Legislative Council

Thursday, 19 November 1981

The PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

EDUCATION

Four-year-olds: Petition

THE HON. J. M. BROWN (South-East) [2.33 p.m.]: I wish to present a petition from residents of Bruce Rock concerning the proposed cuts in education spending for pre-school four-year-olds. I move—

That the petition be received and read.

Question put and passed.

THE HON. J. M. BROWN (South-East) [2.34 p.m.]: The petition contains 35 signatures and bears the Clerk's signature that it is in conformity with the Standing Orders. It reads as follows—

> To the Honourable President and Members of the Legislative Council.
>
> We, the undersigned residents of Bruce Rock, Western Australia strongly protest at the proposed cuts in education spending for Pre-school four year olds and call on the Minister for Education, Hon. W. L. Grayden, M.L.A., to maintain the standard at its present level. And your Petitioners, as in duty bound, will ever pray.

I move—

That the petition be ordered to lie upon the Table of the House.

Question put and passed.

The petition was tabled (see paper No. 530).

QUESTIONS

Questions were taken at this stage.

MRPA: WUNGONG GORGE AND ENVIRONS

Disallowance of Amendment: Motion

Order of the day read for the resumption of the debate from 27 October.

Debate adjourned, on motion by the Hon. R. G. Pike.

ACTS AMENDMENT (JURISDICTION OF COURTS) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [2.43 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to adjust the distribution of jurisdiction between the Supreme Court, the District Court and Local Courts. This has been recently reviewed by a committee consisting of the Chief Justice, the Chairman of Judges of the District Court, the President of the Law Society, and the Solicitor General. The Bill implements the recommendations of the committee.

Members will recall that the District Court was first formed only 12 years ago and a policy has been followed of gradually developing the jurisdiction of that court as the community and the legal profession become accustomed to it.

Similarly constituted committees considered the distribution of jurisdiction in 1972 and 1976 and as a consequence a number of amendments were made to the jurisdiction of the District Court in 1976. The present review is the next stage of that regular review procedure and was necessary to take account of inflation in those areas where monetary limits determine the jurisdiction of the courts, and to continue the gradual process of fitting the District Court into its appropriate place in the judicial structure of the State.

The Bill implements the recommendations of the committee where change was considered desirable. There are many areas of jurisdiction of the three courts where no reason for change suggested itself to the committee.

It should be noted that an incidental benefit of the Bill will be to decrease the volume of work of the Supreme Court, although this is not the purpose of the Bill, nor was it the objective of the committee.

The Bill will implement a recommendation of the committee for a significant change in the criminal jurisdiction of the District Court. When that court was first formed in 1969 the view was taken that it should deal with all offences other than those punishable with life imprisonment or death.

When the matter was reviewed in 1976 it was suggested that that division of jurisdiction resulted in many cases being tried before the Supreme Court which could equally well be tried before the District Court. No clear solution to that difficulty commended itself in 1976.

In its deliberations this year the committee has reached the same view and has put forward proposals which will relieve the Supreme Court from the necessity of trying many offences which are presently within its sole jurisdiction and which do not appear to require trial before the Supreme Court.

Each of the offences presently punishable with life imprisonment has been considered with regard to the relative seriousness of that type of criminal conduct, as it is generally viewed in today's society, and to the degree of legal complexity which is usually encountered in trials of offences of that nature. The committee has concluded, with respect to a number of these offences, that trial before the Supreme Court is not warranted, having regard to the normal degree of legal complexity encountered for that type of offence, and that the existing penalty of life imprisonment appears to be no longer appropriate.

Members will realise that the penalty structure of the Criminal Code has remained unchanged in its essential format since the first code was enacted 79 years ago. It is recognised that the penalty structure needs review and the major task of reviewing the Criminal Code which I have put in hand will include a review of the penalty structure.

It is therefore proposed by the committee, I emphasise as an interim measure pending the complete review, that a number of offences presently punishable by life imprisonment be punishable instead by a maximum of 20 years' imprisonment.

The committee's proposal, which this Bill will implement, is that the trial of these offences be within the jurisdiction of the District Court rather than the Supreme Court. The Supreme Court will continue to have sole jurisdiction with respect to all offences that remain punishable by life imprisonment or by death.

The offences which it is proposed should become punishable by a maximum of 20 years' imprisonment and triable before the District Court,.are those generally of lesser complexity. In recent years, no penalty greater than 7½ years' imprisonment has been imposed with respect to any of them. Examples of these offences are: arson; burglary by night; robbery in company, or robbery where there is a wounding of the victim or personal violence; manslaughter; and incest by a man.

I would add that the Supreme Court will continue to have a quite substantial criminal jurisdiction which will include wilful murder, murder, attempted murder, rape, and armed robbery.

In the matter of the civil jurisdiction, the present limits were set in 1976. The basic jurisdictional limit of the District Court is $20 000 and of local courts, $3 000. There are variations in those limits for some special types of litigation.

If those figures were to be adjusted simply to reflect the changes in money value since they were fixed in 1976, they would be changed to something like $33 000 and $5 000, respectively.

Given the relatively rapid change in the value of money, the committee was of the view that, in any event, it would be wise to fix the limits a little ahead of the present-day equivalent of the 1976 figures. It proposed an increase from $3 000 to $6 000 as the normal limit for Local Courts and, in the case of recovery of possession of land, that the annual rental value be increased from $5 000 to $10 000.

However, in the case of the jurisdictional division between the District Court and the Supreme Court, there is a further consideration. The jurisdiction of the District Court was originally fixed at a consciously low level and, in the view of the committee, the gradual process of increasing that jurisdiction to a proper level should be taken a stage further at this time.

It is therefore the recommendation of the committee, and this is incorporated in the Bill, that the jurisdiction of the District Court in ordinary civil actions should be $50 000.

Members will be aware that the District Court has unlimited jurisdiction in respect of personal injury claims arising out of the use of motor vehicles, and awards exceeding $500 000 have, in fact been made by the court in that area. The proposal of the committee is, therefore, relatively modest.

The opportunity also is taken in the Bill, at the recommendation of the committee, to remove two areas of doubt about the extent of the civil jurisdiction of the District Court. The court has always had jurisdiction to deal with actions to recover the balance of a partnership account within the ordinary financial limit, previously $20 000.

There has been some uncertainty as to whether the court has power in the course of such an action to make a declaration as to the partnership or the dissolution of the partnership. This power has been exercised by the court on some occasions, but some uncertainty exists. The Bill will remove that uncertainty.

There has been some doubt also about whether an action seeking specific performance of a contract, or like remedies—where the amount in dispute is within the ordinary financial limit of the court's jurisdiction—is a personal action. This has led to a number of actions of this nature being instituted in the Supreme Court because of uncertainty as to whether the District Court can deal with the matter. The Bill will clarify the position.

The provisions of the Local Courts Act have not been the subject of a comprehensive review for a considerable time. In fact, the Act may be seen to be, by and large, the product of piecemeal adjustment over the years.

The Law Reform Commission, therefore, has been asked to undertake a comprehensive review, and this is under way. Therefore, apart from adjusting the principal jurisdiction divisions between the Local Court and the District Court, this Bill does not attempt to deal with the general provisions of the Local Courts Act, except in one respect.

Section 46 of the Local Courts Act enables summary judgment to be entered where there is no defence to a claim in certain cases, provided the amount claimed does not exceed $50. This provision has not been amended for many years and is quite unrealistic on today's values. The low limit puts litigants to unnecessary expense and wastes magisterial time in assessing damages.

The Bill proposes to alter that $50 limit to $500, in the case of a claim in respect of damage to a motor vehicle, and $300 in the case of other claims. This is a matter not made on the recommendation of the committee, as the committee did not consider any of these detailed provisions. It is incorporated in the Bill as an interim measure at the instigation of those administering the Local Courts Act and after consultation with the Law Reform Commissioner responsible for the overall review of the Local Courts Act.

The provision will receive further consideration as part of the overall review.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

Debate resumed from 18 November.

THE HON. N. F. MOORE (Lower North) [2.55 p.m.]: During my first speech in this House I spent a considerable amount of time discussing the future and the merits of the Yeelirrie uranium deposits. At that time I said it was not really a question of whether the deposits should be developed but a question of when they would be developed. I was, therefore, disappointed to read recently the announcement by Mr Gilbert of the Trades and Labor Council that the council was opposed to the development of Yeelirrie. I find this intriguing in view of the fact that the TLC allowed its members to work on the construction of the pilot plant at Kalgoorlie.

This plant was constructed a few years ago so that it would be available to test the ore from Yeelirrie to ascertain which was the best metallurgical process to use when Yeelirrie came into full production. Admittedly the pilot plant has had application also to other minerals in relation to metallurgy. However, it was developed essentially to test ore from Yeelirrie. The TLC appeared to have no objection at that time to its members being employed on the construction of the pilot plant, but now that the work has been completed we find that it has announced its opposition to the development of Yeelirrie.

I regard this as a disappointing situation, particularly when one considers the enormous benefits Yeelirrie could provide for Western Australia. The estimated cost of the development is $260 million, of which $100 million or 38 per cent would be devoted to infrastructure purposes. This infrastructure will include roads or railway work, depending upon the option the company decides to use in relation to the export port. The company has the option of using either the Geraldton Port or the Esperance Port.

If it decides to use the Geraldton Port the road from Mt. Magnet to Sandstone and then to Yeelirrie will be upgraded and sealed, and if the Esperance Port is used the road from Leinster to Teutonic Bore and then to Leonora will be upgraded. However, if it is decided to use the Esperance Port Westrail may consider extending the railway line further north and this may coincide with the suggestions from people who think there should be a rail link from Kalgoorlie to the Pilbara. Personally, I am not sure which way the company will decide to go, but both proposals would provide significant benefits to the people in my electorate. It would be very pleasant if both options could be taken up. The community surrounding Yeelirrie will benefit, regardless of the option taken.

People who live in the pastoral areas surrounding Leinster have benefitted from the establishment of the town of Leinster because they now have shopping and recreational facilities

that they did not previously have—these are the sorts of things that the people in the metropolitan area take for granted. Various services, such as the postal service, have been upgraded and in recent times a television service has been provided. These services have been provided because mining companies have set up new towns in remote localities.

People living in the metropolitan area do not understand that people living in remote areas of Western Australia do not have the basic facilities that are taken for granted by them.

The main advantage of the development of Yeelirrie is that it will create employment. We often hear the unions and the ALP complaining about the unemployment situation.

By developing the town of Yeelirrie—a town of 4 000 people—something like 800 jobs will be provided directly on the minesite. This number does not take into account the multiplier effect one sees associated with mining activities. If we considered a very conservative estimate of three jobs elsewhere for every one job provided on the minesite, we would be looking at 2 400 jobs being created elsewhere. In addition, there would be the added benefit to the nation of increased export earnings from the sale overseas of uranium produced at Yeelirrie.

I have no doubt that in the time leading up to the company trying to develop this deposit at Yeelirrie we will go through the same old argument we have heard for years about uranium mining, nuclear power, and so on. I was very interested to receive on my desk recently a book by John Grover titled *The Struggle for Power*; it is a rather interesting book, and a very welcome addition to the reading material available on this subject. It is a book which, I suggest, puts to rest some of the misconceptions and untruths peddled for a number of years about uranium mining and nuclear power.

I return now to Mr Gilbert's remark and reiterate I am very disappointed his organisation chose to express such a negative attitude. I presume, of course, that if the TLC decides to oppose the development at Yeelirrie, the ALP will go along with it. I will be very interested to see whether the ALP decides to support the development at Yeelirrie. I expect, as usual, that its members will toe the line of their union bosses.

I turn now to another matter which is related to my electorate, and also to mining; namely, the question of mineral royalties. On Tuesday night the Hon. Lyla Elliott gave us a long discourse on what she considered to be the shortcomings of the current State Government, and she fleetingly mentioned mineral royalties and said enough to suggest that, in her opinion, royalties were not high enough.

However, she did not go further and suggest which minerals should be subject to higher royalties. I am afraid this is the attitude the Opposition has tended to adopt on this matter, as I will discuss in more detail shortly .

I am disappointed the State Government has found it necessary to increase mineral royalties on most minerals in this year's Budget. It is a pity the Federal Government's attitude towards State finances has meant the State Government has had to resort to increasing royalties on minerals.

I refer particularly to nickel, because nickel is a mineral produced in great abundance in my electorate. As I have already mentioned, many people do not appreciate the tremendous facilities mining companies have provided in remote areas; they do not realise that without mining companies, these sorts of facilities would never have been developed in those areas.

Recently, I attended the official opening of the Teutonic Bore copper and silver mine which, for the benefit of those members who may not be aware of the fact, is situated about 40 miles north of Leonora. It is a fairly small mine by comparison with many others in Western Australia. The opening address was given by Sir James Foots, Chairman of Mt. Isa Mines (Holdings). I was gratified to hear him say the things I have been saying for a long time. He is well known in the mining community as a man with a long involvement in the industry and is regarded by many as an expert on what mining is all about. I wish to quote from his speech, because it brought home to me what the mining industry is all about in remote areas. He stated as follows—

> It is now some seven years since the geological survey was conducted. In that time the joint venturers have spent some $45 million bringing the mine and associated facilities to the standard we see today—without, I might mention, yet having seen any significant return on the investment.
>
> This is typical of mining ventures. The period of negative cash flow is often long, and six years is certainly not an unusually long period between discovering a deposit and being able to mine, process and sell its products. It is only after this that the revenue begins to flow and profits, hopefully, begin to emerge.
>
> The absence of a full understanding of this important feature of a mining enterprise

> seems to have prompted many of the calls for government intervention in the mining industry to siphon off in tax, royalties and government charges, what have been perceived by some as high profits.

They are very important words because they clearly describe the situation facing mining companies which go into remote areas to develop the resources of this State.

Returning to the subject of nickel, it should be borne in mind that the nickel mines in my electorate are facing very difficult times, mainly because of the present depressed world price of nickel. However, the two companies involved in the area—Agnew Mining at Leinster, and the Windarra mine at Laverton—are continuing to develop their deposits, and to explore for additional deposits so that their operations can continue for years to come. Unfortunately, the increased royalties the State Government has been forced to impose on these companies will not help in the development of these projects, or of new projects which might be on the drawing board.

Members will be aware that from about Menzies through to Wiluna we have one of the largest nickel belts in the world and many deposits in the region could be developed if the economic circumstances allowed.

I turn now to the other mineral mined in some quantity in my electorate—gold. I say quite categorically how much I appreciate the fact that the State Government did not see fit to impose a royalty on gold in this Budget. The great fluctuations in the price of gold which have occurred in the last couple of years have resulted in an uncertain situation and one in which the industry is not in a position to be able to afford to pay a royalty.

At present, many companies are investing large amounts of money in reopening old mines, and establishing new mines; this activity is going on throughout the north-eastern goldfields, and the Murchison. I should like to know—if we are ever to be told—the ALP attitude towards a royalty on gold. We hear Mr Brian Burke and Mr Bryce going on at length about the need to impose higher and higher royalties; they believe we should impose royalties on this mineral and that mineral. However, they are never specific; they simply say, "We must impose higher and higher mineral royalties in order to allow the State Government to provide social welfare services". Then we hear the member for Yilgarn-Dundas (Mr Grill) saying, "We want higher royalties, but not on nickel, gold, iron ore, or certain other minerals".

The electorate deserves to know and should know just where the ALP stands on the question of mineral royalties. I would like to know which mineral they believe should attract a higher royalty and if there are any minerals which should not attract a royalty, which minerals they are.

When I read a letter written by Senator Gordon McIntosh it made me wonder just where the ALP stands on this issue; it is a most illuminating letter, and I wonder on whose behalf it was written. The letter is addressed, "Dear Comrades"; I am not quite sure to which comrade he was referring. It was one of those things that fall off the backs of trucks.

The Hon. J. M. Brown: Do you see something wrong in the expression, "Dear Comrade"?

The Hon. N. F. MOORE: No, certainly not; I just do not know to whom it was written.

The Hon. J. M. Brown: He wrote the letter to most of his constituents on his mailing list.

The Hon. N. F. MOORE: In part, the letter states as follows—

> Once gold mining was a labour intensive industry, but not any more. "Telfer" is an open cut mine with the most modern extraction machinery and employing very few workers. I cannot see any reason why this company should not contribute to the present and future progress of W.A. If it were a manufacturing concern and made a pre-tax profit of $44 million then it would pay approximately $20 million in tax and would no doubt employ many more than an open cut gold mine.
>
> I feel that if the Federal Government is reluctant to invoke the wrath of the "Holy Cow" of gold mining by taxing it, then I believe it is the responsibility of this State to see that this very prosperous area of economic activity makes a substantial contribution to our finances thereby easing the increasing tax burden that is being placed upon the people of Western Australia.

That remark makes it quite obvious where Senator McIntosh stands on royalties on gold. If the Federal Government does not tax gold, he says we ought to do it; in other words, he is saying we should charge higher royalties. Further on he said—

> I am convinced that if those who come here from overseas or interstate or, for that matter, those already here, cannot afford to pay at least 7½% of gross value to the host

> State for the privilege of exploiting its mineral wealth, then they should leave it where it is.

If members look at the percentage of royalties being charged, they will realise that an imposition of 7½ per cent would mean that several of our mines would have to close down forthwith because they would become unviable and uneconomic. I repeat: The electorate needs to know, and deserves to know, where the Labor Party stands on mineral development. We have calls by its State leaders for increased royalties, and Senator McIntosh advocates a tax on gold. We have the "leave it in the ground" syndrome of various organisations supporting members opposite, and by the unions. Their attitude seems to be one of anti-development of the mining industry.

This is not new. We remember Mr Connor from the Whitlam days and his endeavour to "buy back the farm" by raising massive overseas borrowings. At that time we began to understand the ALP's attitude to resource development, and particularly mineral development.

People need to know what is the ALP's attitude. I would particularly like the ALP to make its policies known in the electorate of Murchison-Eyre, which was referred to last night by the Hon. Peter Dowding. The people in that electorate rely heavily on mineral deposits, and they deserve to know what the "alternative Government"—as the Hon. Bob Hetherington says—proposes to do about the industry which is the backbone of that electorate.

Some people are of the opinion that the ALP believes that taxpayers, through their Government, should be funding these projects; in other words, nationalisation of the mining industry. I refer those people to remarks made by Sir James Foots when he spoke about the long period of time when there is a negative cash flow and there are doubts whether a venture will be profitable. I remind those people of the great fluctuations in price for metals on world markets and the effect this has on the profitability of mining ventures. I remind them that the Windarra nickel mine closed down because of low world prices.

I am trying to point out that members opposite should not believe the Government ought to be involved in these risky investment ventures rather than encouraging private enterprise; they should let private companies take the risks, and if a venture is profitable, good luck to them; if there is a loss, bad luck.

I want to turn now to matters raised by Mr Dowding in his tirade last night. Perhaps because I was the only member listening to him he decided to single me out for criticism and said things which I feel deserve some comment today. For some reason, the honourable gentleman seems to think that he and his colleagues have a form of monopoly on concern for Aboriginal people. I appreciate that Mr Dowding has a genuine concern for them, but he does not appreciate that there are people on this side of the House who share that same concern.

The Hon. P. H. Lockyer: He is convinced no-one does.

The Hon. N. F. MOORE: The essential difference between the attitude of members opposite and members on this side of the House is that Mr Dowding uses his concern to drum up Aboriginal electorate support, whereas members on this side of the House treat Aborigines in the same way as all other constituents and do not put pressure on them to get their names on the rolls so that they can vote.

The Hon. D. K. Dans: Except when it comes to putting them on the roll, your party treats them exactly the same.

The Hon. N. F. MOORE: We do not solicit them to put their names on the roll. Mr Dowding, who rode into this House on the backs of illiterate Aboriginal voters, displays the typical arrogance of members of the ALP. They believe that all they have to do is get Aborigines on the roll and they will vote for the ALP. He adopts this arrogant attitude when he suggests that Mr Donovon and Mr Whyatt will have no trouble winning at the next election.

Members opposite fail to realise that the Aborigines themselves will not tolerate or support the ALP's racist policies. If we look at what goes on in this State, it is quite incredible to see the lengths to which the supposed supporters of Aborigines will go in order to convince them that socialism is the be-all and end-all to all their problems and will provide all their needs. The ALP enlists the aid of the World Council of Churches and the anti-uranium lobby to peddle its anti-development propaganda. The ALP is deliberately using the Aboriginal people in an endeavour to further its socialist objectives. It is using them to create dissension and division within the community. It wants to hold up mining development and other development projects by using the Aboriginal people and creating division.

It was very interesting that the slogan used by the anti-uranium lobby was "Land rights, not uranium". They tied in the two subjects in an endeavour to get people to believe that the mining of uranium had something to do with the welfare

of Aboriginal people, and that if someone supported uranium mining he could be considered a racist. It is interesting to see how they operate. The left-wing of the ALP and its supporters aim to divide the community by setting one group against another.

I want to quote from a letter to *The Bulletin* dated 19 March 1977. It was written by a Northern Territory Aboriginal tribal elder called Mr Jabani Lalara. He clearly expressed his views about the development of the uranium deposits. I quote as follows—

> ... We tribal people were strongly bossed around by the urban part-Aboriginal officials ... These kept telling us ... that we should keep away from whites in Australia. They said they would organise the arrangements for our show but did nothing to help. All they kept doing was calling meetings to keep pouring out to us the same story of hate. We do not want Australia run the way they talk. That rubbish talk against whites made us really wild.

The Hon. Peter Dowding: Who wrote this?

The Hon. N. F. MOORE: The letter is above his own name.

The Hon. Peter Dowding: I take it he is illiterate.

The Hon. N. F. MOORE: To continue—

> Why does the Government give jobs to people who rubbish their country overseas?

The Aboriginal Legal Service is also used by white people and part-Aboriginals to gain entry into the Aboriginal movement and at the same time to foster their own aims.

The Hon. Peter Dowding: That is an absolutely disgraceful untruth!

The PRESIDENT: Order!

The Hon. N. F. MOORE: While being very well paid, they use this service to encourage Aboriginal discontent for political purposes.

The Hon. Peter Dowding: You should say that outside the House. You are not game to do so. You use parliamentary privilege.

The Hon. G. E. Masters: Hark at who is talking!

The PRESIDENT: Order! I ask members to cease interjecting.

The Hon. N. F. MOORE: I will quote now from an article which appeared in the magazine *Quadrant* under a heading of "The Manufacture of Prejudice" by G. P. Shaw. This will give an indication of another person's views on this subject. I quote as follows—

> Today there is no shortage of workers or lecturers willing to describe the fate of Aborigines in horrifying detail and to live comfortably on the proceeds. Often those who weep best on the podium need beef, claret and a soft bed to get the energy to weep again. Knowledge is a commodity, and has no moral force in itself. Rather it is conviction, not knowledge, that issues in action; and conviction is an evangelical quality, not a rational one.

I use that statement has an example; it puts in a better way the point I am putting in regard to the Aboriginal Legal Service.

The Hon. P. H. Lockyer: It's like looking in a mirror, isn't it Mr Dowding?

The Hon. N. F. MOORE: I refer to a remark made by Mr Aubrey Lynch, now the National Aboriginal Conference member for the eastern goldfields area. He said some months ago that he is very critical of the Kalgoorlie Aboriginal Legal Service because it is stirring up trouble between Aborigines and the police. That remark was made by a representative of Aboriginal people!

I now turn to the World Council of Churches, a delegation of which visited Australia recently. It resorted to distortions and untruths to make its report.

The Hon. Peter Dowding: That's something else you've said that is untrue.

The Hon. P. H. Lockyer: It touches a nerve, doesn't it?

The Hon. N. F. MOORE: The report distorted the facts.

The Hon. Peter Dowding: That remark is grossly untrue.

The Hon. N. F. MOORE: We must realise what the World Council of Churches is trying to do. In May 1972, nearly 10 years ago, Dr E. C. Blaikie, General Secretary of the World Council of Churches, wrote a letter titled "An open Letter on Human Rights" which states—

> Relations with churches in Eastern Europe—and hopefully with Christians in the People's Republic of China, have become even more necessary because Marxist thinking is becoming so important in Western Churches. The Theological reflection of Marxism is now a common necessity for all churches ... We can base our statements and actions ... within the framework of a new concern for Christian reflection of Marxism.

That letter is an indication of where the council is going and who it supports.

The Hon. Peter Dowding: What do you understand him to mean by that?

The Hon. N. F. MOORE: I understand him to mean exactly what he said.

The Hon. Peter Dowding: What do you think it means?

The Hon. N. F. MOORE: It means exactly what it says.

The Hon. P. H. Lockyer: If you aren't able to understand it, go.

The Hon. D. K. Dans: Is it why we have a Polish Pope?

The Hon. N. F. MOORE: It is not at all. It is no wonder the majority of Christians in Australia question the path taken by the World Council of Churches. I referred to it in another statement. Mr Dowding is at liberty to refer to it if he wishes.

The Hon. Peter Dowding: This is silly.

The Hon. N. F. MOORE: The speech was about Aboriginal people being subjected to these things for blatant political purposes.

The Hon. Peter Dowding: Just say all this without privilege once and see if you are able to justify it.

The Hon. P. H. Lockyer: You always think you are in court, but you aren't wanted here.

The Hon. Peter Dowding: Publish this speech without privilege and see whether it stands.

The Hon. P. H. Lockyer: You aren't in court now.

The Hon. N. F. MOORE: Mr Dowding suggests that in my electorate—the central reserves—there is fertile ground for the Labor Party to attract votes. It has been a tradition in State politics amongst all parties that the central reserves should be let alone. Members of the Liberal Party, the Country Party, the National Party and the Labor Party previously accepted that they should not go into the central reserves to seek the support of Aborigines. It was accepted by all parties that those Aborigines be left to make their own decisions on what I can loosely term "Western politics".

The Hon. Peter Dowding: You mean you haven't been invited in.

The Hon. N. F. MOORE: I have been there many times.

The Hon. Peter Dowding: But you weren't invited.

The Hon. N. F. MOORE: Labor Party members by their very own words believe that all they have to do is enrol Aborigines for elections and the Labor Party will win.

The Hon. Peter Dowding: Who said that?

The Hon. P. H. Lockyer: It's quite clear.

The PRESIDENT: Order!

The Hon. N. F. MOORE: I am trying to get a word in.

The Hon. Peter Dowding interjected.

The Hon. P. H. Lockyer interjected.

The PRESIDENT: Order! I say to the Hon. Philip Lockyer and the Hon. Peter Dowding that I want no more of their constant interjections, not only to the member speaking, but also to each other. I ask the honourable member on his feet to ignore the members interjecting, anyway.

The Hon. N. F. MOORE: There is no doubt in my mind that the ALP has chosen a despicable course of action. I refer to remarks of Mr Donovan reported in *The Western Australian*. Mr Dowding may say that the remarks were reported incorrectly, but I have the newspaper report in front of me. Mr Donovan made these remarks at a pre-selection meeting, and they were reported on 7 July 1981. Mr Donovan did not object to the report of the meeting, and was reported as saying—

> The ALP was told last night that it had to get Aborigines on the electoral roll in order to win the seat of Murchison-Eyre.
>
> Before being pre-selected to contest the seat at the next State election in 1983 a Perth social worker, Mr Francis Donovan (33), said that the party could no longer rely on its traditional supporters to win.
>
> "We need a nine per cent swing and only the Aborigines can give it to us," he said.
>
> There was no doubt about the electoral advantage of getting Aborigines on to the roll.

The Hon. Peter Dowding: He also said there was a big swing against the Government in the white vote.

The Hon. N. F. MOORE: He just said that the Labor Party could not rely on its traditional supporters, and by the admission of the Hon. Peter Dowding the Labor Party's traditional supporters in the Murchison-Eyre area are white people.

The Hon. Peter Dowding: He also said the other.

The PRESIDENT: Order!

The Hon. Peter Dowding: He also said that.

The Hon. N. F. MOORE: The Labor Party members have worked out in their own little minds that they cannot win an election by

appealing to people presently enrolled, and from Mr Donovan's words it can be understood that the Labor Party intends to enrol Aboriginal people in an attempt to win an election. They will get justices of the peace to head off to the central reserves to sign up 1 400 Aborigines, because Labor Party members have worked out on their little calculators that an extra 1 400 people voting for the Labor Party will win them the seat. However, in the Murchison-Eyre area the Labor Party is creating a black versus white situation.

The Hon. Peter Dowding interjected.

The Hon. P. H. Lockyer interjected.

The Hon. N. F. MOORE: The Labor Party does not care what happens to the rights of white people in the area, it is merely interested in obtaining more votes. All its members want to do is, as they say, "Get the blacks on our side".

The Hon. G. E. Masters: They are racists.

The Hon. Peter Dowding interjected.

The Hon. P. H. Lockyer interjected.

The Hon. N. F. MOORE: Most Aborigines will not accept being used as political pawns by the ALP, and the white voters will not go along with an election campaign on the basis of skin colour.

The Hon. Peter Dowding: You were doing the same in Kimberley.

The Hon. N. F. MOORE: I am relating my remarks to what has happened in the Murchison-Eyre electorate.

The Hon. Peter Dowding interjected.

The PRESIDENT: Order!

The Hon. N. F. MOORE: I will conclude my comments in regard to Aboriginal people by referring to an article by Professor Theodore Strehlow and published in the *Weekly News* on 27 September 1978. This man can hardly be described as a right-wing conservative in his approach to Aboriginal people. He produced the article in response to a report on Aborigines commissioned by the Catholic church. He describes the atrocities committed by white people against Aborigines, and refers particularly to white explorers and settlers. He refers also in detail to atrocities committed by Aborigines against Aborigines. His article was fairly well balanced and concludes in a way which is an answer to the Aboriginal problem. He states—

> However, the present problems will not be solved by teaching a totally biased, one-sided brand of new Australian history . . .

I suggest that the book of Western Australian history edited by Dr Stannage of the University of Queensland is a one-sided brand of Western Australian history because it leaves out reference to the two wars and devotes half the number of its chapters to matters relating to Aborigines.

The Hon. Peter Dowding: What about things relating to Aborigines in your history?

The Hon. N. F. MOORE: I will come back to the member's remark.

The Hon. P. H. Lockyer: Tell him to shut up, that's the best thing to do with him.

The Hon. N. F. MOORE: To continue with what Professor Strehlow said—

> . . . as false as the old one has been (in which the white pioneers received all the praise and the blacks all the vituperation and contempt). Nor will the exploits of the many new hypocritical (and false) culture experts, professional admirers of Aboriginal art and civilisation, money-hungry lawyers, red-hot activists, and so on, help Australians to arrive at any just solutions of the near-insoluble "Aboriginal problems" of the present.
>
> If the future is to be redressed at all, the present hate campaigns must be ended; and then the thoughtful black and white leaders must look at the real problems of the present and the future in a spirit of helpful co-operation. Most white Australians are today at least conscious of the injustices of the past and are willing to provide at least some of the finance to make amends for these injustices, provided that the money goes to the real victims and to the real sufferers of surviving disabilities, and not to the stirrers, the activists, and the self-appointed (or Government appointed) 'experts', 'advisers' and 'spokesmen' for the Aborigines.
>
> And there are plenty of Aborigines in this country who are sane thinkers and realise that all Australians, black and white, have a common destiny. The trouble is that they are rarely listened to by our Governments.

That quote sums up very well what we must look at. There should not be division, there should be one law for all. We should be getting the white people and the Aborigines together to look at the common good of both people in the one society. We have to have one law for everybody, regardless of whether he is white or black.

Last night Mr Dowding referred to the alleged decline in my support in Laverton by suggesting that I have taken up the case of one of my constituents to assist him in the Licensing Court.

The Hon. Peter Dowding: Against another.

The Hon. N. F. MOORE: I want to make the position very clear so that Mr Dowding will know just what did happen. I want to outline the background to this matter.

The Hon. Peter Dowding: Do you have nothing else to do than apologise to the House?

The Hon. G. E. Masters: He is telling the truth.

The Hon. P. H. Lockyer: He is exposing you for the flea you are.

The Hon. N. F. MOORE: When I lived in Laverton in 1976, the hotel was clearly not a suitable place for a person to take his wife or family for a quiet drink. I understand this had been the situation for some years, but I know it existed from 1976 to 1981. If people wished to have a quiet drink they had to go to the club.

Since 1970, the Licensing Court has made quite a number of orders on the Laverton hotel pursuant to section 96 of the Liquor Act. None of those orders, except the last one, was complied with. In effect, therefore, the people of Laverton did not have a hotel in which they could have a quiet, sociable drink.

Mr John Laker, who has lived in Laverton for a number of years, proposed to build a tourist facility in Laverton which would have provided a restaurant, a liquor store, a coffee lounge, a tourist kiosk and 12 motel units. He was prepared to spend $300 000 to $400 000 on that complex. He included a liquor store in his plans because it would provide the cream to cover operations of the rest of the complex. In a town of 1 500 people it is difficult to run a restaurant. Mr Laker put together a whole series of activities within the one building so that he would have a viable facility and something that would be an asset to the town of Laverton.

The hotel in Laverton, since 1970, had not complied with any of the court orders, and had not supplied suitable facilities for people in Laverton. Mr Laker wished to provide a facility which was badly needed in Laverton. With Mr Laker talking about this facility, the hotelkeeper decided it was time to do something, so he complied with the court order and built a new lounge at the back of the hotel.

Mr Laker's application to the Licensing Court for a liquor store was quashed, so we now have a better hotel and a person with $300 000 with nowhere to spend it.

The publican of the hotel felt the Liberal Party was having a go at him, and Mr Dowding has been saying that I am losing support because I supported Mr Laker's application. I have not lost support, because there are people who do not wish to take their children to the hotel. Many single people in the town wish to go to the hotel because it is their style. I cannot support the idea that Mr Dowding put forward that I should not support Mr Laker, because the publican might not like it.

At no time was I critical of the current licensee of the Laverton hotel. Regrettably his predecesors were not prepared to upgrade the hotel and provide a suitable drinking and social environment that was so necessary in Laverton.

The previous owners of the hotel were people from Melbourne and the hotel had been running at a loss. I fail to see how a hotel could run at a loss when we consider the consumption of liquor there.

The Hon. D. K. Dans: They had a good bookkeeper.

The Hon. N. F. MOORE: Maybe the accountants in this place can tell us how that is done, but it is beyond my comprehension. Because it ran at a "loss" for so many years, no money was spent on the hotel. I am pleased the current licensee has decided to spend some money because he has created a new situation which was badly needed in Laverton.

Mr Dowding referred to my opponent in the next election. All I can say is had the ALP asked me who I wanted to oppose me, I would have undoubtedly chosen Mr Whyatt. My only concern at this time is that the ALP will change its mind and endorse someone else.

I support the Budget.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [3.35 p.m.]: I wish to make a few comments about the Appropriation Bill and then speak on a number of other matters.

The Opposition concedes that the Budget was framed under difficult financial circumstances but asserts that those difficulties were largely of the Treasurer's own making.

Specifically, the Treasurer has—

> actively promoted a policy of new federalism which has cost this State an amount in excess of $350 million;
>
> presided over a significant decline in the rate of royalty on mineral production, resulting in a loss of some $228 million at current prices; and
>
> been responsible for substantial wastage of taxpayers' money to the tune of some $100 million.

As one of the architects of the so-called new federalism policy, the Treasurer has supported and promoted a system of Commonwealth/State

financial relations which has cost Western Australia dearly. It is to his credit that he has made some statement that had he known what was going to happen he would not have been so eager to step into the lion's den.

Despite repeated warnings from this side of the House, the Treasurer entered into agreements on behalf of Western Australia and it can be shown that a sum of $350 million has now been lost to this State as a result of his action in 1976. The Premier's stubbornness, his lack of foresight, and his business ineptitude have contributed largely to that significant revenue loss.

It has taken the Treasurer almost six years and a revenue loss of over $350 million to recognise and accept that the new federalism policy has been an unmitigated disaster for Western Australia. It has meant higher taxes and charges—

The Hon. W. R. Withers: I seem to have heard this speech before from Canberra.

The Hon. D. K. DANS: I am not worried about what has happened in Canberra. If what I am saying has been mentioned, full marks to the man concerned.

It has meant higher taxes and charges, lower living standards, and cutbacks in essential services for people in this State, and it was co-authored and promoted by this Treasurer.

Mr Ferry will not suggest to me that what I have said is not a fact. I do not like it when the Premier gets to his feet and says, "We do not like doing it; it is because the Federal Government will not give us the money".

In 1981-82 Western Australia will receive royalties at just over half the level it received in 1973-74. When considered as a percentage of the value of production, by not maintaining the 1973-74 royalty rate, the revenue lost in 1981-82 has amounted to $228 million. Had the Government received that revenue, it would have meant that the rates, taxes, and charges paid by the average family would be $13.50 a week less. Members opposite should refer that fact to their ministerial colleague in another place who suggested we were proud of being a low-royalty State—the lowest in the world. I was present when that statement was made—not in the Parliament, but outside the Parliament.

A case can be made for charging royalties in some areas and not in other areas; but the fact remains that in many parts of the world we are a laughing stock for the manner in which we manage our resources development.

On the matters of wastage and inefficiency in government which the Opposition believes have cost the people of this State another $100 million, we consider such things as the delay in the completion of the Royal Perth Hospital, which is costing some $70 million; a public relations network absorbing about $2 million of the taxpayers' money; the splitting of the former Department of Industrial Development into two separate departments, which has cost $1 million; the appointment of two additional Ministers and the proposed election of four additional members of Parliament, together with the refurbishing of the Premier's office, involving a further cost of $500 000; and so it goes on. They are all examples of financial negligence or wasteful expenditure of public funds.

The Budget is without purpose; it lacks direction; and it fails to clarify an economic strategy. Later in my speech I will refer to some questions I have been asking over the last couple of weeks.

The Budget is a bookkeeper's document. It raises the commitment of families in this State for the payment of Government taxes and charges to $31 a week.

The Hon. Neil McNeill: You are much more convincing with your own speeches.

The Hon. D. K. DANS: Mr McNeill will hear a lot from me later. He should not become upset.

The Budget gives the taxpayers $7.2 million while taking $39.3 million from them. State taxation is estimated to increase by $73.5 million or 19 per cent. The level of expenditure provided in the Budget is insufficient to maintain the real level of economic and community services provided in 1980-81.

We find a number of concealed cutbacks in the Budget in relation to services.

Government members interjected.

The Hon. D. K. DANS: Members should read Mr Burke's speech. They will notice it is significantly different.

The Treasurer did not mention the significant cuts in local government funding, the curtailment of library services, or the reduction in funding for the pre-school education of four-year-olds. In addition to those, of course, is the question of unemployment.

In any other day and age, this Parliament would be staggered by the news that 700 people were to receive the sack at Kwinana. It does not matter whether the sackings will take place tomorrow or in April, and there is no point in talking about redundancy or severance payments.

The fact is that 700 people will be sacked from one plant.

Recently I attended a public meeting at Kwinana. Some of our Federal members were conspicuous by their absence. When the Tonkin Labor Government came to office, members would recall the then Country Party member, Mr Jack Hallett, who attended every meeting which was called in order to do something for the people and to help out. I will concede that more money was available then; and we were able to move on the unemployment situation. Jack Hallett was present at all of those meetings.

When I looked around the meetings I attended, I saw that one of the tragedies is that when the people are sacked, because of their age that will be the last job a large percentage of them ever hold. It is more of a tragedy because a great number of them do not know what will happen to them.

If we think about the situation, we will realise that not only will 700 people at Kwinana be sacked; in the near future, 100 people at Koolyanobbing may be sacked as well.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. D. K. DANS: Before the afternoon tea suspension I was talking about the 700 people who would be unemployed as a result of the blast furnace closing down. I said that, because of their age, it would be impossible for some of them to obtain another job unless positions were found for them in the Kwinana area. That is quite tragic, because not only are we looking at 700 people, but also we must examine the multiplier effect, and approximately 3 000 people will be involved. We should give a great deal of attention to this matter.

It should be noted also that rumours are being bandied about to the effect that there may be a scaling down of activities in other areas of Kwinana. It would be far better if the people on the job were told the exact position. Anyone who takes an interest in industrial relations in this State would have known the Kwinana blast furnace was under a cloud as far back as 1979 and perhaps even earlier.

Two or three days prior to the announcement being made, my colleague (Mr Don Taylor) had an interview with the management of AIS in order to obtain information on the current position. He was told nothing was going to happen. I do not particularly blame the local management for that. However, such behaviour is not conducive to good industrial relations. It is certainly not conducive to increased production, because it is virtually telling people to produce themselves out of their jobs.

We have heard rumours also about the oil refinery at Kwinana. A similar refinery in Kent, which was approximately the same age as the Kwinana refinery, was deemed to be inefficient, and is to be closed down, and a new refinery in Singapore is said to be capable of supplying all the needs of Western Australia at a far cheaper cost than the refinery at Kwinana.

A letter was sent to the workers at the oil refinery indicating they should disregard the rumours, because nothing was going to happen. It pointed out $80 million had been spent on the refinery. We all know the blast furnace was relined as part of the procedure to be followed in order that it can be satisfactorily mothballed. We know also that, bearing in mind current demand, there is little chance the blast furnace will come into commission again for at least another three or four years.

Mr Porter, the manager of the Kwinana refinery, distributed a letter amongst the workers telling them they had nothing to fear. An article appeared in *The Western Mail* of 7 November 1981 under the heading "Refinery will continue" in which a number of assurances were given; but in the last column Mr Porter said—

> However, I cannot guarantee that there will be no further reductions in production or staffing.

Members opposite can imagine the feelings of the people who work at the oil refinery when they read that. On the one hand they were given an assurance that they should disregard the rumours but, on the other hand, those comments appeared in the newspaper. The workers would be aware that a couple of days prior to the announcement being made at Kwinana a member of Parliament was told the blast furnace would not close down.

According to the answers given to questions which have been asked in the House, it would appear the Government does not know where it is going. It has indicated it has no wages policy and, in answer to a question, a Minister said no investigation had been made of the multiplier effect, in the Kwinana area, of the closing down of the blast furnace.

It appears the Government has no plans to assist in the re-employment of these people. The Department of Social Services has been alerted to the problem and it is ready to render assistance where necessary; but that is cold comfort for the workers who are over 50 years of age. Frequently these people are immigrants with wives and children. It has been said that, if they are over 60,

they would no longer have dependants; but that is not necessarily true. It is clear such people are not as mobile as younger workers and a great deal of assistance is needed in this area.

Despite the fact that the Treasurer has produced a balanced Budget, it is clear the State is in a bad way, particularly when one bears in mind the level of unemployment and rate of inflation we have seen over the last few years. Indeed, I wish the Treasurer had never said 100 000 jobs would be made available or that inflation would be beaten State by State, because some people believed him. I have no doubt that, when the Treasurer made those statements, he meant them; but he failed to take into account the world situation, which was quite clear to anyone who reads international newspapers.

One of the problems we face at the present time is the social consequences which flow from continuing inflation and unemployment, because those two issues are closely linked.

I should like to quote from an article as follows—

> In opening the OECD high level conference on youth unemployment in 1977, the honourable Ray Marshall commented—

If I remember correctly, at that time Mr Ray Marshall was the United States Secretary for Labour. To continue—

> The credibility of any society depends in part on its ability to provide meaningful work for those willing to work. For those entering the job market, an inability to find work tends to weaken the credibility of that society. Any society is bound together by civility and a mutual respect for that society's institutions. If that society is unable to provide work for those entering the labour market, this social cohesiveness is diminished.

I do not think anyone would argue with that. In all modern societies, industrial or post-industrial, the work place remains essentially the central defining institution of society.

Work provides meaning for people's existence. It defines their status, their incomes, their personal identity. In a system which defines life's meaning by work, but then denies work to significant numbers of people, unemployment becomes the source of intense individual crisis and widespread social malaise.

The Hon. N. F. Moore: Are you going to support the TLC in relation to Yeelirrie?

The Hon. D. K. DANS: I will not comment on that.

The Hon. N. F. Moore: I should like to know.

The Hon. D. K. DANS: Of course when increasing levels of unemployment are coupled with an unacceptably high inflation rate, the problems are magnified. I do not minimise the problems of inflation, because they are very real. I should like to present some statistics in relation to unemployment on a world basis. International forecasts of unemployment show an upward spiral with figures for the United Kingdom exceeding 11 per cent by the end of 1981. It is a matter of record now that that forecast proved a low estimate with an announcement only weeks ago that Britain's inflation rate was now in excess of 12 per cent. There have been some marginal changes since I researched this matter.

Estimates published in December 1980 show 23 million unemployed in OECD countries, which could increase to 25.5 million by the middle of 1982.

There is no doubt that at this point in time unemployment is the major social problem facing modern societies, although it is only one side of the dominating economic issue of "stagflation"; that is, the joint occurrence of unacceptably high rates of both inflation and unemployment.

Unquestionably, inflation was a much more significant feature of industrialised economies in the 1970s than it was in the 1950s or 1960s, and it has persisted even at times of mild recession.

The pattern is now expected to continue with the prospect that many countries are likely to experience levels of inflation throughout 1982 still in excess of 1978 levels which saw the steep increases in oil prices.

It is clear from reports in the newspapers that the United States economy is not recovering. Already it has been necessary for President Reagan to modify some of his programmes. It is clear also that whatever happens in America affects most, if not all, of the western world.

For 1980, the average inflation level of the major seven countries within the OECD was 12 per cent. For the EEC the figure was 12.5 per cent, while for the OECD as a whole, the inflation level was 13 per cent. Within the European countries of the OECD, the average figure stood at 14 per cent.

Average figures, of course, conceal the extremes with Italy on a figure of 21 per cent while the United Kingdom experienced 18 per cent. The figure of 18 per cent may have varied and that is an indication of the speed with which economic matters move these days.

Mr Moore quite rightly referred to gold prices and they are indeed fluctuating wildly.

The Hon. N. F. Moore: It doesn't do my shares much good.

The Hon. D. K. DANS: At a later stage we shall be discussing the pecuniary interests of members of Parliament.

The Hon. N. F. Moore: I should have said, "My wife's shares."

The Hon. D. K. DANS: By no means does unemployment affect all workers equally and that is the point I have been making with regard to the Kwinana area. When the economy slows down, particular groups suffer disproportionately. These are also the groups least able to protect themselves against the ravages of inflation.

Clearly, the social and personal impact of unemployment depends very much on whether employment is spread in small doses across a wide spectrum of the population or whether it is concentrated in larger doses in a few. The latter situation has increasingly come to prevail.

Previously we were talking about Aborigines. It is not a subject I know a great deal about, but surely that is one area that fits the pattern that I am talking about. We are looking at the heavy industrialisation around Kwinana, which is another area, and there are areas around Fremantle. Figures suggest that women, young people between the ages of 16 and 24, older people and—certainly in Australia—migrants are all heavily represented amongst those groups least able to cope.

What I have said about Kwinana looms up again here, because the majority of the workers in that area are migrants, many of them from Great Britain, but certainly from other parts of the world as well. These people not only have the problem of fear for their jobs, but also have the problem of not being able to communicate as lucidly as they would like to, and that fear which grows within them must be a terrible thing to endure. As a member, I do not know what to do about it.

Youth unemployment in 1981 was expected by the OECD to exceed 16 per cent in France and the UK—the figure for the UK has increased since then—and 15 per cent in the US. I was recently in the United States where there are pockets where unemployment levels exceed 50 per cent.

The Hon. P. H. Wells: Overseas countries have the same problems we have here.

The Hon. D. K. DANS: That is the point I am making.

The Hon. Peter Dowding: It has taken a while to get through to him. It is not your fault, Mr Dans.

The Hon. N. F. Moore: I thought for a moment you might have been criticising the State Government.

The Hon. D. K. DANS: The State Government, of course, is partly to blame, because people blame Governments. It does not matter which Government is in office at the time. The people are entitled to expect Governments to do something about the situation.

The Hon. N. F. Moore: If you look at some of *The Bulletin* surveys, people look at who causes them.

The Hon. D. K. DANS: I am not a great fan of *The Bulletin*.

The Hon. N. F. Moore: If one takes it as a guide.

The Hon. D. K. DANS: Nor are these figures the highest. In Italy and Spain, one young person in five is already out of work, whilst among American young black men, one in three is unemployed. I do not know what Western Australia's figures for Aborigines would be, but I imagine they are very high.

Acceptance of the changing nature of the unemployment problem is reflected perhaps in the interest now in figures or tables indicating the length of time individuals are now out of work, in addition to figures depicting merely the frequency of out-of-work periods.

In Australia, for example, the average duration of unemployment rose from 8 weeks in 1972 to 28 weeks by August 1979. Similarly, the number of young people under 24 who had been without a job for a year or more rose more than 10 times over in Britain during the 1970s and is still increasing.

There seems to be a feeling in Australia that it is only young people who are out of work. Of the total unemployed in Australia only about one-third are young people. Clearly the unemployment is heavily affecting the breadwinner sections of our community. The consequences are frightening.

In perhaps a curious way, the images we have of the depression years in the 1930s have shrouded our perception of the dimensions of the present social problem. The issue exists in a quite different social context. The past symbols of substantial unemployment-dole queues and unemployed on the move have taken on a different shape in the modern welfare state. The

lack of the more overt effects has tended to submerge the problem.

Recently I read a paper given by Sir Richard Kirby at a seminar in Brisbane. He is a former President of the Commonwealth Conciliation and Arbitration Commission. He said he was bred on a Bench where he had been led to believe that if the unemployment level reached 1.7 per cent, the Government of the day, no matter which it was, would be out. We are now up to 5.7 per cent and nobody takes a great deal of notice of it, because some of the older people in the community still have this perception of the unemployment in the 1930s when there was no welfare state in operation. The problem remains in a different form, and is not so easily reconciled or recognised.

Studies indicate that adverse psychological effects may be attributed to prolonged unemployment. The mere fact of a person not having a job for long periods may pose a threat to his self-identity and result in an overpowering sense of boredom, frustration, and uncertainty. The key words associated with studies into the upward trends of socio-economic costs, economy, and recession, are disillusionment, depression, emotional tension, and frustration. Many studies have been conducted in West Germany and the results have been frightening. I used to quote regularly facts about that country's economy. People in that country never thought a couple of years ago that they in fact would be unemployed now. These people go through three stages. It is unfortunate that in many cases when they reach the third stage some of them become unemployable because they are suffering from psychosomatic overlays and other things caused by society being unable to provide them with a job.

A key concern of many studies was that unemployment for long periods can, and often does, lead to psychological problems and anti-social behaviour. In that sense, we are not just looking at costs to the individual. Those costs are always translated in the long run to costs to society. I do not think anyone in this Chamber would argue with this statement.

Hence, individuals who do not value themselves very highly are those most likely to fall into the groups euphemistically referred to as social problems, such as the alcoholics, drug addicts, criminals, suicides, and mentally disturbed. These can all be caused by unemployment.

When I was listening to Mr Moore this afternoon, I could understand the sense of frustration that Aboriginal people must feel when trying to get up after having been down for 200 years. It must be very difficult for them.

In association with continuing high inflation and substantial unemployment, welfare organisations' studies show disturbing increases in the claims on voluntary agencies for emergency relief and hand-outs and the increasing number of homeless people and the rising percentage of homeless youths. Studies point to severe disruption in family stability, highlighting the rise in divorce rate and the growth of domestic violence, and demonstrate how health is conditioned by the economic environment. Evidence suggests that the forms of social stress generated by unemployment have increased with modern development and have had an increasingly powerful effect in producing psychiatric symptoms in modern societies.

Finally, there is the notion, possibly the most disconcerting of all, that the fact of persistent inflation and high unemployment may destroy the confidence of large sections of society in that society's ability to effectively solve its problems. Who knows what the social cost of that perspective will be?

I suppose one could say that the position pertaining in Kwinana now is perhaps a cameo of happenings on a much larger scale, not only in Australia, but overseas, and we need to take note of that.

When I was discussing parts of the Budget I mentioned that because of the number of factors involved, the support facilities we have in the community are being cut down. We need more social workers and we certainly need more teachers. We need more support facilities and people, not less.

The unemployment situation in Australia remains fairly static. At noon on 8 October 1981 the Australian Bureau of Statistics issued a document wherein it is stated—

> In September 1981 the estimated number of unemployed persons looking for full-time work was 329 800, representing 5.8 per cent of the full-time labour force.
>
> The number aged 15-19 years looking for their first full-time job was 36 700.
>
> An estimated 63 300 persons were looking for part-time work, representing 5.7 per cent of the part-time labour force.

I concede that at this time of the year those figures go down marginally. However, they do not take into account the thousands of people who would be seeking to enter the work force if the opportunity were there. We have painted a

completely wrong picture and it is not one that we can pass off in a cavalier manner. All of us can get up and speak about the problem, but none of us can really understand because none of us has experienced it. None of us has been unemployed. We have not been there. Unless we address ourselves to the problem now, both as members of Parliament and as a nation, it will have disastrous consequences, and the effects of those consequences will be felt for years to come.

This brings to mind some of the questions I have asked in the House recently. I asked a question, which was answered on 4 November, of the Minister representing the Minister for Labour and Industry, as follows—

(1) Has the Minister's department carried out any research on what the multiplier effect might be for each retrenchment at the Kwinana blast furnace facility?

(2) If so, will the Minister supply details?

The Hon. G. E. Masters replied on behalf of the Minister for Labour and Industry and said—

(1) and (2) No.

Surely, if for no other reason than for some of the reasons I have outlined, the Department of Labour and Industry and the department of social welfare should be active in this area. The money should be found to allow them to operate efficiently. I did ask another question and the answer rocked me. I asked a question in relation to the Budget, as follows—

(1) Can the Treasurer confirm that for the education category, assistance to private schools, the proposed estimate of expenditure for 1981-82 is not consistent with departmental estimates of expenditure found elsewhere in the Budget papers?

(2) Is it a fact that the estimate in the functional analysis understates the correct estimate by about $1 million?

The Budget is out by $1 million. It does not matter if it was deliberately understated or not. The Treasurer informed the House of the precise and correct figure for the proposed expenditure in 1981-82. I will not read the answer given by Mr Medcalf. I ended up asking another question because the answer was gobbledygook and defied description. Clearly in the functional analysis on the Budget papers there is a difference of $1 million. It is there for all to see. I know the answer I received was the closest thing I will ever get to the Treasurer saying that a mistake had been made; but it would have been a better proposition for him to have said, "Yes, there is a $1 million error and this is where we made it". After all, the figures that come here are the ones we are asked to speak on and examine, and yet they are $1 million out.

The Treasurer's figures are clearly inconsistent with those of the Minister for Education. One of them is attempting to mislead both the Parliament and the public. If one reads the answers one will see they are talking about the functional analysis, but for at least the last four Budgets there has been no difference. Why in this Budget does it not tally? That question I asked required four days to be answered. Of course, what was happening down at the Treasury was that they were cooking up a reply.

The Hon. D. J. Wordsworth: Rubbish!

The Hon. D. K. DANS: Do not say it is rubbish. It is there for all to read. Would the Minister like me to read it all out? I am sure he would be just as wise as I was when I finished it. There is an amount here of $19 426 which is a functional analysis. On page 38 under "Education" an amount of $18 559 900 is allocated and we should be given at least some cogent reasons as to why this amount is there.

It seems to me, and it becomes clearer almost every day, that the role of an ordinary member of Parliament, be he a member of the Opposition or a Government back-bencher, is extremely difficult. I really do not know whether, in fact, representative Government still exists. I would like to quote from an Australian Senate Select Committee which reported recently. I am trying to express the frustration I experience when I am talking to those people who are being sacked. I know in my mind that I cannot really do anything for them. All I can tell them is that they are to be sacked. I can criticise the Government a little or a lot; but I cannot do anything to assist those people. I think every member in this Chamber would have had a similar experience. The report of the Australian Senate Select Committee stated—

> A common source of concern to all Parliaments is the growing imbalance in the relationship between Parliament and the executive, the rapidly increasing power and influence of the executive and the need for Parliament to strengthen its oversight and check of executive activity . . .

In much stronger terms, a powerful House committee supported the view that "Parliamentary control of the executive is a myth".

This is not a situation unique to Canberra or to the Western Australian Parliament. Lord Glenamarra, giving evidence before the Select

Committee on Procedure in the United Kingdom House of Commons, remarked that—

> The balance of advantage between Parliament and Government in the day-to-day working of the Constitution is now weighted in favour of the Government to a degree which arouses widespread anxiety and is inimical to the proper working of our Parliamentary democracy.

It has been said that there is an expression among parliamentarians to the effect that "a Government can govern, but Parliament must rule". The point is that Parliament is the ultimate instrument of democracy in the Westminster system of government, and this presupposes executive accountability to the people's elected representatives in Parliament. I am referring to the traditional practice under the Westminster system.

The Parliament exercises its basic functions of scrutiny and control by several established methods: Questions of Ministers; debate, especially adjournment, grievance, and Address-in-Reply to the Governor-General's speech; motions, general and urgency; reports; and inquiries by committees, select and standing.

Select Committees and Standing Committees make some very good recommendations. However, the reports end up being put in a room to gather dust and nothing is ever done about them. I refer to the Campbell report. I may or may not agree with it and it may never see the light of day.There are too many political hot potatoes in that report.

Commentators have asserted, however, that the expansion in responsibilities and the accompanying growth in the size of the executive arm, both political and bureaucratic segments, has severely limited scrutiny.

Expansion in responsibilities has been particularly rapid in the last two decades. New areas of policy, including housing, education, science, urban and regional development, and environment have all been added to the agenda; the range of social welfare benefits has expanded greatly; and inflation, unemployment, and the balance of trade have brought economic problems on a larger scale than previously. All these problems do not apply to State Parliaments but they are part of the total scene. External factors have forced the nation to pay significantly more attention to world and regional affairs. That is why I was talking about inflation and income as a world scene. Such expansion has played a key role in contributing to currently identified shortcomings.

The value of question time is limited because of the brief time set aside, the call system, the absence of a recognised system of supplementary questions, and the lack of authority of the Speaker or President to limit the length of replies.

Reports may pose a problem in repect of review and assessment, to the extent that they do not always provide sufficient relevant information, or that they are often presented long after the events with which they deal.

As a direct result of the expansion of responsibilities of all national and State Governments, there is now more for more Government departments to do; their work is more complex; it involves more money, legislation and programmes; and it is done in a greater hurry by a greater number of officials.

One could say that that is Parkinson's law; but we must understand that Governments are responsible for more areas than they were previously. This applies not only to State and Federal Governments, but also to local government. At least the State Government has some scrutiny over its spending, but it appears to me that local authorities spend a lot of money without much public scrutiny.

The charge has been made also that, certainly within the Australian Parliament and State Governments, ministerial accountability has been hampered by procedural shortcomings such as that back-benchers have little opportunity to participate in shaping legislation; parliamentary sittings are limited to 70 days per year; no sitting days are set aside for "the Opposition to nominate the subject to debate"—in Ottawa and Westminster, such a provision is made—and outdated methods of voting use up too much time.

I do not think we would want electronic systems in this House, but they could certainly be used in other places. What we need in this Parliament is to have *Hansard* backed with a tape recording system.

It needs to be noted that many of the perceived shortcomings are associated with the information explosion. I have heard it said on many occasions that we do not get enough information. However, I believe we have an information explosion. There would not be a member in this Chamber who could say he reads all the information that is delivered to his desk. I am sure that companies which produce glossy-covered reports have trouble finding people to send them to, and as a result parliamentarians receive them. We do not have a shortage of information, but we do have a lack of assistance in regard to absorbing it.

Of course information, *per se*, has not ever really been the difficulty. Information has become a problem only when inadequate provision has been made to process it. Generally speaking, the growth in information has not been accompanied by a similar growth in the means available to cope with it.

I believe every member in this Chamber, and indeed in the Parliament, has considered the high cost of running the Parliament, and members should be provided with the right type of assistance in order that they can make some meaningful assessment of legislation before the Parliament.

In its effort to fulfil its role of keeping the executive branch under effective scrutiny, the Parliament has come to realise that the traditional techniques are often significantly restricted in a complex modern State. The standard methods still have an essential place, but Parliament has found it essential to extend its capacity.

One of the major ways through which the Parliament has attempted to strengthen its role has been the development of an effective committee system. Such a system has not been developed here, in this Parliament. These committees have enabled the public to express views directly to the Parliament and at the same time have made individuals serving the executive Government account for many of their actions and expenditure of public funds. Another benefit seen has been the bipartisan approach taken by the committees to their references. If members read the Australian Senate Select Committee report they will notice this occurs quite regularly.

Commentators have referred to a range of other procedures and practices which may enable greater scrutiny, such as an improvement in the effectiveness of question time; a widening of the Speaker's and President's powers and discretions; and the televising of parliamentary proceedings to expose the processes and actions of Government to public scrutiny.

I know that would not affend Mr Pike or me.

The Hon. R. G. Pike: You and I would come over well on television.

The Hon. D. K. DANS: Members know it would make us sit up straight and attend.

Another matter which may enable us to have greater scrutiny is the right of the Parliament to control its own Budget free from executive interference. This is what should be happening in this Parliament right now.

Many of these reforms still have associated problems, many committees still suffer from the same difficulties. The more traditional methods have experienced time constraints, and lack of support systems and of follow-up capacity.

One point here, without wishing to interfere with the role of *Hansard*, is that electronic reporting systems cannot take down interjections. I know that in the South Australian and Federal Parliaments a back-up tape system is used. This makes it easy for a member to correct his speech. It helps him to remain honest. I always resist the temptation to cross out things that have been said; I say, "Get thee behind me, Satan".

Moreover fundamental questions are raised as to the extent of committees' investigatory powers and the definition of "Crown privilege"; also, to what extent the Executive should formally deal with committee reports. Such matters are simply symptoms of the fact that the Parliament is going through a period of re-assessment and adjustment of its role *vis a vis* that of the Executive.

In conclusion, in examining ways of increasing the accountability of the Executive to the Parliament, it perhaps could be emphasised that it is not a question of the latter controlling the Executive.

Commenting on the controlling influence of parliament a professor of politics, Bernard Crick—I thought he was an Australian professor of politics but I recently learned that he was a British professor of politics who was visiting Australia; I thought if I used the term "professor of politics" I would be correct—said the following—

> Control means influence, not direct power; advice, not command; criticism, not obstruction; scrutiny, not initiation; and publicity, not secrecy.

Members should keep that in mind. We could do much to strengthen the democratic processes.

I have covered a wide area and I hope members will take note of the part of my speech in which I depicted the social consequences of unemployment. I think it is a real thing and it is not the personal property of the Labor Party to be very concerned about unemployment. It is the right of all members of Parliament to be concerned about it, despite the deficiencies under which an ordinary member works, and I have earmarked some of them. Members may agree with some of them, and if they do not agree I hope at least they will take note of what I have said.

I hope the economic climate will improve, although the economic experts say it will not.

Increasingly every member will be called upon to face the angry people and some of the things our forefathers went through in fronting up to groups of people without the use of a microphone, personal assistant, or press agent will be our lot.

THE HON. G. C. MacKINNON (South-West) [4.43 p.m.]: Before the last war a famous judge pointed out to a group of parliamentarians that the last major change Parliament made was to chop off the head of Charles Stuart and that the next change Parliament will find necessary will be to chop off the head of the executive Government.

The Hon. D. K. Dans: I did not suggest such severe action.

The Hon. G. C. MacKINNON: The judge was talking about the United Kingdom Parliament at that time. It certainly would not have succeeded other than under the Westminster system. This system of Parliament has been with us for a long time.

Every member has spoken about the difficulty of framing this Budget; I think we would all accept that as a fact. One would hope that this Budget, framed as it has been under difficult circumstances, will prove to be a watershed Budget. Over the last few years, we have had a series of Budgets which have tended to be better and better. However, over the last two years and particularly this year, for the first time, the Government has pulled up and has had a really good look at and a revision of its attitude to expenditure. In doing so, we should be setting new directions where necessary and reinforcing acceptable directions. I wonder in fact whether this has been done.

I give only one illustration where I believe it has not been done. As I have said, the Budget was framed under some difficulty and, to some degree, under an element of coercion. This is unavoidable. The only way we can stop people from spending money is to completely cut off the supply of money so that they must economise. However, there has not been enough time to adjust to reduced standards of service in a number of areas. The need to reduce standards in some areas and to examine in real depth where money can be saved is an important part of government today. Real economies can be effected in various areas, although most of the major economies, of necessity, are imposed on the only two departments which spend enough money to warrant substantial cuts being made in their budgets; I refer, of course, to health and education. Any cuts of any size must be directed to those areas. In short, the frills must be paid for in some way, and if they are not to be paid out of the taxpayers' purse, they must be paid for in other ways if the people want them.

I fear there are some areas in which economies are not setting proper new directions and are not reinforcing the decisions made as to which direction is the right direction. I will use as an example the area mentioned twice in this debate; namely, the Department for Youth, Sport and Recreation. I have decided to raise this matter following comments made by Mr Dans regarding unemployment—and very doleful remarks they were. Probably, Mr Dans researched the matter and there was a lot of justification for his remarks.

For a number of years, the Government has anticipated a continuing degree of unemployment. One solution to the problem of catering for the unemployed is to establish agencies to assist people in catering for their additional leisure time, and the Department for Youth, Sport and Recreation was formed for that purpose.

Members who speak in this House perhaps are unaware of the effect of their speeches on the people about whom they speak. The two members who referred to the Department for Youth, Sport and Recreation have created a serious lack of morale in the department. One of the members said that within the last several years the department's staff had increased from three people and a board to 122 people. However, he was incorrect; it has increased from 106 people to a total of 122. In other words, there has been an increase in staff of some 16 people. This injustice has upset the staff of the department no end and I feel obliged to correct the matter.

It was mentioned also the department occupied a large building at Perry Lakes. In fact, the department is housed in the pavilion constructed for the Empire Games. The area had been empty for a considerable time and, after negotiations, the building was rented by the State Government from the Perth City Council at a cost of $1 a square foot. If members can find office space around the metropolitan area at $1 a square foot, I would like to know where it is; I would rent it, and then sublet it.

The Hon. Tom Knight: You do not create a department simply because office space is available.

The Hon. G. C. MacKINNON: At the time, the department was housed in extremely unsatisfactory, old accommodation around the metropolitan area and in fact was occupying far more space than it needed because of the inefficient nature of the accommodation. The department occupies the entire building at Perry

Lakes. The building is used for a number of different purposes including little athletics, major athletics, youth hostels, and youth sporting associations: a whole host of organisations conduct meetings there regularly. The department carries out the printing requirements for all the voluntary State sporting organisations and, if it has additional capacity, it carries out the printing requirements of other voluntary sporting bodies, particularly if they cater for the handicapped.

The department conducts seminars. The area also is used to conduct coaching courses; last year, coaching courses for all sports catered for some 5 000 people. The courses do not cater for a select few, but include courses catering for the elderly, the infirm, the handicapped, the single parent family, the disadvantaged, and the like.

The rural youth organisation was taken over by the department; at one time, that organisation was housed at Perry Lakes, but that no longer is the case.

The financial matters raised in the debate were totally erroneous. The sum mentioned was an item under the Treasurer's vote. Last year, it was $1.725 million, whereas this year it has been reduced to $1.45 million. One of the speakers said the money available to be distributed, taking into account the Department of Youth, Sport and Recreation allocation of $522 000, should be about $2 million. I believe the member who mentioned that matter should be quite happy about the situation.

The Hon. Tom Knight: No, I still think it is a waste of money the way they are doing it.

The Hon. G. C. MacKINNON: It would be interesting for the Hon. Tom Knight to inform us just how he believes the money is being wasted.

The staff of the department also was referred to in the debate. The recreation advisory division has only four officers at Perry Lakes, and a couple of those virtually call in on Fridays to pick up their coats because they work as counsellors in the various areas. The rest of the staff of the department are located in country areas. A couple of officers concerned with the developmental services are based at Perry Lakes. The senior recreation officer (Mr Wilkinson) organises programmes for disadvantaged and handicapped children and the children of single parent families. He also runs sporting programmes on behalf of local governments.

The senior recreation officer concerned with community and occupational fitness is involved in a new development, commenced with the encouragement of the Government: I have heard members make speeches applauding this concept. His job is to work out fitness programmes at the request of private industries. It has been found that fitness amongst workers reduces the incidence of industrial accidents.

The administrative division of the department also was mentioned in the debate. An uninformed person would look at the list and say, "They are the administrators". They are nothing of the sort. The longest list is under the heading "Camps and facilities" under Mr Russell. There is a whole list of people who are situated at camps, because the department runs camps from one end of the State to the other; the Education Department uses these camps from time to time. One section is responsible for the printing requirements of voluntary sporting organisations and the like.

There is no doubt real difficulties are associated with the matter of unemployment, and with increased technology and a whole host of other factors an increasing amount of leisure time will be available to the community. Basically, this section is an administrative section. Last year, the department was allocated $360 000 for central administration, but spent only $338 000, which in anybody's language was a reasonably good performance, involving as it did a saving of money. That is a fairly low proportion of the total Budget of some $3.7 million and, from an administrative point of view, is not an unreaslistic figure.

I know the workings of the department, and everybody associated with it, and I happen to know the comments printed and circulated about the staff of the department upset them greatly. It has been my scout's good deed for the day to raise this matter on their behalf. People who work in these fields need some sort of encouragement.

I mentioned earlier that this should be a watershed Budget, and that we should be following the course we intend to pursue. I refer now to an area where I believe the Budget is markedly at fault. Mr Lewis mentioned that recreation officers were now to be employed by local authorities.

The Community Recreation Council was headed by Mr Dettman. It no longer exists as such and is now a small advisory board; previously it was a statutory authority. A great deal of thought and consideration went into the placement of recreation officers. These were the people who were to take the advances in recreational activities out to the community and to show people how to run their clubs and organisations. It still runs courses on how to be a secretary or a president of a club and how sports clubs should be run.

The Hon. Tom Knight: All that was done free by voluntary organisations before without a cost to the taxpayers.

The Hon. G. C. MacKINNON: I happen to be State president of the Scout movement and if the Hon. Tom Knight wants to talk about this subject I am quite happy to accommodate him. The standards now are infinitely better than what will be available with the new system. These recreation officers were assisting the voluntary organisations mentioned by Mr Knight; in fact, they were being asked to provide this assistance.

The reason it was considered the officers ought to be paid for and managed by headquarters was that this would create a structure for promotion. It catered for the situation where an officer who was sent to a local authority and did not get on very well there could be easily transferred to another local authority. If an authority was after a particular type of fellow—perhaps one who knew a lot about camping, something which was popular in the locality—one could be transferred to accommodate this need.

The Victorian and British Columbia system is the one the Government is adopting now, where an officer is an employee of a local authority. Local authorities who want a recreation officer can employ one and the others can go without and return to the system referred to so enthusiastically by the Hon. Tom Knight.

To me and to everyone else who discussed this scheme at the time this move is a retrograde step and time will prove this to be so. I doubt if we could reverse the situation at a later time. It is a cause of great despair to some recreation officers who probably will not be employed now. This move represents a denial of faith by the Government. It established a system and now, with very little notice, it is taking a step which means these recreation officers will have to see whether they can fit in with the local authority to which they are presently attached. It could well be that some of them were waiting for a transfer and will not be employed by the local authority. Many will have to look for another job.

The move taken by the Government initially in setting up this scheme was not taken lightly. Proof of that is the qualifications that were required to be gained by the officers by attending courses at tertiary institutions. These officers studied and gained their qualifications, but are now to be let down. This is a shame. This move will prove to be a mistake. It does not reinforce those desirable trends I mentioned earlier. It cannot possibly be an economy on a State basis because the same wages are fixed and will have to be paid by someone; so the cost is merely a transfer from one body to another. It is a deleterious transfer.

Recently I introduced a motion concerning the 150th anniversary of the first Legislative Council sitting. I am a little disappointed that at the time I spoke to the motion I did not mention all the people who were working so very hard and doing a first-class job to ensure things moved smoothly. I take this opportunity publicly to commend the work done by the secretary to the committee (Mr Les Hoft) who is the Clerk Assistant of the Council and Usher of the Black Rod. Mr Hoft has done a tremendous amount of work. He has been ever willing to correct my grammatical errors with a very smooth sophistication. I would like also to put on record the work done by Mr Lionel Farrell, the Clerk Assistant of the Assembly, who has contributed his special theatrical knowledge.

I support the motion.

Debate adjourned, on motion by the Hon. P. G. Pendal.

PRISONS BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.07 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal and re-enact the Prisons Act, which has been in force since 1903. It has been amended on 11 occasions since then, but in the main these amendments have been piecemeal.

A review of all provisions which were outdated or superseded by other legislation, such as the Criminal Code, was commenced three years ago. The changes identified as necessary proved so extensive that it was decided to prepare a completely new Bill.

The Bill is designed to—

> reflect the basic obligation of the Prisons Department, which is the establishment, management, control, and security of prisons and the custody and welfare of prisoners;
>
> ensure an appropriate level of accountability and responsibility for departmental operations to the Government and the community through Parliament;

clearly define the rights, duties, responsibilities and obligations of prison officers which will allow them to operate a prison system in a humane manner while at the same time ensuring that the necessary level of security is maintained to protect the community;

clearly define the rights and privileges afforded to prisoners within the context of the good order and security of prisons and ensure these rights and privileges are protected;

allow by statutory authority the department to provide meaningful activities for the occupation of prisoners;

encourage the department to establish programmes that will be of benefit in meeting the needs of prisoners, both while in custody and when they eventually return to the community, provided prisoners wish to avail themselves of such programmes;

increase legislative responsibility for the department's activities by incorporating into the law many of the current policies which, because of the outdated nature of the Prisons Act, are the subject of departmental standing orders, administrative instructions, manuals and common usage; and

ensure that the necessary powers exist to accomplish these aims while at the same time building in adequate controls to ensure these powers are not abused.

The Bill therefore seeks to establish the department's aims and objectives, and its accountability to the community through the Government and Parliament; to define the rights, duties and responsibilities of departmental officers; to ensure the operation of a humane environment for prisoners; and to protect both the prisoners and the public from abuse of those powers which are necessarily required by officers if they are to operate a secure prison system consistent with the realities of the 1980s.

The preliminary part of the Bill deals with technical matters of definition. These update the terms used to make them consistent with modern aspects of the criminal justice system.

The Bill makes provisions for the proclamation of prisons. It authorises the placement of prisoners in police lockups as well as prisons. The director of the department will, for the first time, be required at least every three months to review the placement of all prisoners serving their sentences in police lockups.

Consistent with the basic obligation of the department, it will be renamed the Western Australia Prisons Department, and provision has been made in schedule 1 to retitle the various prisons.

Part III establishes the duties, powers and obligations of the director and clarifies his powers of delegation. The responsibilities, duties and obligations of prison officers are also detailed for the first time, including a requirement that prison officers take an oath of engagement before appointment. This is consistent with the desired objective of maintaining a disciplined service in which high standards are a byword, and obligation for the maintenance of the essential service is recognised by all.

It is desired to ensure that sufficient legislative power exists to enable the director, or the Minister through the director, to conduct a thorough inquiry into any matter, incident, or occurrence affecting the security or good order of a prison or concerning a prisoner or group of prisoners. This deficiency will be overcome by the provision of machinery to allow for the appointment and the conducting of an inquiry.

This will greatly assist the director to ensure that his department meets its obligations to the community through the Government and Parliament and conducts its affairs at the highest possible level of accountability.

The lawful custody of a prisoner under the present Act is vested in the gaoler or superintendent of a prison. It is intended in part IV to change this by placing all prisoners in the custody of the director and requiring him to determine the appropriate placement during incarceration.

This will overcome many of the administrative, organisational, and legal problems relating to the lawful custody of prisoners in police lockups, awaiting transfer to prison, while under escort, during court appearances, while away from the prison for medical attention, and other reasons specified in the Bill.

This part provides also for the implementation of one of the major recommendations of the recent inquiry into the rate of imprisonment in this State; that is, an increase in the rate of remission for good behaviour. It is proposed to increase remission on a finite term from one-quarter to one-third. This will have the effect of generally bringing Western Australia into line with the majority of other States.

While there will be a proposed increase in general remissions, specific proposals will be made for those prisoners convicted of escaping

lawful custody. Once the prisoner is returned to prison, the period absent from lawful custody will be served in full without earning remission. Any additional term of imprisonment imposed for escaping also will be served without remission.

The present legislation does not make adequate provision for the authorities effectively to deal with a prisoner who commits an offence on the last day of his sentence or during his discharge. This is to be rectified.

Part V of the Bill deals with many of the very difficult and complex matters which over recent years have been of concern to the Conference of Australian and New Zealand Ministers in charge of prisons, probation and parole. These areas cover such sensitive issues as the searching of prisoners, use of restraints, use of firearms, and use of force to maintain order and discipline; trafficking; loitering near or unauthorised entry into a prison; the searching and questioning of the public who are entering security institutions; and overcoming the problem of the illegal entry into prisons of weapons and drugs.

There can be no simple answer to these problems, but it is obvious that if the community is to be appropriately protected powers must exist, with adequate safeguards against abuse of those powers, for prison officers working in security institutions to operate effectively.

This part therefore makes provision for—

The searching of prisoners and proper disposal of any contraband which may be discovered.

The use of restraints for prisoners who may be liable to injury from their own actions, to injure others, or to present a security risk when being moved from one place to another, or on medical advice. The supervision of the medical officer will be essential in all cases requiring any form of restraint involving medication. Restraint in this sense is never to be used as a form of punishment. In all cases where restraints are used for a period of more than 24 hours the director will be advised.

The prison authorities to order the medical examination of prisoners where there are reasonable grounds for believing that such an examination will or may afford the necessary evidence to prove an offence has been committed. The most obvious area, of course, is the taking or concealing of illegal drugs. These examples indicate a need for legislative authority to be provided enabling proceedings to be initiated on the basis of proper medical evidence.

The use of firearms under strictly defined conditions against prisoners who are attempting to escape, or are escaping lawful custody, or against persons who are illegally breaking into a prison in order to effect a prisoner's release, or for some other reason.

The use of general force in emergency situations where the good order and security of the prison is threatened. These events are rare, but the need to be prepared and to have the necessary authority to act decisively and positively in order to protect the community, the staff, and the prisoners is paramount if the primary aim of custody and security is to be maintained.

The power to search and question persons who are entering a prison with provision for regulations to be made governing this power and ensuring privacy, decorum, and expedition.

The imposition of penalties for persons who are convicted of offences for trafficking of illegal goods, loitering about or near a prison, unauthorised entry to a prison, or unauthorised communication with a prisoner.

In all these areas it is necessary to strike the correct balance between the rights prison officers should be given by law to enable them to carry out the difficult task we require of them, the rights of the public who must interact with the prison system, and the rights of prisoners. It is believed this has been accomplished.

This part allows also for a prisoner to obtain a medical examination and receive medical treatment. Provision is made for the State health authorities to inspect prisons and ensure normal community standards are maintained.

A prisoner's right to practise his religion is also protected.

Because of the many difficult and often conflicting forces interacting on a modern prison system, it is essential to establish a scheme for regular and independent assessment and review. This will be accomplished in part VI of the Bill with the appointment by the Governor of prison visitors.

Prison visitors so appointed will be required to—

visit and inspect prisons at least every three months;

report in writing to the Minister on those visits and inspections;

keep a record and report to the director or Minister every complaint made to them by an officer or prisoner; and

communicate immediately with the director if it is considered necessary.

Prisoners' rights to communicate either verbally or in writing with the outside world are protected with necessary restrictions. The Bill makes provision for a prisoner to write to and receive letters under confidential cover from the Minister, the director, the Parliamentary Commissioner for Administrative Investigations, and the Commonwealth Ombudsman.

Prisoners are assured of confidential access to their legal advisers, parole officers, and other officials, and regular contact with their friends and relations.

These rights may be exercised provided they are at all times consistent with the security and good order of the prison, and are in each case *bona fide* for the purposes which are accepted as legitimate, as set out in the Bill. Provision will therefore be made to allow it to be required that visitors to certain security prisons make a declaration identifying themselves and stating their relationship with the prisoner and the purpose of the visit.

The procedures to be followed for the inspection and censoring of incoming and outgoing correspondence are also detailed for the first time.

Part VII deals with prison offences. The system which currently exists of categorising offences into minor and aggravated will be maintained with some deletions and additions in both categories to update these provisions in the light of experience.

Minor prison offences may be heard and determined by the superintendent, if the prisoner so elects, or by a visiting justice appointed by the Governor for this purpose. Aggravated offences must, however, be heard either by a magistrate or by two justices of the peace in a summary way. Provision has been made to allow prison officers who have been appointed prosecuting officers to appear before the magistrate or visiting justices. Prisoners charged with aggravated offences are entitled to legal representation.

The range of penalties for both minor and aggravated offences has been adjusted. These provisions will ensure that the prison authorities are able to maintain discipline while affording the prisoner the full protection of his legal rights and privileges as determined by the High Court of Australia in the case of Stratton *v.* Parn and Others (1978) 52 ALRJ 330.

While general provision exists in the current legislation for the authorisation of leave of absence programmes, the policies and practices are very loosely defined in regulations, manuals, administrative instructions, and by common usage. In line with the earlier stated aims and objectives, the policies and practices covering the various forms of leave of absence from prison are defined in the Bill. While they do not differ markedly from current practices their incorporation in legislation will ensure that they are operated in accordance with the directions of Parliament and will be unable to be altered without the approval of the Parliament.

Four distinct forms of leave of absence will be authorised in part VIII of the Bill—

(1) The director may, with the approval of the Minister, grant either escorted or unescorted leave for up to 72 hours for compassionate reasons such as visiting a near relative who is dangerously ill or the funeral of a near relative.

(2) The director may in the last three months of a sentence where a prisoner has served more than 12 months and has a minimum security rating, grant leave of absence for the purpose of the prisoner engaging in either paid or voluntary employment.

(3) The Director may grant leave for a prisoner to visit his friends or relations. For a prisoner to be eligible for this leave he must have served 12 months and be a minimum security class and be within 12 months of his expected date of release. If his sentence allowed him to be involved in the programme for a full 12 months, for example, he may be granted 12 hours leave per month for the first six months, then 12 hours per fortnight for the next three months and for the last three months more frequently in accordance with a policy approved by the Minister.

(4) The Minister may approve institutional programmes involving absences from prison where prisoners are individually or in groups engaged in community work, charitable or voluntary work, work associated with the prison, sport, religious observance, and other activities, provided the prisoners involved are rated minimum security and are placed in the charge of or under the supervision of a prison officer.

These provisions do not create any new form of leave of absence, but do propose to give legal recognition to certain longstanding practices of the department. They propose also to eliminate ministerial involvement in every grant of leave of

absence—as presently applies—whilst maintaining a management discretion which is both necessary and desirable. It is expected that this discretion will receive most regular use in the case of women prisoners because of the lack of institutional options available for the placement of women prisoners.

The provisions require strict adherence to procedures for selection, approval, and supervision of prisoners on these programmes with a requirement that the Minister report to both Houses of Parliament if he exercises his discretion and approves prisoners for leave to visit friends and relations outside normal requirements.

Detailed procedures are proposed for dealing with any breach by the prisoner of the conditons of the leave permit. The basic objective is to make it clear that leave of absence is a privilege which, if abused, leaves no second chance to the prisoner concerned.

The Bill in part IX promotes the development, by the department, of meaningful activities for the occupation of prisoners. It also proposes that the department encourage programmes that will be of benefit in meeting the needs of prisoners both while in custody and when they eventually return to the community.

This part proposes also an option, except where the prisoner may be required by the superintendent to work, for the prisoner to participate, if so inclined, to better equip himself for leading a normal, law-abiding life when returned to society. This places the onus on the prisoner to effect his own rehabilitation and removes the expectation that the prisons department is required to rehabilitate prisoners before they are released. That requirement has long been recognized as impossible without the freely given will and intention of the prisoner.

Part X seeks to establish for the first time in our legislation a specific provision for the discipline of prison officers. Currently, matters relating to discipline are the subject of regulations which have been found on many occasions to be inadequate in dealing with disciplinary hearings. The proposals will specify details of those actions of a prison officer which constitute disciplinary offences and ensure that sound procedures are followed to guarantee the protection of his rights and a fair hearing.

At the same time we have sought to ensure that disciplinary issues are dealt with in a manner appropriate to discipline, and do not become formal legal proceedings.

A prison officer may have his charge heard by his superintendent or some other officer or superintendent appointed by the director. Provision is made for regulations to cover the conduct of these hearings. A prison officer charged will have the right of appeal to the director on the determination of a hearing or the awarding of a penalty by the superintendent. Provision is made also to allow the matter to be referred to the director by the superintendent for determination and for the awarding of a penalty. In these cases the prison officer will have a further right of appeal to an appeal tribunal.

Penalties for offences under this clause will be widened to allow a greater exercise of discretion. The clauses governing the discipline of officers will be designed to protect fully the rights of the employee to a fair hearing while at the same time incorporating into legislation a system which is consistent with a disciplined essential service.

Discussions have been held with representatives of the Prison Officers' Union in relation to those parts of the Bill which will directly affect officers. A number of changes to earlier drafts were made as a result of those discussions. The Minister appreciates the basis on which those discussions were held and approached by the union representatives.

Since the industrial unrest last December over a disciplinary matter within the Department of Corrections, industrial relations have greatly improved, with all parties endeavouring to formulate a mutually acceptable policy to prevent industrial action which may jeopardise prison security.

The Government welcomes those initiatives and commends the Prison Officers' Union for its part in them.

Part XI deals with a number of general provisions. One of the provisions is a clause, the aim of which is to deal with partial strikes or work limitations to the extent of ensuring that in those situations the employer is entitled to deduct salary for the period of the industrial action.

At present, there is no question but that an employer is entitled to deduct wages or salary for the period of a strike; but a number of factors combine to make this difficult or impossible where the industrial action taken is in the form of a passive or partial strike or work limitation.

The proposed provison will not of itself require that salary or wages be deducted, but will permit an application to be made by the employer—the Minister—to the Industrial Commission which will determine as a matter of fact whether a refusal of work is occurring and the duration of it, and will, on the facts being established, make declarations as to the commencement and

termination of the industrial action. For the period between such declarations, the employer—the Minister—may refuse payment to those officers engaged in the industrial action.

A number of options were considered in relation to this provision, but it was determined that the proper course to follow was to seek to separate this kind of situation from a disciplinary procedure—although disciplinary questions might arise—and to involve an independent body—the Industrial Commission—in a determination of the facts on evidence presented.

The Bill will delete reference to a number of current provisions which are outdated in both concept and usage, such as reformatory prisons and prisoners, and the reception of convicted inebriates. It therefore can be seen that the main aims as stated earlier have been incorporated in the Bill.

The objectives of the department and a high level of accountability and responsibility for fulfilment of those objectives are proposed to be established clearly. Provisions are proposed to delineate the rights of prison officers to excercise their powers, duties, and responsibilities, and to fulfil their obligations while carrying out their task of protecting the community.

The rights of prisoners and the public, to the extent that those rights are consistent with the requirement of security, control, good order, and management of the prisons are ensured.

The Department's resolution to provide sound programmes to assist prisoners is proposed for the first time on a statutory basis, thus placing the onus on the prisoner to use these programmes if he is motivated to lead a law-abiding life on release to the community.

Since this Government came into office in 1974 it has actively undertaken a programme to modernise this State's prison system.

In 1979 the department, following a review by the Public Service Board was restructured and placed on a sound administrative footing. In 1980 the Government announced a $34 million rebuilding programme to increase the number of secure beds available and upgrade institutional facilities. The enactment of a new Prisons Act will greatly assist in ensuring that the prison service is able to meet the demands for high standards placed on it by the Government and the community.

Consequential to this Bill it will be necessary to amend the Offenders Probation and Parole Act 1963-1980 and the Criminal Code, mainly to amend those sections either naming the Department of Corrections, referring to remission, or referring to reformatory prisons and prisoners.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

ACTS AMENDMENT (PRISONS) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.31 p.m.]: I move—

That the Bill be now read a second time.

This Bill is supplementary to the Prisons Bill and proposes certain amendments to the Criminal Code and the Offenders Probation and Parole Act.

The Bill proposes the deletion of references to reformatory prisons where they appear in those Acts. The provisions relating to reformatory prisons were first included in the Criminal Code in 1918. They appeared in the Offenders Probation and Parole Act in consequence.

Under the provisions of the Code a superior court may direct that an habitual criminal, or any other person convicted of certain indictable offences, can be detained during the Governor's pleasure in a reformatory prison. The provisions reflect the belief that prison authorities can impose reformation or rehabilitation upon an offender sooner or later.

Following the introduction of the provisions, reformatory prisons were established and separate regimens and conditions prevailed at those reformatory prisons.

Today, subject to conditions of security, all prisoners are treated in the same manner and have equal opportunities to take advantage of self-improvement programmes available within prisons. This Bill recognises that reformation of a prisoner cannot be effected simply by detention until a prisoner sees the error of his ways.

Provision will still exist for a court to order the indeterminate detention of persons convicted of certain indictable offences where the court has decided that such a course is necessary. The release of such offenders upon a parole programme is a matter wholly within the discretion of the Parole Board.

The Bill is consistent with the provisions of the proposed Prisons Act, which will authorise the

detention of existing reformatory class prisoners in any prison.

The Bill proposes also amendments to the Offenders Probation and Parole Act 1963-1980, which are consistent with the proposed new Prisons Act 1981. These amendments will alter the Offenders Probation and Parole Act 1963-1980 by—

changing the definition of the Director of the Department of Corrections;

changing references to the Prisons Act 1903 to the proposed 1981 Act; and

changing the reference to the prisons regulations 1974 dealing with remission to a reference to the proposed new Prisons Act 1981.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

BILLS (3): RETURNED

1. Legal Practitioners Amendment Bill.
2. Domicile Bill.
3. Adoption of Children Amendment Bill.

Bills returned from the Assembly without amendment.

GOVERNMENT SCHOOL TEACHERS ARBITRATION AND APPEAL AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.35 p.m.]: I move—

That the Bill be now read a second time.

When drafting the Government School Teachers Arbitration and Appeal Act of 1979, the Government undertook to retain all the provisions of the legislation current at that time. However, after the Bill had been assented to, the State School Teachers' Union identified several aspects in which the new Act differed unintentionally from the Act which it replaced.

The amendments contained in this Bill reinstate several features of the previous Act and clarify two other matters. Both the Education Department and the Teachers' Union endorse the changes proposed.

A provision in this Bill is to ensure that the appointed deputy to either the chairman or a member can act in the case of the member being unable through illness or otherwise to fulfil his duties.

In common with such industrial legislation, the amendment to section 23 will require the tribunal to advise the two parties of any matter which the tribunal intends to take into account in determining an issue that was not raised before the tribunal during the hearing.

The Bill makes explicit the powers of the tribunal to confirm, modify, or reverse any decision, determination, or finding appealed against. This power was explicit in the previous Act but implicit only in the new Act.

The amendments embodied in the Bill have been referred to the chairman of the tribunal, are non-controversial, and will facilitate the more effective functioning of the tribunal.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

EDUCATION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. J. Wordsworth (Minister for Lands), read a first time.

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.37 p.m.]: I move—

That the Bill be now read a second time.

This Bill introduces three necessary amendments to the Education Act.

Changes proposed in the Bill provide that, in the appointment, transfer, or promotion of any teacher, no regard shall be had to whether or not the teacher is an officer or a member of the State School Teachers' Union.

Proposed new section 7B is in accordance with the view of the Government that teachers should be able to exercise by free choice whether they wish to join the Teachers' Union and that a teacher's future career should in no way be jeopardised by the choice either to join or not to join.

Secondly, this Bill establishes under the Education Act the powers of the director-general to impose penalties upon teachers for misconduct. These powers are presently embodied in the education regulations.

The technical legality of the regulations has been challenged before the Supreme Court and a hearing is scheduled before the end of this year.

In order to place the director general's powers under the existing regulations beyond legal doubt in the future, the provisions of the regulations will be incorporated without significant change in the Act. The amendment will not apply retrospectively, so that the specific cases which form the basis of the Supreme Court challenge will not be prejudiced by this amendment.

The Bill makes provision also to disentitle from salary those teachers who do not fulfil their teaching responsibilities.

During the recent industrial dispute numbers of teachers withheld, for periods of two weeks or more, their teaching services from classes to which they were assigned. The Education Department was advised that, under the provisions of their statutory conditions of service it was doubtful if legal power existed to withhold salary from these teachers.

As a consequence, the teachers received full pay and the Education Department was ultimately forced to invoke powers to fine teachers for misconduct for refusing to fulfil their teaching responsibilities.

It is generally accepted industrial practice that workers who withhold the services for which they are paid, disentitle themselves from salary. However, it is inappropriate that this be achieved by applying the regulations relating to misconduct to a teacher involved in an industrial stoppage since a charge of misconduct could, conceivably, impair a teacher's future career.

Finally, the Bill establishes procedures, with right of appeal, by which a teacher is disentitled of salary for such periods as he or she refuses or fails to fulfil the responsibilities of the position for which the teacher is employed.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

STATE ENERGY COMMISSION AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. I. G. Medcalf (Leader of the House), read a first time.

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.40 p.m.]: I move—

That the Bill be now read a second time.

The enactment of the State Energy Commission Bill in 1979 represented a consolidation of fragmented legislation under which the State Energy Commission had been operating until that time. Every opportunity was taken during the drafting of that Bill to include provisions which would enable the commission to operate more efficiently by making the best use of modern technology and commercial expertise.

In general, the provisions of the State Energy Commission Act have worked well since it came into force on the first day of February 1980. However, the composition of the commission, which was settled in 1975 when the State Energy Commission was constituted, was not altered in the 1979 legislation. The present structure has operated most creditably but, due to the rapid expansion of the commission's functions and duties, particularly those connected with the development of the North-West Shelf, resulting in an exceptionally heavy work load being placed upon the commissioner, it is proposed that a substantive appointment of a deputy commissioner should be created to assist him to carry on his many functions and duties.

It is considered that if would be both helpful and desirable to have available additional independent expertise and advice at board level, and it is proposed therefore that an additional associate commissioner be appointed to represent such additional interests as the Governor might consider appropriate to the commission's present needs or requirements.

It is believed that these appointments should ease the burden upon the commissioner and assist with the more efficient operation of the commission.

However, certain difficulties have arisen as to both the legal interpretation and the practical application of a number of provisions in the Act, particularly those which govern the commission's power to raise finance and its ability to enter into agreements other than under its common seal, both of which have been questioned.

The sections of the Act setting out the commission's powers as to finance contain a number of provisions which require the commission to obtain the consent of the Treasurer or Under Treasurer before the powers are exercised.

The commission has had great difficulty in satisfying the solicitors acting for banks, or other financial institutions lending moneys to the commission, that such consents have been obtained or as to the adequacy or the evidence that has been produced in this regard.

Both the Treasury and commission officers and their legal advisers consider that such matters are really of a domestic nature and therefore need not

be specified in detail in the legislation, or concern third parties dealing with the commission.

The ability of the commission to delegate its authority to its officers or agents to execute documents on its behalf, has been called in question and some doubts have been expressed also as to the Treasurer's power to delegate his authority to execute a State guarantee to the Under Treasurer or any other officer of the Treasury.

These doubts still remain, and members will appreciate that it is essential that steps be taken to remove them without delay so there can be no question as to the legal validity of deeds or documents executed by the commission or its duly authorised officers or agents, or as to the execution of specific guarantees given by the State. The Bill contains provisions designed to overcome the possibility of such a legal challenge arising.

Members will be aware of the steps that have been taken by the commission to deal with persons unlawfully tampering with the commission's meters. It is believed that the existing penalties are not acting as a sufficient deterrent, and therefore provision has been made to make the penalty on conviction more appropriate to the seriousness of the offence.

The opportunity has been taken during the preparation of this Bill to make such minor amendments as were considered necessary to remove ambiguities, and to clarify a number of provisions in the Act which also have given rise to legal doubt as to their exact interpretation.

The main provisions of this Bill are now covered in more detail and in the order in which they occur in the Bill. It provides that the commission may, by writing under its common seal, appoint a person to execute deeds or documents on its behalf which are as binding upon the commission as if they were under its common seal.

The commission is given power also to authorise a person acting under the commission's express or implied authority to make, vary, or discharge a contract in the name of or on behalf of the commission in the same manner as if the commission were a natural person—for example, a parole contract. These acts will be effectual in law and bind both the commission and the other parties to the contract. Such an authorisation, however, will not prevent the commission using its common seal to do any of these things.

It is essential that the commission be able to operate effectively at all times and, to this end, provision has been made for the appointment of an additional associate commissioner and a deputy commissioner. In view of these proposed appointments, the Government considers that it is now also appropriate to change the composition of the commission.

Members will observe that the Bill provides for a board of commissioners which will comprise a commissioner who will be the chief executive officer of the commission; three associate commissioners, one of whom will be the chairman of the Energy Advisory Council; and a deputy commissioner. At any meeting all these persons will have a vote; and the commissioner or, in his absence, the deputy commissioner, and two associate commissioners, shall constitute a quorum.

As there is already a provision in the Act for the appointment of acting members, the provisions relating to the appointment of deputies have been deleted.

The Bill provides for the appointment of an additional assistant commissioner to assist in the day-to-day running of the commission. It is believed this new structure will enable the commission to operate and conduct its functions and duties more effectively and efficiently, and will enable members of the commission to devote more of their energies to the more important issues which concern the commission.

Shortly the commission will be involved in negotiations with overseas and other lenders as to the financing of the North-West Shelf pipeline project. The commission was given very wide powers in the State Energy Commission Act 1979 to raise or borrow funds, subject to stringent Treasury control. As mentioned already, various provisions require the commission to obtain the approval of the Treasurer or the Under Treasurer before these financial powers can be exercised, particularly where the borrowing is to be guaranteed by the State, and a specific State guarantee executed. It is these provisons which have caused legal arguments as to their interpretation, or have been extremely difficult to comply with in practice, due to the time constraints usually involved in such transactions.

The commission has had great difficulty also in producing evidence that will satisfy the legal advisers of the financial institutions that the necessary approvals or consents have been obtained, or are in the right form. Long discussions have taken place between Treasury and commission officers and their legal advisers in a joint attempt to overcome these problems.

It is accepted that these approvals or consents are, in reality, as between the Treasury and

commission, domestic matters and should not concern third parties. These provisions need to be flexible in order to reflect both Government policy and the requirements of the Loan Council; but such matters should not affect the validity of contracts entered into by the commission with third parties. It is proposed therefore that all reference to the restrictions placed upon the commission's powers be removed from the Act and replaced by one provision which will enable the Treasurer to give the commission directions as to the exercise of its financial powers and which will be enforceable against the commission.

However, as a safeguard to banks and similar institutions dealing with the commission, it has been provided that such bodies need not concern themselves with whether any such directions have been given or whether they have been carried out.

To overcome the uncertainties which have been raised by the legal advisers to overseas lenders, the provisions relating to the power of the Treasurer to issue a State guarantee by way of security for the commission's borrowings have been simplified. The powers of the Treasurer or Under Treasurer to delegate their respective authority under the Act have been redrawn completely and are set out in detail in the Bill.

No doubt members are aware that certain contracts are unenforceable against the commission unless ratified by the Governor after their execution. These contracts comprise those wherein the amount of the consideration at the time of their execution exceeds $200 000. In view of the new provision which will enable the Treasurer to give directions, and because of the rate of inflation, it was considered that this limit should be increased to $1 million.

Furthermore, it is now proposed that the Governor should have power to give his approval to enter into such contracts prior to their execution, as well as being able to ratify the execution of contracts; and it is believed this will overcome another serious practical problem experienced when dealing with overseas lenders.

It is considered that these new provisions, prepared with the concurrence of Treasury officials, will greatly assist the commission to overcome the legal and practical problems which have arisen while, at the same time, the commission's borrowing powers themselves have not been enlarged by virtue of these amendments.

Members will be aware that the commission has been able to provide a supply of energy to many consumers throughout the State under the terms of its contributory extension scheme. The provisions relating to this scheme in section 61 of the Act have been amended so that the capital contribution payable by the consumer no longer has to be paid in advance. It is proposed that this may now be paid within three months of the date of the agreement being made, or such further period as the commission may agree. This will be of great assistance to many prospective consumers.

Amendments are proposed also to those sections of the Act relating to the commission's accounting procedures, which will reflect modern accounting practices.

The remaining amendments proposed by this Bill are either of a consequential nature or are intended to clarify or remove any ambiguities from existing provisions, or correct typographical errors. A great amount of research and thought, supported by the best legal opinion available, is reflected in these proposed amendments which will greatly assist the commission to carry out its functions and duties.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

LOTTO BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.56 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to regulate the actions of the Western Australian Lotteries Commission in the conduct of the game of lotto. On 9 October 1980, Western Australia entered into an agreement with Victoria and South Australia to establish a liaison known as the Australian Lotto Bloc.

At that time the Queensland Government was considering the introduction of lotto in Queensland, and subsequently it entered into an agreement to join the Australian Lotto Bloc on 24 June 1981. These agreements allowed for each State to retain its autonomy and for only the prize money to be pooled.

One of the advantages to Western Australia is that subscribers are participating in a game with a more attractive prize pool. The increased entries provide more funds available for distribution by the Lotteries Commission to hospitals and charities. During the period of participation by

Western Australia in the lotto bloc this has proved to be the case. Whereas the subscriptions for February 1981 when the commission last operated lotto within Western Australia were $864 031, in October 1981 subscriptions reached $2 254 285, of which 60 per cent is distributed as prize moneys.

The Lotteries Commission was of the opinion that the Lotteries (Control) Act provided for the conduct of lotto and participation in the Australian Lotto Bloc. However, after seeking confirmation of this, and in light of questions raised, it was decided by the Chief Secretary to seek an opinion from the Crown Solicitor.

This Bill is presented as a consequence of the Crown Solicitor's advice to validate the agreements of October 1980 and June 1981 and the conduct of the games of lotto by the Lotteries Commission. It is emphasised that the Bill authorises nothing that is not done now by the Lotteries Commission. It is purely for the purposes of validation and also it consolidates lotto operations into one piece of legislation.

In the Bill a reference to a game of lotto is a reference to a form of game in which the subscribers choose or attempt to forecast or select, from a group of numbers, a smaller group of numbers to be drawn on a random basis. An illegal game of lotto has been defined as a game of lotto in respect to which a permit has not been granted. No person or body other than the Lotteries Commission shall be granted a permit to conduct lotto.

This Bill provides for the Lotteries Commission to be permitted to conduct games of lotto and to raise money for charitable purposes. It imposes on the Lotteries Commission duties in regard to its operations and payment of prizes in respect of games of lotto conducted by it.

The Bill also confirms the supervisory powers of the Auditor General in relation to the operations of the Lotteries Commission in the conduct of lotto.

Authority is provided for a member of the Police Force to take action if he suspects an illegal game of lotto is being carried on.

The Lotteries Commission is indemnified against any consequences of its operations, provided a permit has been granted. Provision is made for an appropriate penalty for persons convicted of an offence for conducting an illegal game of lotto or hindering a member of the Police Force.

The Bill allows for the making of regulations to provide for the disposal of unclaimed prizes, the forfeiture of moneys seized by a police officer, and the conditions governing the employment of agents by the commission.

The Bill validates the actions of the commission in the conduct of games of lotto since 1979 and ratifies the agreements of October 1980 and June 1981 which provide for the Western Australian Lotteries Commission to participate in the Australian Lotto Bloc.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

ACTS AMENDMENT (LOTTO) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Fisheries and Wildlife), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [6.00 p.m.]: I move—

That the Bill be now read a second time.

The Bill is complementary to the Lotto Bill to make consequential amendments to the Criminal Code, the Police Act, and the Lotteries Control Act.

The amendments become necessary to include in the Criminal Code and the Police Act a reference to the Lotto Act 1981. At present, the relevant sections in those Acts refer only to the Lotteries (Control) Act.

The amendment to the Lotteries (Control) Act is to exclude games of lotto from the definition of "lottery" in section 4 of that Act.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

House adjourned at 6.02 p.m.

QUESTIONS ON NOTICE

736, 743, 747, 750, and 751. *These questions were postponed.*

SHOPPING: SURVEY

Perth Central Business District

752. The Hon. J. M. BERINSON, to the Minister representing the Minister for Urban Development and Town Planning:

The metropolitan region retail shopping survey 1973 (the Johnston report) estimated that the share of metropolitan retail turnover in the Perth central business District declined from 37.7 per cent in 1956-57 to 20.8 per cent in 1968-69. Are any more recent estimates of the CBD share of turnover available and, if so, what are they?

The Hon. I. G. MEDCALF replied:

No further authoritative estimates are available at this stage.

EDUCATION: NON-GOVERNMENT SCHOOLS

Enrolments: Projected

753. The Hon. D. K. DANS, to the Minister representing the Minister for Education:

What are the projected number of enrolments at both primary and secondary level, for the non-Government school section for each year of the period 1982-1985?

The Hon. D. J. WORDSWORTH replied:

The Education Department does not have access to non-Government school data such as school building programmes, population movements and birth and migration statistics as they affect these schools and, consequently, does not make a direct projection of enrolments for non-Government schools.

It should be recognised also that much of the change in school enrolments in Western Australia is caused by the setting up of a significant number of non-Government, small alternative schools about which it is impossible to make enrolment projections.

SMALL BUSINESSES: SMALL BUSINESS ADVISORY SERVICE LTD.

Shopping Centre Development

754. The Hon. J. M. BERINSON, to the Minister representing the Minister for Urban Development and Town Planning:

(1) Will the Minister make publicly available the submission of the Small Business Advisory Service to the joint government parties' committee on shopping centre development?
(2) If not, why not?
(3) What action, if any, has been taken, or is proposed, on the committee's recommendations that the activities of the Small Business Advisory Service be expanded specifically to assist the retail shopping industry?

The Hon. I. G. MEDCALF replied:

(1) No.
(2) The submission is not the Minister's to make available.
(3) I will ask the Minister to refer this question to the Minister for Industrial Development and Commerce.

LAND RESERVE

Turkey Creek

755. The Hon. PETER DOWDING, to the Minister for Lands:

I refer to his answer to question 740 of Wednesday, 18 November 1981—

(1) Does the land proposed to be deleted from the intended reserve include an area occupied by one Queenie Ashton, a member of the Warmun community?
(2) Why are her claims to this land being overridden by the demands of the gymkhana club?

The Hon. D. J. WORDSWORTH replied:

I believe the person referred to in the question should be Queenie McKenzie. The answer is as follows—

(1) and (2) The area occupied by one Queenie McKenzie (Ashton)—situated within recreation Reserve No. 22640 vested in the shire and she is in illegal occupation of this land. It has never been part of the Aboriginal Reserve No. 34593 or within the intended enlargement of Reserve No. 34593.

756. *This question was postponed.*

HOUSING: ABORIGINES

Programme: Local Government Objections

757. The Hon. PETER DOWDING, to the Minister representing the Minister for Housing:

I refer to the answer to question 744 of Wednesday, 18 November 1981.

(1) What shires objected to any part of the SHC building programme relating to building of houses with Commonwealth Aboriginal money?

(2) In respect of each objection—

(a) what was the shire;

(b) what was the building; and

(c) what was the objection?

(3) As a result of any such objection did the SHC abandon the proposed building, and, if so, please supply the details sought in (2) parts (a), (b) or (c)?

The Hon. G. E. MASTERS replied:

(1) to (3) The commission prepares preliminary capital works programmes each year well in advance of knowing the amount of funds that will actually be made available, to ensure that the programmes proceed at a suitable rate when funds are known.

These tentative programmes are continually revised due to a number of factors, including land availability, location, development problems, level of funding and discussions with local authorities on the placement of Aboriginal families to achieve and maintain the policy of having these families integrated within the community.

As advised in my reply to question 744 of 18 November 1981, the 1979-80 construction programme was implemented.

QUESTIONS WITHOUT NOTICE

QUESTIONS: ON NOTICE

Postponed

208. The Hon. LYLA ELLIOTT, to the Leader of the House:

Will the postponed questions be answered later today or not until next week?

The Hon. I. G. MEDCALF replied:

I am afraid the answers are unavailable and I assume they will be postponed until next Tuesday.

EDUCATION: PRE-SCHOOL

Kimberley and Pilbara

209. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

I have given some previous notice of this question to the Minister asking whether he is in a position to supply me with a list of all community-based kindergartens in the Pilbara and Kimberley, with their addresses?

The Hon. I. G. MEDCALF replied:

I thank the member for giving notice to the appropriate Minister. I am informed that all community-based kindergartens and addresses are listed in the Education Department publication "Schools and Staffing 1981" between pages 260-278.

PORT: KWINANA

Upgrading: Live Sheep Export

210. The Hon. TOM KNIGHT, to the Minister representing the Minister for Transport:

(1) Is it correct that in excess of $3 million has been earmarked by the Government to upgrade port facilities at Kwinana to cater for the live sheep trade? If not, how much has been allocated?

(2) Is the Government to establish full scale live sheep shipments through Kwinana?

(3) Have complaints been received from councils and residents in reference to the movement of sheep trucks through the Fremantle suburbs?

(4) If so, why is the Government concentrating on keeping sheep shipments through the immediate Fremantle area to the detriment of regional ports such as Albany, Esperance, Bunbury, and Geraldton?

(5) Who is forcing the issue through Fremantle if not the Government; and is it a fact that transport costs and other overheads would be cheaper using regional ports?

(6) Why cannot the moneys that are being suggested to be spent on Kwinana be spent on the regional ports to ensure the trade through those regional ports?

(7) Can the Government assure me the situation will be looked into to ensure that regional ports are given high priority to ensure their continued establishment in the live sheep trade?

The Hon. D. J. WORDSWORTH replied:

(1) No, there is no immediate plan to upgrade port facilities at Kwinana to handle the live sheep trade.

(2) Answered by (1).

(3) The Minister is advised that some complaints have been received.

(4) The Government does not determine nor does it have a policy on which ports should handle the live sheep trade. The Government has certainly not sought to divert this trade from regional ports.

(5) The decision on the port of shipment is one taken by those party to the trade—presumably it takes account of the particular individual's own circumstances and the costs involved. It is not a decision in which the Government plays a part.

(6) Answered by (1).

(7) If the regional ports represent to the Government that they are being disadvantaged in any way, the particular situation will most certainly be investigated.