discussion about the Act has occurred only recently. That speaks well for the pawnbrokers who serve this State. Some people might feel that the pawnbrokers are loan sharks, but many people, such as the sick, unemployed, or those confronting an emergency, have been thankful for their existence. Some small businessmen have desperately needed \$1 000 for one or two weeks to pay wages. They had borrowed to the hilt and pawnbrokers had met their needs for further funds as the businessmen were unable to borrow from other sources. A number of areas should be looked at in this connection.

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

RURAL HOUSING (ASSISTANCE) AMENDMENT BILL

Second Reading

Debate resumed from 15 August.

HON. NEIL OLIVER (West) [10.52 p.m.]: Having examined this Bill, I can find no fault with it. It goes further than the previous legislation. It was mentioned in the second reading speech that the Rural Housing (Assistance) Bill was originally before the House in 1976. It was conceived after the Court Liberal Government was elected in 1974. Sir Desmond O'Neil, in his capacity as Minister for Housing, at that time set up a task force—that is a modern term with which I am not completely satisfied. The task force examined many aspects associated with the problems of servicing home purchases in Western Australia.

I draw to the attention of the House the fact that the Bill did not require an amendment to the Building Societies Act at that time because the Act did not enable societies to lend by way of a second mortgage. Therefore, members of the farming community basically had a first charge on their properties, not only for the existing premises, but also the shearing sheds, equipment, stock, fencing, and other items associated with a farming enterprise. The need arose for a second mortgage facility and this became available by the introduction of this Act and amendment of the current Building Societies Act. There is no doubt that prior to that there were tremendous problems for the rural industry. The people in the rural industry could probably be described as asset-rich and cash-poor. When you, Mr Deputy President (Hon. P. H. Lockyer), move around your electorate and call on constituents in their homes, you will observe that they do not have the same standard of housing to which many city dwellers are accustomed. The same situation applies in my electorate although it is on the fringes of the metropolitan area. I support the Government in bringing forward this legislation.

There is one simple amendment; the descriptive word "new" is to be deleted. The description now becomes all-embracing and covers second-hand transportables and improvements to existing dwellings so that an additional form of advance can be made by the registered mortgagee. It widens the opportunities for rural property owners and gives them some of the benefits enjoyed by residents in the metropolitan area.

I commend the Government for introducing the legislation.

HON. H. W. GAYFER (Central) [10.56 p.m.]: The Minister's speech in respect of this matter was extremely interesting. The figures he presented

summed up the whole intent of this exercise since its introduction in 1976.

A total of 354 farmers and pastoralists have received assistance to purchase transportable homes, to build homes, to add to their existing homes, or to upgrade their existing houses. The manner in which this Bill has been accepted in country areas is a tribute to those who formulated it. It is interesting to note—and I repeat the Minister's figures—that 233 applicants have received a total of \$6.7 million in loan funds. Another 121 farmers have received \$4.3 million from building societies or the Rural and Industries Bank. A further 92 farmers have been given the green light as far as advice is concerned in procuring loans from their own banks and sources.

I rise in order to praise—otherwise it will go for ever from our books—the work of Robert Bruce McKenzie, the ex-General Manager of the State Housing Commission, a man who in my opinion was the founding father of this whole exercise. I have known Robert Bruce McKenzie for almost 25 years and he had one desire; that is, that eventually State housing would cover the whole State. After all, that is what its name implies—“State Housing Commission”. He believed that it should embody the State, but he did not know how it would get into the country areas. This worried him because he knew that he needed some way to get over the liens on land, mortgages, and such-like. He felt that the exercise must be possible in some way so that farmers and those in the backblocks could enjoy a facility that was available to those in the city. Robert Bruce McKenzie's daughter married a farmer and I believe this gave him an insight into what I might term “country living”.

Hon. D. J. Wordsworth: I hope Hon. Tom Knight will put you right on this matter.

Hon. Tom Knight: I will be speaking later.

Hon. H. W. GAYFER: The member should not worry about that. As far as I am concerned, Robert Bruce McKenzie did a very good job in connection with this. His first committee was composed of people like Robin Clayton and others who did so much travelling around to investigate the problems in country areas. As far as I am concerned, they deserve a lot of credit in respect of this matter.

One of the present members of the committee is Mr J. B. Ackland OBE from Wangan Hills who was instrumental in trying to get some of this feedback into the country areas himself so he can be credited with some degree of acclamation. There may be others, but I will certainly give these people credit in respect of this particular Bill

Hon. Neil Oliver: I was on the committee.

Hon. H. W. GAYFER: The honourable member might well have been on the committee, but there are a lot of people who covered this area, and a lot of things are done for the State.

This Bill seeks to improve the assets available under the terms of this particular Act. We can but support it, and I only hope that it will go from strength to strength and eventually this facility will be available to more people. Certainly it could be expected to bring rural housing assistance to everybody in country areas at the present time.

HON. TOM KNIGHT (South) [11.02 p.m.]: As we seem to be putting a lot on record tonight regarding the Rural Housing Authority, I intend to put my views on the matter as it was. Mr Geoff Grewar and I moved for the establishment of this committee in 1973.

Hon. H. W. Gayfer: Don't take all the credit. Give the bureaucrats credit every now and again.

Hon. TOM KNIGHT: In 1973 while Geoff Grewar and I were campaigning through the area we represent, the most common complaint was from new land farmers complaining about conditions in which they were living. We made up our minds, on election, that we would do something about making finance available to people who wanted to live in rural areas, but who were living in the city where housing is taken as an everyday right. Because of lack of finance, and living on conditional purpose properties where mortgages could not be granted. Therefore, at a very early party meeting, after we were elected, a committee was formed by Geoff Grewar and me. Geoff Grewar became the chairman of the initial committee. It is correct at that time that with the backing of the then Minister for Housing (Hon. Des O'Neil) we appointed to that committee Bruce McKenzie, Claude Sackville, and another man as Secretary of the SHC.

Hon. H. W. Gayfer: Denis Whiteley from the R & I Bank?

Hon. TOM KNIGHT: Yes, we held many and varied meetings, and at one stage we met every week during one parliamentary session and the concept of such an authority was deliberated upon.

Ideas were put forward, and even initiatives being taken today were things that we deliberated on. However, it was so important initially to have housing finance made available to rural people, and in particular to young new land farmers who at that time were developing properties, fencing properties, paying for the supply of super phosphate and seed, and living in sheds covered with hessian bags, with iron roofs and no facilities

for bathing. We then decided to do something about it.

The concept was the first in Australia because at that particular stage there was no finance available for rural housing because no-one had worked out a way to take a mortgage out over a farm worth hundreds of thousands of dollars to build a house worth \$20 000 or \$30 000. The concept was conceived by this particular committee.

At the time, the Minister for Housing agreed with the concept. He agreed to introduce a Bill to establish what it set out to do. Bruce McKenzie was given the initial position of chairman after the policy was agreed to. We saw what was happening and what was needed, but rather than endanger the proposal, we agreed it would be needed for people like new-land farmers who did not have an existing home on the property. The authority has since moved into advancing funds to do up old homes and to finance transportables. It then moved into funds for building section homes on properties and for the establishment of sheds and farm buildings.

I congratulate the Government at this stage for fully moving into the concept, because I believe it is of very great importance to the rural community. It was the first move in Australia that made available finance for rural housing. I am extremely proud to have been involved with it from the original concept and I had a lot of input to that committee because I am a legislator and, as members would know, I am a chartered and registered builder. The structure we put together was the mainstay, and I am standing here seeing our efforts over several years coming to fruition. The scheme is now of tremendous importance to the rural community and in particular it gives people the opportunity to build homes on their farms, and for sons, daughters, or workers, on farms to build homes.

I congratulate the Government and I totally support the Bill.

HON. D. J. WORDSWORTH (South) [11.07 p.m.]: I too am pleased to see this small extension to the rural housing legislation although I wondered if it would be applicable in many cases. If there is a single person who wants to move house, and who can use the provisions of the Bill, fair enough. Undoubtedly, over the period the Rural Housing Authority has been in operation, it has played a major part in the standard of rural housing, particularly on conditional purchase land. The conditional purchase in the allocation of land came in for so much criticism in the late 60s in that the Government was encouraging an unacceptable standard of living in those participants in

the scheme. Some were living under the most shocking conditions, as Hon. Tom Knight has said.

It was indeed a great achievement to get the Rural Housing Authority formed and working. Hon. Mick Gayfer said that we must give the bureaucrats some credit. That I am happy to do. The staff running this authority is made up of a secretary, a liaison field officer, a clerk of administration and securities, a field officer, a clerk, and an acting secretary stenographer. Those six people are full-time staff. In one year the authority considered 93 applications; that is, it costs over \$2 000 to examine an application. To me that is an astounding amount of money. When this authority was set up we thought that work could be done part-time by officers in the State Housing Commission. I have looked more closely at the 93 applicants considered and I will refer the House to the Rural Housing Authority annual report of last year which shows that the administration cost \$190 000.

Hon. Neil Oliver: How much were the salaries?

Hon. D. J. WORDSWORTH: It is hard to pick it up. The authority did manage to negotiate 59 loans. Half of these were a matter of getting a building society to accept the loan providing the Government gave the necessary security. I cannot believe that that sort of thing would cost \$3 000 to achieve.

If we consider at the previous Bill debated in this House tonight, when the pawnbroker wanted to make a loan he was not allowed to charge any administration fee, but he was accused of charging fantastically high interest to cover such cost. If State Housing were to charge \$3 000, that would make their loans have a high interest rate too. The applicants would be paying mortgage fees, title search fees, and all the other costs which do not appear on this, as well as legal fees.

I have a fair idea where some of these costs are incurred. I was staggered when I had a complaint from an applicant in Ravensthorpe. The Rural Housing Authority came to his property on a farm inspection to suggest how many acres of barley he should grow. That man was harassed about how he should run his farm, not only by the development bank, but by his ordinary bank, by the stock agents, and by every other person. Then the Rural Housing Authority told him how to run his farm. For the extent of its work this has become quite a mammoth Government department—mammoth is probably too strong a word—overgrown perhaps, but it should certainly be looking at some way to reduce its costs. I am suggesting that the costs associated with this authority are far too high.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [11.12 p.m.]: I move—

That the Bill be read a third time.

HON. TOM KNIGHT (South) [11.13 p.m.]: I am a little disappointed because we had four speakers on this side of the House. I would have thought, with a measure that is so important to the country areas, the Minister would at least have thanked us for our contribution, or added something to the information given. It is a terribly important Bill to rural people. I was surprised the Minister did not stand up to reply.

HON. NEIL OLIVER (West) [11.14 p.m.]: I would like to be associated with those remarks.

The **PRESIDENT**: Order! When speaking on the third reading of a Bill, it is necessary for the member to give reasons that the Bill should or should not be read a third time. I allowed Hon. Tom Knight to make his comments, which were quite out of order. I am not going to allow somebody else to do so. The member is quite at liberty to speak on the Bill, but he knows, because I have said it before, that the only comments he can make on the third reading of the Bill are to give reasons that the Bill should or should not be read a third time.

Question put and passed.

Bill read a third time and passed.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [11.15 p.m.]: I move—

That the House do now adjourn.

Sexual Discrimination: Members of Parliament

HON. P. H. WELLS (North Metropolitan) [11.16 p.m.]: I believe that the House should not adjourn till I raise a matter of discrimination which comes within the precincts of male members of the State Parliament.

I took an interest in an article printed in the local newspaper, an article which was put out by Women's Action for Nuclear Disarmament—WAND. I took some interest in that article, which talked about a ring-in to be conduc-

ted. A constituent of mine, an American submarine operator, questioned it. There seemed to be talk of American sailors visiting Fremantle on R and R leave. I thought there was some conflict in the information, because the Tourism Commission was spending millions of dollars attracting people, and this seemed to be an attack on that area.

In any case, not wanting to form a wrong opinion, I asked the library to get me some information about WAND, only to find the information provided by the librarian was available only to women; it had been disseminated to women members of Parliament. A further inquiry revealed it has been disseminated only to Labor members of the State Parliament and it would not be available to men in the State Parliament.

First of all, in this age when we are talking about discrimination, this highlights a women's organisation which has indicated that it does not provide information to male members of the State Parliament. It seems to me that that smacks of discrimination. I asked for the information out of interest, because I wanted to evaluate the situation. I could have made a decision on the article, but I wanted information about the organisation first. I tried to seek that information through the services provided in this Parliament.

While preparing its sex discrimination Bill the Government should look at this organisation which discriminates in that particular way, because that is as much discrimination as any other. If the organisation wants to discriminate to that degree it must have something to hide, or it must be doing something not in the interests of the State.

HON. KAY HALLAHAN (South-East Metropolitan) [11.20 p.m.]: I would like to follow the previous speaker in saying that I am not aware of any rules imposed by the library in the Parliament building. I certainly had notification of the phone-in as referred to by Hon. Peter Wells. That came, as I understand it, through the mail to my office. I am not aware of any instruction as far as the library is concerned.

Hon. P. H. Wells: I did not say it was the library; the library was told by the organisation.

Hon. KAY HALLAHAN: I was previously a member of that organisation. I think my dues are probably out of date. I joined the organisation last year because it was a group of women with a real concern about nuclear disarmament. It has been putting out very good information and particularly drawing young women together in order to explore how we can move towards nuclear disarmament.

That is a laudable action for that group of women to take, and I make the point that generally they are quite young women.

It seems to me we are misunderstanding the whole question of discrimination. If men run into it, it is a bad thing; if women live with it, it is okay.

Hon. P. H. Wells: Are you saying it is okay?

Hon. KAY HALLAHAN: I am saying that discrimination will continue in our community. The fact that we have federal Legislation on the issue will not redress all the things that happen, nor will the proposed State Bill. For example, organisations which have purely male memberships or purely female memberships will remain that way and they will have the right to exclude mem-

bers of the opposite sex. That is the way discrimination laws work.

Therefore, this attack by Hon. Peter Wells is not really worthy of him. It certainly shows his misunderstanding of the whole concept of discrimination. I am sure, were I to telephone a number of male clubs and ask them to send me information, many would refuse to post it to me. Therefore, I do not see that this case is being put forward seriously for us to consider.

All of us ought to be aware that we have certain privileges and certain disadvantages. I hasten to add that generally it is not the male members of this House who suffer the disadvantages.

Question put and passed.

House adjourned at 11.22 p.m.

QUESTIONS ON NOTICE

HEALTH: INSURANCE

Medicare: Benefits

120. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Health:

- (1) Why is a lower medical benefit paid to Western Australians when compared with residents in other States?
- (2) As this lower benefit disadvantages sick or injured Western Australians by requiring them to pay a higher payment to bridge the gap between the prescribed fee and the scheduled medical payment, why has the Government allowed this double discriminatory taxation to continue?
- (3) If action has been taken to remove this double personal taxation of Western Australians, when and to whom were representations made, and will this decision allow for retrospectivity?

Hon. D. K. DANS replied:

- (1) In all States, Medicare benefit is calculated by reference to schedule fees and is fixed at 85 per cent of the schedule fee, or the schedule fee less \$10, whichever is the greater. A differing schedule fee is set by the Commonwealth for some items, and I have brought this to the notice of the Commonwealth Minister for Health because the fixing of the schedule fees and Medicare benefits is a Commonwealth Government matter.

In States where higher schedule fees have been determined and accordingly higher benefits are payable because benefits are based on 85 per cent of the fee, people are left with a larger gap to meet between the schedule fee and the Medicare benefit; however in all instances the maximum balance to pay is \$10, provided the doctor does not charge in excess of the schedule fee. The difference between the schedule fee and the benefit may be lower when the fee is lower.

- (2) and (3) Answered by (1) above.

122. *Postponed.*

BITTAI LTD

Directors, and Office

123. Hon. NEIL OLIVER, to the Leader of the House representing the Deputy Premier:

With reference to the Government Notes No. 6 of 9 August 1984 page 8—

- (1) Where is the registered office of Bittai Ltd. located?
- (2) If outside of Western Australia, is there a branch office in WA?
- (3) Who are the current directors?
- (4) Is Mr G. B. Symons referred to in the notes heading up the research groups contract?
- (5) If not, what director or staff member is compiling the report?

Hon. D. K. DANS replied:

- (1) to (5) The member will be advised in respect of this matter in writing at the earliest opportunity.

HEALTH: HOSPITALS

Bed Occupancy Rates

124. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

For each quarter in the past 24 months, what was the average bed occupancy rate at

- (a) Armadale-Kelmscott Memorial Hospital;
- (b) Bentley Hospital; and
- (c) Swan Districts Hospital?

Hon. D. K. DANS replied:

- (a) to (c) The daily bed averages at Armadale-Kelmscott, Bentley, and Swan District Hospitals for each quarter in the past 24 months are as follows—

Quarters	Armadale	Bentley	Swan
September 1982	64.4	56.7	88.3
December 1982	63.4	53.6	91.4
March 1983	66.6	57.6	91.9
June 1983	66.1	56.8	91.9
September 1983	64.8	57.3	99.3
December 1983	60.4	54.1	94.7
March 1984	62.6	56.7	94.2
June 1984	60.7	52.8	92.9

ENVIRONMENT: EPA

Professor D. O'Connor

125. Hon. JOHN WILLIAMS, to the Attorney General representing the Minister for the Environment:

- (1) What was the date of appointment of Professor D. O'Connor to the Environmental Protection Authority?

- (2) During the time he has been a member of the EPA, has Professor O'Connor ever declared a direct or indirect pecuniary interest in a matter considered by the EPA, as required under section 26 of the Environmental Protection Act 1971-1980?

- (3) If "Yes" to (2), on how many occasions and in relation to what issues?

Hon. J. M. BERINSON replied:

- (1) 30 January 1981.
- (2) Yes.
- (3) Obtaining this information would require a search of all items of all minutes of EPA meetings back to 1981. From memory Professor O'Connor's "declaration" has generally referred to work being undertaken by or in conjunction with his students. If the member could indicate any particular matter of concern, I will undertake to obtain relevant details.

126. *Postponed.*

MINISTERS OF THE CROWN

Staff

127. Hon. P. G. PENDAL, to the Leader of the House representing the Premier:

- (1) Will he list all ministerial officers and/or advisers or personnel of a similar category appointed by the Government since it took office?
- (2) For which Ministers and/or departments do each of these work?
- (3) What are their functions?
- (4) To whom do they report?
- (5) What is the total salary and/or consultancy fee paid so far by the Government?

Hon. D. K. DANS replied:

- (1) to (5) The member will be advised in respect of this matter in writing in due course.

HEALTH: HOSPITALS

Bed Occupancy Rates

128. Hon. P.H. WELLS, to the Leader of the House representing the Minister for Health:

For each quarter in the past 24 months, what was the average bed occupancy rate at the—

- (a) Sir Charles Gairdner Hospital; and
- (b) Royal Perth Hospital?

Hon. D. K. DANS replied:

(a) and (b) The daily bed averages at Sir Charles Gairdner and Royal Perth Hospitals for each quarter in the past 24 months are—

Quarters	(a) Sir Charles Gairdner	(b) Royal Perth
September 1982	563.0	930.1
December 1982	550.5	833.3
March 1983	561.3	793.4
June 1983	573.6	819.1
September 1983	596.3	860.3
December 1983	574.8	813.5
March 1984	580.1	818.5
June 1984	572.5	825.1

TRANSPORT: SCHOOL BUSES

Private Schools

129. Hon. D. J. WORDSWORTH, to the Minister for Planning representing the Minister for Education:

- (1) If a rural school bus route has a spur of some 8 km presently allowed to pick up a child attending a primary school, is that same provision continued should that child transfer to a private school?
- (2) If not, is the child still allowed to use the school bus when attending a private school?
- (3) If children attending private schools are still allowed to use the school bus system are their numbers included in any calculation as to the total length of the route permitted and payments to contractors?

Hon. PETER DOWDING replied:

- (1) No.
- (2) Yes.
- (3) Included in numbers to determine size of bus required only.

AGRICULTURE

Vermin: Wild Pigs

130. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Agriculture:

- (1) Is the Minister aware of damage being caused by feral pigs in the Collie-West Arthur shires?
- (2) If "Yes", will he outline what steps have been taken to control these pigs?
- (3) If "No" to (1), will he take urgent measures to implement an effective control programme in the abovementioned shires to protect agricultural pursuits from damage by feral pigs?

Hon. D. K. DANS replied:

- (1) Yes.
- (2) Poisoning has been carried out on the fringe of the forest land adjoining a property where damage occurred and on the property itself. Further poisoning and/or trapping will be undertaken on the area if the problem arises again.
Landholders have been advised on trapping techniques.
- (3) Not applicable.

ENVIRONMENT

Whitford Nodes: Purchase

131. Hon. P. H. WELLS, to the Minister for Planning:

- (1) Has the Government completed negotiations for the purchase of the coastal land called—
(a) Whitford nodes—central area; and
(b) Whitford nodes—northern area?
- (2) If not, when will negotiations be completed?
- (3) If so, what price was paid and to whom?

Hon. PETER DOWDING replied:

- (1) (a) No.
(b) Yes.
- (2) As quickly as circumstances will allow.
- (3) I have requested my Cabinet colleague, the Minister for Works, to advise the member by letter of the details about the northern area.

LAND ACT

Exchanges

132. Hon. N. F. MOORE, to the Minister for Planning:

- (1) Does the Minister have a statutory role in the determination of land exchanges under section 8 of the Land Act?
- (2) If so, what is this role?

Hon. PETER DOWDING replied:

- (1) No.
- (2) Answered by (1).

HEALTH: HOSPITALS

Operations

133. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

For each quarter in the past 24 months, what number of surgical operations have been conducted at—

- (a) Sir Charles Gairdner Hospital; and
- (b) Royal Perth Hospital?

Hon. D. K. DANS replied:

- (a) and (b) The numbers of surgical operations for each quarter for the past 24 months for the Sir Charles Gairdner and Royal Perth Hospitals are—

Quarters	(a) Sir Charles Gairdner	(b) Royal Perth
September 1982	1 698	4 904
December 1982	1 590	4 653
March 1983	1 535	4 738
June 1983	1 772	4 817
September 1983	1 834	5 064
December 1983	1 886	4 955
March 1984	1 714	4 774
June 1984	1 769	4 758

LAND

Broome: Exchange

134. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Did the Minister, at any time, support the proposal that Mr Bonser be permitted to exchange his freehold block of land at Lookout Hill, Broome, for an alternative development site in the town?
- (2) What is the Minister's present view on this matter?

Hon. D. K. DANS replied:

- (1) No.
- (2) As far as the Minister for Lands and Surveys is concerned, the matter has been appropriately resolved.

INDUSTRIAL ESTATES

Balcatta and Osborne Park

135. Hon. P. H. WELLS, to the Minister for Planning representing the Minister for Transport:

Further to my question 100 of Thursday, 16 August 1984, will the Minister review the decision made by the Main Roads Department in that a charge be made for signs erected on the Mitchell Freeway to identify the exits to Osborne Parke and Balcatta industrial areas?

Hon. PETER DOWDING replied:

Yes. I have reviewed the decision and as the signs are acceptable and general in their message, the Main Roads Department will meet the full cost.

136. *Postponed.*

HEALTH: HOSPITALS

Operations

137. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

For each quarter in the past 24 months, what were the number of surgical operations at the—

- (a) Armadale-Kelmscott Memorial Hospital;
- (b) Bentley Hospital; and
- (c) Swan Districts Hospital?

Hon. D. K. DANS replied:

- (a) to (c) The numbers of surgical operations for each quarter for past 24 months for the Armadale-Kelmscott, Bentley, and Swan Districts hospitals are—

Quarters	(a) Armadale	(b) Bentley	(c) Swan
September 1982	769	793	1 064
December 1982	702	917	1 170
March 1983	935	949	1 056
June 1983	702	974	1 135
September 1983	693	1 064	1 192
December 1983	644	960	1 089
March 1984	899	874	1 066
June 1984	611	892	951

LAND

Broome: Purchase

138. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Lands and Surveys:

- (1) Did the Minister, at any time, support the proposition that the Government should purchase a freehold block of land owned by Mr Lee Bonser at Lookout Hill in Broome?
- (2) If so—
 - (a) why did the Minister support the purchase; and
 - (b) which Ministers were advised of this support?
- (3) What is the Minister's present view on this matter?

Hon. D. K. DANS replied:

- (1) No.
- (2) (a) and (b) Not applicable.
- (3) See reply to previous question 134.

DANGEROUS GOODS

Regulations: Booklet

139. Hon. P. H. WELLS, to the Minister for Planning representing the Minister for Minerals and Energy:

Further to my question 863 of 4 April 1984 relating to regulations affecting dangerous goods—

- (1) Has the booklet mentioned in the Minister's reply (to be produced by the WA Road Transport Training Committee) been produced?
- (2) If so, how many copies were produced and what distribution has this booklet had?
- (3) Has the Mines Department produced the pamphlets referred to by the Minister concerning particular dangerous goods?
- (4) If so, for which specific dangerous goods has a pamphlet been produced?
- (5) How many were printed in each case?
- (6) To whom were they distributed?
- (7) What other action has the Government taken to disseminate information relating to the dangerous goods legislation?

Hon. PETER DOWDING replied:

- (1) No. Since replying to the member for North Metropolitan Province's original question, however, the Mines Department has undertaken to produce this booklet which is now in its final draft stage of preparation.
- (2) Not applicable.
- (3) Yes.
- (4) The specific pamphlets which have been produced are titled as follows—

liquified petroleum gas cylinders
packaged petroleum fuel
bulk flammable liquids
calcium hypochlorite
ammonium nitrate in bulk
ammonium nitrate in packages
organic peroxides in packages
asbestos in packages
sodium cyanide in packages
arsenic trioxide in packages
transporting pesticides in packages
transporting radioactive mineral sands
transporting radioactive minerals in packages
transporting battery acid— sulphuric acid.

- (5) Between 20 to 150, depending on the anticipated demand.
- (6) To persons expressing an interest in the transport of these particular dangerous goods.
- (7) The Mines Department has forwarded resumes of the requirements of the Dangerous Goods (Road Transport) Regulations to 54 Western Australian transport companies and seven Government departments concerned with the transport of dangerous goods. In addition officers of the Mines Department have addressed seminars and meetings of transport and chemical groups explaining the regulations and answering questions on the transport of dangerous goods.

140 and 141. *Postponed.*

EMPLOYMENT AND TRAINING

Apprentices: Government Contracts

142. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Works:

- (1) Is it correct that the practice of some builders, tendering for public works jobs,

to use apprentices from an apprentice pool run by the Master Builders Association is no longer considered acceptable to meet apprenticeship employment requirements of public work tenders?

- (2) Is the Minister aware that a change of practice by the Public Works Department in not allowing the use of pool apprentices by members of the MBA to meet apprenticeship employment requirements of tendered jobs for the Government could mean the collapse of the apprentice pool training scheme with the MBA and the loss of employment to the apprentices now employed by this scheme?

Hon. D. K. DANS replied:

- (1) No.
- (2) The statement is incorrect in that an amendment to an earlier apprentice employment policy requires that tenderers have in their employ, at the time of tendering, apprentices either directly indentured or on hire from the Master Builders Association apprentice pool.

HEALTH INSURANCE: MEDICARE

Pingelly: Dr Hood

143. Hon. H. W. GAYFER, to the Leader of the House representing the Minister for Health:

- (1) Will the Minister confirm by statement to the House what action is being taken to ensure an availability of a professional, competent and fully legal medical service in Pingelly?
- (2) What offers and termination provisions have been made available to Dr Rex Hood, medical practitioner, to continue his medical practice at Pingelly?

Hon. D. K. DANS replied:

- (1) and (2) Dr Hood has not yet replied to an offer of employment as district medical officer at Pingelly. If Dr Hood wishes to accept this offer a commencement date will be arranged so that there will be no interruption to medical services to the people of the Pingelly district. It is difficult to make alternative arrangements until a firm indication is given by Dr Hood whether he accepts or rejects the offer.

QUESTIONS WITHOUT NOTICE

LAND

Broome: Exchange

37. Hon. N. F. MOORE, to the Minister for Planning:

I refer to the Minister's letter of 8 August 1984 to Mr Bonser in respect of Mr Bonser's request for a land exchange. I ask the Minister: When he conveyed the decision of the Government to Mr Bonser that the request was not acceptable to the Government, did he know that the Aboriginal Lands Trust had expressed support for the land exchange?

Hon. PETER DOWDING replied:

As I understand, the Aboriginal Lands Trust would be interested in acquiring Mr Bonser's block of land, and if Mr Bonser wished to sell to it or to make some arrangement by which he transferred ownership of his block of land to the Aboriginal Lands Trust, it is my understanding—and I do not speak with authority as the Minister—that the Aboriginal Lands Trust wishes to acquire it.

Any efforts that could be made by Hon. Norman Moore to ensure that Mr Bonser is prepared to dispose of his land to that source, or make some other arrangement for it to be transferred to the Aboriginal Lands Trust, I am sure would be welcome.

PAWNBROKERS ACT

Offences

38. Hon. P. H. WELLS, to the Minister for Consumer Affairs:

- (1) How many charges for offences against the Pawnbrokers Act in each of the past five years have been made?
- (2) How many different pawnbrokers have been involved in those offences?

- (3) What was the nature of such offences?
- (4) What fines did they attract?

Hon. PETER DOWDING replied:

- (1) to (4) The member did give me some notice of this question, but I regret I cannot be of much help to him at this stage because the Pawnbrokers Act was only recently transferred to the responsibility of my department, and it does not have that information.

PAWNBROKERS ACT

Offences

39. Hon. P. H. WELLS, to the Minister for Consumer Affairs:

I ask the Minister whether he will arrange for the information to be extracted and provided to me by letter?

Hon. PETER DOWDING replied:

I will certainly inquire whether it is possible to do that.

LAND

Broome: Purchase

40. Hon. N. F. MOORE, to the Minister for Planning:

I did not hear all the Minister's answer to my previous question. Does his answer mean that the Government supports the purchase of Mr Bonser's block of land on behalf of the Aboriginal Lands Trust?

Hon. PETER DOWDING replied:

I cannot answer that question on behalf of the Government, because it is not my political responsibility. I told the member that I understood the Aboriginal Lands Trust was keen to acquire that block of land. That is the understanding which was given to me in my capacity as Minister for Planning. I cannot say whether that represents something more than the wishes of the Aboriginal Lands Trust.