# Legislative Council

Wednesday, 28 October 1987

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

## PRISONERS: IMPRISONMENT RATE

*Reduction: Ministerial Statement*

HON J.M. BERINSON (North Central Metropolitan -- Minister for Corrective Services) [2.31 pm] -- by leave: On 20 December 1986, *The West Australian*, under the heading "Prison system under fire", carried a comment on our prisons which described them as degrading and as leaving prisoners open to psychological and physical abuse. On the same day *The Western Mail* had an item of equal length headed "Our jails are too soft". On 13 July 1987 an item appeared in *The West Australian* calling for better care for prisoners; and on the same day, in the same paper, was the headline over another article about prisons: "Group seeks tougher line". The subject matter of the respective items is not relevant for present purposes. I refer to them only as an illustration of the difficulty, confusion, complexity, and potential frustrations of the so-called law and order problem.

One part of that problem, although by no means the most important part, requires a decision as to the place of imprisonment within our punishment system. That itself is far from simple. Indeed, it is typical of the fact that there are no easy answers in the law and order area that the Government should argue at the same time both for more imprisonment and for less. That may appear to involve some inconsistency, but it does not. In fact, it represents a recognition of the need for penalties which are appropriate to particular offences. Thus, both by legislation and by administrative decision to take appeals against inadequate sentences, the Government has made clear its view that the more serious offenders -- especially those involved in sexual assaults, violence generally, threatened violence, and drugs -- should expect and receive heavier prison sentences than have become the norm in recent years. On the other hand, it is equally the Government's view that there are offences at the other end of the scale where imprisonment should generally be avoided by the application of suitable non-custodial measures.

Overall, it is the Government's view that the rate of imprisonment in this State should be reduced. That view is based on principle -- which is most obvious in the case of imprisonment in default of payment of fines -- but also on severely practical considerations.

Excluding the special case of the Northern Territory, for many years Western Australia has had by far the highest rate of imprisonment in the Commonwealth. The rate of imprisonment has run at consistently more than 50 per cent above the national average and about double the rate of some other States. As at April 1987, the rate of prisoners per 100 000 population in each of the States was as follows --

| | |
|---|---|
| Victoria | 46.9 |
| Tasmania | 61.3 |
| South Australia | 61.9 |
| New South Wales | 72.8 |
| Queensland | 86.7 |
| Western Australia | 112.4. |

Within the general statistics, the Aboriginal component has been consistently disproportionate by a factor of at least 10. At 30 June 1987, for example, the Aboriginal imprisonment rate per 100 000 Aborigines in WA was 1 350.

A striking observation in a recent study of recidivism by Broadhurst and others is to the effect that the proportion of prisoners who are Aborigines has doubled in a generation from 16 per cent in 1961 to 34 per cent in the 1980s. As the authors comment --

> It is the high rate of imprisonment and recidivism of Aboriginal prisoners that undoubtedly accounts for most of the differences in the rates of imprisonment between Western Australia and other States. Of the approximately 9 000 Aboriginal males over the age of 16 resident in Western Australia, some 15 per cent (1 212) were

> received in prison in 1983-84 alone. Over the nine years of this recidivist study (1975-84) 2 705 distinct male Aboriginal persons are involved . . . We note that increasing numbers of Aborigines from remoter northern areas are involved, as well as those from long-established goldfields and southern agricultural areas.
>
> Such high rates of incarceration are likely to be sustained in view of the high proportion of young males in the Aboriginal population. Such chronic rates of Aboriginal imprisonment and recidivism require more than simple reformative strategies such as the improvement of legal representation, improved training of control agents, or up-graded prison facilities and programmes, although these may help.
>
> For significant reductions in Aboriginal recidivism, substantial reduction in Aboriginal imprisonment (receivals) is necessary and this requires concerted change to legal structure. Both legislation (in the form of, for example, arcane police powers . . . and mandatory penalties for minor offences) and judicial attitudes to punishment and alternatives to prison, require fundamental change.

The implications flowing from these views are reflected in a number of measures to which I will shortly refer. They apply to Aboriginal and non-Aboriginal prisoners alike. The need is also implied for other measures which do not go directly to sentencing or the prison system at all. For example, given the frequency of motor drivers' licence offences, it is appropriate, as a preventative measure, to publicly provide car driving courses for appropriate groups. Similarly, the provision of housing assistance immediately following release from prison offers one of the few demonstrably effective means of reducing the rate of imprisonment by reduction of the rate of recidivism.

As might be expected, our high rate of imprisonment carries a heavy financial burden. The cost of maintaining prisons increased dramatically in the early 1980s, and although the cost has stabilised in recent years, the system is still very expensive and was running at the rate of $98 per prisoner per day in 1986-87. Costs per day in previous years were as follows --

| | $ |
|---|---|
| 1979-80 | 40 |
| 1980-81 | 53 |
| 1981-82 | 66 |
| 1982-83 | 74 |
| 1983-84 | 85 |
| 1984-85 | 93 |
| 1985-86 | 97 |
| 1986-87 | 98 |

It is important to understand that the costs of the system increase substantially as the relevant security status moves from open security, to minimum, to medium and finally to maximum security. To the extent that the rate of imprisonment can be reduced, most of the effect can be expected to be felt in the lower security status prisons. It follows that any reduction in numbers will not produce a proportionate reduction in daily or total costs.

I turn now to proposed measures to reduce the rate of imprisonment. These involve both legislative and administrative changes and will take up to 12 months to implement. They include the following --

> Amendments to the parole system;
>
> the abolition of drunkenness as an offence;
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> the removal of mandatory imprisonment for various traffic offences;
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> statutory expressions of the principle that imprisonment is the sentencing option of last resort;
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> amended sentencing powers of justices of the peace;
>
> an increase in the maximum fine for offences under the Criminal Code from $50 000 to $250 000;
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> enforcement procedures for fines, and the introduction of a community corrections centre programme for dealing with the non-payment of fines;

a court diversion programme for drug offenders;

a sex offenders' treatment programme; and

driver training programmes.

New parole system: A review of the parole system has been under way for some time, and major amendments to the Offenders Probation and Parole Act will be introduced shortly. The main objective of the amendments will be to reform the parole system as such. Some measures, however, can be expected to affect the rate of imprisonment, especially in respect of sentences at the lower end of the scale. An example of such measures is an added incentive for good behaviour while on parole, by way of partial credit for so-called clean street time. Related issues are complex and full details of the new parole system will need to await the amending Bill.

Abolition of drunkenness as an offence: Legislation will be introduced to decriminalise drunkenness substantially along the lines of division 4 of the Police Administration Act of the Northern Territory. The legislation will be to the following effect --

(1) The offence of being drunk in public -- section 53 of the Police Act -- will be abolished;

(2) The offence of habitual drunkard -- section 65(6) of the Police Act -- will be abolished;

(3) A police officer may without warrant take into custody any person reasonably believed to be under the influence of alcohol or drugs in a public place or trespassing on private property;

(4) An affected person taken into custody may, either before or after receival into a lock-up, be released without bail or recognisance into the care of a person who is capable of taking adequate care of the affected person. The release may be to an individual personally or in the framework of a facility similar to the Darwin Sobering-Up Centre, which is run by the Salvation Army;

(5) The person may be held in custody for six hours, or some lesser period if he is in a fit state to be released earlier;

(6) If, in the opinion of the police officer or other person authorised to have custody of the affected person, that person is not sufficiently recovered to be released after six hours in custody, he should be held until he is in a fit state to be released. A person in custody under these provisions shall not be charged with an offence, photographed, fingerprinted, or questioned in relation to an offence.

Removal of mandatory sentences of imprisonment for various offences under the Road Traffic Act: It is proposed to repeal provisions for mandatory sentences of imprisonment under the Road Traffic Act. These have always been questioned in principle but were supported by both the then Government and Opposition with a view to establishing effective deterrents. Unfortunately, there is no evidence to indicate that they have worked in that way. On the other hand, magistrates and others have brought to attention a number of cases where the provisions have produced harsh and excessive penalties. The amendment of the Road Traffic Act will reinstate the former general discretion of the courts.

Imprisonment as the sentencing option of last resort: The Court of Criminal Appeal has repeatedly declared that imprisonment must be the sentencing option of last resort. It is proposed to give legislative expression to this principle. In respect of Courts of Petty Sessions, a written statement of reasons will be required where the court -- a magistrate or justices of the peace -- exercises its discretion to use the imprisonment option.

Sentencing powers of justices of the peace: The report of the Law Reform Commission on Courts of Petty Sessions recommends that justices of the peace should no longer be able to impose a sentence of imprisonment exceeding one month or a fine of more than $500 on any one occasion. Apart from any remaining mandatory minimum penalties, it is proposed to adopt the commission's recommendation in respect of imprisonment. However, in view of recent and proposed increases in maximum fines, a limit of $1 000 will be established. The imposition of penalties by justices will continue to be limited in practice to cases where a plea of guilty has been entered.

Maximum fine -- Criminal Code: It is proposed that the maximum penalty by way of a fine under the Criminal Code be increased from $50 000 to $250 000. This will increase the availability to the superior courts of adequate non-custodial penalties, especially in the area of white collar crime.

Time to pay fines: In Courts of Petty Sessions a written statement of reasons will be required where the court -- a magistrate or justices of the peace -- imposes a fine and orders that the defendant should have no extension of time to pay. Where there is no such order, reasonable time to pay and payment by instalments will continue to be available by administrative arrangements. It is also proposed to enable fines to be paid by credit card.

Justices Act default rate: It is proposed that the Justices Act default rate be increased from $20 per day to $25 per day and that provision be made to allow future increases by regulation. The rate was last increased from $15 to $20 per day in 1982.

Enforcement procedures for fines: In cases of default in the payment of fines, it is proposed that enforcement procedures by seizure of goods and property should always be available as a matter of administrative discretion. This is to overcome the problem with a small proportion of offenders who, though able to pay a fine -- perhaps with some difficulty -- prefer to serve prison time, especially where a number of such terms can be served concurrently. The new provisions will also prevent the situation where offenders can decline to pay a fine and opt to go to prison on principle. There is no reason such principles should be exercised at the general taxpayers' expense.

Imprisonment in default of fines -- Community Corrections Centre Programme (CCP): As at 30 June 1987, 82 prisoners -- 74 male, eight female, 37 Aboriginal -- were imprisoned in default of payment of fines. Most were imprisoned for short or very short terms. The objection in principle to sending people to prison where courts have determined that imprisonment is not an appropriate sentence is obvious. Regrettably, the solution to that problem is not. Some jurisdictions have provided that, on default of payment of a fine, the convicted person should be returned to court and, where incapacity to pay is established, be subject to some other non-custodial sentence such as a community service order, or CSO. Where the terms of the CSO are not complied with, the alternatives of prison or outright release from the sentence must be faced up to. Other jurisdictions have provided that, on establishing an incapacity to pay, the fine is simply not enforced. That, of course, carries the risk that an impecunious minor offender might well be encouraged to believe that he can repeat his offences with relative impunity.

In the event, the Government has determined to implement a community corrections centre programme, or CCP, to meet both the position of fine defaulters and the requirements of a community-based work release programme. The CCP proposals are adapted from the attendance centre system which has been implemented with success in Victoria, but with significant differences in detail. Initially, it is proposed that community corrections centres should cater for two specific programmes -- namely, programmes to divert fine defaulters from prison, and community-based work release programmes to ultimately release current prison-based programmes. Both programmes are designed to provide appropriate alternatives to imprisonment. In each case the convicted person would be required to devote approximately 14 hours per week to the programme. The 14 hours would consist of two evening sessions of three hours each and a full day of eight hours in the weekend on work which contributes to the welfare of the community generally, or to individual disadvantaged members of the community.

The major difference between the programmes is the offender group for which each is designed. The diversion programme is designed to divert fine default -- normally short-term -- prisoners from prison. The community-based work release programme is to provide intensively supervised resocialisation for longer term prisoners who are near the end of their sentences. This is to assist their orderly and peaceful reintegration into the general community. The diversion of all fine defaulters from prison to community correction centres will be authorised by legislation and will take place automatically; that is, without further reference to the court. Refusal or failure to comply with the centre programme would lead to imprisonment as a last resort.

Following the Victorian pattern of development, it is proposed that the CCP should be phased in and that two such centres should be established in the metropolitan area in the first

instance. One centre will use the premises of the present work release centre in West Perth, which will be decommissioned as a prison. Extension of the CCP to non-metropolitan areas will proceed on the basis of experience and can be expected to take about three years to complete.

Court diversion programme for drug offenders: The Health Department in cooperation with the Department of Corrective Services, Police Department, and Crown Law Department, is developing a court diversion programme for offenders with serious -- non-alcohol -- drug problems. A court will be able to refer selected offenders to a central drug unit which will --

introduce the offender to the drug treatment network;

recruit the offender into appropriate and viable treatment programmes;

assist the court to determine a sentence by providing --

reliable assessment of an offender's background;

assessment of the offender's response to intervention; and

a viable treatment option which may be an alternative to imprisonment or an adjunct to a sentence.

Drug and drug-related offences have had an enormous impact on the increased incidence of crime and imprisonment in recent years. The diversion programme aims to increase the availability of treatment for offenders with hard drug problems, and any significant success in this effort should be directly reflected in a reduction of pressure on all law enforcement agencies.

A drug and alcohol assessment system for prisons: A $61 000 grant from the national campaign against drug abuse to the Department of Corrective Services is being used to develop a system which will screen prisoners for drug and alcohol abuse problems. Initial analysis of the present data supports earlier indications of widespread alcohol abuse among offenders coming to prison. The research will assist in the identification of prisoners with drug and alcohol problems and the further development of treatment programmes which are already in place in a number of prisons.

Sex offenders treatment programme: In June 1987, an intensive trial programme for the treatment of imprisoned sex offenders commenced at Fremantle Prison. Currently, 10 prisoners are participating. The programme is to assist sex offenders to gain control over deviant patterns of behaviour and to develop socially acceptable alternative conduct. For an extended period the offenders will live, work, and undergo treatment in a separate, self-contained section of the prison. Key components of the programme include treatment of sexual deviancy, development of appropriate social skills, attitudinal change, and management of anger and stress. A comprehensive evaluation of the programme will be conducted after the first 12 months of operation.

Driver training programmes: In 1986-87, 1 700 persons were imprisoned for offences related to the use of motor vehicles. Of these, 602 were imprisoned for driving without a driver's licence. This offence is notorious for the number of repeat offenders and, with a view to breaking that cycle, the existing driver programmes at the West Perth work release centre will be substantially expanded. The 1987-88 Budget provides for the initiation of a driver training programme at Albany-Pardalup and for the extension of the West Perth programme to provide instruction at outer metropolitan prisons. The aim of the programme is to increase the number of drivers' licence holders in the population of prisoners released from custody. In addition, grants by the Aboriginal Affairs Planning Authority will provide driver training for Aboriginal offenders or ex-offenders at Roebourne, Broome, Kalgoorlie, and Albany.

I conclude with a comment which may seem too self-evident to require elaboration, but which goes to the heart of the problem. The truth of the matter is that any substantial and long-term reduction in the rate of imprisonment requires a reduction in the incidence of crime. The contribution to that end of amendments to the law, variations in sentencing practice, or alternative penalties to imprisonment is very limited at best. What is required is an attack on root causes, and these are not to be found in the law enforcement system but in such factors as the decline of community standards, the breakdown of family structures, perhaps the effects of long-term unemployment, and certainly the destructive use of drugs. These are the real problems, but also the most difficult to isolate and tackle. As a result, too

much energy goes to the symptoms and too little to preventing the disease. Not least among our aims must be a conscious effort to redress this imbalance.

With a view to encouraging debate by the House on this statement, I move --

> That this statement do lie upon the Table and consideration thereof be made an Order of the Day for the next sitting of the House.

Question put and passed.

## MINISTERIAL STATEMENTS

*Timing*

**THE PRESIDENT** (Hon Clive Griffiths): Before I proceed to business, it occurred to me during the course of that ministerial statement, the longest I have heard in 23 years in this place, that ministerial statements should not be the first item on the agenda, because under Standing Orders Nos 181 and 202 it has become obvious to me that it would be theoretically possible, if the ministerial statement had been twice as long, for no other item on the agenda to be dealt with if one voice chose to deny it.

Therefore I suggest that while I hope future ministerial statements will not be that long, perhaps the Ministers should consider making ministerial statements after the agenda item "Motions" so that they do not interfere with the one-hour limit that is placed on the other items.

## BILLS (2): INTRODUCTION AND FIRST READING

1. Acts Amendment (Imprisonment and Parole) Bill.
2. Child Welfare Amendment Bill (No 2).

Bills introduced, on motion by Hon Kay Hallahan (Minister for Community Services), and read a first time.

## ACTS AMENDMENT (BUILDING SOCIETIES AND CREDIT UNIONS) BILL

*Report*

Report of Committee adopted.

## BUNBURY PORT AUTHORITY AMENDMENT BILL

*Second Reading*

Debate resumed from 14 October.

**HON D.J. WORDSWORTH** (South) [3.06 pm]: This Bill amends the Act which allows the port authority to lease port land to industries which are exclusively connected with shipping. Industries which are not exclusively connected with shipping and do not fulfil sections of the Act's requirements may, under this Bill, be leased land by the Bunbury Port Authority. This will enable the port authority to lease land to Cable Sands so that it may process its product on port land and not necessarily export from the port.

The Bill also allows the authority, with ministerial approval, to lease port land for purposes other than those exclusively connected with shipping for a period of 21 years. That should allow the Bunbury Port Authority, which has a large amount of land, to utilise some of the excess holding. The authority is also enabled to lease the land for more than 21 years and up to 50 years, but that will require ministerial approval. Should a lease exceed three years, notification must be issued and circulated in the *Government Gazette* and the local newspaper. I question whether that is not a matter of calling for applications for the land, but rather a notification. By that time the lease will have been negotiated and it will be very difficult for any other organisation to be able to compete with that chosen by the authority.

The Bill also allows the port authority to lease some of its land for up to 60 days without ministerial approval. I believe that to be acceptable. Undoubtedly, at times, people need to store their products in sheds or on land owned by a port authority. This Bill allows the

Bunbury Port Authority to set up an industrial park adjacent to the port. I have visited Townsville where a similar industrial park has been set up. In that case, its main purpose was the processing of phosphate from the Duchess deposits, and it seemed to work quite well, although I think it ceased to operate after a year or two. Bunbury had a large amount of land adjacent to the port which belonged to the Johnstone family before the Government acquired their farm.

We on this side of the House have little argument with the provisions of the Bill to enable extra land to be used for purposes other than those associated with shipping. The only argument one could put forward concerns whether members of the port authorities have been nominated for that position with the express idea that they are knowledgeable about developing an industrial park. People like waterside workers are nominated for port authorities because they are meant to have a knowledge of shipping and what goes with it; we seem to be suddenly turning them into developers of an industrial park. That does not concern me too much because I do not think the port authority will do much negotiating anyway. I think decisions will get through to it following negotiations by various departments controlled by the Minister for Industry and Technology.

When I visited Townsville there was a very strong promotion of the port, complete with a very expensive brochure of photographs of ways in which land can be leased. It even included a tie, with the Townsville Port Authority crest, for the recipient of the brochure.

It is important to consider whether Bunbury is the only port to need this requirement. There may be need for a Bill which would allow other port authorities also to be allowed to lease surplus land which they hold. Albany comes to mind as being in that category. I expect that when I have dinner with the representatives of the port authority in Albany on Monday night, when the annual conference of all the port authorities in Western Australia is being held, I will receive the views of other authorities as to their need for similar Bills.

We support the legislation.

**HON GRAHAM EDWARDS** (North Metropolitan -- Minister for Sport and Recreation) [3.13 pm]: I thank Hon D.J. Wordsworth for his comments, and the Opposition for its support of this matter.

The honourable member is right when he points out that when the port authority proposes to grant a lease for a period exceeding three years, the notification must have been issued and circularised in the *Government Gazette* and the local newspaper before that could occur. That is not asking for any interest at all, merely notifying people of what is happening. If anyone, at that stage, felt strongly enough about it, they would have the opportunity to pursue the matter with the Minister.

Hon D.J. Wordsworth: The point I was making is that it is a bit late to pursue it at that stage.

Hon GRAHAM EDWARDS: I still feel that notification needs to be given. It seems to me to be a reasonable way of doing that, through the *Government Gazette* and the local newspaper. I would have thought that would be better than just proceeding without giving notification. I am not aware of any moves either for an industrial park or to extend this beyond Bunbury.

With those few comments, I thank the members for their support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc*

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

*Third Reading*

Bill read a third time, on motion by Hon Graham Edwards (Minister for Sport and Recreation), and passed.

## MARKETING OF EGGS AMENDMENT BILL

*Committee of Reasons*

On motion by Hon Graham Edwards, resolved --

> That the following members be appointed to a Committee to draw up reasons for the Council's insisting on amendments made to the Marketing of Eggs Amendment Bill: Hon D.J. Wordsworth (South), Hon H.W. Gayfer (Central), and the mover.

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

*Consideration of Tabled Paper*

Debate resumed from 21 October.

**HON JOHN WILLIAMS** (Metropolitan) [3.18 pm]: It is one of the tragedies of life that one waits in this House for an opportunity to speak on a certain subject and then suddenly one finds that because of one's tardiness, or the need to make further research, or something of that nature, the item to which one wished to speak has been swept from under one's feet. I do not accuse the Minister for Corrective Services of anything, but he made a ministerial statement this afternoon which leads me to believe that my house, my office, or somewhere like that, is bugged, because the very matter I intended to speak upon is that which he spoke upon this afternoon. However, that will not deter me from the mainstay of what I have to say within the debate on the Budget papers.

It is a rare luxury for members of this House -- or any other House -- to watch a television programme for two nights in succession. I saw a television programme recently, which was taped for me. I do not think any member who saw the documentary "Out of Sight, Out of Mind"could have been anything but stirred and touched by some of the happenings portrayed in that programme. It was an expose of the present prison system in Australia. It was disgusting and a condemnation of the way the population of Australia treats certain offenders, although not all. Under our legal system everyone is presumed innocent until proved guilty, and yet people are incarcerated for up to 14 months, and even as long as two years, under the most atrocious conditions without having been sentenced -- they are the prisoners on remand. Every member in this House should reflect on that and think about what we as legislators should do to remedy that situation, which is only one of many. Any decent Christian, Muslim, Buddhist or any person with self-respect should be aghast at the fact that people are kept like animals in a situation in which they have no recourse to what we call justice. They have recourse to law but not to justice.

The Minister for Community Services will remember one of the small triumphs we shared when the Alcohol and Drug Authority became an entity. That took four years of my life and I consider that achievement to be worth more than the 17 years I have been a member in this House. Also on that occasion the iniquitous Inebriates Act was repealed. The Minister for Community Services will remember, during one of her previous vocations, the system that operated in Western Australia. A certain class of people were defined as the warby. These were the people who were found drunk. Under the provisions of the Inebriates Act the magistrates had very little option with regard to sentencing; they could sentence the offenders to an indefinite term of up to 12 months in a place recognised by the courts. In those days that period was usually spent at Karnet. If there was no room at the so-called "rehabilitation" centre, they went down the scale to Fremantle Prison. Offenders released during the winter were usually let out on Friday morning and were back in the prison by Friday evening. It was cold and they had nowhere to go, so they would break the first shop window or kick the shin of the nearest policeman so that they were taken into custody again. They wanted food, warmth, and the comfort, even under those savage circumstances, of prison.

There is a great deal of debate in the community at the moment about the incarceration of people. The Minister for Corrective Services has alluded to but not tackled in his ministerial statement the administration of justice. Up to a point Australia has copied the British system, but it has not done a very good job of it. The structure is in place, with the Supreme Court, Court of Criminal Appeal, District Court, and Courts of Petty Sessions; but in a State such as Western Australia, almost one million square miles in area with a population of 1.4 million, the administration of justice is extremely difficult. It varies very much from region to region. The Minister for Corrective Services this afternoon gave information about the incidence of

imprisonment in this State and referred to it as 112 per cent on the scale. Of course, the majority of those prisoners are Aboriginal people.

Hon D.K. Dans: Do you think we should saw the State in half and become two separate areas?

Hon JOHN WILLIAMS: Hon Des Dans sometimes makes comments which appear to be facetious, but I at least know that this one is not. It is a sensible suggestion, but I think we should divide the State into four.

However, the problem could be remedied judicially. We should not forget that a lot of criticism has been made of the justices of the peace and the savagery of their sentencing. The justices should not be restricted, but this silly little system of clerks of court who do not know the first thing about the Criminal Code or what *Stone's Justices' Manual* is all about is a problem. They are trained as clerks of court. Had Western Australia copied the British system fully, the clerks of court would be qualified solicitors. That is the dictum laid down in Britain.

Hon D.K. Dans: By the same token, some very good magistrates in country areas in this State have been clerks of court.

Hon JOHN WILLIAMS: Yes, but they have upgraded their knowledge and perhaps sought qualifications in law.

Hon D.K. Dans: They have tons of commonsense and local knowledge. I am not arguing with you but speaking in their defence.

Hon JOHN WILLIAMS: If a wharfie, a railwayman, and a teacher are serving on a bench as justices of the peace for a particular area, they will supply all the commonsense that is needed. However, they do not pretend, and neither does anyone else, that they are the last word on the law. Clerks of court should be fully qualified in legal matters; and in a majority of cases in the United Kingdom they have previously practised law. They advise the justices on the maximum and minimum terms, and what they can or cannot do according to law. The justices make their own minds up about commonsense. In the boroughs, towns, and cities of the United Kingdom on Saturday mornings it is common for the mayor of the town to sit as chief justice with two other justices beside him. I am not condemning the system.

Hon D.K. Dans: We have plenty of law but very little justice.

Hon JOHN WILLIAMS: Hon Des Dans also commented that a lot of commonsense was applied. The magistrates can use the commonsense, and in point of fact during difficult cases the justices do not sit and the matter is left to a stipendiary magistrate who sits perhaps twice a week.

I have visited our Local Courts, the District Court, and the Supreme Court on several occasions to see how the system operates. A person is first charged with an offence. The charge could be fairly innocuous and it could involve a hand-up brief and then, in the case of the District Court, the judge asks the accused to stand down while he considers the matter. If the accused has not pleaded guilty it is amazing to hear his antecedents, which give details of his previous crimes. One has to be very careful when making an assessment after considering the previous crimes committed. I would not wish to be a magistrate or any other form of judge when it comes to adjudicating on my fellow citizens. I think the judges do an enormous task in an exemplary manner. However, what does occur is that our prisons suddenly become very full of inmates. The slum that we call Fremantle Gaol was not recorded on that television programme because the Director of Corrections felt, in his wisdom, that it should not be a part of it. I think that was a shame but I respect the director's judgment because of the reasons he gave. However, not one member in this place would not, when walking through that gaol, feel absolutely ashamed that the establishment is still in existence. The Government is taking remedial steps about that so I do not want any hasty interjections from the Government benches about what is to be done. Like parliamentary salaries, there is never a good time to build a prison. It is always one of the last things included in the Budget.

However, in building the new prison at Casuarina I hope and pray fervently that the only parts of Fremantle Prison that are maintained are the gatehouse, for its architecture, and perhaps the chapel as a museum. The rest should be blown to kingdom come. It is one of

the most grotty establishments in the whole of this State. How any person, be he inmate or custodian, can preserve his dignity in surroundings like that, I will never know. Rehabilitation -- what a laugh! It is entirely out of it in surroundings like that, and yet we have people calling for stricter custody of inmates. Here is where the fine line is drawn for an offender who is taken before a court, say, on a murder charge. It is a split second, in some cases, of mental aberration which causes people to commit murder. In that split second they might either murder or calm themselves down and have a row. It is an infinitely split second. Members should consider the murders of the past -- I am not talking about the savage butchery that goes on under the influence of either alcohol or drugs, although I consider alcohol to be a drug as well -- and then they will realise that it is a split second that means the difference between their sitting in this place or being accused of murder. That is not a personal reflection; it is a reflection on the fact that we are human beings who suffer certain stresses and strains.

It is to everybody's credit that the ministerial statement made this afternoon could go a long way -- and I am not allowed to debate it at this stage -- towards solving some of the difficulties we meet in society. On the one hand there are the people who want to hang or execute, or imprison for long terms, while on the other hand there are those in society who say, "Let us be a little bit freer than that. Let us do it another way." Somewhere in the middle there is something which we can, as members of Parliament, apply ourselves to. I have heard and read recently that people convicted of rape should be castrated, either chemically or surgically. That is a fallacy. Let them go ahead and castrate rapists; it will not make a blind bit of difference. A person who is castrated can still commit rape. He still has the ability to have an erection. If he has an erection, he can penetrate, and if he can penetrate against a person's will, that is rape. That is one of the myths we have had to live with in our society -- "Castrate them; that is the cure". That is absolute rubbish; it is not the cure.

I hope the Minister for Corrective Services remembers what we spoke about 10 or 11 years ago -- we have to draw a line in the criminal activities in respect of whether a person is of sound mind or not. Some of the crimes members are acquainted with from the Press and from their own reading might have led them to think, "The person can't be normal to have done that." If they cannot be normal to commit a certain crime, my proposition is that they should not be incarcerated in strict custodial surroundings, in what we call a "prison." We should expand our mental health services -- not as this Government has done, which was to make a mishmash of the mental health services. The Government completely destroyed an extremely good mental health service by putting it all under one umbrella. To me that was a retrograde step. If one goes to the United Kingdom, there are places of confinement there for those who have been found guilty of the most horrendous crimes and who have been found either unfit to plead or insane or something of that nature, which then allows them to be kept in strict custody while at the same time they can receive the best medical attention that we, as a civilisation, can provide.

A lot of people may read what I say this afternoon and accuse me of being "soft." I am not soft. Crime has to be punished, especially if there is a victim. Unfortunately, we punish too many people whose crimes are victimless. We punish the parking ticket offender who does not pay; we punish the person who does not pay maintenance, and that punishment is a custodial sentence. These people are sent, in lieu of paying the money, to a place where they can be kept secure, fed and watered for three months and the debt is then considered to be expunged. However, the person who should receive the benefit of that debt does not receive anything. As a society, we receive absolutely nothing from pushing parking offenders into prison. We get nothing from the person who has been convicted for the third time for speeding or some such other offence which I would describe as "victimless"; but our judiciary is well and truly put in a straitjacket by this Parliament. The judiciary does not have the ability to use what Hon D K Dans described as their "commonsense" and to look at the problem in another way. I think it was only yesterday that the Chairman of the District Court, Judge Heenan, said that because it bothered him about whether he should imprison a person -- as he had doubts on either side and had spent many days working on it without deciding -- and because he was still undecided, that person should not have a custodial sentence.

The Attorney General, who is also the Minister for Corrective Services, is faced with a horrendous money bill for incarcerating all those people and all the attendant services that go

with them. I had knocked out three-quarters of my speech before he delivered his paper this afternoon, but there is no question of forgiveness; I welcome his ministerial statement. As a State we can no longer afford to go on as we are. It costs $98 a day to keep a person in confinement. That is about four times higher than the poverty level for a family in dire straits. That money could be diverted elsewhere to other programmes. I am so serious about the subject that had the Minister for Corrective Services not introduced his paper and had he commissioned me to look into this matter and bring down a report I would have resigned my seat to do so. That is how strongly I feel about it. One just cannot wander through the prisons of Western Australia and not feel ashamed. I do not feel ashamed at Karnet -- it is pretty good, but it is overcrowded. Members may say I should not feel ashamed at Pardelup, of which you, Mr Deputy President (Hon D.J. Wordsworth) have a first-hand knowledge as the representative for that area..

I do not object to these places, but did anybody ever consider the problems of some poor person like a mother and two children living in North Perth whose husband, who has been incarcerated but has been a good bloke, is taken out of the slot at Fremantle and sent down to Pardelup for further rehabilitation? Does anybody ever consider the difficulty that person and her children have in visiting the man? I know you, Mr Deputy President, have put that forward time and again as a reason why regional rehabilitation centres do not work. They do not work because the important thing about putting a person in prison is that he is cut off from his family and any existence he knew.

In one way this speech is superfluous to what the Minister for Corrective Services said in his statement. I will have time to study that, note his remarks, and reply later on and expound and expand on this theme. I think it was Hon Robert Hetherington and I, and perhaps Hon Kay Hallahan was with us, who agreed long before that programme appeared that maximum security was necessary, but did anybody ever see such a sterile coffin as Jika Jika, the maximum security division at Pentridge? It is not working. It destroys the people who are put in there. It destroys them mentally and it destroys the custodians who are keeping them there.

We have made one or two impacts in this area like the bail hostels which are operating very well. I know the Minister for Corrective Services will nod if I am right or shake his head if I am wrong. Remand centres as such worry me. I am not concerned at the conditions of our remand centres, but when one looks at the yards at Boggo Road and Long Bay in Sydney one sees the conditions the inmates live in there and they are virtually prisoners, condemned and sentenced before they have had a hearing in court. We do not do that here, thank the Lord, and thanks to the late Colin Campbell who had the foresight to plan -- it did not matter under which Government -- that remand centres should not be horrendous. A person under our judiciary system is innocent until proved guilty, but the length of time he spends in a remand centre is a great worry. The legal profession and the judiciary should look at themselves in matters like this and complain to us, the people who make the laws, and say it is time that we corrected the situation.

There is no point in my going on because what I had planned to say has been undercut by the ministerial statement. I welcome that statement and I will have much pleasure in speaking to it when that motion comes before the House on the next sitting day.

Debate adjourned to a later stage of the sitting, on motion by Hon P.H. Lockyer.

*(Continued on p 5232)*

*Sitting suspended from 3.47 to 4.00 pm*

## MIDLAND SALEYARD SELECT COMMITTEE: WITNESSES

*Offences: Motion*

Debate resumed from 24 June.

HON J.M. BERINSON (North Central Metropolitan -- Attorney General) [4.01 pm]: Hon Neil Oliver's motion requires consideration in two separate respects. In the first place, it is necessary to look at what his motion actually proposes. It is also necessary to consider the paper prepared by Mr Charles Francis, QC, because of the extent to which Mr Oliver's case relied on its contents.

With due respect to Mr Francis, I refer to his document as a paper rather than a legal opinion, because that is how it reads. Certainly it has more the characteristics of a political statement than an opinion assessing in any detailed way the relevant evidence in the light of the relevant law. How else to account for Mr Francis' concluding observation that --

> The people of Western Australia are entitled to know the truth and not be left (as I assume they are) in a state of bewilderment.

Again --

> If there was no close association between Ellett and Ryan, one cannot but wonder whether Ryan was in reality acting under the direction of some higher authority in making the sale to Ellett. There is, however, no direct evidence before me which would support this conclusion.

Mr Francis, in fact, refers to no evidence at all, direct or indirect, to support any such conclusion, so that this latter comment is simply gratuitous.

As to the more substantive questions which are raised by Mr Francis' comments, I make the following observations. In the first place, the offence of false evidence before Parliament as defined in section 57 of the Criminal Code is quite tightly framed, certainly more so than the offence of perjury in judicial proceedings in section 124 of the code; and section 57 makes it an offence to knowingly give a false answer to any lawful and relevant question. The relevance of the question must be determined by reference to the terms of reference of the committee of the House, and it is necessary to be able to identify a particular question and a false answer to it.

Mr Francis clearly had difficulty at this point. Having referred to the third and fourth terms of reference of this House's Select Committee, he went no further than to assert that a friendship between Ryan and Ellett may have "some relevance" to them. Even that, however, involves Mr Francis in proceeding on a view of the facts which is simply incorrect. Thus he says --

> It seems to counsel that if it is alleged that Robert Ryan, the property manager of W.A.D.C., sold the property to a friend at an inadequate price, the personal association of the two is of some relevance under terms (3) and (4) of the terms of reference.

But if it is alleged that Robert Ryan sold the land, the allegation is wrong. Ryan did not sell the land; the Government did. Ryan recommended a sale price to the WADC, which in turn recommended to the Minister for Agriculture. The Minister, having considered that recommendation with other relevant material, made a recommendation to the Government. The Government then agreed that the property should be sold, and the Minister for Agriculture sold it. The assumption found in even that weak conclusion of "some evidence" is therefore itself in considerable doubt, to put it at its highest.

The Francis paper discusses in some detail what might have been the evidence bearing upon the relationship between Ryan and Ellett. The relevant parts of the evidence, frankly, can be taken in many ways. Even putting the worst construction on them, Mr Francis makes no effort to identify any particular statement by Ryan about the association which was false. Remarkably, given that Mr Oliver's motion calls for an investigation into both Ryan and Ellett for false evidence, the evidence by Ellett to either the Legislative Council or Legislative Assembly committees is not discussed by Mr Francis at all. In a situation where, apparently, Ryan and Ellett were not concealing an association of some sort between them, there needed to be some clear identification by Mr Francis of precise answers which were knowingly false. These are nowhere identified. It is important to remember that, for the purposes of section 57 of the code, falsity must not only be proved beyond a reasonable doubt, but there must be independent corroboration available. There is absolutely no suggestion that any such independent corroborative evidence exists.

All in all, it would appear that the proposal for an investigation is no more than a fishing expedition, and the House should not endorse that. For my part, having been called on personally to take certain action, may I make clear that I have no knowledge of the individuals concerned, or of the abattoirs transactions beyond those on the public record. This material now includes Mr Francis' opinion. Taking all this into account, I simply have no reasonable basis for initiating action of any kind personally.

It only remains in this part of my comments to refer to a rather odd feature of Mr Oliver's motion. The motion is virtually based, as I have said, on the views expressed by Mr Francis. Yet, Mr Oliver is calling for an Attorney General's investigation which Mr Francis specifically advises against. On this point at least, Mr Francis was right, and it is a pity that Mr Oliver has not only ignored his advice, but is encouraging the House to do the same.

This brings me to consider Mr Oliver's motion itself. The motion proposes that I be asked to investigate whether offences under sections 57 or 58 of the Criminal Code have been committed. Section 57 of the code deals with false evidence before Parliament and section 58 with the offence of threatening a witness before Parliament.

The basic position is that I simply do not have the facilities, nor is it my role, to investigate breaches of law. To pass a motion requesting me to investigate these allegations would therefore reflect a basic misunderstanding of my authority and role and of the resources available to me. With due respect, I am bound to say that Hon Neil Oliver's further reference to my acting pursuant to section 15 of the Parliamentary Privileges Act is also misconceived.

Mr Oliver suggests that if I am satisfied that an offence has been committed under the Criminal Code, I should institute action pursuant to section 15 of the Parliamentary Privileges Act. Section 15 of the Act provides as follows --

> It shall be lawful for either House to direct the Attorney General to prosecute before the Supreme Court any such person guilty of any other contempt against the House which is punishable by law.

The very least that is required before the Attorney General can act under section 15 is that a person has been found guilty of some form of contempt against the House. That the Attorney General "is satisfied that an offence has been committed", which is what Mr Oliver's motion sets up as the precondition for my further action, nowhere near meets this requirement. Even if the Attorney General were "satisfied that contempt had been committed", the requirement would still not be met. What the precondition requires is no less than a conclusive judgment that a person is guilty of contempt, and I cannot make that judgment. I am nowhere authorised to declare anyone guilty of anything, and nor should I be.

Mr Oliver's proposed linkage of the Criminal Code and the Parliamentary Privileges Act carries with it the risk of other confusion as well. In the first place, the terms of section 15 of the Parliamentary Privileges Act are themselves quite obscure. Again, section 57 of the Criminal Code, as I have indicated, creates the offence of giving false evidence before Parliament. The penalty is seven years' imprisonment. An almost identical offence is created by section 16 of the Parliamentary Privileges Act, but the penalty there is expressed to be "as though he had been convicted of wilful and corrupt perjury". Presumably, this refers to the offence of perjury in section 125 of the Criminal Code where the penalty is 14 years' imprisonment. Fortunately, none of the intricacies of this historical mess, based as they are on an Act of 1891, needs to be unravelled. The position is quite clear and can and should be resolved by ordinary processes.

Another reason for not taking Hon Neil Oliver's convoluted course is that it threatens to lead us again -- as we were lead by him once before -- into acting as both judge and jury. The House did itself a great disservice when it followed Hon Neil Oliver down that path before, and in my view, once is more than enough.

Mr President, on any rational basis this motion is insupportable. First, it calls on me to make an investigation which I am not equipped to make. Secondly, it seems to call on me to determine that a person is guilty of contempt when I have no authority to do so. Thirdly, it attempts to set up a most complex prosecution structure when the normal processes are perfectly adequate for any conceivable legitimate purpose. Hon Neil Oliver, if I may say so, does himself no credit with the approach he has taken and the House would positively discredit itself if we were again to follow the lead he has offered.

**HON NEIL OLIVER** (West) [4.11 pm]: I do not know whether the reason this matter has suddenly been brought on, at five minutes' notice, was due to the comments I made yesterday. This item has been languishing on the Notice Paper since 24 June. Approximately 20 minutes ago there was obviously a sudden rush of blood to the Attorney

General's head. I do not know whether it was a rush of blood to his conscience which made him bring forward this item for debate and to quote a great series of legal arguments and advice he had sought.

Several members interjected.

Hon NEIL OLIVER: I will start with the last comments made by the Attorney General. He said something along the lines that when this House followed me down that path before, it placed the House in a very difficult situation. I am used to obeying the Standing Orders of this House. When I moved the motion I clearly stated that it was my responsibility to take that action. In fact, I am obliged by the Standing Orders of this House to report such matters to it. If the Attorney General, the chief legal officer in this State, is to suggest that I, as a member of Parliament, did not follow the Standing Orders of this House and that, in fact, I breached them, I refute such a suggestion.

It is the responsibility of the chairman of a Select Committee, if a question is put and that question is not answered, to report the matter to the House. I was advised of that responsibility by the clerk of the committee. I examined my position in that regard and determined that I was required to go before the House and so report. At the time I reported the matter to the House I clearly stated that that was where my position finished and that it was a matter for the House to decide what action it should take. I also drew the attention of the House to the fact that it was in the hands of the House to make a decision. It was decided, by the majority of members in the House, to take the course it did. I do not intend to dwell on my view.

Several members interjected.

Hon John Halden: We have heard it.

Hon NEIL OLIVER: Incidentally, Mr President, I will not listen to the stupid remarks of ill-informed members who did not even examine the facts.

Several members interjected.

Hon NEIL OLIVER: I will disregard the interjections.

The PRESIDENT: Order! The honourable member who is interjecting will come to order when I call order. I do not want any other interjections during the course of this debate.

Hon NEIL OLIVER: The chairing of a Select Committee is not something which one takes lightly. A Select Committee of this House can assume the role of an Honorary Royal Commission. It was the decision of this House to call Mr Ellett to the Bar of the House. I can quote ad infinitum what has happened to other people. I can quote from all the legal documents the Attorney General -- the chief legal officer in this Western Australia who has the responsibility for the administration of the law in this State, irrespective of whether he is a member of the Labor, Liberal, National or whatever party.

In the case Thelander v. Woodward, on 25 and 27 February and 10 July 1981 it was proved that there was a contempt of court. In that instance, the contempt resulted in one year's imprisonment. A most interesting case was that of Keely v. Brooking in Melbourne on 4 and 5 October 1978. The applicant repeatedly professed in evidence that he was unable to remember, either in detail or at all, his evidence in the committal proceedings, and the events to which, inter alia, that related. As a result, he was imprisoned for six months. In the case of Von Doussa v. Owens on 2 and 11 August 1982 it was determined that the witness failed to answer the questions, application was made to the Full Court for an order that the witness be committed for contempt of court or alternatively that a writ of attachment be issued against him for contempt of court.

Hon D.K. Dans: I am glad I do not work for Mr New. He makes you work hard for your handout.

*Withdrawal of Remark*

Hon NEIL OLIVER: Mr President, I draw your attention to the remarks made by Hon D.K. Dans implying that I am in the pay of Mr Rick New. I ask that he withdraw them.

The PRESIDENT: Order! The honourable member has asked for the words Hon D.K. Dans used to be withdrawn. He suggests that Hon D.K. Dans made some comment that Hon Neil

Oliver was in the pay of Mr New. I did not hear the honourable member, but if he made that comment, he knows that he must not, and he should withdraw it.

Hon D.K. DANS: I withdraw the remark. I did not make it in that vein and I will not repeat it. Hon Neil Oliver is very thin-skinned.

*Debate Resumed*

Hon NEIL OLIVER: The result in that particular case was imprisonment. Again, in Gallagher v. Durack, on 9 and 15 February 1983, the case came to the conclusion that if the person convicted of contempt would not personally suffer or be deterred by a fine, that was a matter that must be considered in imposing sentence. I mention in this regard a very interesting and more recent case -- and one that should be fairly well known to members -- which concerned the managing director of the Adelaide newspaper, *The Advertiser*. He was giving evidence before a Royal Commission and was being questioned on matters regarding share dealings in respect of *The Advertiser*, and the matter was widely publicised. The managing director of that newspaper was committed to imprisonment at the pleasure of the Royal Commission and was subsequently released after the expiration of six months.

I now return to what was said by our learned Leader of the Government in this House, who also assumes the role of chief legal officer and Attorney General in this State, and tell him that this motion is in accordance with Standing Orders, and in actual fact this House may not only request but, if necessary, direct the Attorney General to examine evidence and to conduct an investigation. The Standing Orders go further than that: The Attorney General may actually prosecute without reporting back to the House. The Attorney General, acting on a motion from this House directing that he investigate, may prosecute, if he thinks fit, in accordance with our Standing Orders. In this case the Attorney General was requested; and he even takes exception to that remark and is not prepared to accept the Standing Orders which say that he can be directed by this House.

Certain comments have been made in respect of Mr Francis QC. I refer to page 4 of *The West Australian* on 29 June and to what I call once again "Government by Press release". The headline is "Abattoir-sale book a Lib. stunt -- Grill". The Minister, Hon J.F. Grill, is quoted as launching a tirade on the opinions of the Victorian Queen's Counsel, as follows --

> . . . the tabling of a Victorian QC's opinion on the sale and a statutory declaration by a witness giving evidence to the inquiry, as well as Mr Lewis's June 19 speech in which he said the sale had been political. . .
>
> "Then there is the opinion of former Liberal MLA Charles Francis QC. It is dated 20 June and also comes from Melbourne, despite Liberal MLA Neil Oliver saying that the evidence of the two inquiries would be reviewed by a well-known and completely independent QC.

Where did I say that?

Hon D.K. Dans: You said it in the Press.

Hon NEIL OLIVER: I did not say it would be reviewed by a well-known and completely independent Queen's Counsel, but I must admit I was interested to get legal opinion in Western Australia. However, the pressures to which the legal profession would be subjected --

Several Government members interjected.

Hon NEIL OLIVER: -- were such that frankly even a Royal Commission in this State -- which I called for yesterday -- could not be held. It would be necessary to hold a Royal Commission at a national level.

Hon J.M. Berinson: That is a disgraceful reflection on the legal profession.

Several members interjected.

The PRESIDENT: Order! Would honourable members remember that these interjections do not do anything for the decorum of this place. I have said before that if honourable members disagree with what some member is saying, then unfortunately they have to take the proper course in order to refute that; and the proper course is not by way of incessant interjections across the floor.

Hon NEIL OLIVER: In making those remarks, I was referring to the requirement of having a Royal Commission outside Western Australia, and if necessary, the matter could be referred alternatively to the National Crimes Commission.

Hon D.K. Dans: You did not say that when you made those remarks.

Hon NEIL OLIVER: I was making those remarks when I was interrupted.

It would be in the best interests of ensuring that the inquiry is seen to be totally diverse from the Western Australian scene to have total impartiality because so much publicity has been given to this particular shady deal. I challenged the Government yesterday. The Government has also been challenged by a leading article in *The West Australian* to conduct this Royal Commission, which has said that unless there is an independent inquiry into the sale in the form of a Royal Commission, this matter will not rest. The Government is saying that leading article is wrong and there should not be an inquiry. A committee of this House recommended that the matter be referred to an independent judicial inquiry, and nothing has been done.

Several members interjected.

Hon NEIL OLIVER: Referring to Charles Francis QC, it would be inappropriate to force, or in any way expect, a Queen's Counsel in Western Australia to examine this evidence.

Hon J.M. Berinson: Why?

Hon NEIL OLIVER: Frankly, I feel that there would be pressure placed upon that Queen's Counsel.

Hon J.M. Berinson: That is a disgraceful reflection on the legal profession of this State. You really must not repeat that. You have now said it twice.

Hon NEIL OLIVER: There has been an enormous amount of pressure placed on everybody concerned with this issue. Anybody who has disagreed --

Several members interjected.

The PRESIDENT: Order! I have already said that I will not tolerate interjections during this debate. If members persist, they will force me into action which I do not want to take, which may well have some effect on the result of this debate. I suggest honourable members cease their interjections and let the debate come to a conclusion.

Hon NEIL OLIVER: I am not reflecting on the legal profession in Western Australia; I am reflecting on this Government and its advisers. Any independent, non-political person who disagrees with this Government is subjected to a tirade of abuse, slander and every possible thing that can be thrown at him. This is the way the Labor Party works. It even does it to its own people. We have Mr Temby, the chairman of the National Security Commission --

Hon J.M. Berinson: Director.

Hon NEIL OLIVER: What happened to Mr Temby? He was a candidate for the seat of Cottesloe --

Several members interjected.

The PRESIDENT: Order! I am endeavouring to allow this debate to be carried out fairly and in accordance with the rules of this place. I am endeavouring to give the honourable member who is closing the debate the protection from the Chair to which he is entitled. My endeavours require me to insist that other members cease their interjections -- and I am quite capable of doing that -- but in retaining the fairness of the issue, it is unfair for the honourable member in winding up a debate to refer to controversial matters that were not addressed during the course of the debate. In fact, he is raising new issues. There is no opportunity for those who disagree with him to answer, so they have no alternative but to answer by way of interjection. We have never stuck by the very strict rules in closing debates in this place for a number of reasons, but if the honourable member is going to deviate too far from answering the points that were raised during the debate, then I will have to stop him and those who are interjecting.

Hon NEIL OLIVER: Thank you for your advice, Mr President. The point I am making is that well known and completely independent QCs could have been required to provide an opinion. The reason why that was not done, and the reason why the Charles Francis QC

opinion was sought, was the pressures that people are placed under when they disagree with this Government. On this actual Select Committee -- on this actual motion -- any person involved in the matter who has raised his voice, from the smallest butcher to whoever it may be, is subjected to pressure and abuse.

The Attorney General has had the benefit of four or five months to consider this matter, and has stood up in this House and given an address in response to my motion from a fully prepared speech, with the confidence of having legal advice -- no doubt sought. I am given the right of reply for approximately 20 minutes, not having had the opportunity to consult elsewhere, unless I adjourn the debate. Naturally, I would not wish to adjourn the debate. I noticed that the Attorney General read entirely from his reply. I do not have that advantage. I welcome your advice, Sir, and I also welcome the protection which you have been giving to me during these very loud interjections.

The opinion of Charles Francis, QC will stand in any court, clearly based on the transcripts. It appears to me that the Attorney General -- and he did not imply otherwise -- has not examined those transcripts. If he had examined them he would have realised that any legal person, irrespective of whether he is a Queen's Counsel or a practising solicitor, let alone a barrister, would not have come to a different opinion. Having sought other legal opinions on this, from many other sources, I am in a position to judge that what the Attorney General has said is totally incorrect. He, as a legal practitioner, is in a similar position to that of his colleague, Mr Julian Grill, who is very quick to rush into print at any moment. An article in *The West Australian* dated 29 June 1987 said --

> Mr Grill said the opinion -- which called for a new and independent inquiry into the sale and an investigation into evidence by Mr Peter Ellett and Mr Robert Ryan -- was one of the strangest he had read.

More than 10 solicitors and barristers have read this, and they find it difficult to comprehend Mr Grill's views. I have not been able to find one who took Mr Grill's viewpoint, other than the chief legal officer of Western Australia, the Attorney General. I would be interested to know if he can arrange for somebody else to give another independent view. The quote continues --

> Mr Francis' conclusions seemed to be almost wholly based on reports from the Council and the minority report of the Assembly, written by Liberal MPs.
>
> Mr Grill said Mr Francis had concluded that Mr Ellett might have committed a crime, but he had not referred to any relevant evidence.

The only information that was made available to Mr Francis, QC was the transcripts and a brief. The brief was basically the transcripts of the Legislative Assembly and the Legislative Council reports, and they comprised approximately five pages. They are quite clear. The questions were put as to whether Ellett knew Mr Ryan. I do not have the transcript with me but I recall that Mr Ryan said that he knew him as an acquaintance. Hon John Caldwell asked that question of Mr Ryan; I did not ask it. He asked Mr Ryan whether he knew Mr Ellett, and Mr Ryan replied, "Yes; he belongs to a hunt club to which a mutual friend of ours belongs." Mr Ryan also said he had a dealing with Mr Ellett in buying bricks when he owned a saleyard. That might happen to any of us. Any of us might approach Midland Brick for cheap bricks for a recreation hall to be built in our electorate; a member might approach Bristile Ltd for bricks at a cheap price to build something in Armadale for people in his electorate. There is nothing unusual about that. But, again, this was an attack by Mr Grill on a Queen's Counsel. I accept that the Attorney General tempered his remarks, unlike either the journalist who writes Mr Grill's Press releases or Mr Grill himself. The point is that Mr Francis, QC is a very highly respected counsel -- one of Australia's leading counsel.

Hon D.K. Dans: I have never heard of him.

Hon NEIL OLIVER: Unfortunately, a lot of people have never heard of people who have been described as having the highest integrity. Charles Francis, QC does not really need me to defend his character; he can stand on his merits at any time in any place. Mr Francis, QC has been described by a previous Leader of the Opposition in the Victorian Parliament (Mr Wilkes), and by his then deputy (Mr John Cain) -- I do not know whether Mr Dans knows those two men --

Hon D.K. Dans: Very well.

Hon NEIL OLIVER: They described Mr Charles Francis, QC, a former Liberal member for Caulfield in the Victorian Parliament, as a man of the highest integrity in setting an example of the highest order in the Victorian Parliament. Mr Francis has been described as a member of the Liberal Party. He did what a lot of Liberals do whenever a Liberal Government gets involved in a shabby deal -- he votes according to his conscience. Mr Francis has been damned for doing that. Some years back there was a scandal in Victoria -- not of the proportion of this scandal -- involving a member of the Liberal Government, and the Premier decided to support that member. The Opposition at the time, led by Mr Wilkes and his deputy, Mr John Cain, moved a vote of no confidence in the Government. What did Charles Francis do? He refused to vote with the Government. That is something I have never seen members opposite do, although I did see Hon Ron Thompson once vote with his feet so that he could not be counted with the Liberal Government members. He had to leave this Chamber because he refused to vote on the homosexual Bill, a Bill which saw some Liberal members vote with the Opposition and some with the Government. When the bells were rung, Hon Ron Thompson took the decision to vote with his feet, and he was not a member of the Labor Party within under 12 hours. As far as I know only one other Labor Party member has done a similar thing, and that is a former Minister for Police, the late Jerry Dolan, and he was matted because of that.

Any reflection on Charles Francis, QC, as we heard from the chief legal officer of this State when making his final remarks to the effect that Mr Francis is motivated by political bias --

Hon J.M. Berinson: I didn't say that.

Hon NEIL OLIVER: The Attorney General should read the transcript of his final remarks. I understood him to reflect on Charles Francis, QC by saying that he arrived at his decision by taking into account the nature of the issue rather than the facts. But Charles Francis is regarded in other Labor movement circles as a man of the highest integrity.

*Point of Order*

Hon J.M. BERINSON: I take this point of order on the grounds of relevance, and this requires me to stress that at no stage of my comments did I reflect on the integrity of Mr Francis. There is therefore no basis for the comments now being made by Mr Oliver at great length, which have seen him bring in Hon Ron Thompson among others. My only comments on Mr Francis related to the views he had expressed and had nothing at all to do with his personal integrity.

The PRESIDENT: Order! Hon Neil Oliver.

*Debate Resumed*

Hon NEIL OLIVER: The Attorney General might not have reflected on Mr Francis' integrity, but he did reflect on his politics.

Hon J.M. Berinson: I didn't mention his political connections.

The PRESIDENT: Order! The honourable member should proceed and stick to the principles that I suggested covered the answering of a debate. The honourable member is entitled to close the debate, but he should do so without bringing in new matter.

Hon NEIL OLIVER: Thank you, Mr President.

Mr Charles Francis, QC believes there are conclusive grounds for an inquiry of the sort I am seeking based on a reading of the transcript. We are asking for an investigation. That is what this Government has failed to do since 24 June. There is evidence, and the Attorney General, as the chief legal officer, has evidence. If he has not, he should inquire whether there has been any breach of the Evidence Act. I regard it as the duty of the chief legal officer and the Attorney General in this State, who is responsible for administering the law, to take an interest in this matter. He should undertake investigations rather than my having to go down to the East Perth lockup, or somewhere like that, to swear out a complaint. I am using the course available to a member of the House as part of the parliamentary procedures.

Hon Fred McKenzie: They might turn you down.

Hon NEIL OLIVER: After hearing what the Leader of the Government has said, the only redress a member of this Parliament has is not to use the Standing Orders, but to swear out a complaint. This Government is now governing by Press releases.

In regard to Mr Charles Francis, for the benefit of members, he did not stand again as a member of Parliament in Victoria.

Hon D.K. Dans: What has this to do with your reply?

Hon NEIL OLIVER: He is now a prominent member of the National Party. I believe he is on the national executive of that party.

Hon D.K. Dans: One thing -- he has proved he is convertible.

Hon NEIL OLIVER: That is a fact. He is a member of the National Party, but that does not really matter. If the Attorney General would like to read the transcripts, I recommend them to him. They consist of approximately four pages of double spacing which will take him approximately 10 minutes to read. His legal mind should be able to arrive at the same decision as Charles Francis QC, and every other legal practitioner before whom I have placed this material. If the Attorney General has anyone in mind from whom he is likely to get a contrary opinion, I would be pleased to hear from him so that I can be given an alternative point of view.

Question put and a division taken with the following result --

| Ayes (10) | | | |
|---|---|---|---|
| Hon Max Evans | Hon G.E. Masters | Hon W.N. Stretch | Hon Margaret McAleer |
| Hon A.A. Lewis | Hon Neil Oliver | Hon John Williams | *(Teller)* |
| Hon P.H. Lockyer | Hon P.G. Pendal | Hon D.J. Wordsworth | |
| **Noes (10)** | | | |
| Hon J.M. Berinson | Hon D.K. Dans | Hon B.L. Jones | Hon Fred McKenzie |
| Hon J.M. Brown | Hon Graham Edwards | Hon Mark Nevill | *(Teller)* |
| Hon T.G. Butler | Hon Tom Helm | Hon Tom Stephens | |

Pairs

| Ayes | Noes |
|---|---|
| Hon N.F. Moore | Hon Garry Kelly |
| Hon C.J. Bell | Hon Robert Hetherington |
| Hon H.W. Gayfer | Hon Doug Wenn |
| Hon J.N. Caldwell | Hon S.M. Piantadosi |
| Hon Tom McNeil | Hon Kay Hallahan |
| Hon E.J. Charlton | Hon John Halden |

The PRESIDENT: The result of the division is a tie. It will be necessary for me to give a casting vote. However, before I do so, I think it is incumbent on me to make a couple of comments.

The guidelines surrounding the use of a casting vote by a Presiding Officer in our Parliament are closely bound up with the Presiding Officer's tradition itself as being neutral in regard to the issues before the House. These guidelines have been the subject of many studies, and it is universally agreed that two main essentials emerge. Firstly, the Presiding Officer should always vote to enable further debate to occur; and, secondly, where no further discussion is possible, decisions should not be made except by a majority. Therefore, as there is no provision for further debate and a majority does not exist in support of the motion, I am obliged to vote with the Noes.

Question thus negatived.

## OCCUPATIONAL HEALTH, SAFETY AND WELFARE AMENDMENT BILL (No 2)

*Second Reading*

Debate resumed from 22 October.

HON G.E. MASTERS (West -- Leader of the Opposition) [4.58 pm]: In the few minutes before questions without notice I indicate that the Opposition supports the Bill. The Act, as I understand it, requires the Commissioner for Occupational Health, Safety and Welfare to be

also the permanent head of the department. From the second reading speech and the comments made in another place it seems that that task is too much for one person to carry out. This has been exacerbated by the introduction of the new Act and the workload created by that Act and by the changes to that Act over a period of time. As a result the Government has decided to put to the House that the positions should be separated and that there should be a commissioner and a permanent head.

Until recently industry groups particularly were keen -- and possibly also union representatives -- to see the post held by one person; but it has been recognised that there is a heavy workload and that the task cannot be effectively carried out by one person. As a result the views have changed and there is now general support through the Tripartite Advisory Council for the direction in which the Government proposes to go with this Bill; namely that two people should carry out the two separate tasks, obviously working closely together; and that is the objective of this legislation.

[Questions taken.]

Hon G.E. MASTERS: The Opposition does not oppose the Bill before the House. Reference was made in the second reading speech to a review being undertaken in respect of current regulations under the Factories and Shops Act, the Machinery Safety Act, and the Construction Safety and Noise Abatement Acts. I note that in another place a question was asked about the progress made in the drawing up of a code of practice. That would be part of the review being undertaken of the current regulations. Is it possible for the Leader of the House to indicate what progress has been made? More importantly, can the Leader of the House assure the House that before any changes are made to the regulations or the code of practice is drawn up, all sections of the industries concerned will be consulted; that is, employer groups, trade union representatives and any other people likely to be involved?

The Opposition supports the Bill.

**HON J.M. BERINSON** (North Central Metropolitan -- Leader of the House) [5.11 pm]: I am sorry that I cannot provide the honourable member with any details of the progress of the work to which he has referred, but I am happy to refer that question to the Minister and I will ask for Hon Gordon Masters to be advised. On the latter part of his question, I can only say that all of these areas have been pursued on the sort of tripartisan basis that he is supporting, and I will ask the Minister to advise the member on that aspect as well.

Question put and passed.

Bill read a second time.

*In Committee, etc*

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

*Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House) and passed.

## ELECTORAL DISTRIBUTION AMENDMENT BILL

*Second Reading*

Debate resumed from 22 October.

**HON P.G. PENDAL** (South Central Metropolitan) [5.14 pm]: The Opposition supports this Bill, which is to restore Rottnest Island to the face of the electoral map from which it has been taken as a result of a mistake in an electoral reform Bill passed earlier this year. It seems odd that in the face of criticisms from members of the Labor Party for many years to the effect that parliamentarians should not help to draw electoral boundaries, we are in effect now drawing an electoral boundary. I do not know whether it is accurate, but it has been said that Rottnest Island will actually go into the State electoral district of Fremantle as a result of this amending Bill.

Hon J.M. Berinson: Yes. I think that is where it is now.

Hon P.G. PENDAL: Since the Leader of the House has indicated that is what the Bill will do because that is where Rottnest Island is now --

Hon J.M. Berinson: Perhaps I should not say that. It is a matter for the Electoral Commissioners.

Hon P.G. PENDAL: That is precisely the point I am making, but the Leader of the House led with his chin and said --

Hon J.M. Berinson: I said that is where it is now.

Hon P.G. PENDAL: The question I am asking is whether, as a result of this Bill, Rottnest Island starts off in the seat of Fremantle; and if the Leader of the House can say, "No, it does not", then that allays the fears that I have to some extent. If the Leader of the House says, "Yes, it is to be included in the seat of Fremantle", then the point I am making is valid because the Labor Party has said time and time again that the boundaries are not for parliamentarians to draw.

Hon Tom Stephens interjected.

Hon P.G. PENDAL: I have had a second interjection -- this time from the backbench -- to assure me that that is not going to be the case.

Hon Tom Stephens: That is correct, because we also had a briefing on this Bill, and the answer is no.

Hon P.G. PENDAL: Rottnest Island is not going to be part of the seat of Fremantle?

Hon J.M. Berinson: That is not correct either.

Hon P.G. PENDAL: The member said he has had a briefing. Who is right? I am now particularly confused.

Hon Tom Stephens: As a result of this Bill, Rottnest Island will not end up in the seat of Fremantle.

Hon J.M. Berinson: If I can elaborate on the comments of the member, if Rottnest Island does end up in the seat of Fremantle it will not be because of the Bill but because of a decision of the Electoral Commissioners.

Hon P.G. PENDAL: I thank the Leader of the House, but is Hon Tom Stephens happy about that?

Hon Tom Stephens interjected.

Hon P.G. PENDAL: I am more than happy to have Fremantle become part of South Central Metropolitan Province and to put my electorate office there.

Those comments have overcome the major part of what I wanted to raise, but I want to raise a matter which is not unrelated. We were told in the second reading speech that --

> It is appropriate that Rottnest Island should be included in the metropolitan area for electoral purposes.

Why is it any more appropriate to have Rottnest Island in the metropolitan area than in the country area? We are not going to go to the barricades on this or to slash our wrists, but the reason I raise it is that it has been part of the present Government's conventional wisdom for as long as I have been here that it is an artificial thing to draw a boundary between country and city. In fact, that is where all the arguments about one-vote-one-value have come from. However, it is extraordinary that we not only have the situation that I suspected -- and I notice that the Leader of the House's adviser has disappeared from the backbench -- but the Government admits it in its own words --

> It is appropriate that Rottnest Island should be included in the metropolitan area for electoral purposes.

One could similarly argue that given the position of Rottnest Island on the map, it is also within close proximity --

Hon J.M. Berinson: To the Cocos Islands.

Hon P.G. PENDAL: Not quite, but in close proximity to the southern part of the metropolitan boundary, and one could argue quite happily that Rottnest Island should be part of the seat of Rockingham.

Hon D.K. Dans interjected.

Hon P.G. PENDAL: I am not talking about navigation; I am talking about proximity. I am asking why it is that the Government, after years of being convinced that we should not have artificial boundaries between country and city, now says that it is appropriate that Rottnest Island should be included in the metropolitan area for electoral purposes. That is the only remaining question.

We were also told that without that proposed change the residents would have to be enrolled in a non-metropolitan district. I am not sure whether an adequate explanation has been given to us as to why that is or is not a good thing. This is clearly a Bill to do a bit of patchwork on something that was overlooked. When we passed the Bill earlier this year we agreed as a Parliament to use the boundaries set down under the metropolitan region scheme. I imagine -- although I have not checked the point -- that the metropolitan region scheme has never included Rottnest Island. One can turn the argument back the other way in view of another piece of legislation that the Government will shortly bring in which relates to Rottnest Island. I know we are not allowed to talk about it, but it is interesting that there are proposals afoot where the Government will insist that the normal planning procedures applying on the mainland will also apply on Rottnest Island. One wonders whether there has not been a further error made along the way in the scheme of things so that Rottnest is not part of the metropolitan region scheme. If that sounds remote -- to get the metropolitan region scheme from this Bill -- I remind members that the metropolitan region scheme's boundaries were used to set the boundary for the first electoral Bill that came through this year. I think that is something that the Minister for Parliamentary and Electoral Reform should look at.

The Opposition supports the Bill.

HON E.J. CHARLTON (Central) [5.22 pm]: Hon Phillip Pendal has raised some very interesting points. The National Party supports this Bill simply because there is such a place as Rottnest Island and it has to be either in the metropolitan area or in the non-metropolitan area. I cannot see Rottnest being a part of the mining and pastoral region nor can I see it as part of the South West Province.

Hon P.G. Pendal: We should have a Select Committee and whip over there.

Hon E.J. CHARLTON: We could spend a month investigating it. The Liberal Party might get the National Party's support on that one.

Seriously, although the previous speaker was correct in saying that Rottnest Island is not a part of the gazetted metropolitan region, it is for all intents and purposes a metropolitan area. I suppose that is the reason the Government wants to incorporate it in that region. Without prolonging the debate, the National Party supports the Bill. I sometimes wonder on polling day about the number of people who are in all probability residing on Rottnest. Necessary arrangements have to made for them, but that is beside the point.

The National Party supports the Bill.

HON NEIL OLIVER (West) [5.24 pm]: I will be brief in my comments on this Bill. I have spoken with the member for South West Province in respect of this Bill because he has enjoyed the position of having Rottnest Island in his electorate. It must be quite a pleasant electorate to represent and it would be pleasant to go to Rottnest to solicit support. I certainly believe that the member for South West Province would do his duty. The change to the metropolitan region boundary has always confused me since previous changes to the Electoral Act did not actually set this.

Hon E.J. Charlton: It has been set for many years.

Hon NEIL OLIVER: I will not ask how many years it has been set. I would ask, however, how it actually set the boundary. If one were to bring in to this Chamber a map of the land that is subject to the metropolitan region scheme, which now includes Rottnest, one would find over 70 per cent of that area is not urban and is in no way city urban-type development.

Hon J.M. Berinson: But it is metropolitan.

Hon NEIL OLIVER: Over 70 per cent of the land contained in the metropolitan region scheme is not urban residential development land nor does it in any way fit into the category of residential development. Frankly I would like members to examine a map of the metropolitan region scheme because they would get quite a surprise to see how much land is actually used for rural pursuits.

Hon E.J. Charlton: That has nothing to do with it.

Several members interjected.

Hon NEIL OLIVER: I will come back to the point I wanted to make. I am surprised; I did not intend to touch on anybody's nerves. I thought members would be only too pleased to hear that I would speak only briefly on this matter but with all these interjections, it is hard to continue. I suggest members look at what is contained in the metropolitan region scheme. I know many members who will be elected on those boundaries and they will have a lot of headaches in getting rural land re-zoned and special rural land or rural land subdivided. I wish them well.

HON J.M. BERINSON (North Central Metropolitan -- Leader of the House) [5.28 pm]: By the combined efforts of Hon Tom Stephens and myself I believe that the first question asked by Hon Phillip Pendal has already been adequately answered. As to Hon Phillip Pendal's second question -- which was: Why is it more appropriate that Rottnest should go into the metropolitan area? -- I think there are two reasons. The first is that is where it has always been, and the second is that it is closer to metropolitan electorates, however drawn, than it would be to non-metropolitan electorates. The honourable member referred to Rockingham. On my reading of the map, Rockingham itself will be in the metropolitan area; so I think that on both those grounds the question --

Hon Tom Stephens: There is an argument that it would be much closer for a country member to be able to catch a plane from the airport to Rottnest and get there faster than it would be for a metropolitan member.

Hon J.M. BERINSON: Yes, that is an argument.

Hon E.J. Charlton: It is a significant contribution.

Hon J.M. BERINSON: That is the second helpful contribution that Hon Tom Stephens has made and it reminds me of the old motto they used to have in Singapore which was, "Two is enough."

Hon P.G. Pendal: We'll drink to that.

Hon J.M. BERINSON: Hon Neil Oliver raised some interesting points, but with due respect they are not matters which go to this Bill. The question as to the use of the metropolitan boundary and where that lies is really a matter which was determined by the earlier decision of the Parliament, and I do not think that I can usefully respond on that score.

I thank members for their general indications of support and I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*In Committee*

The Deputy Chairman of Committees (Hon Mark Nevill) in the Chair; Hon J.M. Berinson (Leader of the House) in charge of the Bill.

**Clause 1: Short title --**

Hon NEIL OLIVER: I put a question to the Leader of the House which I have asked before in relation to previous legislation. I have asked it consistently and never received an answer. How are the boundaries of the metropolitan regional scheme decided?

Hon J.M. BERINSON: My understanding is that for purposes of the electoral system the boundary is set by the present boundary, so the question of adjustments of that boundary for purposes of metropolitan planning, for example, is not relevant for electoral purposes.

Hon NEIL OLIVER: If there is a requirement for a change due to expansion, in what way is that boundary varied?

Hon J.M. BERINSON: Am I right in understanding that this question goes to considerations of expanding the area for electoral purposes and not for purposes of metropolitan planning?

Hon Neil Oliver: I understood we had taken that boundary for electoral purposes. If the boundary changes, does the Electoral Act move with that boundary change, or does it stay the same?

Hon J.M. BERINSON: As I understand the position the boundary for purposes of the electoral system can only be amended by an amendment to the Electoral Act.

**Clause put and passed.**

**Clauses 2 and 3 put and passed.**

**Title put and passed.**

*Report*

Bill reported, without amendment, and the report adopted.

*Third Reading*

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and passed.

## APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

*Consideration of Tabled Paper*

Debate resumed from an earlier stage of the sitting.

HON P.H. LOCKYER (Lower North) [5.34 pm]: I am glad Hon Tom Stephens has just returned to the Chamber because I wanted to say a few words. I was not going to speak in this debate because I have had enough on my mind in the last four or five weeks having been attending to a by-election in the bush.

Hon Tom Stephens: Where you nearly lost.

Hon P.H. LOCKYER: Last night by way of interjection Hon Tom Stephens said he would not like me to run his campaign because there was a seven per cent swing.

Hon Tom Stephens: No, I want you to run all your future campaigns. It was a shocking campaign.

Hon P.H. LOCKYER: I can assure Hon Tom Stephens that if I were his campaign manager I would organise the swing to be a lot bigger than that, and he would not be sitting here now.

I want to give some history of the by-election in Gascoyne. I will be addressing my comments to the Chair and ignoring the comments which will come from the honourable member on the other side. It is no secret that six weeks ago, because of the sudden departure of the member for Gascoyne, Mr Laurance, some flurry occurred in both parties to endorse candidates for a very quick five-week campaign.

Hon Tom Stephens interjected.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! I am not going to have a shouting match.

Hon P.H. LOCKYER: I suggest to the honourable member through you, Mr Deputy President, that he sit and listen because I have no doubt he will have his say in due course. He will hear this even if it kills him.

I was appointed at my request as the campaign manager for our candidate, Mr Maslen, who was sworn in at 4.30 this afternoon. He will be a very fine member, do not worry about that. It is no secret that we in the Liberal Party were very worried about the history of the Gascoyne seat because never in the history of that seat when a member has stood down has a member of his own party regained it. My committee said to me they were worried about that because history is inclined to repeat itself. I told my committee I had a secret weapon, and lo and behold, the next day Hon Tom Stephens got off the aeroplane. I said, "There he is; there is my weapon."

Hon Tom Stephens: It was 7.1 per cent. You have to be joking!

Hon P.H. LOCKYER: He was accompanied by several of his offsiders, some of whom were very good people. One was a young lady who I understand is on Mrs Hallahan's staff and went up there on her holidays. She was a very charming young lady whose manners were impeccable. One of the fellows was a little bloke called Mark, of English extraction, whose second name I never got to find out, but I would describe him as being the runt of the litter.

Hon Tom Stephens: He described you as a fat pig.

Hon P.H. LOCKYER: He did indeed on radio, but he did not have the guts to say it to my face otherwise he would have been walking round with a broken nose.

Hon J.M. Berinson: Neither would I.

Hon P.H. LOCKYER: Then it started. The first of the entourage started to come north, and it was Hon Tom Helm who was very welcome. He is a friend of mine. They sent him down to a function at Shark Bay and he was well received. I enjoyed having a drink with him. He was under the conscription of the member for North Province, his offsider in the seat, who was the campaign manager.

Hon Tom Stephens: Get it right! I was not.

Hon P.H. LOCKYER: Silence for a moment. This is the organisation. We had a good night and I am sure Mr Helm will agree by way of interjection. He said to me about 9.30 pm, "I have been organised by Mr Stephens to stay in Shark Bay tonight." So off they went to stay the night at Denham. They got there at 11.00 pm and the bed had been organised for 6.00 pm. It was not his fault, I might add. It was a bed for two and there were four of them. So the charming young lady and the runt of the litter had to camp in a car because there were no beds for them. It is unbelievable. That is the organisation. Mr Helm got a bed all right, and the people he stayed with said he was an absolute gentleman and they enjoyed his company. I understand they even came from the same part of England.

Hon Tom Helm: Scotland!

Hon P.H. LOCKYER: Scotland was it? It is all the same thing, is it not? They all eat kippers. So the little bloke and the poor young lady had to camp in the car for the night, and they had a bit of a problem. The campaign manager, Hon Tom Stephens, the secret weapon --

Hon Tom Stephens: Get it right! I was not the campaign manager.

*Point of Order*

Hon TOM STEPHENS: I am being misrepresented by the member opposite as the campaign manager for the seat of Gascoyne. While I would like to claim the credit for a 7.1 per cent swing all by myself, I was not the campaign manager.

The PRESIDENT: Order! That is not a point of order. If the honourable member would stop his interjections so I can hear what Hon P.H. Lockyer is saying I would be in a position to know whether he actually said it or not.

*Debate Resumed*

Hon P.H. LOCKYER: Obviously he has taken the title away from himself, and I fear he has done so of late. He was a prime mover in the campaign operation. He then decided that the best way to inject something into this campaign was to invite some Ministers to come up. So like a private air force, up they came -- absolutely no expense spared. The first bloke to arrive was Mr Bridge, the Minister for Water Resources and Minister for Aboriginal Affairs, who did a first-class job. He is a man of integrity who, while he appreciated there was a campaign going on, did not mind doing some good work while he was there.

I enjoyed his company. He attended to some difficult issues and made a gentleman's agreement that he would not make one particular subject a campaign issue. However, on the advice of the member for North Province, that was broken within a week, and not by the Minister. Next to come were Mr Taylor and Mr Parker in a Citation jet.

Hon Neil Oliver: What?

Hon P.H. LOCKYER: Sir Charles Court would have had a haemorrhage if we used a single-engine plane. These blokes spared absolutely no expense whatsoever. With all these Ministers coming to the electorate, not one of them made any comment of any substance. However, they carted the candidate around for which I do not knock them, because that is the name of the game. That is what one does when one is in Government; those are the spoils of office. However, they could have been a bit decent and flown in a proper aircraft.

The next bloke to come up was Gavan Troy, who is a good bloke. Once again, he said nothing of substance but wandered around the Carnarvon boat harbour. I made an announcement on his behalf which he appreciated. He rang me up and said he did not know

where I had got it from, but the only thing wrong was that I had spoken to 12 fishermen and 11 of them were Liberal supporters.

Then came an entourage for the big launch of the campaign. There were four Ministers, four backbenchers, a candidate, 41 party members and two dogs. Somebody advised them to hold this launch down at the oval. It was a bitterly cold, miserable night and they decided to hold a barbecue. They had enough meat left to feed the patients at the hospital for seven days. However, no-one can say that the people in the town did not benefit. The agent for Avis Australia needed a case of lemons to wipe the smile off his face. I have never seen an army of cars like it. Everybody had a hire car; no-one doubled up.

Hon Mark Nevill: I paid for mine.

Hon P.H. LOCKYER: I will get to the member in a moment. Let me deal with these matters in sequence.

They all had cars, and the runt of the litter had his own. He was the fastest driver, so he had a red one because they go faster. They then decided to get the Premier up there. He came up with Mrs Beggs, the Minister for Tourism, in a propjet. They had started to get the message by then. The Premier does not like flying; he would not care if he walked everywhere. To him all aircraft are the same -- they are mortal enemies. But the Premier is no dill because he knows that one way to get a crowd is to offer free booze and food. All of the Liberals battling in private enterprise went to his function to hear him tell them nothing. Among the one-liners he told them they should have one Labor and two Liberal members which confused everybody.

The Premier decided the next morning that he would take the circus off to Shark Bay. Once again, they were not fools under his stewardship. They knew there were 190 electors there and they invited all 190 of them to come to morning tea. They were all offered free tucker, regardless of whether it breached the Electoral Act.

They then went to Exmouth. As you are well aware, Mr President, I am no angel. I decided, as the Premier was having a public meeting there that night and I could not be in attendance, to encourage some of my supporters to ask him a few questions. I faxed the questions up there, but unfortunately, the young lady who received the questions at the other end presented them to one of the Premier's mates on a gold platter -- not the runt, but a gentleman with a moustache who was a nice bloke. He was no dill, because he wrote the seven or eight questions down. They were good questions because they reminded the Labor Party members present that they had supported the homosexual legislation and the ID card, and a few other suspect pieces of legislation.

Hon Tom Stephens: You supported the homosexual legislation.

Hon P.H. LOCKYER: I did not.

The Premier did a good job on me. I give him his due because he is good at that. I would have done it to him and I commend him for doing it to me. That was when the secret weapon got the Premier aside and told him that the Labor Party was going to win the by-election. Still the Ministers came. Up came Mr Grill, Mr Carr, Mrs Hallahan and Mr Taylor, who were, by this time, downgraded to a propjet. They decided to do something different. They decided that, because they had had difficulties manipulating the Aborigines to vote for them, they would put a polling booth out at the Aboriginal settlement.

Hon Tom Stephens: Nonsense!

Hon P.H. LOCKYER: Yes they did. The Electoral Commission agreed to put one in Mungala Village.

Hon Mark Nevill: Why shouldn't they?

Hon P.H. LOCKYER: I did not say they should not. The only thing was that Mr Stephens and a few of his mates found to their horror that there were some Liberal supporters among the Aborigines. That absolutely astounded them. They went out there and shook things at the Aborigines and told them it was unbelievable that they could vote for the Liberal Party. The Aborigines told them that the candidate's mother and father looked after them and they wanted to have their say. The Labor Party members fell flat on their face at Mungala Village and they were worried that we might start to object. Unbelievably, there was another polling

booth only two kilometres away and 10 or 12 kilometres away there are 160 plantations. A polling booth could have been put at the research station. However, they did not think of the planters because they were terrified that the planters may not vote for them. They put one at Granny Glascoe's kindergarten which is about a kilometre and a half away from the main polling booth in Carnarvon to "shut Lockyer and his mates up". It did, too, I might tell the House.

They then took John Read up. He is a good bloke. He doorknocked and did everything right.

Hon Tom Stephens: He was the campaign manager.

Hon P.H. LOCKYER: Was he? I thought Hon Tom Stephens was. They must have sacked him. So by this time, the secret weapon was the deputy campaign manager. The first thing Tom Stephens did when he arrived was to offend the newsagent. The member parked his car right outside the newsagency. You know, Mr President, being a man with some knowledge of this area, that in a small country town with limited parking, shop owners do not like these sorts of people parking outside their shops. The shop owner went to Tom Stephens and asked him to park around the back and Tom Stephens told him to go and stand on his head. I was pleased. Down he came to my shop and, for the first time in his life -- I did not know what his politics were -- he had Liberal Party banners and how-to-vote cards all over his shop.

Still the Ministers came. Up came Mrs Hallahan and Hon Graham Edwards who arrived for a sports event. I commend him; he did a first-class job. He gave a non-political speech and then gave $500 to the local sports and recreation club.

Hon Graham Edwards: Don't give away all of my secrets.

Hon P.H. LOCKYER: That was at my request.

Hon Graham Edwards: It was at your request and the club deserved it.

Hon P.H. LOCKYER: It did. Mr Hill also arrived.

The point of my speech is what occurred on Saturday. The radio station allowed the Liberal Party time on one Saturday and gave the Labor Party the equivalent time the following Saturday. I chaired the first event and the second was chaired by Hon Tom Stephens.

Hon Tom Stephens: Not by plan, I might add.

Hon P.H. LOCKYER: I know that; anyway, the member did it. On the Monday morning Gerry Gannon, who is a delightful bloke -- the member has had him here for lunch -- sent a message to his mate, Mr Tom Stephens. He said he had listened to his show on the Saturday morning and his message to Hon Tom Stephens was, "Don't give up your day job, Tom."

More help was required, so the Government went for the big guns and called on Mr Campbell, the Federal member for Kalgoorlie. I was walking in the street and, lo and behold, I saw Mr Dans. I said to him, "Are you going door knocking?" He went white and said, "I am going to visit a few old mates of mine." I happened to be in the bar talking to the barmaid when Mr Paggi, the president of the local ALP branch -- I hope he never gives the job away -- and Mr Leahy described Mr Dans as a "useless, lazy bugger". I had to come to Mr Dans' assistance because, in my view, he was so sick that he should have been in intensive care and had visits only from his immediate family.

During the final week the last of the conscripted members, Mr Taylor and Mr Grill, came up and yet there was not one announcement. By now the public were getting a bit jittery about the cost of air fares, aided and abetted by yours truly. I thought it was my public duty to let them know of the $100 000 or so that had been frittered away. On the Thursday or Friday Mr Burke decided to get Exmouth on side. Not one stroke of maintenance has been done on Homeswest houses there for over 10 years.

A Government member interjected.

Hon P.H. LOCKYER: We have plenty of correspondence to support this. The Government decided that one way of fixing the maintenance up was to sell the houses for $30 000 to $35 000. That solved the maintenance problem straight away, and drove the real estate market in Exmouth through the floor. To the people who had paid $60 000 for a house two

months previously, the comment from the candidate was, "You are not disadvantaged, people who get theirs for $30 000 or $35 000 are advantaged."

Hon Tom Stephens: Would you like us to withdraw the offer?

Hon P.H. LOCKYER: Every offer that was made will be pushed through. In the meantime that doyen of muckraking, Peter Walsh, sent his man all the way from Canberra, first class, at public expense, to dig up a bit of dirt on Wilson Tuckey. This guy was involved in that campaign. We know that he was in the Government's campaign office.

The candidate then did a talkback on the Wednesday before the election, and he did a good job. He was described to me as 100 per cent better without a secret weapon. That fellow is not a bad bloke. On Friday the 9th, the day before the election, there was pure panic in the ALP camp because they suddenly discovered that the Aborigines were going to stick to their guns, and a lot of them were going to vote Liberal. The Government called on Ernie Bridge. He flew up on the same plane as I did. By this time the charter flights had been put aside. Being the decent fellow that he is, when Ernie came up he did a good job, put his point of view, and did not pull any dirty tricks because he is too nice a guy. He went back on Saturday.

I have never seen anything like this Government mob on election day. They were like dogs without bosses. That is the only way I can describe them. They were milling around the polling booths and did not know where they were.

Several members interjected.

Hon P.H. LOCKYER: I am not talking about the swing. That is history. On Friday the Government summoned up Mark Neville, a good friend of mine. I do not know what he did on Friday night, but I know that on Saturday his party sent him to Gascoyne. In the Federal election the vote at Gascoyne Junction was 35 Liberals to nil, in this election it was 35 to seven. Either he has taken seven with him, or there has been an increase in the poll and he has been very persuasive.

To get back to the serious side of things, there are two things that happened up there which I dislike intensely. The manipulation of Aboriginal people on polling day has always been a worry to me, and I noted what they did on this occasion. I happened to be watching the Cox Plate from the pub, and I spotted a mate of mine, Patchy Counsellor, driving a brand new hire car. I grabbed Patchy as he was slipping into the pub and said, "What are you doing Patchy?" He said, "Mr Stephens has given me this car and an electoral roll to go and get some more people to vote, because we are running out of them." That behaviour might not be contrary to the Electoral Act, but in my view it is questionable. I do not like it.

Government members interjected.

Hon P.H. LOCKYER: Government members hired the car and got him to go and do it. To deliver intoxicated Aborigines to the door of the polling booth in the hope that they will vote for one, is disgraceful.

Two other things happened. On counting night, 23 minutes after the count, Mr Stephens tossed in the towel. It was not his fault that the count was incorrect, and he could have waited another 10 or 12 minutes to ensure that Mr Maslen would be the member. The local radio station up there, called 6LN, is managed by a guy called John May. To the point of being a pain in the backside he is absolutely unequivocal in his balance to both sides in the election. He let us have two Press releases each time there was a local news bulletin, and he gave us equal time on a talkback on two or three occasions. I can assure this House that everybody agreed that he was fair. In fact, some people thought that Mr May was slightly biased towards the ALP. That was not entirely his fault, because sometimes more material went in from the ALP.

On the Monday morning Mr Stephens rang Mr May and threatened him with legal action. He said that the ALP had been watching Mr May since his Albany days, he had always been a strong Liberal -- which is absolute news to me -- and that the whole radio station was biased against the ALP in the election. The ALP candidate, Kevin Leahy, to his great credit, apologised to Mr May. I believe Hon Tom Stephens should do the same. His action was disgraceful. The ALP had more than its fair share of coverage, and its credibility is seriously damaged by its refusal to apologise to Mr May.

It has been an interesting six weeks up there. I have nothing against Mr Stephens. His behaviour, apart from that, was impeccable. I enjoyed a beer with him on the Sunday when he was affable and polite. He was a good customer in my wife's shop.

Those are the two points for concern: (a) The manipulation of the Aborigines and (b) the failure of Hon Stephens to apologise for making a blue, probably in the heat of the moment.

Hon Tom Stephens: I was generally disappointed in the radio station.

Hon P.H. LOCKYER: Hon Stephens was wrong, and the ALP candidate obviously thought he was wrong too because he apologised.

By-elections are a very tough time. However, the manipulation of Aborigines across the State is bad, and I have never seen it as bad as I saw it this time. The time will come when Aborigines will not support the ALP.

We have made some mistakes in the past which we are now rectifying. For that reason I support the Bill.

Debate adjourned, on motion by Hon John Halden.

## ADJOURNMENT OF THE HOUSE: ORDINARY

**HON J.M. BERINSON** (North Central Metropolitan -- Leader of the House) [5.58 pm]: I move --

That the House do now adjourn.

*Gascoyne By-election*

**HON TOM STEPHENS** (North) [5.59 pm]: There are a number of facts that we need to get right. Firstly, the swing in Gascoyne of 7.1 per cent was a record swing towards a Government in a by-election. It is remarkable that the manager of the Opposition's campaign has the gall to stand up and show his face here again, let alone throw discredit upon those people associated with the ALP's campaign. It was a marvellous result. It was a result of which our candidate is especially pleased. I am personally disappointed that we did not win the seat -- 120 more votes and we would have done so. To go from a margin of 950 to 240 is a marvellous result. We know that we will win the next time.

The second point concerns the manipulation of Aboriginal votes. It is interesting that the member for Lower North should raise that question because I have heard it said, and I have no reason to doubt it, that a letter exists from the Liberal Party candidate, the new member for Gascoyne, written only a couple of weeks before that election. What does the House think might be in that letter? As I understand it, what is in this letter is an assurance which flows from a discussion with the Aboriginal community at Mungullah village, and which was given two weeks before an election, that he would give away most of his station in return for their support. If we have ever heard about bribery for support from Aboriginal communities --

Hon P. H. Lockyer: Why do you not talk to the Liberal Party?

Hon TOM STEPHENS: That is a good point, and when that letter surfaces I think it will be the time to show that to the Electoral Commission, and perhaps I can take the opportunity now to call upon the Electoral Commission to investigate and assess whether the letter constitutes bribery under the Electoral Act, because it tries to bribe Aboriginal voters to vote for the Liberal Party candidate.

Hon Mark Nevill: Was the letter delivered in a hire car?

Hon TOM STEPHENS: I do not know how it got there but all I know is that there was a letter there, signed by the Liberal Party candidate for Gascoyne, the newly sworn-in member for Gascoyne, who has chosen to give away part of his station in return for the votes of the Aboriginals in the Mungullah village. In that context, how can the member, if he has any decency, stand in the House and accuse us of doing what his own party has done and what we have not done?

What is more important is that we understand that the member opposite, who has just resumed his seat, had emblazoned the telephone numbers of his electorate office on all of the advertisements and the pamphlets from the start of the campaign to its finish -- and not for himself, but for the Liberal Party candidate for the seat of Gascoyne.

Hon P.H. Lockyer: That is a small oversight.

Hon TOM STEPHENS: It is an abuse of the member's privileges as a member of Parliament.

What is more important is that the member cannot get any aspect of his campaign correct. He could not even get the Electoral Act provisions and requirements on board in the printing of some of this literature.

Hon P.H. Lockyer interjected.

Hon TOM STEPHENS: We see that the other side of the House is guilty of offence after offence.

The member is not an angel; there is nothing surer than that. We on this side of the House are beginning to sound a bit like guardian angels. We believe that if the member were put in charge of the campaigns for all of the Liberal Party's marginal seats we would do even better than we did in the most recent by-election in Gascoyne. We got a 7.1 per cent swing in Gascoyne for our candidate, Kevin Leahy, who in fact is a magnificent candidate. He won the combined ballot boxes for the township of Carnarvon. We have turned Carnarvon into a Labor Party town once again.

Hon P.H. Lockyer: No, you have not.

Hon TOM STEPHENS: We have absolutely won the postal votes for that town as well as the boxes from all of the polling booths combined, which is an excellent result. We have a little more work to do over the next 18 months when that seat is redistributed, and we expect to be winning that seat of Gascoyne and Murchison-Eyre combined for the Labor Party.

I suspect that in the end the reason why we lost that seat is that our candidate had a massive setback a week before the election with the loss of his father. Kevin Leahy had the misfortune of not being able to spend some of the last week out there as enthusiastically as he could have in demonstrating what an excellent candidate he was for the area.

They are the circumstances of the by-election in which we managed not to finally bring home the seat for our candidate and for our party. We were never confident about winning the seat; we thought it was a great task ahead of us; but we were delighted to get this massive swing for the Labor Party and for the Government, and the member should be thoroughly ashamed and ridiculed by his colleagues for doing such a shocking job.

*Government Members: Hon Neil Oliver's Comments*

HON D.K. DANS (South Metropolitan) [6.05 pm]: I certainly do not want to keep the House very long but I would just like to bring to the attention of the House some of the remarks made by Hon Neil Oliver yesterday in his speech in respect of his motion which reflected on the Premier and other colleagues of mine who happen to comprise the present Government. Again, today, he made some rather outlandish statements in respect of the legal profession in Western Australia.

I am well aware that Hon Neil Oliver has taken the question of the Midland abattoir unto himself and has become a little paranoid about it, but what he must understand is that this issue has been debated very thoroughly in this Parliament. If I were to be unkind I would say that the exercise yesterday was to try to support the sale of the book published by Paddy O'Brien and his mate which, to the best of my knowledge, has not been going too well.

Mr President, I do not want you to think this is a reflection on the Chair, but when we get into this corruption business, whether it be the Government, or the Opposition, or somebody else, not only does it tend to put down the Government but it starts to pull down the whole edifice of Parliament. With your concurrence, Mr President, I want to review the remarks made by Hon Neil Oliver yesterday. I do not understand this first remark --

> Hon NEIL OLIVER: The sun always rises, crocodiles eat people and the Burke Government continues its crooked path of deception, cover up and mismanagement.

I suppose one would read that and think it is very funny. Hon. John Halden said, "Prove it." The speech continues --

> Hon NEIL OLIVER: It is one of the great mysteries of the last few years that this Government, a Government composed of men who could not lie straight in their beds

> if they were strapped down, has managed to avoid the scrutiny of the media for its scandalous misdeeds. One has only to compare the savaging the media gave the Government of Queensland with the kid glove treatment which this Government has received.

As a member of the present Government I am getting a bit tired of the stuff that is peddled around from time to time about the Government's being corrupt. Those statements are patently dishonest. Hon Neil Oliver tendered no proof in respect of these scandalous, rotten statements. His speech continued --

> Hon NEIL OLIVER: It has been documented to the hilt. We all know about the stink surrounding the superannuation affair; --

That is a matter before the courts.

The PRESIDENT: Order! Order! With respect, I remind the honourable member that his reference to a debate of this session is out of order and he is contravening Standing Order No 81. I do not want to stop him making comments but to refer directly to the debate is out of order. He can make some peripheral comment.

Hon D.K. DANS: I accept what you have said, Mr President, because I know it is correct. Everyone who was in this Chamber heard the statements that were made, and they were very, very bad. They should not be made in the interests of good Government and good Parliament. If there is any suggestion or if there is any proof that any member of the Parliament or any member of the Government is corrupt, there is appropriate machinery to deal with that. I do not think Hon Neil Oliver does his own cause any good by pursuing some conclusion to the brickworks matter. He certainly does no good to the Parliament, to himself, or to his party.

As if that were not enough -- and members can read the *Hansard* because it is pretty filthy stuff and goes on for nearly a page -- he implied that the Government had some kind of apparatus in train that made it impossible for him to get any kind of reasonable opinion on the brickworks affair; that somehow or other the Government had all the legal fraternity frightened. When he makes a broad statement like that, he must include the Chief Justice. That is a very bad statement to make; it is the worst possible type of statement. Today Hon Joe Berinson, the Minister for Corrective Services, made a ministerial statement on certain aspects of the prison system in this State. The papers are full of statements about the need for law and order, and individuals give their opinions on this matter. Yet a member elected to this place is doing his utmost to tear down our legal system. Incidentally, I have the greatest respect for that system and I put all my faith in it. It may have some imperfections but I do not think anyone under parliamentary privilege should by innuendo or suggestion make implications such as those made today. They are not correct.

Mr Oliver went further and suggested that because the game was so crooked any Royal Commission should be held outside this State; I assume he meant that members of the commission should be drawn from another State.

*Point of Order*

Hon NEIL OLIVER: I claim to be misrepresented. I clearly have not reflected on the judiciary. I said that in order to get an impartial view away from the newspapers and all the political ramifications that have surrounded this issue, it would be better if it were held outside the State. *Hansard* will show that in no way did I reflect on the judiciary of Western Australia. I suggest that the member's quotations are incorrect and he has falsely represented what I said.

*Debate Resumed*

Hon D.K. DANS: Every member in this Chamber heard what Hon Neil Oliver said. I know that we correct *Hansard* but I am prepared to listen to the tape recording with him, if he will accept that challenge. I know that we do not normally listen to the tape recording but it could be played to the whole Chamber and it will reveal that my comments are correct. Hon Neil Oliver did himself no service; he did a great disservice to the Parliament and the people of Western Australia, and particularly to the legal system. When he leaves this Chamber tonight he should write a letter of apology to the appropriate authorities apologising for his disgusting behaviour in this place and the mantle he has tried to put on the legal system that

somehow or other it is controlled by the Government. I refute the other allegations made against the Premier and the Government and when he or anyone else has the proof of those allegations, he or she should bring it to this place and we will deal with it.

Government members: Hear, hear!

**HON NEIL OLIVER** (West) [6.13 pm]: The member who has just resumed his seat is saying that thousands of pages of transcript of evidence are false; he has alleged that 65 people came forward and gave false evidence and, in fact, perjured themselves. In all instances the statements I made were based on fact.

I raised these important issues yesterday and today as a result of representations from a group of people; I do not know these people and I have not seen them before in my electorate but they had been to see both Hon Fred McKenzie and Hon Tom Butler. I do not know whom they vote for but they told me they could not get their voices heard; they had been to the Press -- I have been given the names of certain journalists -- but they could not get their story publicised in this town.

I have a duty to bring this issue to the attention of the House and I was asked to do so. If a member of Parliament is not supposed to do that, what is he doing in this House? With regard to the judiciary, I suggest that Hon Des Dans reads the *Hansard* transcript of my speech.

Question put and passed.

*House adjourned at 6.15 pm*

## QUESTIONS WITHOUT NOTICE

### SPORTING TEAMS
*Management*

394. Hon G.E. MASTERS, to the Minister for Sport and Recreation:

(1) Has the Minister had the opportunity to watch the recent basketball competitions and note how effective the management by people with business backgrounds has been?

(2) Does the Minister consider that to be an appropriate course of action for other sporting groups which have not achieved the same success?

Hon GRAHAM EDWARDS replied:

(1)-(2)

Yes.

### NGAL-A MOTHERCRAFT HOME AND TRAINING CENTRE
*Minister's Comments*

395. Hon P.G. PENDAL, to the Minister for Community Services:

(1) Is the Minister aware that the management of Ngal-A in South Perth has publicly disputed her statements in relation to a recent Government decision on this institution?

(2) If so, can she indicate the detail of the dispute and explain the reasons for her decision?

Hon KAY HALLAHAN replied:

(1)-(2)

A decision has been made about Ngal-A and its financial viability, particularly with regard to training. I was contacted by a reporter who said Ngal-A had been subject to a reduction in funding. I agreed that if inflation were taken into account it was a reduction in real terms; but the Government had made a grant of $1 394 to Ngala-A in the recent State Budget. Any dispute is simply the result of a third party, a reporter, interviewing me on the telephone and then interviewing Ngal-A. I am not suggesting that the reporter has done an inaccurate or malicious job in any way. I do not regard it as a serious dispute between me and the management of Ngal-A. I have had very successful negotiations with those people, and I hope they will continue.

### PRISONS LEGISLATION
*Amendments: Introduction*

396. Hon JOHN WILLIAMS, to the Minister for Corrective Services:

In view of the Minister's statement this afternoon and the legislation which will be introduced, is it his intention to set up any form of working party within the House to discuss the ramifications of the legislation and to facilitate the speedier passage of the proposed legislation through both Houses of Parliament?

Hon J.M. BERINSON replied:

I thank the member for his interest in this subject. The major single piece of legislation will be the new parole Bill, and that will be introduced either tomorrow or on the sitting day after that. Other legislation is already authorised for drafting but the Bills will not be completed and brought to the Parliament in this session. In the ordinary course of events, it is expected that most of them will be available for the autumn session of 1988.

If there are any difficulties in the way of their orderly process, I would be happy to consider the member's question further.

MINISTER FOR COMMUNITY SERVICES
*Luncheon: Carnarvon*

397. Hon G.E. MASTERS, to the Minister for Community Services:

Did the Minister host a luncheon at the Fascine Lodge, Carnarvon on 7 October 1987?

Hon KAY HALLAHAN replied:

I did host a luncheon at the Fascine Lodge in Carnarvon, but I am not sure of the date.

MINISTER FOR COMMUNITY SERVICES
*Luncheon: Carnarvon*

398. Hon G.E. MASTERS, to the Minister for Community Services:

Approximately how many people were present?

Hon KAY HALLAHAN replied:

I think between 30 and 40 people were present.

MINISTER FOR COMMUNITY SERVICES
*Luncheon: Carnarvon*

399. Hon G.E. MASTERS, to the Minister for Community Services:

Does the Minister have any idea of the approximate cost of that function?

Hon KAY HALLAHAN replied:

I am afraid I do not carry that detail in my head.

MINISTER FOR COMMUNITY SERVICES
*Luncheon: Carnarvon*

400. Hon G.E. MASTERS, to the Minister for Community Services:

Which State Government office or department paid for the free lunch hosted by the Minister for Community Services at the Fascine Lodge in Carnarvon on 7 October?

Hon KAY HALLAHAN replied:

The cost of that luncheon was charged to my ministerial account. Although I am being addressed by the Leader of the Opposition as the Minister for Community Services, I hosted that lunch as a function for women interested in community affairs. It came within my portfolios both as Minister for Community Services and Minister assisting the Minister for Women's Interests.

MINISTER FOR COMMUNITY SERVICES
*Luncheon: Carnarvon*

401. Hon G.E. MASTERS, to the Minister for Community Services:

Is it purely coincidental that the Minister happened to host that free lunch in Carnarvon at the time of a by-election?

Hon KAY HALLAHAN replied:

It was highly coincidental. I have a practice of hosting community lunches at a number of regional centres, and it was not at all a departure from my normal practice.