Legislative Council

Wednesday, 4 August 1982

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

QUESTIONS

Questions were taken at this stage.

MONEY LENDERS AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill simplifies the provisions relating to collateral securities for corporate loans and contains more adequate provisions in regard to exemptions granted to corporate bodies.

A company which is borrowing money can agree under section 3A(1) of the Money Lenders Act that the major provisions of the Act—other than the maximum interest rate chargeable—shall not apply to the particular loan nor to any contracts or securities in relation to such loan. This does not, however, prevent other requirements of the Act from applying to any guarantee or collateral security given by a natural person in respect of the same—exempted—loan.

As a person guaranteeing a loan which has been placed outside the Act by agreement would normally be a director of the company, or other person closely associated with it, there appears to be no necessity for the observance of the formalities of the Act in respect of the guarantee.

For general convenience, therefore, and in order to reduce the complexities applying to loans to corporations, it is proposed to eliminate the need for compliance with the Act in the case of the guarantees and collateral securities referred to in such circumstances.

The Act contains a provision to the effect that no money lender can carry on business unless registered as such under the Act. The Act also contains a provision for the Governor to grant by proclamation an exemption from the Act to a body corporate.

In practice, it is usual before considering the granting of an exemption to require the body corporate to give certain undertakings. The usual undertakings required are to the effect that, firstly, the body corporate will lend only to other bodies corporate and in amounts not less than $50 000 and that, secondly, the body corporate will observe the advertising restrictions set out in section 20 of the Act, notwithstanding the exemption.

Under the Bill the Governor will continue to be empowered to grant an exemption to a body corporate, but there will now be express provision for the Governor to impose any conditions considered necessary. Such conditions would be specified in the proclamation granting the exemption.

It is proposed also that a fee shall be payable with any application made for a grant of exemption.

It is further provided that an exemption granted by the Governor may be revoked, if the corporate body contravenes any of the conditions imposed, or for other sufficient reason.

One further minor amendment to section 6 (10) (c) has been included to correct an obvious error in the text of the original Act.

I might add for the benefit of members that the provisions of the Money Lenders Act could be said to warrant a complete review. However, there have been discussions between the States with a view to the introduction of uniform credit laws and their introduction in Western Australia, if Parliament were so minded, could well supersede this Act.

Although such credit legislation has been introduced in some other States, there have been some initial problems with the provisions which do not yet apply in any State. Western Australia is continuing to liaise with officers working in those States.

It is clearly desirable that ultimately there be uniform credit legislation throughout Australia in regard to this important commercial area but, in the meantime, the Money Lenders Act does provide some measure of protection for unwary consumers.

Until such time as a decision can properly be made to introduce more effective provisions, the Government believes it necessary to make amendments to facilitate the working of the Act.

With those remarks I commend the Bill to the House.

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

SUPREME COURT AMENDMENT BILL (No. 2)

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [4.55 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the Supreme Court Act so as to enable the court to award pre-judgment interest in cases in which it is considered warranted.

Pre-judgment interest is interest in respect of a period prior to judgment on a sum of money which a court in legal proceedings orders a defendant to pay to a plaintiff. In effect, it is awarded to compensate the plaintiff for being kept out of money which ought to have been paid to him.

In delivering judgment on a particular case in 1980 the Chief Justice of Western Australia summarised the problems of pre-judgment interest in the following way—

> ... we see many cases ... in which debtors withhold the payment of their debts and force creditors into litigation ... simply because they think it to be good business to do so. In this way they obtain in effect a free of interest unsecured loan and at prevailing interest rates the benefit they derive by doing so is very considerable as is the loss to the unpaid creditor.

Members will appreciate that this practice is both unfair to individual creditors and a factor which contributes to congestion in the courts. I might add that even where money is not deliberately withheld in the manner described by the Chief Justice, protracted litigation combined with prevailing high interest rates also may work an injustice to creditors.

Following the comment referred to, the Law Reform Commission of Western Australia was asked to expedite a report on this subject. That report has been completed and studied by the Government.

The Bill which is now before the House will implement the commission's recommendations by repealing the existing section 32 and 33 of the Supreme Court Act and substituting a new section 32. That section will give the court a wide discretion in awarding pre-judgment interest, but be subject to the exclusions contained in the proposed subsection (2). There will also need to be various rules of court and, so far as the superior courts are concerned, the preparation of such rules will devolve upon the judges of those courts.

In respect of the Local Court the rule-making power rests with the Governor and appropriate recommendations will be made in that regard.

The amendment proposed will give the courts in this State a general power to award pre-judgment interest in cases considered to be appropriate where a debt is recovered, damages are awarded, or judgment is obtained in default. In the case of the Local Court pre-judgment interest will be recoverable only in cases in which the judgment sum exceeds $750.

The proposed section 32 will give a wide discretion to the courts in determining whether pre-judgment interest should be awarded. As the Law Reform Commission pointed out in its report, there are many variable factors to be taken into account, including the rate of interest at the relevant period, possible delay in bringing a claim, evaluation of economic and non-economic loss, whether compensation has been received by the plaintiff from other sources, and so on.

I might add that there is a considerable body of case law in other jurisdictions to guide the courts in exercising their discretion.

When implemented, the proposals contained in this Bill will have application also to the District Court by virtue of section 34 of the Supreme Court Act when read with section 57 of the District Court Act, and in the Local Court by virtue of section 35 of the Local Courts Act. Consequently, those Acts will not need amendment.

I commend the Bill to the House.

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

ADMINISTRATION AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.00 p.m.]: I move—

That the Bill be now read a second time.

Item two of the table contained in section 14 (1) of the Administration Act details the entitlements of a spouse and children of a deceased person who did not leave a will.

Following amendments made to the Administration Act in 1976, where a person dies intestate and is survived by a spouse and children, or remoter issue, the spouse receives the household chattels plus the first $30 000 of the estate, together with interest on this sum at five per cent from the date of death until payment. The spouse is entitled also to one-third of any remainder.

If only one child, or issue of one child, survives, the spouse will receive similar benefits, but instead of one-third will take one-half of the remainder. The child, or remoter issue, takes the rest. The spouse in either case is also given the

right to acquire the matrimonial home at valuation.

Of course, as is well known, there has been a decline in the value of money since the 1976 amendments and it is therefore proposed to increase the amount of this statutory legacy from $30 000 to $50 000.

Item three of the table contained in section 14 (1) of the Administration Act deals with instances where the intestate is survived also by a parent, brother or sister, or child of a deceased brother or sister, but no issue. In such cases it is provided that the spouse will receive the first $45 000 of the estate—plus five per cent interest—together with the household chattels and also one-half of any remainder. The right to acquire the matrimonial home at valuation also applies.

In view of the decline in the value of money since the amendment was made, it is proposed to increase the amount of this statutory legacy from $45 000 to $75 000.

The calculations increasing the statutory legacies from $30 000 to $50 000 and from $45 000 to $75 000 are based on annual increases in the Consumer Price Index as supplied by the Bureau of Statistics.

The remainder of the Bill contains procedural matters relating to the application of the 1976 amendments which came into operation on 1 March 1977, and for the provisions contained in this Bill to come into operation on a day to be fixed by proclamation.

The Bill will provide greater relief for widows where their husbands die without making a will. The statutory amount payable to them in advance of other beneficiaries will be brought up to figures commensurate with the cost-of-living increases.

I commend the Bill to the House.

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

WORKERS' COMPENSATION SUPPLEMENTATION FUND AMENDMENT BILL

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [5.03 p.m.]: I move—

That the Bill be now read a second time.

In 1979, Palmdale Insurance Ltd., an approved insurer for the purposes of the Workers' Compensation Act, failed, with the result that many employers were faced with the prospect of meeting claims by injured workers.

The Government acted in 1980 to remove the threat of financial hardship on these employers by establishing the workers' compensation supplementation fund. A one per cent levy on all approved premiums payable by insurers and self-insurers was imposed to meet the cost of resulting claims.

The effectiveness of this legislation to date is evidenced by the number of claims successfully processed since its inception; however, an anomaly has been identified in the existing legislation which could adversely affect many employers.

The Government's intention, when it introduced the Workers' Compensation Supplementation Fund Act, was to meet all liability under the employer's workers' compensation policy. I would point out that employers' indemnity policies in this State, by agreement between insurers, include coverage not only for liability under the Workers' Compensation and Assistance Act but also in respect of common law claims.

For this reason, the terminology defining the scope of coverage contained in the Act does not reflect the full intent of the Government at the time of its introduction, which was to meet all liability.

As a result of this narrowed definition, many employers who have been helped with regard to liability for workers' compensation are now threatened with financial ruin due to claims under the same employers' indemnity policy for common law liability.

Due to this anomaly, the Government proposes to amend the Act to include liability at common law, a change that will not necessitate a variation in the levy level but will correctly reflect the Government's intention when the legislation was first introduced.

I commend the Bill to the House.

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

BAIL BILL

Second Reading

Debste resumed from 12 May.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.05 p.m.]: In 1976 the Law Reform Commission was asked—as a matter of priority—to review the law and procedure relating to bail. The commission produced a working paper in 1977 and it presented a final report on 13 March 1979.

In view of the fact that this Bail Bill follows the commission's recommendations so closely, it is surprising and disappointing that it has taken

more than three years to bring the measure forward.

The delay in this case illustrates a problem which I have previously discussed in this House; namely, that the Government's follow-up action generally on Law Reform Commission reports is too *ad hoc* and slow.

That is a serious matter but I raise it only in passing at this stage because I would not want any criticism on that score to divert attention from the Opposition's general support for the Bill. It is a good Bill in both concept and detail and, provided that the administrators act in accordance with what would appear to be its spirit, we will achieve a significant measure of law reform.

If I proceed to suggest some amendments to the Bill, this is mainly with a view to making that spirit rather more clear.

This Bill on enactment will have a number of important results.

Firstly, we will have for the first time in this State, one complete and exclusive code on the law of bail. The fact that this involves the consequential amendment of seven other Acts is just one measure of the degree of fragmentation which the Bill will overcome.

Secondly, the principle will be established that bail always must be considered for a person who has been arrested or is before a court at any stage on a criminal charge. This consideration must be given whether or not bail is applied for.

Thirdly, the basic considerations involved in the grant or refusal of bail will be clearly specified.

Fourthly, a defendant who has been denied bail will be entitled to written reasons for that decision.

I suggested earlier that the Opposition perceives a certain spirit underlying this Bill. By this I meant that we see a clear implication in it that the attitude to the granting of bail by our relevant authorities should be rather more relaxed and generous than it often now is. Put another way, we read into the Bill an intention that, if there is to be a presumption of any sort for or against the granting of bail, it ought to be for.

If this is not in fact the intention of the Government, I ask the Attorney to make that clear, because it would throw up one fairly significant difference between us.

In any event, the Opposition supports the recommendation of the Law Reform Commission on this very basic aspect of the subject, and we see the terminology of the Bill as falling short of that.

The DEPUTY PRESIDENT (the Hon. R. J. L. Williams): Order! There is far too much audible conversation, particularly behind the Chair. I would ask honourable members to co-operate. Members and the *Hansard* reporters have difficulty in hearing the speech.

The Hon. J. M. BERINSON: In chapter 3 of its report the commission put its view in this way—

> In most other jurisdictions . . . a defendant is given what is referred to as a statutory right to bail. Recognition of such a right appears to have been based on the presumption of innocence which underlies all criminal proceedings. The legislation giving effect to this right provides that bail shall be granted unless the bail decision maker is satisfied that it should be refused on one or more of several grounds specified in the legislation.
>
> The Commission agrees with the statutory approach taken in these jurisdictions, but it considers that it is undesirable to refer to the result as conferring a statutory right to bail. In the Commission's view, this expression tends to overshadow an equally important opposing right, namely the right of the community to be protected from harm and to see the defendant is duly tried . . . The Commission . . . suggests that a more accurate description of the results of its proposed reform measures would be the creation of a qualified right to bail, or, in other words, a right not to have bail refused on other than specified grounds.

In chapter 4 of its report the commission goes on to say this—

> The Commission recommends that there should be a discretion to refuse bail if a bail-decision-maker considers that, having regard to the conditions that he could impose there remains—
>
> (a) substantial grounds for belief that a defendant, if released on bail, will—
>
> (i) fail to surrender into custody in answer to bail . . .

There follows a list of other considerations to be taken into account at that point.

These recommendations by the commission are to be compared with the wording of part C of the schedule to the Bill, the first clause of which, omitting unnecessary words, is in these terms—

1. The grant of refusal of bail to a defendant . . . shall be at the discretion of the . . . officer in whom jurisdiction is vested, and that discretion shall be exercised having regard to the following questions as well as to any others which he considers relevant—

(a) whether if the defendant is not kept in custody, he may—

(i) fail to appear in court in accordance with his bail undertaking . . .

Again there follows a series of considerations which are substantially identical to the list set out in the commission's report.

The difference between the two sets of wording to which I have referred may well be too fine or subtle to be easily grasped without an actual reading. The crux of the matter is that the Bill provides an open discretion on bail, albeit, a discretion involving specified considerations. As against that the commission proposed a right not to have bail refused unless the authorised officer decides that there are substantial grounds for belief that one of a number of specified consequences will follow.

In effect the commission puts an onus of refusal of bail on the bail decision maker, rather than an onus to establish a right of bail onto the defendant.

The reason that any such onus or presumption should operate in the defendant's favour goes back to the basic presumption of the criminal law that an accused is innocent until proven guilty.

In these circumstances we have to be cautious—and indeed reluctant—to keep unconvicted persons in custody, though it goes without saying that this process must stop short of leaving the community or the process of justice at risk.

Giving due weight to the need for a balance of interests, the Opposition sees the Bill as falling short of its potential in this important respect. We therefore urge an amendment in line with the commission report.

I will add only that such an approach has been followed in England since 1976, Victoria since 1977, New South Wales since 1978 and Queensland since 1980.

Nothing emerging from the experience in these jurisdictions suggests that the same pattern should not be followed here.

Turning to other considerations I refer, firstly, to the provisions of clauses 18 and 19 of the Bill. These provide that, where the maximum punishment for an offence is less than $100 or one month's imprisonment, an authorised police officer may dispense with bail on a deposit of cash, to be fixed by him, at an amount not exceeding $100.

If the defendant fails to appear, the deposit is applied in payment of any monetary penalty imposed for the offence, and the balance is forfeited to the Crown.

The present analagous practice in this State is set out in the commission's report in these terms—

> In Western Australia it is common for a defendant charged with certain offences such as drunkenness and gaming offences, to be released on bail by the police on depositing a cash sum. The amount normally required is $20, which approximates a likely penalty for conviction of the offence. The practice followed in most cases, is that a defendant who fails to appear in answer to his bail forfeits the cash deposited, but no further action is taken in respect of the offence charged. The matter is left in abeyance. In these cases, therefore, the defendant absconds, not with the object of avoiding trial, but because he prefers to have the case dealt with by forfeiting cash deposited, thereby saving himself the trouble and expense of appearing in court, and avoiding the stigma of a conviction being entered against his name.

The commission makes the further comment that there is no specific statutory authority for the current practice, and that some magistrates take the view that it should not in fact be followed.

If I understand correctly the effect of clauses 18 and 19 of the Bill, they open at least five options to the court on the non-appearance of a defendant who has paid a cash deposit.

Firstly, the cash may be forfeited and no further action taken on the charge so that no conviction is recorded. This would have the same effect as the present practice.

Secondly, a conviction may be recorded pursuant to the provisions of the Justices Act in relation to hearings in the absence of a defendant, in which case the cash is again taken, but partly as penalty and partly as forfeiture.

Thirdly, the cash may be forfeited but the case adjourned with a direction by the magistrate that the defendant be informed that he is to appear.

Fourthly, the cash may be forfeited but the case adjourned and a bench warrant issued for the defendant's arrest.

Fifthly, an adjournment may be made with notice to the defendant but without forfeiture of the cash deposit.

I would appreciate the Attorney's comment as to whether this whole range of options is in fact open because I confess that I have some difficulty in reconciling clause 19(2)(b) and clause 19(3) of the Bill.

Omitting unnecessary words, clause 18(2)(b) provides—

> If a defendant fails to appear . . . the court shall . . . whether or not the defendant is convicted of the offence for which the appearance was required, order—
>
> (b) that so much (if any) of the deposit as is not thereby disposed of . . .

That is, by penalty on conviction. To continue—

> . . . be paid to the Crown.

On the other hand clause 19(3) provides—

> If at the time notified to the defendant . . . the proceedings are adjourned . . . whether or not the defendant appears, the court may . . . direct that the amount already deposited be retained as security for any further appearance.

We thus appear to have a mandatory forfeiture in clause 19(2)(b) and a discretionary holding over of the deposit in clause 19(3), both on the failure of a defendant to appear.

While general principles of statutory interpretation might assist to resolve any conflict thus created, it would, I think, be preferable to have the Government's intention made clear.

Leaving aside these more technical considerations it ought to be said that the general approach of clauses 18 and 19 is good and welcome.

On the one hand it should reduce the pressure on the courts of relatively minor offences. On the other hand it will legitimise a practice which exists already and which appears to be working satisfactorily but the legal status of which might be doubtful.

One important question remains; that is, whether the Bill goes far enough in implementing its apparent aim.

The Law Reform Commission, at paragraph 6.21 of its report, suggests, in the alternative, that the procedure—

> . . . could apply to any summary offence, or it could be limited to specific offences such as gaming and drunkenness. I think the Attorney General will be aware of the view of the Law Society that the cash deposit system should apply to the wider area set out by the commission, namely, to all summary offences.

As it is—the Government—without specifying its reasons—appears to have taken a sort of mid-way position. It has not restricted the provisions to gaming and drunkenness at the lower level of the commission's recommendations—these offences carrying a maximum of $25 penalty. On the other hand, it has fallen well short of the alternative proposal that all summary offences might be included.

The Opposition is not dogmatic in this matter but we believe that some further consideration would be in order. I would suggest for example, that an extension of the deposit provision from offences carrying penalties of $100, to say, $250, would certainly be safe and sensible.

If the Government is open to an extension further than that, we would support that as well subject to appropriate safeguards being formulated.

As the provision now stands, however, we are inclined to the Law Society view that clauses 18 and 19, while desirable, are too restricted in their effect because so few offences carry the specified penalty of less than $100 or imprisonment for less than one month.

If the Government is not prepared to go further at this stage, could I at least urge upon the Attorney a modest amendment which would allow the deposit to cover any simple offence punishable by a fine of not more than $100 or imprisonment for not more than one month rather than the present wording which refers to fines of less than $100 and imprisonment for less than one month.

The effect of this small change would be to at least cover those Police Act offences where no special penalty is appointed. I refer in this respect to section 124 of the Police Act.

Clause 33 of the Bill seems motivated by good intentions but calls for some explanation. It provides that an officer may order a defendant into a bail undertaking where the defendant fails or refuses to enter into such an undertaking. More than that, where the order is not complied with, the officer may further order that the bail undertaking shall be deemed to have been entered into by the defendant.

This is a provision, in effect, for compulsory bail and neither the Attorney's second reading speech nor any comment by the Law Reform Commission suggests any reason for it.

A person may not wish to go to bail for various legitimate reasons, and if it is to be forced on him,

there ought at least to be some explanation as to how this might be justified.

I come now to the question of sureties where I would acknowledge that the views of the Opposition have been guided substantially by the recommendations of the Law Society. These go in part to a tightening-up of the proposed requirements.

In particular, we agree that the Bill should specify as an offence the provision of cash by a defendant to a surety to enable the surety to undertake his obligations. We agree also that the withdrawal of a surety from his obligations should be facilitated and that the requirement in clauses 46 and 54 that the surety should have "reasonable grounds" to believe that the defendant is likely to breach his bail undertaking should be removed.

Mr President, the Bill raises a number of other matters which call for comment, but these are probably more appropriate for discussion during the Committee stage.

In general, by way of summary, I would repeat that the Opposition regards this as a good Bill and is happy to support it.

We have no reason to doubt that the Attorney General, when introducing the legislation, was serious in his invitation to interested persons to comment, and also in his assurance that any reasoned comments would receive proper consideration.

The main amendment to this Bill which the Opposition would urge is the replacement of the open discretion on the granting of bail, by the so-called qualified right to bail which is at the heart of the Law Reform Commission report and which, apparently, has the support of the legal profession as well.

I support the motion for the second reading.

THE HON. G. C. MacKINNON (South-West) [5.27 p.m.]: I rise for a very simple reason. Within the last month or six weeks I have listened to two speeches on bail legislation. One was a very erudite exposition by the Hon. Joe Berinson who expressed a point of view which sounded very reasonable to me. The other speech I heard was addressed to the Congress of the United States of America. I say that partly to show that I have just been to America, and partly to show that bail legislation is a matter of some interest in other parts of the world.

I was interested in several points about the Congress. Firstly, two people were to speak on the legislation before the House, and they were the only two members in the House. One or two other members were having a chat at one side of the Chamber, and the President and the Clerks were in attendance. There was no call for a quorum as we would be likely to hear in this Chamber as most of the effective work of the Congress is accomplished by committees. If the debate in the House does not measure up, a committee is established to look into the matter under discussion.

The PRESIDENT: Order! I presume that the member's reference to the fact that a presiding officer was in the House implies that the presiding officer would ensure that the member addressing the Chair spoke to the Bill before it.

The Hon. G. C. MacKINNON: That is right, Sir, and the speaker at the time was debating bail legislation.

I want to deal at a little length with the matter to which he referred. A very accurate record of his speech was made because the *Hansard* reporter stood directly in front of the member on his feet and operated a shorthand machine on a suspended tray. The shorthand machine was carried about by the *Hansard* reporter and it seems to me that this is a good idea in a Chamber where there are so many members.

It was interesting that the burden of the Hon. Joe Berinson's comments was that the interests of the offender should be looked after and protected by not imposing bail on him that would be too severe.

The Hon. J. M. Berinson: You need to be very careful with your terminology; you have now called him an offender when nothing has been established.

The Hon. G. C. MacKINNON: Point taken; perhaps I should have referred to the person accused, or the alleged offender.

Listening to the debate in the United States Congress one would have imagined that in that land, the Legislature of which is so concerned with human rights matters, this would likewise have been the burden of the comments of the gentleman I heard speaking, but strangely enough it was not. The burden of his comments was exactly the reverse.

He quoted several instances, dealing mainly with drug offences, in which alleged offenders had been caught with large amounts of a drug—perhaps morphine, cocaine, or whatever—and the judge hearing the case had rightly imposed a heavy bail condition, in one case in excess of $1 million. The congressman complained that he felt that one or two judges in the past had been too lenient in their application of bail conditions. The alleged offender's lawyer had then approached several other courts—a right

granted in the United States—appealing against the bail conditions until he finally came across a judge or a justice who saw fit to reduce the bail to something like $420 000, whereupon the fellow promptly absconded in the dark of night to points unknown, because he was obviously in the business in a big way.

I was impressed by the fact that in the land of the free the concern was that alleged offenders do not get away, while in this country, which the Hon. Joe Berinson feels is not careful enough with matters concerning human rights, the concern is more that the alleged offender is not treated too harshly.

My query of the Attorney General is that, at the appropriate time, he might tell me whether the burden of the comments of the United States congressman is well catered for under this legislation. I have not had sufficient time to research this matter and obtain an answer for myself and I am banking on the fact that the Attorney General knows the answer offhand.

The gentleman in the US Congress was being awaited patiently by the other member in the Chamber as he wanted to speak on the same line, and the man on his feet spoke for a considerable time. Knowing the US system as I do, I imagine there is a fair amount of agitation building up to have bail laws reconsidered so that the provisions of bail are much more onerous on alleged offenders involved with serious crimes such as drug peddling.

When I heard the debate in the US Congress I tucked it away in the back of my mind with the intention of making inquiries, and it is opportune that the Bill before us has come forward now so that I can ask the Attorney General if he could satisfy me on the point I raised.

Debate adjourned, on motion by the Hon. P. H. Wells.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.34 p.m.]: I move—

> That the House at its rising adjourn until Tuesday, 10 August.

Question put and passed

House adjourned at 5.35 p.m.

QUESTIONS ON NOTICE

EMPLOYMENT AND UNEMPLOYMENT

Labour Force Statistics

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

> What monitoring of labour force statistics is presently being carried out by the Department of Labour and Industry alone, or in conjunction with, the Commonwealth Government?

The Hon. G. E. MASTERS replied:

> The Department of Labour and Industry monitors labour force statistics in Western Australia and Australia as a whole. Some consultation with the Australian Bureau of Statistics takes place.
>
> Every month the department obtains the following statistics from the Australian Bureau of Statistics on the day on which they are released—
>
> (i) Unemployment, Australia, Preliminary Estimates (Catalogue No. 6201);
> (ii) The Labour Force, Australia (Preliminary) (Catalogue No. 6202).

ROAD

Blowholes Road

323. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Transport:

> (1) What is the estimated completion date for the sealing of the Carnarvon-Lake McLeod section of the Blowholes Road?
> (2) What is the estimated total cost of the project?

The Hon. G. E. MASTERS replied:

> (1) The work is being undertaken by a contractor and there has been some delay in finalising the job. Discussions are currently in hand between the Main Roads Department and the contractor. Depending on the outcome of these discussions it is hoped the work will be completed during October.
> (2) Whilst no significant increase is expected to the original estimate of $3.3 million, until the job has been completed and the contract finalised, no more accurate estimate can be given.

HOSPITAL: PRINCESS MARGARET

Parking Facilities

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

(1) Is the Minister aware of the following—

(a) that a mother of a daughter with spina bifida confined to a wheelchair was taken to court by the Subiaco City Council on 23 July to enforce payment of a $7 parking fine;

(b) that the parking infringement occurred as a result of the daughter's appointment at Princess Margaret Hospital taking longer than expected, and was therefore unavoidable;

(c) that there is insufficient parking available for patients and visitors to the hospital;

(d) that there are no special parking provisions made available by the Subiaco City Council for visits to the hospital by disabled persons; and

(e) that other local authorities in this State provide concessions for disabled drivers or those with disabled passengers, including extended time in restricted parking areas and special parking bays for vehicles carrying disabled passengers?

(2) In view of the foregoing, will the Minister—

(a) take action to ensure—

(i) that additional parking facilities are provided by the hospital for patients and visitors generally as soon as possible;

(ii) that special provisions are made available in existing and future hospital parking areas for vehicles carrying disabled persons; and

(b) approach the Subiaco City Council with the request that the council provide parking facilities or concessions for vehicles carrying disabled persons visiting Princess Margaret Hospital similar to those made available by other local authorities and sought by ACROD?

The Hon. R. G. PIKE replied:

(1) (a) to (e) Yes.

(2) (a) This is a matter for the board of the hospital in the first instance. The Minister for Health will request the board to review its current policy to endeavour to make the maximum provisions for patients and visitors;

(b) yes.

ANYSTIS SPECIA

Proliferation

325. The Hon. W. M. PIESSE, to the Minister representing the Minister for Primary Industry:

(1) What investigations and experiments are being conducted for the biological control of red legged earth mite?

(2) Is experimentation and proliferation of the *Anystis specia* still being conducted?

(3) How far afield has the *Anystis specia* mite been spread?

The Hon. G. E. MASTERS replied:

(1) The entomology branch of the Department of Agriculture is in the fourth year of a research programme. It has been supported by the wool research trust fund and is primarily concerned with investigating natural differences in resistance between subclover cultivars and aims to develop techniques which will allow the rapid screening of new subclover lines for resistance.

(2) Yes. The success of new releases is variable. All attempts at establishing *Anystis* in pastures of the south coast to date have been unsuccessful. The mite appears to prefer heavier soil types and does not favour deep sand.

(3) The natural rate of spread from a release site is low. Large numbers of *Anystis* have been released in Moora, New Norcia, Miling, Dandaragan, Beverley, Northam, Pinjarra, Wyalkatchem, Pingelly and Esperance. Successful establishments have occurred at Miling, Beverley and Pinjarra.

HEALTH: PUBLIC HEALTH DEPARTMENT

Occupational Health Division

326. The Hon. D. K. DANS, to the Minister representing the Minister for Health:

(1) What expenditure did the occupational health division of the Public Health Department absorb during 1980-1981?

(2) What were the categories of expenditure?

(3) What was the division's allocation for 1981-1982?

The Hon. R. G. PIKE replied:

(1) $850 650.

(2)

Salaries	$634 596
Occupational health	71 131
Noise abatement	17 633
Clean air	127 290
	$850 650

(3) $945 600.

NATURAL DISASTER: FLOOD

Corrigin

327. The Hon. H. W. GAYFER, to the Minister representing the Minister for Works:

(1) Is he aware that some six months has passed since the Corrigin Shire Council, following Corrigin's severe flooding, was promised by the Premier that a survey and investigation would be carried out by the Department of Works and the Main Roads Department into flood damage mitigation in the Corrigin townsite area?

(2) As district residents are most concerned over the matter, could the Minister have the resultant report expedited and referred to the Corrigin Shire Council?

The Hon. G. E. MASTERS replied:

(1) Yes. The required survey and flood investigation has been carried out by the Public Works Department and a report prepared, but this has not yet been discussed with Westrail and the Main Roads Department.

(2) The delay is regretted but departmental officers responsible have been heavily committed on investigating also the major floods which occurred in the south-west immediately after the Corrigin flood. The report will be released to the shire as soon as it has been discussed with Westrail and the Main Roads Department.

INDUSTRIAL DISPUTE: ROEBOURNE BAKERY

Consignment of Flour

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

What has been the cost to the Government by the use of Government agencies in movement of a consignment of flour to the Roebourne bakery?

The Hon. G. E. MASTERS replied:

It is anticipated that the costs incurred will be met by the consignee. The only actual cost to the Government consisted of minimal time spent in co-ordinating the movement of the consignment of flour to the Roebourne bakery.

COURTS: BAIL

Forfeiture

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

In each of the last three years—

(a) how many applications were made by bail sureties for relief from forfeiture; and

(b) how many such applications were granted?

The Hon. I. G. MEDCALF replied:

(a) and (b) These details are not available without a considerable amount of research.

Applications for relief may comprise waiver of all or part of the sum ordered to be forefeited, or some time to pay arrangement. Each application received is considered on its merits.

BRIDGE

Gwambygine

330. The Hon. H. W. GAYFER, to the Minister representing the Minister for Transport:

(1) Is the Minister aware of the condition of the Gwambygine Bridge in the York Shire?

(2) Is the Minister aware that following complaints from parents of children who use the school bus, the York school bus committee, the local police sergeant, the York District High School principal, and a shire representative, inspected the Gwambygine Bridge?

(3) Is the Minister aware that if the bridge is closed the school bus would have to travel an hour longer each day?

(4) Is it correct that the Main Roads Department has no plans to upgrade the bridge before 1988?

(5) As there is a danger of the bus wheels slipping off the wheel-track boards, could immediate action be taken to at least replace the rotten decking?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) Yes.

(3) It is appreciated that the school bus could have a longer journey in the eventuality of this bridge being closed.

(4) The Main Roads Department has no specific plans for the replacement of this bridge at present because of the apparent limited need and the very high cost involved.

(5) Replacement of the decking would not be practical without the replacement of the whole superstructure. However, discussions will be arranged with the local authority concerning the immediate problem of confining traffic to the running planks.

EMPLOYMENT AND UNEMPLOYMENT

Job Displacement Statistics

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

(1) Is the Department of Labour and Industry or, to his knowledge, any other Government department, presently monitoring the extent of job displacement in any industries within Western Australia?

(2) If so, will he please supply details relating to numbers of workers and industries?

The Hon. G. E. MASTERS replied:

(1) On the assumption that the member means by the term "job displacement", redundancies or retrenchments occurring in industries within Western Australia, the Department of Labour and Industry monitors such redundancies on an industry-by-industry basis as the need arises and as the departments become aware of them. This monitoring is done in consultation with the Commonwealth Department of Employment and Industrial Relations.

(2) Precise details are not available as much of the information is unconfirmed and is provided by companies on a confidential basis. However, I have asked the department to prepare information which is available without breaching the confidentiality of companies' operations. I will pass this information on to the member when it is prepared.

APPRENTICES

Suspension

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

How many trade apprentices are currently under suspension in Western Australia?

The Hon. G. E. MASTERS replied:

Currently 247 apprentices are under suspension in Western Australia. Included in this total are 68 apprentices for whom alternative apprenticeship positions have been located in their trade with new employers.

Formal transfers of these 68 apprenticeship agreements to the new employers are currently being arranged.