

# Legislative Council

Tuesday, 12 May 1992

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

## BUSINESS FRANCHISE (TOBACCO) AMENDMENT BILL 1991

*Assent*

Message from the Governor received and read notifying assent to the Bill.

## LEAVE OF ABSENCE - MONTGOMERY, HON MURRAY

On motion by Hon J.N. Caldwell, resolved -

That leave of absence for eight days be granted to Hon Murray Montgomery (South West) on the ground of parliamentary business overseas.

## MOTION - AUSTRALIAN FLAG

*Satisfaction with Existing Flag - No Change without Referendum*

Debate resumed from 7 May.

HON TOM HELM (Mining and Pastoral) [3.40 pm]: In Hon Phil Pental's opening comments on this motion last Thursday he said he would not waste the time of the House in debating this issue. He also accused the Labor Party of drawing a red herring across the path of economic debate, not only in this State, but also federally. I will not take much of the time of the House in explaining why we should not agree to this motion moved by Hon Phil Pental.

We were told by Hon Phil Pental that the motion had nothing to do with jobs or the economy, but everything to do with the fact that the Australian Labor Party raised the matter of changing our flag. The Attorney General explained to him that this was not a matter that had been raised publicly, in this Chamber or in any other place, by this Government. The 30 minutes wasted by Hon Phil Pental's contribution did not add anything to the debate in general regarding whether Western Australia should secede and become a republic or whether Australia as a whole should become a republic.

I raised an issue relating to people who applied for Public Service jobs but were excluded because they were not Australian citizens, even though they qualified in all other areas. These people had a problem swearing allegiance to Queen Elizabeth II of Australia; they do not necessarily have a background in the United Kingdom. People in my home have town expressed concern to me about swearing allegiance to the Queen of a foreign country, as they said, and these people come from countries where monarchies or imperialistic or one party states are considered abhorrent. I shared their concern with them.

Hon Peter Foss interjected.

Hon TOM HELM: The member may find that to be unclear; however, it is clear that an Australian citizen who was not born in Australia certainly owes allegiance to Australia and to the flag of Australia; however, doubts arise about whether these people owe allegiance to a queen of a foreign country, as they call her.

Hon Peter Foss interjected.

Hon TOM HELM: I do not know how Queen Elizabeth II of Australia was elected, and I do not know how her forefathers or ancestry permit her to be Queen Elizabeth II of Australia when Australia did not have a Queen Elizabeth I.

Hon Joe Berinson went on to explain to Hon Phil Pental that this matter was not raised by the Australian Labor Party but that, nevertheless, a similar matter promoted by our Prime Minister, Mr Paul Keating, had been debated in the public arena. The issue arose when the Queen of Australia, or England, visited Australia - I do not know how she can be said to visit a land over which she rules. However, the Queen attended a function at which it was said the

Prime Minister rudely or in an ungentlemanly or unparliamentary way placed his hand on her, and in similar bad style talked about how the British had made a positive move towards the European Economic Community and had turned their backs in no uncertain terms on the people of Australia and New Zealand.

Undoubtedly, as indicated by the Attorney General, if one is looking for a cheap headline, one raises in this place such a matter which is not relevant to the issues we should be debating. Our leader said that he thought Hon Phil Pendal had moved this motion because the Liberal Party had no philosophy, policy or direction to follow, and to help attract publicity and to provide something positive for debate in the community. No other reason exists for moving the motion.

The Labor Party quite proudly claims the flag of Australia, because it is the flag under which we all live. Nobody in the Labor Party has said that we should be ashamed of it. I believe we are the only party which has the Australian flag as part of its logo, and it is a red herring to say that the Labor Party raises these issues as a diversion. I ask the Chamber not to take any notice of this motion and to treat it for what it is worth.

**HON P.G. PENDAL** (South Metropolitan) [3.45 pm]: I thank members for taking part in the debate. I particularly thank the Attorney General for his support last Thursday of part (a) of the motion - unlike Hon Tom Helm in his not so brief contribution. It is something which seems to have escaped the notice of some members of the Labor Party. I will be interested to see how Labor Party members vote on this motion.

Hon John Halden: There will be more interesting ballots in your life during the next week or so.

Hon P.G. PENDAL: We do not hold ballots; they may be interesting but they will not be ballots.

Hon John Halden: I stand corrected.

Hon P.G. PENDAL: Part (a) of the motion contains two sentiments, part of which Mr Berinson seems to embrace with great alacrity; that is, that no change should occur to the flag without reference to the people at a referendum. However, I am not sure whether he will apply the same level of alacrity to the expressions of support I seek from him and other Labor members of this House regarding satisfaction with the existing Australian flag. If members opposite support that part of the motion, they will be in direct contradiction with the view supported by the Prime Minister and their Premier.

The second point I draw to the attention of the House is that the Attorney General chose to misrepresent my views. I will restate them so that he does not have the capacity to misrepresent me again when he has nothing else to say; he tends to rely upon misrepresentation at such times. For example, he said that I was predicting a Western Australian republic; God forbid that any predilection or advocacy on that point should come from me. When I moved the motion I said -

... if the Labor Party sets itself on a course of creating a republic in Australia by 2001 there will be a counter movement to have Western Australia become an independent nation in that year.

Hon Doug Wenn: Will that be led by you?

Hon P.G. PENDAL: Just in case the great political scientists opposite missed the point: An independent nation and a republic are two entirely different things. Hon Joe Berinson chose to misrepresent my position; however, I am pleased that he did so as it provides an opportunity for me to re-emphasise my view. During the debate Hon Joe Berinson stated -

... I am confident that I still would not live to see a Western Australian republic!

We are all agreed on that. Hon Joe Berinson can rest easy that I am not recommending that Western Australia become a republic. He does not want that either. I suspect that even by the year 2001 he will have much on his hands with which to content himself because he has plenty of troubles on the horizon.

Several members interjected.

The PRESIDENT: Order!

Hon P.G. PENDAL: The members who interjected had their chance to have a say and chose not to speak. Part (c) of the motion is a request to the only political party which is having two bob each way on the issue; that is, the Labor Party. It has the gall to condemn, belittle, denigrate and bemoan our use of the Australian flag and then it has the cheek to include it on its Australian Labor Party political propaganda. Why does it do that?

Hon N.F. Moore interjected.

Hon P.G. PENDAL: As Hon Norman Moore has just pointed out, the Labor Party's insignia includes on it a modified form of the Australian flag which emphasises the Union Jack. It is that very element of the Australian flag about which it has been whingeing, but about which it has not had the capacity or courage to take action. Members will recall that in my opening remarks I referred to the fact that this really was a motion to see whether all members on the Government side were brave enough to support the views they expressed.

Finally, I make no apologies for saying, as I said at the start, that Governments around Australia - we are talking about a preponderance of Labor Governments - should focus on the real national economic and fiscal problems that face the country.

Hon John Halden: When you sit down, you will.

Hon P.G. PENDAL: When I sit down a vote will be taken and we will see where Hon John Halden stands on the issue.

Hon John Halden interjected.

Hon P.G. PENDAL: I am interested to see whether Hon Joe Berinson will stand on the other side of the floor from Hon John Halden given that he said he had no difficulty with part (a) of my motion. As I said in my opening remarks, this is a place for public debate and discussion about whether Australia will become a republic or stay a monarchy and whether it will have a central Government or a devolved system such as the one in existence. All those issues are important. However, the debate started in January this year by the Prime Minister as a matter of desperation and followed him overseas with his bobbing, bowing and kneeling in some papal-like gesture at the Kokoda Trail. Nothing detracts from the fact that Mr Keating set out to use these matters as a diversion when one million Australians were out of work. These issues have their time and place; however, they will not put another person in work or save another person from bankruptcy. Despite what Keating set out to do, as indicated in the results of the Austpoll, the issue blew up in his face; it came back to haunt him. Therefore, all members should support the motion. That may be a little difficult because it will involve members' taking a stand against their Premier and Prime Minister. Nonetheless, Hon Joe Berinson has led the way and said he may support the motion today. I commend the motion to the House.

Question put and passed.

## MOTION - STANDING ORDERS DRAFT AMENDMENTS

### *Answers to Questions - Ministerial Responsibility*

HON PETER FOSS (East Metropolitan) [3.54 pm]: I move -

That the Standing Orders Committee be directed to prepare for the House draft amendments to the Standing Orders which ensure that -

- (1) by the form of an answer to a question on notice, on the face of it the Minister takes responsibility for the answer;
- (2) the answer does not refer to answers given in the Legislative Assembly;
- (3) generally answers reflect the substance of the President's ruling on the responsibility borne by Ministers for answers in the Legislative Council;

and to report the same to the House no later than 4 June 1992.

The greatest single misapprehension among some members in this House is the difference between the meaning of the words "responsible" and "fault". It is unarguably the case in this House that if a Minister gives an answer to a question, the Minister takes responsibility for it. If the answer is wrong, the Minister is responsible for its being wrong even though the wrong answer may not be the Minister's fault. Those two concepts must be quite clearly

distinguished. Perhaps the idea of people's taking responsibility for the actions of others generally has been lost sight of in Western Australian society.

As a partner in a law firm I am very conscious of the difference between responsibility and fault. If one of my partners were negligent, I could be sued; I could not say that it was not my responsibility. The partnership is responsible for advice a partner may give and that is the end of that matter. I would not even think of saying that a mistake were not my fault. What would it have to do with the matter? I would be responsible and I would have to take the consequences of that responsibility. Similarly, Ministers in this House take responsibility not only for the questions they answer but also for the actions of the Government generally.

If an articled clerk who worked for me presented to me in a letter perfectly logically argued advice and I signed the letter and ultimately the contents of the letter turned out to be wrong and a client found that out, I would not say that the mistake was made by the articled clerk who wrote the letter for me. I sent out the letter; it was my responsibility. What interest would it be of the person with whom I was dealing who made the mistake? The question is, who should take responsibility for it? We must be clear about the difference between responsibility and fault if people are to act responsibly. If one is given a responsible job - I am using phrases which are well known - one is expected to act responsibly. That means that every time something goes wrong a person should not say that it was not his fault. One takes responsibility, which includes fixing up matters when they go wrong. Fault becomes relevant in this House when misleading answers are given to questions. In other words, if the Minister knew that an answer was misleading and gave that misleading answer notwithstanding, that fault would be a matter of concern in the actions the House should take about that matter.

I refer to the beginning of the matter. Is the Minister responsible for a wrong answer he gives on the basis of either what his own staff tell him or what another Minister tells him? The answer is that he is responsible. Once he finds out that he has given a wrong answer, the Minister has a responsibility to inform the House of the fact that a mistake occurred in the answer and to correct it. It does not matter whether that wrong answer may have come from a Minister in the other House. He should also apologise for the error. It may not be the Minister's fault that it occurred, but it is the Minister's responsibility. In this House the Minister has the responsibility of communicating the regret of the Government and all persons involved in his giving a misleading answer. Those sentiments are very well expressed in the ruling by the President made on 31 August 1989. I hope the President will excuse my repeating his words; but they capture exactly the sentiments of what is involved here. The heading is "Ministerial Responsibility for Questions" and it states -

In the course of debate yesterday, comments were made about the level of responsibility a minister in this House assumes for the accuracy of replies to questions asked of that minister as the representative of a minister in the Assembly.

Standing orders detail the way in which questions seeking information and their replies are to be dealt with. Such questions are examples of "responsible government" and are seen as an important illustration of that principle. There is nothing in our written laws that defines the precise limits of ministerial responsibility. That is not to say that this House cannot determine for itself where lines will be drawn.

However, there are limitations on the way this House may call ministers, and the Government in general, to account. This House may only hold its own members responsible - it cannot touch members of the Assembly and vice versa. Thus, when it comes to the House calling ministers to account, it is restricted to those who are members of the Council.

That is the reason our Constitution says that there must be at least one Minister in the Council. We must have somebody in our grasp with whom we can deal and upon whom we can enforce the responsibility of the Government. Without that person in this House, we would lose that opportunity. If there were only one Minister, he would take full responsibility for all that the Government did. Like it or not, that is what the Minister would take on when he or she took on the job. The President's ruling continues -

They must answer for the administration of their own portfolios and for the acts of the Government collectively.

That concept is all too often forgotten. Only one commission is given and that is to the Premier, and the Premier selects her Cabinet, which governs collectively. Independent businesses are not carried on by Ministers. There is one Government and one Government only and there is collective responsibility for the actions of the Government. Ministers may have some additional individual responsibilities, but they are all responsible for the actions of the Government. The ruling continues -

If a question is asked by a member of the Council of a minister as representative of a minister in the Assembly, the Council minister is not acting merely as a letter box. If that were the case, it would be as if the member had addressed a letter to the appropriate Assembly minister with no input or participation on the part of the minister in the Council. Clearly, that is not the intention of asking a question as part of this chamber's proceedings. Asking questions is a proceeding in Parliament and a deliberately false or misleading reply is equally as much a contempt of the House as any other breach of privilege.

It is therefore very important that all members understand that the Government of the State answers to this House through the ministers who sit here. They are the only ones against whom this House may take action and it is for this reason that they are responsible for the content of replies given to questions.

I repeat that last sentence because it is most important -

... it is for this reason that they are responsible for the content of replies given to questions.

The ruling states further -

Late last year I ordered part of a reply to be struck out and finished by saying -

*In this context, I therefore direct that paragraph (3) of the Minister's answer be struck out and would ask that Ministers in this House remember that they are responsible for the replies given in their representative capacities.*

If ministers are reluctant to accept responsibility for replies based on information supplied by their Assembly colleagues, the solution is to decline to give that reply.

If Ministers decline to give replies, this House can deal with them for making that decision. Then we take the matter on face value. If a Minister declined to give a reply he must face the political consequences of declining to give a reply. There is a difference between taking the political consequences of failing to give a reply and trying to slip under the responsibility by saying that it is not his answer but somebody else's. There is a world of difference between taking responsibility for a reply or for not giving a reply and for doing what some Ministers in this House have done; that is, to seek to avoid responsibility altogether. The ruling continues -

There is no obligation on a minister to reply to any question but, having given one, the minister in this place is responsible for its content.

I would have thought that the President's ruling was as clear as could be; that is, that a Minister has two choices - either to give an answer and take responsibility for it or not to give an answer and take responsibility for not having given an answer. Ministers might not like them, but they are the options. The ruling given by the President also says that if a Minister puts in front of a reply the words "the reply is provided by the Minister for Housing", he would still be responsible for that reply. He cannot evade that responsibility by saying that it is somebody else's reply. Nonetheless, it seems that Ministers still believe that the President was only kidding and that it was not what he really meant.

I refer to debate in this House on Thursday, 9 April when the House dealt, on a substantive basis, with a Minister's political duty to give a reply to a question asked of him. I refer to a number of replies given by Hon Joe Berinson. These questions were asked of Mr Berinson in his capacity as Minister representing the Premier. I read the questions and the answers and criticised Mr Berinson for providing evasive answers. I said to him, "You have given an evasive answer. On the face of it your answer is evasive and wrong." Then I said, "It is a perfectly legitimate question and the sort of question that should be answered by a responsible Minister in a responsible Government." Mr Berinson interjected and asked, "Mr Berinson representing whom" What was the point of that interjection? Mr Berinson has

always maintained in this House that some distinction should be made by his prefacing his answers by saying that he is representing somebody else. I read on, "In this case the answer was headed "Hon J.M. Berinson replied:"; he did not use his usually carefully worded response, "The Premier has provided the following reply"."

Hon J.M. Berinson: I have always made the point that that distinction occurs whether the preamble is there or not.

Hon PETER FOSS: Well, I wonder why Hon J.M. Berinson bothered to put it in.

Hon J.M. Berinson: Because you have difficulty understanding the simple proposition.

Hon PETER FOSS: Who replies is an irrelevancy. Why, when Hon J.M. Berinson answers on behalf of his department, does he not say that the reply was provided by the assistant third clerk of his department?

Hon J.M. Berinson: Because I take direct responsibility for my own portfolio.

Hon PETER FOSS: The Minister also takes responsibility for the answers he gives in this House on behalf of the people he represents. The Attorney General, a man with legal qualifications who has been in this place for many years, seems to think it is relevant to say that he is giving an answer in a representative capacity. It is totally irrelevant. We know that he gives a reply in a representative capacity. The important constitutional fact is that he must take responsibility for those answers in the same way as he takes responsibility for a reply provided by the assistant second clerk in his department. It is unfortunate that he missed the earlier part of my speech.

Hon J.M. Berinson: I am sorry I did.

Hon PETER FOSS: It is a pity, because I would hate to have to go over it again and make the distinction between responsibility and fault. Luckily, most members have heard that distinction; obviously the Attorney General still does not understand it. I hope he does take the opportunity to read the debate to understand the difference between responsibility and fault. He should accept responsibility whether he answers a question in his capacity as Minister for a portfolio or whether he answers it on behalf of another Minister.

Hon J.M. Berinson: That is right.

Hon PETER FOSS: I am glad that we have agreement.

Hon J.M. Berinson: We have always had that agreement. That follows from my acceptance of the President's ruling. What you ignore though is what the Standing Orders Committee said in elaboration of that ruling.

Hon PETER FOSS: The interesting point is that it is no more relevant for the Leader of the House to include in his answer that so-and-so has provided the reply than it is for him to say that the basis of his reply is from his second assistant under clerk. In neither event is the House interested in that.

Hon George Cash: Mr Berinson clearly feigns his alleged misunderstanding to add confusion to the argument.

Hon PETER FOSS: Precisely. Hon J.M. Berinson continues to tell us it makes a distinction. Why did he interject during a debate making the point, "Mr Berinson representing whom?", if he admits, as he has in his interjections, that he takes responsibility? It is an irrelevancy and, what is more, it is an annoying irrelevancy because there is a strong suggestion, not only from the answer but also from Hon J.M. Berinson's constant attitude, that somehow it makes a difference. He knows perfectly well that it should not make a difference, and his constant reliance on this stock phrase and his constant interruptions saying that the answer was given in a representative capacity are irrelevant. The fact that once again he is seeking to make that distinction just illustrates how little the Leader of the House knows about the basis of this. Unfortunately, he has missed my reading of the President's ruling because he still does not seem to understand it.

On Thursday, 9 April I said in this House -

... it does not in this case use Hon J.M. Berinson's usual carefully worded response, "The Premier has provided the following reply."

To which Hon J.M. Berinson interjected -

That is because, as I have told Hon Peter Foss many times, I do not see those answers before they reach the answer book.

We were debating the subject of the responsibility of Ministers to answer questions and Hon J.M. Berinson, who says he understands the responsibility of Ministers, stated that he allows answers - they are his answers - to go into the answer book without his having read them. That is irresponsible. Hon J.M. Berinson seems to think that his sole contribution to answering a question is to ensure that the words at the beginning of the answer indicate that it is not his answer but is somebody else's. He seems to think his total responsibility, as a responsible Minister, is to make sure that the answer is phrased in such a way that he does not take responsibility for it and, on the face of it, that directs responsibility to another Minister. That is absolutely disgraceful. How can a Minister and Leader of the House - although admittedly Hon J.M. Berinson did not stand to make that statement but said it by interjection - a man who has had considerable experience in two Parliaments -

Hon Mark Nevill: A man of great integrity.

Hon PETER FOSS: How can this Minister who has legal qualifications purport to say that he understands responsible Government, and make those two interjections recorded on page 1097 of *Hansard* on Thursday, 9 April? It is quite plain that despite the clear constitutional position, and the more than clear ruling by the President, the Leader of the House does not understand the constitutional position. He seems to think he can put up a talisman against responsibility by putting these words in front of his answers to questions. He seems to feel he can hold off the evil eye by denying responsibility for these questions by attributing them to somebody else. He is wrong constitutionally and he is wrong in accordance with the ruling of the President, yet he continues to give this form of answer.

I refer to question 309 in today's Supplementary Notice Paper from Hon N.F. Moore to the Leader of the House representing the Minister for Housing. He asked questions about Homeswest tenants in Karratha. The answer states that a reply has been provided by the Minister for Housing and the answer to (1) is no. It is not the reply provided by the Minister for Housing as far as this House is concerned; it is the reply provided by the Leader of the House. If that reply went into the answer book without the Leader of the House having ever looked at it, it shows a great contempt for this House. It is treating this House with contempt simply because the Leader of the House cannot be bothered to put his mind to whether the answer is correct. There is even more reason that we should not use this form of answer: I refer members to a question on notice asked by Hon Phillip Pental to the Minister for Education representing the Minister for the Environment -

Has the Minister, the Government or Cabinet had under discussion or consideration any proposal to appoint Ms Adele Farina to head a new Environmental Protection Authority appeals system?

The answer states -

The Minister for the Environment has provided the following response -

The Minister has advised that the member would be well aware that any position established under Public Service guidelines would have to be filled in accordance with those guidelines.

The Minister was asked whether the Minister, Government or Cabinet had under discussion or consideration any proposal to appoint Ms Adele Farina. The Minister in this House takes responsibility for that answer. If Hon Kay Hallahan knew that the Minister, the Government or Cabinet had under discussion or consideration any proposal to appoint Ms Adele Farina to head a new Environmental Protection Authority appeals system, she should not have allowed that answer to go through. In other words, if she of her own knowledge knew the answer was wrong, it would not matter that the answer carried the statement that the Minister for the Environment had provided the response, it would be her answer. She owes to this House a duty to ensure that the answer is correct. If she knows that the answer is incorrect, that is contempt for the Parliament and it is such a contempt for the Parliament that it would be appropriate to move for her expulsion. That is the basis of ministerial responsibility; Ministers cannot duck ministerial responsibility by stating that the answer given is the answer provided by another Minister. If the Minister in this House knew, because she is a member of the Government and Cabinet, that a proposal had been under consideration to

appoint Ms Adele Farina to head a new Environmental Protection Authority appeals system, her answer should indicate that. That is where the real distinction lies between responsibility and merely passing on letters as a letterbox.

I hope Ministers understand that. It is a pity that more Ministers are not in the House because they need to know that. Ministers seem to be disinterested in this ruling and reluctant to accept it as principle, and that is why I moved that the draft amendment should come back to the House. I am not proposing at this stage that Standing Orders be amended; I am proposing that the Standing Orders Committee draft a Standing Order that the House can consider to determine whether it should be introduced. It should ensure that by the form of an answer to a question on notice, on the face of it the Minister takes responsibility for the answer. I make that suggestion because, despite the ruling of the President, Ministers continue to give answers which on the face of them deny that ruling. Ministers are saying, "This is not my answer. It is the answer from the Minister for so and so in the Legislative Assembly." It is not, and it is time we made that point absolutely clear. The Attorney General said, "That is not what it means; Ministers in this House know that they take responsibility." If that is the case, why not state it? Why should Ministers in this House have to be ordered to answer a question properly? We should tell a Minister, and state in Standing Orders, "When you answer a question, you take responsibility for that answer, and do not put in the answer anything that indicates otherwise. We understand that if the answer turns out to be false and misleading, it may not be your fault, and we will inquire about whose fault it is." That should apply whether the Minister is answering a question on behalf of his own department or on behalf of another department.

The second point of the motion is that an answer should not refer to answers given in the Legislative Assembly. We already have in our Standing Orders a requirement that we must not refer to debates in the Legislative Assembly. We also should not refer to answers given in the Legislative Assembly, for a number of reasons: First, we do not take any notice of the proceedings in the other House. If members in this House want an answer, they should not be told to look at an answer provided in the Legislative Assembly. This is the Legislative Council, and we want an answer in our House. Secondly, it can be quite ambiguous when we are told to look at an answer given in the Legislative Assembly. We want to know what is the answer of a Minister in this House.

The third part of the motion may be covered adequately by the first two parts. It may be that the Standing Orders Committee will say to the House, "We believe that by virtue of the first two parts of the motion we have dealt with all of the matters that need to be dealt with at this time in regard to the President's ruling." I cannot pick out any specific thing that I believe should come out of the President's ruling, but it may be that when the Standing Orders Committee considers the first two parts of this motion it will come to the conclusion that if this area is to be spelt out it may just as well be spelt out completely. This part of the motion will provide to the Standing Orders Committee some liberty if it wants to add something else to the draft Standing Orders.

These matters should be addressed because of their common abuse in this House, and because Ministers' continual denial of ministerial responsibility gets up the noses of the people who ask questions. Members of this House should not be put in a position where Ministers constantly flout the constitutional position. I urge members to support the motion.

**HON MAX EVANS** (North Metropolitan) [4.23 pm]: I support the motion. The only time that I have accepted that a Minister had a good reason not to answer a question was when I asked the Attorney General a question about financial matters, and was told that the Minister did not want to give an answer publicly because it would affect Commonwealth grants or reciprocal payments. However, that was an exceptional circumstance. In many cases we are told, "The answer is in the mail; it will come by letter." That is like the well known saying, "The cheque is in the mail." I am surprised that answers which are sent in the mail are not recorded in *Hansard* so that people can check the record to see whether those answers are correct.

**Hon J.M. Berinson**: The only time that those answers do not end up in *Hansard* is when there has been a prorogation. My practice when I mail answers is to also have them recorded in the Supplementary Notice Paper.

**Hon MAX EVANS**: The Attorney General may be the exception, but I know of other cases



where answers have not been recorded in *Hansard*. That makes it difficult to relate an answer to a question. Now that we have the computer, it would be even easier to chase up a question and an answer if it were recorded in *Hansard*. If we do not get the right answer, or any answer at all, the alternative is to move a motion - as I have done on a number of occasions - that papers be tabled. However, that is a long winded and heavy handed way of getting information, and one probably receives 10 times more information than one would receive if the Minister simply answered the question.

To give an example, the Premier has given notice to all departments that any contract over \$50 000 must go to tender. I asked the Premier for some information about which contracts over \$50 000 have been granted without a department's calling for tenders. The Premier's answer was that the information would be too difficult to find out. That was at a time when the Health Department had let a \$750 000 contract without calling for tenders! If the Premier will not answer the question, my only alternative will be to move at a later date that the details of every contract over \$50 000 be tabled in the House. That would be a ridiculous thing to do, but that may be my only alternative.

Recently I asked the Premier how many Ministers' spouses worked for the Government or for Ministers, what were their names, where were they employed, and what was their classification. The Premier replied that the answer was quite simple; I could look up the names in the Public Service list. However, some people work under their maiden name or under a previous married name. When I asked the Public Service Commission for a copy of the updated Public Service list I was told that no list would be printed this year and that no list was printed last year. I was at long last able to convince the Public Service Commission to provide a copy to the Parliamentary Library, which now has a copy which is up to date to June 1991. However, I still need to know what is the person's marital status on that Public Service list. An extreme alternative would be for me to move that the responsible Minister table all the papers giving the terms and conditions of employment and whether the job was advertised. A simpler alternative would be for the Premier to answer my question. A lot of unnecessary work is created when a Minister will not answer a simple question. Many members have similar examples. Hon Peter Foss has referred to Ministers' responsibility for answers. I have referred to answers that should be made available to the public and to the Press. I urge all Ministers to ensure that their answers are incorporated in *Hansard*, because that would make the position much clearer.

**HON GEORGE CASH** (North Metropolitan - Leader of the Opposition) [4.29 pm]: I support the motion by Hon Peter Foss. Members will probably be aware that on 30 August 1989 I moved a motion in this House which censured the Leader of the House. I want to read that motion.

[Debate adjourned, pursuant to Standing Order No 195.]

## MOTION

*State Energy Commission (Electricity and Gas Charges) Amendment By-laws (No 2) and  
State Energy Commission (Electricity and Gas Charges)  
Amendment By-laws - Disallowance*

Debate resumed from 7 May.

**HON MARK NEVILL** (Mining and Pastoral - Parliamentary Secretary) [4.30 pm]: The attempt by Hon E.J. Charlton to disallow these regulations is difficult to understand. I have read the member's speech but still the reason for the motion to disallow is not clear. A range of tariffs and charges exist under the grid system and otherwise, and it is difficult to pinpoint the member's objections to the regulations. After a study of Hon Eric Charlton's speech and the tariffs involved, I cannot see the political benefit from or the wisdom in opposing the regulations. Perhaps, in the absence of any point on which to focus, the best way is to provide a run-down on the general scheme of tariffs as they apply to consumers in country areas; that is, farmers and small commercial and industrial enterprises in country areas.

It has been a long term policy of the Australian Labor Party to introduce off-peak tariffs. In November last year the Cabinet approved the proposal by the State Energy Commission of Western Australia to restructure commercial and industrial electricity tariffs. The changes were introduced on 1 March this year, and will be phased in over the next four years. If the

motion to disallow the regulations is successful it will result in a chaotic situation with the subsequent adjustment of accounts back to 1 March. That is something we must avoid if we can. The phasing-in period was introduced to allow SECWA time to cope with the changes in demand under the new tariffs, and to install new meters.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! Six different conversations are going on around the Chamber. Members should be listening to the Parliamentary Secretary.

Hon MARK NEVILL: The meters are designed to accommodate time of use tariffs. The restructure of the tariffs is to assist small to medium commercial industrial enterprises and will allow those users to tap into off-peak tariffs, offering them the capacity to save significant amounts of money. Currently, less than 0.4 per cent of commercial customers can take advantage of off-peak rates. The remaining 99.6 per cent of customers previously had no incentive to use off-peak tariffs. The 0.4 per cent of customers use 30 per cent of the electricity sold by the State. They are the major users. Domestic customers consume about 28 per cent, and the remaining 40 per cent of customers are basically the industrial and commercial customers which are affected by the new tariff.

The DEPUTY PRESIDENT: Order! We now have eight different conversations around the Chamber!

Hon MARK NEVILL: Industrial and commercial customers are the ones who will be affected by the adjustment to the tariffs. Under the new system, R1 is the time of use tariff; that is, the off and on-peak rate connected to the grid. The R2 tariff relates to the consumers connected to isolated power stations. The new on-peak R1 tariff is 23¢ per unit. The on-peak time is between 8.00 am and 10.00 pm, Mondays to Fridays. That is, 70 hours on-peak and 98 hours off-peak. The off-peak rate is 8.5¢ per unit, and is available to customers between 10.00 pm to 8.00 am, Mondays to Fridays, as well as Saturdays and Sundays.

A range of other tariffs is available from SECWA. The K tariff relates to general supply and domestic purposes, such as farmers for domestic and commercial use, or shopkeepers. The L tariff relates to low voltage general supply, and the M tariff applies to high voltage supply. The tariffs will be combined in a single rate with a single charge per unit. Currently, we have what is called the declining block tariffs; the more a customer uses the less he pays. The problem for SECWA is that the current system offers no real incentive for customers on the block tariffs to shift to on and off-peak tariffs. Were customers to shift to the time of use tariffs they would pay a premium on-peak and receive a discount during off-peak times. Probably for many of them it will work out at the same cost; so, to manage demand, SECWA must push the three tariffs into three single tariff rates in order to eliminate the block tariffs. For example, Wesfi runs its plant four days a week and shuts down for three.

Wesfi would be running its plant on a declining block tariff at a very low cost when the State Energy Commission grid is at its peak load. So this move is designed to get companies like Wesfi who are interested in export to go on a continuous program where they are consuming electricity off-peak. If SECWA manages the demand and reduces those peaks it will not have to install gas turbines for extra transmission to meet that day time peak load. Under the present system the peak daytime loading is growing every year and so capital must be ploughed in for a new distribution system and additional gas turbines to meet that peak load in the daytime. These tariffs are critical to demand management because the only way to get the real cost of electricity down in this State is to make sure that the generating capacity is used during the current off-peak times so that we reduce the loading during the day time.

Hon E.J. Charlton: What about those businesses that have no opportunity to buy power off-peak, will they have to wear the increase in the tariff?

Hon MARK NEVILL: I will come back to that question later and I will attempt to answer Hon Eric Charlton. It is a problem. In all these charges it is very difficult to satisfy everyone.

The key to getting lower real energy prices is to smooth out the demand, to reduce the need to build more distribution facilities to meet that ever-increasing daytime peak, and to reduce the need for new generating capacity. Every time we spend money on those capital items it is reflected in the accounts that domestic and commercial users pay and that has a big impact on our capacity to compete commercially and provide lower tariffs to our exporters. The new R1 tariff is outlined in a SECWA pamphlet titled "Time of Use Electricity Tariffs"

which was sent to me and I believe to all members. It is a well set out pamphlet in which members will find all the new commercial and industrial tariffs as well as the previous tariffs and how they have been changed. It is a fairly complex and members need these tables to see what is going on. The new R1 time of use tariff is expected to attract 8 000 customers over the four year phase-in period. SECWA has estimated the new tariff will allow it to reduce electricity charges by about \$20 million a year by the fourth year of this period. That is a massive saving to those commercial and industrial users which will be in jeopardy if we disallow these regulations. The restructure also gives relief to farmers and other rural users. The K1 tariff is for "General Supply with Domestic" and the Government has increased the domestic component from nine units a day to 20 units a day. Before the changes came in on 1 March, after a farmer used nine units he went on to the commercial/industrial rate. The domestic rate up to nine units is 12.29¢ a unit and then he would go on to the commercial rate which 18.83¢ so it is a 50 per cent increase. If these regulations are disallowed farmers will be paying that commercial rate on the additional 11 to 20 units. Under the previous system the first nine units per day were on the domestic rate. Under the new system that has been increased to 20 units so the first 20 units will be at 12.29¢ per unit and after 20 units it will cost 18.83¢; so that will be an extra cost to rural users.

Hon E.J. Charlton: I can assure Mr Nevill that is not the intention of this disallowance motion.

Hon MARK NEVILL: The new rate saves rural users \$3.5 million a year. The effect of disallowing the regulations will have that impact because farmers will be paying the commercial rate on nine units to 20 units a day. The SEC expects under this new rate that 24 per cent of commercial and industrial customers will be better off, over 74 per cent will be unaffected and two per cent will be worse off after the four year restructure. Hon Eric Charlton is referring to that two per cent. There will, however, be real reductions in electricity prices over the four years for all consumers. The new time of use meters will be installed free of charge by SECWA. SECWA will be working with customers who are adversely affected by the new tariffs to try to work out some suitable arrangement. Some major users like foundries will find it very difficult to take advantage of off-peak rates and SECWA intends to manage those problems, particularly the bigger customers. I am not sure whether it will offer them individual rates or what, but it will be working with those badly affected customers to come to some sort of suitable commercial arrangement.

The new R1 tariff, with which the National Party has problems, will mainly affect consumers using between 100 and 1 600 units of electricity a day. If those people can take advantage of off-peak tariffs they can use about 30 per cent more energy than they are using now for the same price by taking advantage of the off-peak price which is 8.5¢ per unit, lower than the on-peak price of 23¢ a unit. It is possible both on peak and off peak tariffs will be reduced in the future, but that depends on how the tariffs go. They certainly will not increase but there is a prospect of their being reduced sooner. Therefore, this exercise is aimed at not only containing the price of electricity but also reducing it in real terms.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order! I ask that Hon Tom Stephens and Hon John Halden cease their conversation.

Hon MARK NEVILL: Approximately 94 per cent of consumers will be using 165 units a day under the L tariffs, which are commercial and industrial tariffs. That is an 18.83¢ per unit charge. The vast majority of customers will be subject to the first two levels of charges and will not be affected by the other levels. As I said earlier, the time of use rates have been operating since 1 March - some 10 weeks. A terrible mess will be created if those adjustments are made and the normal tariffs are reintroduced because refunds and extra accounts will need to be sent out.

The time of use tariffs brochure asks why a restructure of electricity tariffs is necessary. That brochure lists the benefits and states that it will result in lower electricity accounts for a vast majority of consumers; that it will reduce the need to install new generation and distribution capacities and equipment; and, it will reduce the problem we now have of increasing the rate of daytime electricity consumption. It will get rid of the peak rates which require massive amounts of capital expenditure. The time of use tariffs will also make better use of the existing generation capacity and, more importantly, will result in a real reduction in electricity prices. I urge members not to support the motion which seeks to disallow the

two separate sets of regulations. I ask them to consider matters carefully before they take any precipitous action on these regulations.

Debate adjourned, on motion by Hon George Cash (Leader of the Opposition).

### **BILLS (3) - THIRD READING**

1. **Mines Regulation Amendment Bill.**

Bill read a third time, on motion by Hon N.F. Moore, and transmitted to the Assembly.

2. **Acts Amendment (Confiscation of Criminal Profits) Bill.**

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

3. **Nurses Bill.**

Bill read a third time, on motion by Hon John Halden (Parliamentary Secretary), and passed.

### **ROAD TRAFFIC AMENDMENT BILL**

#### *Second Reading*

Debate resumed from 7 May.

**HON E.J. CHARLTON** (Agricultural) [4.55 pm]: The National Party opposes the changes proposed in this Bill for the reasons that have been stated over and over again in previous debates. It is disappointing and demoralising for many people in this State to witness the constant introduction of recycled pieces of legislation because the Government seeks to divert the attention of the people from the real economic issues that affect everyone in this State. The legislation on the Notice Papers of both this and the other place have nothing to do with addressing the problems every person in the street, in industry, and business wants addressed by members of Parliament. Instead, this legislation is introduced again and again.

I have seen the Minister on television and the Press referring to the need to address road safety problems. Everyone agrees with that; however, the National Party opposes some of the changes that would be required. The Government and the media respond by talking about the carnage on the road and the deaths that are a consequence of traffic accidents. They never stick to the facts. The research does not substantiate the argument that a reduction in the blood alcohol level from 0.08 to 0.05 results in a reduction not only in deaths but also in accidents. It is extremely bad politics to use emotions while steering people away from the facts. Surely people are entitled to the facts so they can make up their own minds about lowering the blood alcohol level. No member in this place condones, supports or encourages anyone who drives while affected by alcohol.

In recent times in both this State and across the nation the Government has used all avenues to raise money. The Multanova exercise has managed to raise \$5 million; yet, that radar is often placed in positions where there has never been an accident. However, that massive revenue raising exercise enables the Government, the Police Department, and those people who support it - they do not all support it - to divert attention from the real issues, play on people's emotions and encourage them to support this legislation because they believe it will reduce the road toll. All it will do is create greater dissatisfaction and concern in our community about how people may socialise, and some people will be affected more than others.

#### **[Questions without notice taken.]**

**Hon E.J. CHARLTON:** When this legislation is reintroduced by the Government it is always accompanied by statements about the trauma and tragedy of road accidents caused by the use of alcohol by drivers. People's emotions are aroused when this issue is raised. Only this afternoon I heard Hon Reg Davies, when being interviewed on ABC radio, saying that if the reduction in the blood alcohol level saves one life it is the right position to take. Everyone would agree with that, but those sorts of statements mislead people around the State, because they imply that people driving with a blood alcohol level of between 0.05 per cent and 0.08 per cent have caused a death or deaths. That simply is not so. It is a shame; not only

that, it is absolutely misleading. It is a fraud, really, to use those sorts of figures and emotions to deal with this question. It gives the impression to people who do not know the facts, or are not given the opportunity to hear them, that that is a basis for promoting a change.

That is why the National Party, along with the Liberal Party, has always opposed this kind of legislation when it has been brought forward in recent times. It simply will not do anything to improve road safety. It gets up my nose when I see this question raised in the media, particularly on television. When we talk about reducing the blood alcohol level from 0.08 to 0.05 per cent we immediately see on the screen the results of horrific accidents, with vehicles in a twisted mess, ambulances and police vehicles in attendance with lights flashing, and a whole range of associated things. It is absolutely untrue and misleading. I wish people who made comments about this matter had got their facts right and thought about the real issues. When this matter is raised, the media places images on the television and in newspapers and the Government produces figures which are misleading. If the Government produced figures indicating the number of people apprehended with a blood alcohol level between 0.08 and 0.05 per cent, and the number of accidents in which they were involved, we would then have a basis on which to proceed. However, we should not proceed on the basis of the Federal Minister for Transport saying, "Thou shalt have 0.05, or thou shalt not receive millions of dollars for road funding." That is the basis for this legislation. If more attention were paid to economics and the reasons for most of our road accidents, we would find an improvement in road safety. This activity, in which we are constantly engaged, is totally misleading. We should introduce new measures into this place and not rehash the past because the Government cannot think of anything new. This is a farce. It is a waste of time to go down this path.

The National Party respects the Government, and in this case, Hon Reg Davies, for having a position on this matter; however, why in the name of right must we debate this matter over and over? If we are to make this change - and I understand that the majority of members will agree to it - it will not come into effect for 12 months! There is no basis for that at all. Also, the penalties relating to traffic and moral safety issues are to be reduced. If this matter is so serious and people's lives are at stake, why are the penalties to be decreased? They should be increased, not decreased. That demonstrates that this legislation is a joke and a farce.

The legislation will have a detrimental effect on those members of our community who do not have the options available in the metropolitan area and large regional centres; namely, the availability of public transport and a range of other benefits. We have repeatedly made that point; however, every time we make decisions in this place, it is for the good of the metropolitan area. These measures may give a warm feeling to persons in the metropolitan area, but the end result is that the minority of people, who are trying to cast a position for themselves, their families and, more importantly, Australia, are persecuted. These are the forgotten people who do not count.

It upsets me when, in response to that claim, I hear that most accidents occur in the country. To be more specific, the claim is that the reduction of road accidents has been less significant in country areas than it has been in metropolitan areas. However, if that is the case, the Government should address that problem. That position will not change as a result of reducing the legal blood alcohol level from 0.08 per cent to 0.05 per cent. Statistics have proved that fact.

Once again, this decision will be to the detriment of people in country communities. When people in country communities want to have a couple of drinks after the local football game or some other sporting activity, they will not be able to do so. Last week I had a couple of beers with some people after the local football match. These people said, "We will now be off because we cannot have any more to drink." That is right and fair. However, with the 0.08 per cent blood alcohol level they can now have a couple of beers safely, but if the level is reduced to 0.05 where does that leave these people? Everyone recognises that they are not affected by drinking a couple of beers. What happened when 7 000 people were pulled over by the police in Western Australia over the Easter weekend? Not one person was found to have a blood alcohol reading in excess of 0.08 per cent! What justification does the Government, or anyone else who supports the legislation, use for introducing this legislation? The measures which have been put in place over a number of years demonstrate what an absolute farce this legislation is.

Whenever we discuss this issue - whether it be tonight, next week or next year - we will see television footage of horrific accidents and their consequences. I have said this before, but I will say it again: Information provided by the traffic police indicates that a great majority of road accidents in country areas occur as a result of drivers losing control of their vehicles on gravel roads or gravel verges. This has absolutely nothing to do with changing the legal blood alcohol level from 0.08 per cent to 0.05 per cent. This will not change the situation one iota. However, nobody is addressing that question.

We now have the new laser guns in operation for speed control, along with the Multanova for so-called traffic control for the benefit of motorists. Are these set up along the gravel roads or roads with gravel verges where most accidents take place? Almost never! These devices are used on the highway or in locations 100 metres from a change in the speed limit. The radar guns and Multanova are set up to gain revenue. Most people in the community regard them in that way, and they consider the introduction of this legislation as an absolute joke; they will treat anybody who supports the legislation with similar sincerity and respect. The National Party opposes this legislation.

**HON J.N. CALDWELL (Agricultural)** [5.39 pm]: I support the Leader of the National Party's comments. This legislation is targeting a minority group who live in the country, although it will affect people in the cities as well. It is a well known fact that people in country areas do not have the option of using other forms of transport than their own vehicles to travel from point A to point B; and in many cases that is a large distance. Of course, when country people travel those distances there is generally more than one occupant in the car. One of the findings by the Standing Committee on Legislation was that in many cases, more deaths occur on country roads. The cars carry more people, the roads are worse and people travel many more kilometres a year than do city dwellers. People in the city can catch taxis or buses when they have had a few drinks. That is why I believe the legislation is targeted at specific areas in the community. Every time a law is passed it seems that the country people must suffer. Some years ago the Parliament passed a law to legalise random breath testing. Many of us were rather sceptical about the effect that would have. However, it has had a dramatic effect by reducing the cases of drinking and driving. During the debate I said that I did not think random breath testing had been given sufficient time on trial and that it should be trialled for some years to see what effect it would have had on road trauma. I am happy to admit that it has had a marked effect judging by the figures in the newspaper and by Hon Eric Charlton's comments. During the Easter holiday period approximately 7 000 drivers were tested and not one was convicted of having driven while over the 0.08 BAC level. That is an indication of the fact that the majority of people respect random breath testing. For those reasons and the many other points which have been brought to light by Hon George Cash and Hon Eric Charlton this legislation is unnecessary. I am therefore opposed to it.

**HON CHERYL DAVENPORT (South Metropolitan)** [5.42 pm]: I support the Bill. As a member of the Standing Committee on Legislation which reported to the House last August I congratulate the Government for bringing back this legislation into the Parliament. I am very pleased that there is reason to believe that it will become law. I have noted Hon Reg Davies' comments. I hope the arguments placed before him during this debate will convince him that a reduction to 0.05 per cent blood alcohol content is the proper course to take in attempting to reduce the road toll in this State.

From the report of the Standing Committee on Legislation about this matter members will have noted that the committee was unable to settle on an agreed set of amendments to the Bill. Two versions were appended to the report: One was the Liberal Party version and the other was the chairman's compromise version. As a member of that committee, my position at all times was to push for a blood alcohol content of 0.05 per cent across the board. I will read into the public record the paper I tabled during the committee's deliberations -

Drink-driving is still the most significant factor in the incidence of fatal road crashes in Western Australia. One of a number of initiatives which would combat the incidence of fatal crashes serious accident trauma and property damage would be the legislative reduction of the maximum blood alcohol concentration from 0.08 to 0.05.

By reducing the BAC to 0.05 the vast majority of people in this State would modify their drinking habits when driving thus providing a deterrent ultimately leading to a reduced road-toll.

Over a number of years both in Australia and overseas statistical, behavioural and medical studies have been carried out and in the main those studies argue that there is a strong case to reduce BAC to 0.05.

Some of the statistical analysis in favour of reduction to 0.05 BAC presented to the Legislation Committee appeared to our Committee to contain flaws in conclusions drawn by Researchers.

That has been said before. My report continues -

Nevertheless, papers prepared after the reduction to 0.05 BAC in Victoria, NSW and Queensland established that a substantial fall in the number of fatalities, serious accident trauma and property damage were registered.

Close questioning of the consultants involved in the conduct and analysis of the first two public opinion polls (information taken at the peak of the 0.05 debate) reveals in REARK's opinion the questions asked were biased in both polls.

The committee was most interested to note that the two polls produced almost the same result (about 62%) but in opposite directions.

Approximately two months later the same organisation conducted what the Legislation Committee considered was an unbiased Poll on the same issue. The result when analysed showed that over 60% of West Australians, both in the country and urban areas, were in favour of the reduction.

The Committee heard evidence on several occasions, at least six months apart, from senior representatives of the West Australian Police Department.

On each occasion the expressed preference of the Department was for the BAC to be reduced to 0.05 across the board. On further questioning by the Committee, the Police stated that in their opinion they were well equipped to enforce the changed law.

Argument tendered to the Committee by the liquor industry seemed to be based substantially on vested interests grounds which in my opinion was to be expected.

Evidence available to the Committee in research papers evaluated the reduction to the 0.05 BAC in the other Australian States indicated that the liquor and restaurant industries did survive successfully despite their original arguments to the contrary. It needs to be stated that 0.05 BAC has been reality in four other Australian States for between 10 and in Victoria 25 years.

From the contribution placed before the Committee by medical practitioners who treat the accident victims it was overwhelmingly clear that the medical fraternity's opinion is that, we the legislators of Western Australia have a responsibility and an obligation on this occasion to make a decision that puts politics aside and decides in the best interests of the "greater community good".

In conclusion, it is argued that there was sufficient compelling reason placed before the Committee for it to commit itself to a decision on this occasion which would see the lowering of the BAC from 0.08 per cent to 0.05 in the State in the interests of the greater community good.

This decision would be in addition to the comprehensive package introduced last year which included effective random breath testing, the Drinksafe Campaign and Multanova cameras.

I believe that this further important initiative will lead to a reduction in the road toll, serious accident trauma and property damage.

I quote from the Minister's second reading speech, which in effect homed in on the items mentioned in my report -

In essence, the real issue before the House today is not whether the legislation restricts unfairly the rights of individuals in relation to drinking and driving but whether it meets community concerns about road safety; in particular, the obligation of this State's legislators is to find ways of reducing the incidence of driving related deaths and injuries.

Sometimes in this place it is important that we place politics aside and make the difficult decisions. This is one of those times. As people know, the Australian Capital Territory has had 12 months of 0.05 per cent legislation. Irrespective of whether one pulls to pieces the statistical analysis, it is my firm belief that as legislators we cannot ignore the figures from the ACT which were collected by the Federal Department of Road Safety. In Western Australia many people already believe that legislation to reduce the permitted blood alcohol content to 0.05 per cent is inevitable. As a result they have modified their drinking and driving habits.

Hon Reg Davies: They showed that at Easter.

Hon CHERYL DAVENPORT: Little evidence exists that a further loss of jobs will occur in the restaurant or hotel industries as was predicted by the Western Australian Hotels Association. As I said earlier, despite the prophets of doom when other States changed to a BAC of 0.05, the industry survived. I have always believed that, at the end of the day, the decision to reduce the blood alcohol content to 0.05 would be a political decision "taken in the interests of the greater community good". I hope Hon Reg Davies and the Opposition parties make a responsible and courageous decision and support the Government's lead in this legislation. I commend the Bill to the House.

HON REG DAVIES (North Metropolitan) [5.51 pm]: The arguments on the Road Traffic Amendment Bill appear to be based on the value of human life, people's wellbeing and the probability of trauma associated with alcohol with different blood alcohol content levels, as well as on whether we accept only one death on the roads as too many. At the same time, the cost to society of just one paraplegic or one quadriplegic is enormous. The organisations that have direct involvement with alcohol related trauma of all kinds have expressed the opinion unequivocally that the reduction of the blood alcohol level to 0.05 per cent will have positive repercussions across our community. I am speaking of those people who are involved all the time with traumas relating to excessive alcohol consumption. That belief is shared by many groups, including the Police Force, which is probably the most involved, the Western Australian Fire Brigades Board, the St John Ambulance Association, the Alcohol Advisory Council of Western Australia, the major hospitals in this State, the Australian Medical Association, the Alcohol and Drug Authority, the Pensioners' Action Group, the University of Western Australia road accident prevention unit, and the Head Injured Society of Western Australia, to name a few. I have received correspondence from a number of individuals and organisations and will read parts of it to the House. Their comments convince me that my point of view on this matter is the right one. The Chief Executive Officer of Sir Charles Gairdner Hospital said -

As CEO of one of Perth's major Teaching Hospitals which provides the acute trauma and emergency service for the Perth Northern Metropolitan area, I write to support any action that might reduce the incidence of morbidity and mortality associated with road trauma. It is my opinion that any reduction in legal blood alcohol limits in motor vehicle drivers will have a beneficial effect and I therefore support the proposed reduction from .008 to .005.

Hon Peter Foss: It is only an opinion.

Hon REG DAVIES: It is an opinion of which I take note.

Hon Peter Foss: But it does not mean anything other than it is an opinion.

Hon REG DAVIES: These people see the results of road trauma daily and do not sit in leather seats in this Chamber and think they are the only knowledgeable ones. These people are involved and I listen to what they say. The Executive Director of St John Ambulance Australia, WA Ambulance Service Inc, Mr Ian Kaye-Eddie, said in a letter to me -

Our officers are dealing first hand with the death and destruction so often caused by speed and alcohol. One of the first observations that any student ambulance officer makes is the correlation between alcohol intake and road deaths, injury, assaults, and drug overdoses.

We believe that the introduction of a maximum BAC of .05% for all drivers is a responsible and very necessary step towards reducing the number of fatalities on our roads.

That is what we are discussing today. The letter continues -



If nothing else, it will make drinkers more aware of the possibility of exceeding the limit and hopefully other transport arrangements can be made if a "skipper" is not available.

Hon Peter Foss: "If nothing else".

Hon REG DAVIES: If this Bill does nothing else but prod people's memories about the trauma that one more alcoholic beverage may cause on the roads when they drive, it has achieved its purpose.

Hon Peter Foss: It is called "the memory Bill", is it?

Hon REG DAVIES: I am very disappointed with Hon Peter Foss' interjection. The letter from Mr Kaye-Eddie continues -

This limit should be for all drivers as over 30% of drivers involved in alcohol related fatal crashes are 30 years old or more.

Last year the national road toll fell by 9%, however Western Australia's road toll increased by 6%. One of the main differences between the eastern states and Western Australia is in the area of .05 legislation.

We have no hesitation in backing the proposed .05 legislation with the only proviso that it applies to all drivers regardless of age.

The Chief Officer of the Western Australian Fire Brigades Board wrote to me along similar lines and said -

... the Brigade not only provides a fire service to the community but it is also heavily committed to rescue on a state wide basis. A very significant part of this rescue service involves the removal of traffic accident victims from damaged vehicles. During the 1990/91 period the Brigade effected a total of 429 traffic accident rescues. ...

If by lowering the legal limit of the blood alcohol content the number of alcohol related traffic accidents can be reduced the proposed legislation certainly has the support of the WA Fire Brigade.

Hon Tom Helm: Did you say there were 420 rescues?

Hon REG DAVIES: No; a total of 429 traffic accident rescues, and the prime responsibility of the WA Fire Brigade is the putting out of bush fires. It is a pity there was not one to my right. Dr Peter Howat, the President of The People Against Drink-Driving (WA) said -

In New South Wales, Saturday traffic fatalities declined by 13% after 0.05 was introduced, independent of random breath testing (RBT). While this may seem modest, Saturday is typically a day of higher alcohol consumption, and therefore a day where the risk of alcohol related road trauma is increased. A reduction in road deaths on this hazardous day of the week is therefore very important.

Essentially, he says that, with the introduction of the BAC of 0.05 in New South Wales, lives were saved on the roads.

Hon Peter Foss interjected.

The DEPUTY PRESIDENT (Hon D.J. Wordsworth): Order! Hon Peter Foss can make his speech later.

Hon REG DAVIES: It is a pity that the Perth division of the Liberal Party does not have its meeting at five o'clock instead of seven o'clock.

The Executive Director of the Western Australian Network of Alcohol and other Drug Agencies also wrote to me and said -

It is also of concern that, in relation to juvenile crime, a relatively small number of deaths has generated draconian legislation, while licensed drink drivers kill and maim more people, yet are treated more leniently.

These people have taken the time to write and to put their organisations' point of view. As I said, they are involved in alcohol related incidents. It may not be road trauma all the time, but they occur throughout the community.

Hon Peter Foss: Why don't you give up smoking?

Hon REG DAVIES: The President of the Pensioners' Action Group also wrote to me and said -

As a group older people consume less alcohol than other age groups in the community but are often the victims of the misuse of alcohol by others. This is especially true in relation to the effects of drink driving.

That organisation supports any measure that would lower the incidence of accidents on our roads as a result of drivers' consuming alcohol.

*Sitting suspended from 6.00 to 7.30 pm*

Hon REG DAVIES: I spoke earlier about the professional organisations which are directly involved with alcohol related trauma of all kinds. I spoke not only of road trauma but also of other accidents, and the social disruption which can accompany alcohol problems, such as domestic violence, violent crimes, degradation and so on. I received correspondence during the week from the Advisory and Co-ordinating Committee on Child Abuse. The letter states that -

ACCCA is aware of the problems the abuse of alcohol can create in the lives of families by way of domestic violence and child abuse. Any efforts by government which combat the use of alcohol and encourage its more responsible use are supported by ACCCA. These strategies are likely to contribute to the overall reduction of child abuse and social costs associated with abuse.

The reduction in the limit of blood alcohol levels for those driving motor cars will have other benefits within the community, as indicated by these organisations. I also received last Friday an interesting letter from the Cyclists' Action Group on this subject. It informs me that Western Australia was historically the safest State in the road safety stakes. The letter further states that New South Wales and Victoria have improved far more than WA, so that Victoria is now the best State, New South Wales is second and Western Australia is third. It also states that -

Bruce Robinson, President of the Cyclists' Action Group, attributes the decline in WA's road safety standing to numerous delays in introducing road safety measures like 0.05 and RBT.

Hon Peter Foss said by interjection that it could all be blamed on the Government. That is clearly not the case. I say that not because I support the Government very often, but because it has brought forward this initiative on several occasions and each time the Opposition has prevented this reform from becoming law. The letter states further -

He said the Opposition and the liquor industry were opposing measures that had proved effective and popular in other states. Often these measures, like 0.05, had been introduced successfully in other states by Liberal or National Party governments.

That is, Governments of the same political persuasion as the Opposition in this State have seen fit to introduce the legislation in other States of Australia. Dr David Sleet of the University of Western Australia states in the conclusion of his letter to the Standing Committee on Legislation -

Retaining the 0.08% BAC ignores the considerable risk to the public of tolerating drivers whose driving abilities are compromised by the influence of this concentration of alcohol in the bloodstream. It ignores recent scientific evidence in current understanding worldwide, of the contribution even small amounts of alcohol play in contributing to motor vehicle crashes and casualties.

Lowering the BAC limit to 0.05% per cent reduces the risk to the public and would make W.A. legislation consistent with many other states in Australia.

In fact, I understand that it applies to all States in Australia and, although the Bill has not yet been proclaimed in the Northern Territory, it is being debated and has bipartisan support. At the same time, the report of the Standing Committee on Legislation stated -

Despite the fact that results produced from clinical studies are not conclusive that the lowering of BAC from 0.08 to 0.05 reduces the probability of motor vehicle

accidents, the Committee accepts there is an argument that the lowering of the permissible BAC to 0.05 would be to the greater community good.

This is not a debate on the unfortunate political behaviour and poor political timing of the Federal Minister for Land Transport, Mr Brown; nor is it about the ethics of the Federal Government's threat to blackmail Western Australia over much needed black spot road funding. That certainly has not influenced me in any way. The reason I refer to the Federal Minister's unfortunate timing is that I had been negotiating with the Western Australian Minister for Police prior to the Federal Minister's making those unfortunate comments. We are debating here tonight whether the overall public good is more important than the dollars gained from the sale of copious amounts of alcohol. When road accidents occur the Government must pay in the long run. The Government foots the bill and studies have indicated that the more alcohol sold in a society the greater are its problems. We are here to make responsible decisions on behalf of the population of Western Australia. As members of Parliament we are expected to be capable people who can make decisions in the best interests of the community. Therefore, we have little option about addressing the problem before us. We must unmask the realities surrounding a beverage which has become so intrinsic to our Australian culture. I am the first to admit that there are sensible and responsible drivers. I am very much aware of this, and I am sure they will be the first to acknowledge that by lowering the blood alcohol limit from 0.08 to 0.05 we shall create a buffer zone. I believe that is justifiable.

Yesterday, I was at a media conference that had been called by the Australian Medical Association in an attempt to dispel the myths and misinformation that is currently being circulated by the liquor industry. Professor D'Arcy Holman from the University of Western Australia, who is the State President of the Public Health Association, stated at that conference that the drinking driver has long been recognised as one of the most serious public health problems we face. He stated that during the next eight years we can project that 2 000 Western Australians will die on the roads and 120 000 Western Australians will be injured. About one third of those deaths and injuries will result from drink driving. It is a fact that the combination of the alcohol impaired driver and the motor car is the single largest preventable cause of road injury and death in Western Australia. In fact, drivers at 0.08 blood alcohol content run twice the risk of having an accident than do drivers at 0.05 BAC. The risk at 0.05 BAC is double that of a sober driver. Therefore, the risk is four times greater at 0.08 BAC than it is for a person who is sober.

Hon E.J. Charlton: Did the AMA indicate what the statistics proved with those deaths or injuries?

Hon REG DAVIES: The AMA is being responsible in stating that even if there are no proved statistics - because one can do whatever one likes with statistics, as the member would know; there are statistics and damned statistics - any measure to safeguard against death and destruction on our roads is worthwhile. The statistics that I am using come not from the AMA but from Professor Holman. I cannot even pronounce his present title. He looks at statistics all the time.

Hon E.J. Charlton: When you say that there is double the risk or four times the risk, is that just a scientific assessment which is not portrayed in any -

Hon REG DAVIES: One hundred and three studies were reviewed jointly by Curtin University and the University of Western Australia in 1991, and in each instance the conclusion was that the legal blood alcohol limit should be 0.05.

Hon Peter Foss: Not from the people to whom I have spoken.

Hon REG DAVIES: Hon Peter Foss may well have spoken to them, and the results are probably in the report of the Standing Committee on Legislation, in which the members agreed that although the statistics were dubious a 0.05 BAC should be introduced in the State for the overall community good.

Hon Peter Foss: There were arguments for it, and we chucked out those arguments. We dismissed them.

Hon REG DAVIES: I am convinced that our community does not want blood and death on our roads, and I am sure that people in the community are willing to support this reasonable measure.

*Point of Order*

Hon SAM PIANTADOSI: We have heard speeches from the interjectors, and we on this side of the House are keen to listen to what Hon Reg Davies has to say and would like to hear him in silence.

The PRESIDENT: I am delighted to receive the point of order, particularly from the corner from whence it came. The member is quite right. The interjectors are out of order, and in the future I will look to assistance from him to ensure that that state of affairs continues to exist in this Chamber. Would members cease their interjections and allow Hon Reg Davies to continue in silence.

*Debate Resumed*

Hon REG DAVIES: Thank you, Mr President. In fact, I did not even hear the interjections.

It is a simple matter to comply with a 0.05 BAC regulation. The difference between 0.05 BAC and 0.08 BAC is approximately one and a half standard drinks for men - for example, one and a half middies of Emu Export - and one standard drink for women. In other words, drivers who currently stay under 0.08 BAC can stay under 0.05 BAC by having one or two drinks less in the hour before they drive.

That brings me to the emotive argument that has been made over the last couple of weeks by the liquor industry in support of its outrageous claim that a couple cannot share a bottle of wine when they go out to dinner without the risk that they will break the law. I do not believe the legislation states that people cannot drink. It states that people cannot drink excessive amounts of alcohol and then drive.

Hon D.J. Wordsworth: Do you think that argument is false? Will you recommend to your electorate that people do that?

Hon REG DAVIES: If the member will be patient for a moment, I will point out a few things. The average bottle of wine contains 750 mls, which is approximately seven and a half standard drinks. The average time for a pleasant meal for a couple is about two and a half hours. Therefore, it is reasonable that a male could drink four standard glasses of wine within that time and that a female could drink three standard glasses. That would leave half a glass of wine in the bottle, and either person could drink that half a glass without exceeding the 0.05 BAC limit. On Saturday night, just to satisfy myself, my wife and I prepared a nice dinner and proceeded to consume between us a bottle of 11 per cent alcohol content champagne over two and a half hours. We invited over some friends, who also shared a bottle of 11 per cent alcohol content champagne and consumed the same meal over a period of one hour and forty minutes. I had arranged on Friday for the traffic police to come to my home at 9.00 pm on Saturday with their evidentiary testing equipment. They tested us 20 minutes after we had finished our dinner, and the four of us registered at 0.00 BAC.

Hon D.J. Wordsworth: Would that apply to every person who has a bottle of wine? Did you use your influence?

Hon REG DAVIES: I was trying to prove to myself that the legislation which I support will not disrupt family life in Western Australia, despite the claims that have been made. The police inspector and the constable indicated to me that they were happy to take this equipment to the Parliament House bar or to the local football club to let people measure their blood alcohol content reading in order to dispel any fears, but they said they were not prepared to go to any restaurant or hotel in this State.

Hon George Cash: You drank wine but still had a zero reading! Was the machine turned on?

Hon REG DAVIES: That just shows that sensible eating and drinking can be done over an extended time. I am sure that the Minister for Police had a similar experience recently when, as we read in the newspaper, he was stopped coming home.

Hon George Cash: I do not think that the Minister's reading was zero.

Hon REG DAVIES: I understood that it was. The advertisement in the newspaper by the Liquor Industry Road Safety Association - a misnomer if ever I heard one - has promoted some misinformation, such as -

If you and your partner enjoy a bottle of wine with your restaurant meal the 0.05 law will make you a law-breaker liable to pay a stiff fine and lose your licence, regardless of how responsibly you drive.

That is an insult. Indeed, that advertisement prompted correspondence from many people accusing me of disrupting the lifestyle of couples in this city because I support the legislation. It comes from a source with a fair interest in the matter. One letter came from the Restaurant and Caterers Association of Western Australia, stating -

A 0.05 BAC would mean that a responsible couple, such as you and Mrs Davies, would no longer be able to dine out and enjoy a bottle of wine between you, with your meal. To do so would put you at risk of breaking the law.

I am not saying that everyone can go out and consume the same amount of alcohol.

Hon D.J. Wordsworth: It depends on the drinks you have consumed.

Hon REG DAVIES: My wife usually has one glass of wine in three months. My brother-in-law, who was present at the time, would probably have three glasses of beer a day. My sister-in-law would have a glass of wine occasionally, and I guess I would share a bottle of wine once every three weeks. We are not big drinkers - and we have healthy livers. The average person could feel comfortable going out to dinner and sharing a bottle and a half of wine over a couple of hours, and legally drive. After consuming that amount of alcohol, I did not feel that I would have been competent to drive, although I registered a zero reading. The drink certainly affected me in some way. It is all about accepting responsibility for oneself.

Hon D.J. Wordsworth: A responsible person does not drink after he has had a bottle of wine.

Hon REG DAVIES: A person does not drive after consuming a bottle of wine! I suggest that the Government should encourage the people that sell liquor and wine in their establishments perhaps to have a carafe of water available or, if that is difficult, a machine that dispenses water available. That is generally the case in Europe, where water is served with meals and even with a cup of coffee. That happens in Parliament House. A jug of water is placed on the table in the dining room. People who do not want to continue drinking alcohol can at least have a glass of water, which will lessen the effect of alcohol. I was horrified to learn last week that in the nightclubs around this town people are charged up to \$2 for a glass of water and even more for a glass of soft drink. That practice certainly diminishes the likelihood of anyone's choosing a soft drink or a glass of water instead of alcohol in an effort to minimise intoxication.

A few people in the country have contacted me. They have a few concerns, but it is obviously a minority viewpoint because the polls consistently show that the majority of country people - as well as city people - look forward to the introduction of the 0.05 legislation. I stress once again that the whole issue is one of responsibility.

Another area that the Government should be addressing is education. The Curtin University education studies unit has researched education programs which provide for heavy drinkers and recidivist drink drivers. The Victorian experience with the introduction of education and assessment and treatment in 1982 was that a pilot study of some offenders showed a decline in recidivism. One study indicated a 25 per cent drop in reoffending; so, that is an area we should consider in future. We have also heard about studies in the Australian Capital Territory; first, a six months' study and now the full 12 months' result, which showed a significant compliance with the legislation. It was interesting that the reduction in drinking and driving occurred mainly among those aged over 25 years. Young drivers tended not to fit into the categories. As I have noticed in this city, young people with whom I have been involved have come up through the education program and are socially more responsible. They tend not to drink and drive. Of course we always have the irresponsible hooligans who will do it, but the others will ensure that they have a skipper to provide them with transport when they intend to drink.

The liquor industry has stated that many jobs will be lost in the industry as a result of this legislation. If that is the case, that concerns me greatly. However I saw Mr Eakins on television last night condemning the Australian Medical Association because it came out with statistics that indicated we will have many more accidents and deaths on the roads. He was complaining that those statistics were made available only one day before the Bill was to

be debated, that we would not have time to look at it and reply. Yet, on the same day, Mr Eakins placed an advertisement in the newspaper directed at me as an individual, telling me that if I supported this legislation many jobs would be lost. That is of concern to me, but once again he drew attention to that point one day before the Bill was to be debated. The source of the figures was dubious. It is very easy to say, but not provide any proof, that 10 per cent of people in the industry will lose their jobs.

Hon D.J. Wordsworth interjected.

Hon REG DAVIES: That is an irresponsible attitude. I would not advocate it under any circumstances. I was offended by it. I am sure that the liquor industry will introduce new initiatives to attract people to different venues without totally relying on the sale of alcohol. I mentioned earlier that perhaps the industry should be encouraged to outlay money to introduce some form of breathalyser at these establishments; at least then people will have an indication of their blood alcohol content before leaving them. In that way, they could at least make alternative arrangements for getting home, or perhaps decide to continue to patronise the establishment that night, and get a cab home.

Hon Derrick Tomlinson: Many establishments provide that service.

Hon REG DAVIES: Many do, and it costs a dollar. The reading is not completely accurate but it gives a guide to a person's blood alcohol level. Many reduced alcohol products are on the market and they should be promoted as desirable alternatives to full strength beverages. Wine producers might look at marketing more of the smaller bottles of wine and distributors could perhaps give an incentive of lower prices for those buying the small bottles. I congratulate the liquor industry, which has introduced initiatives to educate its staff in dealing with patrons who may wish to drink themselves into a state of drunkenness. The industry may even go a step further and encourage the Minister for Racing and Gaming to look at allowing restaurants to stay open longer or to examine more broadly the whole question of deregulation in the industry.

Hon Derrick Tomlinson: Hear, hear!

Hon REG DAVIES: I hope this legislation will have a very positive outcome in restructuring our society to a new way of treating drinking and driving. We have an average of almost 90 fatal, alcohol related crashes on Western Australian roads each year. We have not done a great deal about it to this stage. Only last week we saw where five jars of baby food on the shelves of one of our stores were said to contain cyanide and there was a great deal of action, very quickly, to try to combat the possible death of five babies. So there should be, but we should be doing something in this State to rectify the 90 alcohol related fatalities on our roads each year.

Hon E.J. Charlton: Mr Davies, did any of those 90 deaths show a blood alcohol content below 0.08?

Hon REG DAVIES: If they were below 0.08 they would not be put down as alcohol related deaths. Therefore, one could say that 75 per cent of deaths on the roads had some form of alcohol involvement. If a person registered a BAC of 0.08 or over it would be recorded that alcohol was involved in the accident, but the other 300 deaths on the road would not be recorded as alcohol related because we have said that a person who is under 0.08 is sober.

Hon Derrick Tomlinson: Most drunk drivers register considerably higher than 0.08.

Hon REG DAVIES: That is the important fact to remember from the ACT experience where it was demonstrated that those people in the higher bracket of 0.1 or 0.2 modified their behaviour with the introduction of 0.05 legislation. They are drinking less and driving and that is a pretty good thing in the community.

Hon Derrick Tomlinson: That needs to be followed through. They modified their behaviour but they are still driving with dangerous blood alcohol levels.

Hon REG DAVIES: We will always get those people who will run the risk of bypassing the law and drinking far in excess of any legal limit, but with the introduction of a 0.05 limit those people who drive now with vast amounts of alcohol in their blood, who are an absolute menace and danger on the roads to society, will drink less and be just that little less of a menace. Clearly the introduction of the 0.05 legislation will nudge alcohol consumption down and that is good for the community.

Hon Tom Helm: Hear, hear!

Hon REG DAVIES: It is important to stress once again that this Bill is not about stopping people from drinking, it is about ensuring drivers drink less. Because the Bill is signalling a fundamental lifestyle change for some people and in recognition of the concerns of country people, during the Committee stage of the Bill I intend to seek an amendment to delay the effects of the Bill by moving that the Act will take effect one year from the date of its receiving Royal Assent. This will allow the community to prepare for this fundamental lifestyle change and I hope it will allow those people involved in the liquor industry who see this legislation as detrimental to their incomes to lobby the Government to deregulate certain aspects of their industry and at the same time allow the police and the Government to introduce education programs. I sincerely believe that the introduction across the board of a 0.05 limit for drivers will be for the greater community good. So the Bill will not be seen as another Government revenue raiser I have had discussions with the Minister for Police, the Leader of the Opposition and those organisations representing both sides of the argument to suggest a lowering of the proposed penalties. I welcome the bipartisan support for the penalties of the loss of three demerit points and a \$100 fine for a first offence for a blood alcohol content between 0.05 and 0.08. I support the Bill.

HON D.J. WORDSWORTH (Agricultural) [8.08 pm]: I see no necessity for this legislation to limit the blood alcohol content to 0.05, for several reasons. Firstly, the statistics do not warrant the change in the blood alcohol content or a new penalty. The Legislation Committee examined the evidence very thoroughly and came up with the view that there was not enough evidence to warrant the lowering of the blood alcohol content. The second reason I do not think the legislation is necessary is that it makes a mockery of the penalty for drink driving; it will be associated with minor traffic penalties. I did confess to the House on another occasion that I was recently caught for not bringing my vehicle to a full stop while going through a stop sign and I received a penalty of three demerit points and a \$75 fine, which is about the same penalty according to this legislation, if it is passed, for driving with a BAC over 0.05. I regret that I did that and I am not suggesting that I should have, although the only vehicle in sight - and it was after dark, and it had its lights off - happened to be the police vehicle.

Hon Graham Edwards: They were conserving energy.

Hon E.J. Charlton: Was it moving?

Hon D.J. WORDSWORTH: I do not think so; they were short of petrol. That does not matter, I went through a stop sign and I got what I deserved. The people of Australia have taken drink driving very seriously and that was well illustrated when some 7 000 people were tested over the Easter period and not one person was caught for drink driving.

Hon Reg Davies: Some of the programs are working.

Hon D.J. WORDSWORTH: It is a terrific effort by the public, not the police.

Hon Reg Davies: The police have educated the public.

Hon D.J. WORDSWORTH: I think it is great that happened, but I disagree with this business of having a testing machine and saying, "I can have another drink. I have not had enough yet." A drinker then thinks he can have another drink before he goes roaring off up the road. I would have an awful conscience if I used one of these breathalysers, found I could have a few more drinks, and subsequently had an accident. I am a great patron of taxis when I am in the city and in Esperance, which also has a taxi service. I usually catch a taxi when I go to a function after six o'clock. Unfortunately, country people do not enjoy those benefits.

It is interesting that the future of this legislation is in the hands of Hon Reg Davies. If my wife and I were to do what he and his wife did and had a bottle of wine and felt some effect from it, I would not drive. However, he is telling us that I could have had two bottles and still got away with driving. It is very irresponsible to see how close to the limit one can get. I think that getting 7 000 people through a random breath testing unit without finding one person with a blood alcohol level over 0.08 is significant. The majority of people are assuming responsibility for their driving and are abstaining from drinking and driving.

What has already occurred has been a great success, yet the blood alcohol argument is a little

confusing. Some people write to members of Parliament because they see the results of accidents and jump to the conclusion they are all caused by alcohol. That argument is submitted by some medical professionals. I sympathise with people who must deal with car accidents, whether they be doctors, firemen, ambulance attendants or others. However, one must examine the practicalities and accept that the majority of accidents would have occurred anyway and are not necessarily related to alcohol. I support Hon Eric Charlton's remarks that more country accidents are caused by the condition of the roads than by people drinking and driving. Great things have happened in this State since the introduction of the 0.08 BAC level.

I deplore the Federal Minister responsible for road transport's blackmailing the State and withholding money. It is completely dishonest. It is for those reasons that I do not support the Bill. It is not because I do not have sympathy with those who must clean up after car accidents. However, it is wrong to say that alcohol and driving when mixed cost too much in medical and hospital services so we should introduce this legislation. I would be happy for the 0.08 BAC level to continue.

There are many people who have 0.02 or 0.03 blood alcohol levels without having had anything to drink; we know that many people can get high on cough mixture and so on. More information is required on those tests. Nevertheless, the 0.08 level has worked. It has had an effect on those people who have had too much to drink and has set a reasonable standard. However, we are going in the wrong direction by introducing a 0.05 blood alcohol level. As I said before, the public are now abstaining from drinking and driving and that is the way in which we should be heading rather than setting a half way legal limit and saying that it is okay to have something to drink. Drinking and driving is a bit like being pregnant; a woman is either pregnant or is not. She cannot be half and half. It is not adequate to say that if one's blood alcohol level is 0.04 it is okay to take to the roads. It is better to wait until more evidence is collected showing that it is doing otherwise. I do not intend to support the legislation.

**HON P.H. LOCKYER** (Mining and Pastoral) [8.14 pm]: I do not support the Road Traffic Amendment Bill. I am astonished to find that my good friend, Hon Reg Davies, with whom I share an office here at Parliament House, is prepared to let country people down and support this legislation. The Minister for Police purports to be a man of the people and I have admire the way in which he gets around among the people in the bush. However, this legislation will be the ruination of many small businesses in country towns. The Yugoslav Unity Club in Carnarvon and the bowling club in Broome will not thank the Minister, who purports to represent a party which purports to want to provide jobs for people. Instead he introduces into the Parliament wowsier legislation which will help turn Western Australia into a police State. What Hon David Wordsworth said a moment ago is right. I objected when the 0.08 legislation was introduced and I am still not positive it is good legislation. Goodness me, that was enough!

Members have heard dozens of times - even if the Minister denied it in an answer to a question I asked - that over 7 000 drivers were stopped and not one was found to have a blood alcohol level in excess of 0.08. The Minister has informed us that that is not right, but I have not heard him repeat that.

Hon Graham Edwards: I am going to say it in a minute.

Hon P.H. LOCKYER: It is obvious that someone in the Minister's department has been providing the wrong information. Even if a few of those 7 000 had a blood alcohol level of 0.08 it would not matter.

This Government has just about ruined the pubs and clubs in Western Australia by the introduction of the 0.08 legislation. It will slam the final nail in the coffin by having this 0.05 legislation passed. I suggest that when the Minister visits the bush in the future he take with him some bodyguards because there are some people in the bush who are not happy with him.

Hon Graham Edwards: I'll handle them.

Hon P.H. LOCKYER: The Minister may handle them, but I am here to tell him that on behalf of those little people. They are the same people who have been slaughtered by the Government over the past 10 years by a variety of weapons, including increased excises and



taxes, and every other thing that is driving this nation to the greatest unemployment figures since the Depression. This legislation will make it worse. There is no way little clubs in the bush can survive; this legislation will frighten the last of the drinkers off the streets. The Government may use all the excuses in the world, including that people should drink at home, but there are many ordinary, decent people who like to have a glass of beer at their local pub. They will be frightened that they will be caught if they drive a motor car even with the smell of beer on their breaths. The Minister has gone over the top!

Apart from this legislation, this Government has introduced the most horrendous legislation into this Parliament. There are blokes out there doing nothing else but holding little guns to check people for speeding. The Multanova is like a cash register poking out of trees. This is a police State and I have seen nothing like it before!

I have just got off the telephone with a fellow who had smoke coming out of his ears because on the weekend 10 year olds were running riot at the Carnarvon Tropical Festival and the police would not do anything about it. The police said that the Government had restricted their activities. That man was told by the police that if they gave those 10 year olds a belt around the ear they would be thrown out of the Police Force and if the juveniles were taken to court they would receive no penalty. What can the police do? The Minister and his colleagues should go back to Cabinet and decide on legislation to be introduced to this Parliament to protect people like the person who was just on the telephone to me. They should do that rather than stopping someone who has had an extra two glasses of beer from driving. The Government should let the permitted BAC level stay at 0.08. If the Government wants to do something about the state of the country it should stop bringing this ridiculous legislation to the Parliament. It should introduce legislation that will provide jobs for the 10 and 15 year olds who are running riot in the bush. The Government cannot run the economy properly.

I am sick of hearing this nonsense about the BAC and legislation which introduces things like the Multanova, speed guns, helicopters and so on. We need more police on the beat and they should be given more power to protect themselves. They should be able to give offenders a clip across the ear and the Government should not be trying to have this ridiculous legislation passed.

Hon Graham Edwards: That is your view.

Hon P.H. LOCKYER: It is not only my view but also the view of many people in the country.

Hon Graham Edwards: There are many people in the community who express a different point of view.

Hon P.H. LOCKYER: The Minister should listen to me for a second. He cannot tell me that the general public do not support the policeman's right to give young offenders a clip across the ear.

Hon Graham Edwards: What has that to do with 0.05?

Hon P.H. LOCKYER: When the Minister gets this legislation through this place he can sit down and write a piece of legislation to give permission to policemen to do the things I am talking about. I suggest that he take some advice from me for a change. It is something he does not do very often, particularly not when I get angry with him.

I wrote to my six colleagues who share my electorate with me, including my slim friend, asking them to stand up on behalf of the people they represent and be counted. I bet there are people in Port Hedland who will not thank Hon Tom Helm when he tells them that he put up his hand to stop them from going to the Esplanade Hotel or to the Cooke Point Recreation Club. Hon Tom Helm, of all people, is not known as a member of the temperance society.

Hon Tom Helm: Do you speak from experience? Is the pot calling the kettle black?

Hon P.H. LOCKYER: I have been at the Esplanade Hotel drinking with Hon Tom Helm. I remember it well because I did the buying. They would not cash his pound note! Seriously, no-one will thank him, or Hon Tom Stephens, who fled from the House as I expected him to when this debate was brought on. Obviously he has parliamentary business outside this place. No-one will thank the member for Ashburton, the member for Pilbara, the member for Kimberley or the member for Kalgoorlie for introducing this legislation. Members opposite

should not kid themselves that people in the bush want this legislation.

Hon Graham Edwards: In your view.

Hon P.H. LOCKYER: I challenge the Minister to hold a referendum on 0.05 in the bush. He would not do that, but if he did I bet London to a brick that I would win and he would not.

Several members interjected.

The PRESIDENT: Order!

Hon P.H. LOCKYER: People in the bush are appalled by this legislation. In their opinion this legislation has pushed the Government over the top.

Hon Graham Edwards: Will you repeal the legislation if you are elected?

Hon P.H. LOCKYER: When a member is a backbencher in Opposition as I am, particularly after today, he does not have much of a say. I will have a say to the new regime which has been installed today and they may listen to me. A lot of people in my party are not happy with the legislation and that is the reason they are voting against it.

Hon Graham Edwards: Not all of them are not happy with it?

The PRESIDENT: Order!

Hon P.H. LOCKYER: No-one has spoken to me -

Hon Graham Edwards: You said a lot of people are not happy -

The PRESIDENT: Order! Order! I advise the Minister that when I call order it means he must stop interjecting. I do not want to have to keep screaming out about it. Hon Phil Lockyer will direct his comments to the Chair.

Hon P.H. LOCKYER: To clear up this point I advise that all the members of the Liberal Party are happy to vote against this legislation. How does that sound?

Hon Graham Edwards: It does not mean to say they support voting against it.

Hon N.F. Moore: We do not have the same rules as you.

Hon P.H. LOCKYER: One of the great things about the Liberal Party is that members have an opportunity in the party room to say that they do not agree with legislation.

Several members interjected.

The PRESIDENT: Order! I do not know what it is that happened during the dinner suspension that brings with it an hour or so of absolute defiance of my instructions to keep quiet when a member is speaking. I have said this so many times that members should know it off by heart: In this place members do not have to like what other members are saying, they do not have to believe what other members are saying, but they do have to listen to them. One of the prerequisites to vote on anything in this place is to be here and I give an assurance that if members do not keep quiet there will be a couple of members who will not be here and it may well affect the result of the vote on this legislation.

Hon P.H. LOCKYER: Members of my party had the opportunity, if they did not agree with voting against the 0.05 legislation, to be courteous and to tell their colleagues that they would vote for it. Every member of the Liberal Party had that opportunity and not one of them said that he will vote for it, and I take that as 100 per cent opposition to the legislation.

I reiterate my argument on behalf of country people, especially those in the north of this State. The Government does not let up on them. It is hard enough now for them to make a living, with the extra costs this Government has imposed on them over the years, without adding extra imposts and so make it even more difficult. It is always the people in the bush who have to bear the brunt of what this Government does. This Government will send a lot of pubs broke in the metropolitan area and if it does not believe the advertisements in the newspaper from the Liquor Industry Road Safety Association I suggest it take note of what happens in 12 months time.

I understand that under the legislation cautions will be given over a 12 month period. As soon as people receive a few caution notices they will stop going to the local pub or bowling club and it will be on the Minister and those members who vote for this legislation that responsibility will rest for the unemployment that comes from it, particularly in the bush.

Those members will have to live with that. I will make sure that I let the Minister know when a club or hotel in my electorate closes because of this legislation. I will be the first person to participate in the adjournment debate of that day to advise the Minister of the name of the organisation involved and the names of those people who will be unemployed because of its closure so that the Minister can wriggle in his seat.

In case there is a doubt, I advise the House that I will not be supporting the legislation.

**HON GRAHAM EDWARDS** (North Metropolitan - Minister for Police) [8.26 pm]: I thank members who have contributed to this debate. With the exception of the last speaker, I listened in silence and with interest to their comments. I suppose I am the supreme optimist, but I look forward to the day that in Western Australia we can move to a bipartisan approach on matters of road safety as most other States in Australia have done. Even taking into account many of the comments made by Hon Phil Lockyer I am pleased that I brought this legislation to this House, because in my view and in the view of my colleagues it is legislation that will be, in the words of the subcommittee which examined these matters, for the greater community good.

Some of Hon Phil Lockyer's statements need to be dealt with. I did contact the relevant people in South Australia where the liquor industry ran a similar campaign to the one waged in this State as a lead up to the introduction of the 0.05 legislation in that State. Interestingly enough, since that legislation was introduced - it has been in operation for 12 months - not one person has come forward and said that he has lost his job because of the 0.05 legislation. Not one hotel or club has closed as a result of the legislation, but I can bet that a number of lives have been saved.

I expect that there are people in the scrub who do not like this legislation and that in some quarters of this State I am unpopular. However, that will not deter me from going into the scrub or from going into a pub or club and having a beer. I will be able to live with that criticism because this legislation is for the greater community good, and that is not only my view.

Hon E.J. Charlton: How many lives have been saved because of the South Australian legislation?

Hon GRAHAM EDWARDS: I will come to that interjection shortly. It is not only my view that the legislation will be for the greater community good; it is the view of many responsible individuals and organisations in this State. I will refer to some of the comments made by those organisations which have taken the time to write to me, the first of which is the Head Injured Society of Western Australia. The letter states -

My Dear Minister

#### 0.05 LEGISLATION

The Board of Management of the Head Injured Society of Western Australia is closely monitoring the present deliberation on the legislation to introduce the .05 ruling in this State.

In conjunction with our "Head Injured Council of Australia" my Board is conscious of the different legislations applicable to various other states in Australia.

My Board would be appreciative, if you, in the final assessment of the .05 legislation, take into consideration and be aware of the frightening statistics in our State of people sustaining "head injuries and/or acquired brain damage" in accidents which have a correlation to the effects of alcohol.

Yours sincerely,

PHILIP F TIMMS JP FCPA FCHSE

EXECUTIVE DIRECTOR

I like a beer and to go into a pub, club, or any other liquor outlet and socialise. However, if as a result of this legislation people wish to take me to task, let them do so because I am much more moved to give support to these types of people than I am to the people whom Philip Lockyer claims to represent. If members opposite wish to bring this matter down to the basis of numbers they may do so, but I do not believe this is a debate during which we

should reflect on numbers. This is a debate during which we should accept responsibility and show some leadership. For that reason I was disappointed to hear Hon Philip Lockyer make the sort of speech he made in this place because in my view we can achieve much more in this State for road safety if we are prepared to adopt a bipartisan approach and show the sort of leadership that in my view people want us to show.

I have a copy of a statement made yesterday by Professor Holman, State President of the Public Health Association, at a Press conference I attended at the invitation of the Australian Medical Association. It states -

As State President of the Public Health Association, I represent the collective view point of about 40 different public health professions, each committed to the pursuit of scientific knowledge about health problems in our community, and the use of that knowledge to improve health status and our quality of life.

The Association has judged the desirability of the .05 limit against three criteria. These are -

The size of the public health problem;  
the likelihood that the proposed action will actually work;  
and the acceptability of the proposed action to the public.

I should like to make a brief comment on each of these criteria, starting with -

#### **The Size of the Problem**

This is a matter already quoted by Hon Reg Davies -

The drinking driver has long been recognised as one of the most serious public health problems that we face. During the next eight years, 2,000 West Australians will die on the roads and 120,000 will be injured. About one third of these deaths and injuries will result from drink driving. It is a fact that the combination of the alcohol-impaired driver and the motor car is the single largest preventable cause of road injury and death in Western Australia.

The second criterion begged the question -

#### **Is .05 an Effective Method of Prevention?**

A large body of experimental evidence shows that driving skills and judgment are impaired significantly by blood alcohol levels between .05 and .08%. There are literally hundreds of studies to show this. In 1988 the US Department of Transportation published a review of 177 such studies, and in 1991 a review of 103 recent studies was published jointly by Curtin University and The University of Western Australia. In each instance the conclusion was the same - the legal limit should be .05.

The risk of crash at .05 is about twice the risk at zero blood alcohol, and the risk at .08 is twice as high again. Therefore, a fall in the number of drivers between .05 and .08 will reduce the number of crashes in its own right. However, I cannot over-emphasize that the beneficial effect of .05 is far more wide-reaching than this simple relationship. Recent experience in the ACT, where .05 was introduced in early 1991, showed a 39% reduction in drivers on the road with blood alcohols exceeding .15, and a 61% fall in those exceeding a blood alcohol limit of .2% . Similar effects have been observed elsewhere, for example, in Queensland when .05 was introduced in 1983.

To narrowly focus the debate on what happens between .05 and .08 is to miss completely the full picture. .05, together with driver education and RBT, should be seen as a total package which results in a reduction across the full range of dangerous blood alcohol levels. This probably occurs because all drivers become more cautious about alcohol, and are more likely to make responsible decisions to stop drinking or to make alternative transport arrangements before their judgment is impaired.

The third criterion was -

#### **Acceptability to the General Public**

There is widespread support among the international community for lowering the

legal blood alcohol limit to .05%. This comes from the Council of European Communities, numerous community organisations in the United States, and the World Health Organization. In Australia, all States except WA have now adopted the .05 limit.

Closer to home, since 1989, at least six community surveys in WA have indicated majority support for .05. Only one survey has produced results to the contrary, and that was commissioned by the liquor industry. The support is higher in the city than in the country, but even in the country areas the majority of people support this public health measure.

Claims that .05 will turn decent people into law breakers are outrageous. A couple will still be able to drink up to the recommended safe level of four alcoholic drinks for a man and two drinks for a woman, over a couple of hours for dinner, and be unlikely to exceed .03 let alone .05.

In summary, the Public Health Association has reviewed the evidence on .05 and unequivocally supports this most important public safety measure. .05 will also help reduce the pressures on our under-funded public hospital system, where road injuries caused by alcohol cost an estimated \$13 million a year.

As a President of the Public Health Association, I am convinced that people in our community do not want blood and death on our roads, and they are willing to support reasonable measures, such as .05, to spare the families and friends of victims the agonies of drink driving fatalities and life-long disability.

In addition, Dr Roly Bott, President, State Branch, Australian Medical Association, also spoke at the conference. He said exactly the same thing to me that police officers, ambulance drivers, fire brigade employees, and volunteer road rescue people say to me; that is, that one has to push aside the statistics and look at the human result of drink driving accidents on our roads. These are people who have to deal with that end result.

Hon E.J. Charlton: Half of the drink drivers don't have a licence.

Hon GRAHAM EDWARDS: We have to deal with that human side of the problem. When one further equates the fact that 33 per cent of road deaths last year involved at least one driver having consumed alcohol one sees that these are preventable deaths. When one further considers the earlier statistics that I gave of a projected up to 2 000 people losing their lives on Western Australian roads between now and the turn of the century and a further projected 120 000 people being injured, one starts to see the enormity of the task. I have suggested that if people do not like the statistics or cannot come to some agreement on them we should put them aside and look instead at the human side. That is a very traumatic and frightening prediction: 2 000 Western Australians will die on the roads and 120 000 will be injured. That is preventable death and preventable suffering. It would be totally irresponsible of me, as the Minister for Police, to sit on my hands and do nothing in the face of those statistics. If it costs me a bit of popularity in the bush, in the pubs or in the clubs, that is popularity I am prepared to sacrifice.

I do not think we could do any more than we have done to compromise on this legislation. I have told Hon Reg Davies that I am prepared to accept his amendment that will see this legislation come into effect 12 months after it is agreed to. Those who have read the legislation know that we will not be issuing cautions between the passing of this legislation and the end of that 12 months. It will be a clear date of introduction 12 months down the track. In the meantime, if the legislation is passed the Traffic Board will examine ways to continue and improve driver education. That must occur. I think any fair person would agree that in the last 12 to 18 months we have significantly increased our driver education; however, much more needs to be done.

Another significant compromise we have made relates to the penalties. Unfortunately we do not have a bipartisan approach to penalties, although we are just about there. I have agreed to a significantly reduced fine of \$100, which will be dealt with by way of an infringement notice. I believe we should also support the proposition that a person who is issued with an infringement notice for a 0.05 offence should lose not three but four demerit points. That will give him three bites at the cherry - three strikes and he is out. That proposition is fair enough. I have put an amendment on the Notice Paper to allow us to do that. We will delete

the minimum penalty referred to in the Bill and just rely on a maximum penalty. At a later stage, once again depending upon the fate of the legislation, I will need to bring in regulations that will specify the penalties. This Chamber will have the opportunity of debating those penalties then.

We have come a long way. Random breath testing has had a significant impact on our roads, although I want to caution people about jumping to the wrong conclusion following the reports in the Press that over Easter 7 000 people were tested and none was found to be over 0.08. However, the number was remarkably small and very encouraging; I think 45 people were shown to be over 0.08. Unfortunately, however, people were detected at 0.08 and above over the Easter period, not through random breath testing operations but through being apprehended by other police patrols on the road.

Hon E.J. Charlton: Did they record at the same time those between 0.05 and 0.08?

Hon GRAHAM EDWARDS: No, they do not do that.

We have had the arguments about statistics. This matter has been debated continuously both in the community and in this Chamber over the last couple of years. I said some time ago that I was determined to persevere with this legislation in the belief that ultimately it would be passed; and it will be. There is no doubt about that. We cannot stand alone as the only State in Australia continuing to send a message to drivers that we are soft on drink-driving, that we do not consider it to be a serious matter, and that we will not move on it. Whether we like it or not we must accept the arguments that have been put forward by those people most involved in road trauma, and we should join with our colleagues in other States. In some instances other States have introduced 0.05 legislation under the banner of a Liberal-National Party coalition and I do not think they have had any difficulties. They have been prepared to bite the bullet and adopt a bipartisan approach, and that is exactly what we should be doing.

I place on record my appreciation of the stand Hon Reg Davies has taken. He and I have clashed in this House on numerous occasions in the past and no doubt we will do so in the future, but we stand pretty closely together on this issue. I also recognise that Hon Reg Davies has stood firm in his support for this legislation in the face of some fairly pointed and targeted advertisements. We can draw comfort from adopting and sticking by a position when it is a party position. Members on this side of the House can do that, as can members opposite. However, when one is an Independent one can feel alone and exposed on some issues, and certainly Hon Reg Davies has been exposed on this issue. I have no doubt that he has the character to continue to stand firm. I believe the Liquor Industry Road Safety Association has gone about things in the wrong way if it is trying to convince Hon Reg Davies to change his mind, and perhaps a less emotive, more rational argument would have had more success; I do not know. Clearly Hon Reg Davies has been encouraged by the people to whom he has spoken and has come to change his mind because of what has happened in the Eastern States and because of the continuing arguments put forward here.

I accept that we come from different political and philosophical views on matters of road safety. I assure the House that I will continue to be open, conciliatory and prepared within reason to compromise on any issue of road safety in order to try to find a bipartisan approach. I regret that we have not been able to reach agreement on this issue, but, as I said at the beginning of my remarks, I am an optimist and I will continue to look forward to the day when we can find that position. In the meantime, I ask members to support the second reading of this Bill.

#### *Division*

Question put and a division taken with the following result -

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#### Ayes (14)

Hon J.M. Berinson  
Hon T.G. Butler  
Hon Kim Chance  
Hon Reg Davies  
Hon Graham Edwards

Hon Kay Hallahan  
Hon Tom Helm  
Hon B.L. Jones  
Hon Mark Nevill  
Hon Sam Piantadosi

Hon Tom Stephens  
Hon Bob Thomas  
Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

Noes (12)

Hon J.N. Caldwell  
Hon George Cash  
Hon E.J. Charlton  
Hon Max Evans  
Hon Barry House

Hon P.H. Lockyer  
Hon N.F. Moore  
Hon R.G. Pike  
Hon W.N. Stretch  
Hon Derrick Tomlinson

Hon D.J. Wordsworth  
Hon Margaret McAleer  
(Teller)

Pairs

Hon John Halden  
Hon Cheryl Davenport  
Hon Garry Kelly

Hon P.G. Pandal  
Hon Peter Foss  
Hon Murray Montgomery

Question thus passed.

Bill read a second time.

Committee

The Deputy Chairman of Committees (Hon Doug Wenn) in the Chair, Hon Graham Edwards (Minister for Police) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Commencement -

Hon REG DAVIES: I move -

Page 2, lines 2 and 3 - To delete the lines and substitute the following -

2. This Act shall come into operation 12 months after the day on which it receives the Royal Assent.

I outlined in the second reading debate the many reasons for this amendment. To refresh members' memories, this legislation represents a fundamental lifestyle change for many people within the community, and I recognise the concerns of those people in country Western Australia. Therefore, I seek through this amendment to delay the effect of the Bill.

This will provide 12 months in which the community can prepare itself for the legislation to come into effect. It will allow the Government and the Police Force to commence educating the community; by that, I mean that when a driver is tested and is found to have a blood alcohol level above 0.05 per cent but below 0.08 per cent the police officer will be able to warn that driver that on 30 May 1993 it will be an offence to drive with that amount of alcohol in one's blood. The officer could suggest that the driver modify his driving habits. The 12 month period is reasonable for that process to occur. I hope that in conjunction with the education process some television and newspaper advertising will inform people when the legislation will come into effect and what it will mean for them. The amendment is a perfect opportunity for people within the liquor industry, who consider that this legislation will adversely affect their industry, to consider options for enticing patrons into premises and keeping them there other than just to drink alcohol.

I do not envisage that infringement notices will be issued during the 12 month delay period - the police have enough work to do as it is. It will be a matter of issuing verbal warnings as a courtesy to motorists driving under the 0.08, but above the 0.05, blood alcohol level.

This amendment is supported by the liquor industry and the Australian Medical Association, which I have found to be fairly reasonable in its approach. Some people would like the legislation to come into effect immediately, and others see the delay as beneficial to the State. I commend the amendment to the Chamber.

Hon GRAHAM EDWARDS: The Government supports Hon Reg Davies' amendment, which is a compromise to which I referred in my response to the second reading debate. Although we would prefer to have the legislation in operation without a delay of 12 months, I accept that this amendment will provide people with 12 months' notice that the legislation is coming.

I am aware that the Australian Medical Association supports the amendment, although it would prefer to have the legislation come into effect straight away. On the other side of the

coin, the liquor industry does not want the legislation at all. Nevertheless, the amendment provides 12 months' breathing space for the industry to make allowances before the 0.05 blood alcohol level becomes law.

I undertake to have discussions with the Commissioner of Police regarding how the police will convey the information that the 0.05 blood alcohol level will become law after 12 months. I will suggest that the Traffic Board consider the matter, and, given its resources, I imagine it will come up with a simple way to implement this proposal to convey the information to drivers - perhaps by way of a two or three line statement. That will not pose any problem.

Hon J.N. CALDWELL: Liquor industry outlets - namely hotels and clubs - have found that their incomes have dropped since the introduction of the 0.08 blood alcohol level. No doubt their turnover will drop again because of the introduction of the limit of 0.05 per cent blood alcohol content. During that introductory period of 12 months, does the Minister anticipate being able to assist those clubs and hotels in some way? Perhaps gaming machines could be introduced to help them through a difficult period.

Hon GRAHAM EDWARDS: I cannot say yes to that question. It is the responsibility of my colleague, the Minister for Racing and Gaming. The Government is restricted on this issue because of an agreement that both Houses of Parliament entered into with the establishment of the Burswood Resort Casino. I am always anxious to look after sporting clubs. I acknowledge that much importance is placed on the social activities, fellowship and friendship which takes place in the bar after a game of cricket, football or other sports. I would like to see that continue. However, the member should not be too pessimistic. Clubs in other States have survived the reduction of the blood alcohol content to 0.05 per cent. I know that sporting clubs in this State will not only survive but also thrive in the future. I understand that, if Hon Reg Davies has not already done so, he intends to take up the matter with the Minister for Racing and Gaming. I have not discussed the matter in any depth with the Minister, but I will undoubtedly talk to her about it in the future.

Hon GEORGE CASH: It is interesting that we should be proposing that the Bill come into operation 12 months after the day on which it receives Royal Assent without the House's deciding whether to insert the 0.05 per cent blood alcohol content restriction. Given the comments of Hon Reg Davies during the second reading debate it is fair to say that he has made a commitment to this legislation. Therefore, it is not unreasonable to deal with this matter at this stage, as the provision for when the Bill comes into effect is one of the early clauses. The Liberal Party is obliged to support this amendment, not on the basis that it supports the introduction of the 0.05 per cent blood alcohol content, but on the basis that it will at least provide the industry with some time to come to grips with the changes which are clearly now inevitable. Although I welcome the amendment, given the statements made by both the Minister for Police and Hon Reg Davies, who relied on statistical data to support their argument, the amendment for a 12 month suspension tends to make a mockery of their statements. Nonetheless, I do not want Hon Reg Davies to withdraw his amendment.

Hon Reg Davies: I am happy to do that if there is good argument for it.

Hon GEORGE CASH: I am not suggesting that he should do that. However, the Government cannot have it both ways. It should believe in its statistics as does the Liberal Party believe in its statistics, having analysed those made available to it. The Liberal Party does not believe that a significant reduction will occur in road trauma when the blood alcohol restriction is reduced to 0.05 per cent. I make the point, as I did during the second reading debate, that members of the Liberal Party believe that the three Es should be implemented: Firstly, a massive education program should be mounted so that the community can understand what alcohol does to people's bodies. I remind members of the statements I read to the House during the second reading debate when I discussed the different biological changes which occur in individuals. I quoted from an article entitled "Blood Alcohol Measurement; Biological Aspects" written by Dr Jane Hendtlass in August 1988. The second E relates to engineering and the funding and expenditure on roads in this State. In the past, the Liberal Party has argued that during the terms of the Federal and State Labor Governments, road funding in Western Australia has been significantly reduced. The roads are now in a greater state of disrepair than they were some decades ago. There is no escaping the fact that that in itself contributes to road trauma. The third E concerns



enforcement. The Liberal Party recognises that some people are not prepared to listen to the educational programs and at times they require the firm hand of the law. Therefore, provisions for enforcement must be in place. The Opposition believes that police visibility on the roads is important in causing motorists to realise that they must continually think about whether they have been drinking before they drive. The manner and speed at which people drive should be triggered in people's thoughts by a significant police visibility on the roads. That is preferable to the police's coming - as this legislation will provide - at the other end of the scale as the heavy hand of the law.

I reiterate that in no way does the Liberal Party's support for this amendment indicate its support for 0.05 per cent blood alcohol content restriction.

Hon GRAHAM EDWARDS: I understand the Opposition's position. However, the Government is not being hypocritical in accepting this amendment. I have pointed out the Government's position; that is, it prefers to see the 0.05 per cent blood alcohol content introduced immediately. However, Hon Reg Davies has been quite genuine in moving this amendment to clause 2, because the legislation will bring about a change of lifestyle. He is prepared to agree with the legislation provided it is enacted after 12 months. The Government will go along with that.

**Amendment put and passed.**

**Clause, as amended, put and passed.**

**Clauses 3 to 8 put and passed.**

**Clause 9: Section 64AA inserted -**

Hon GEORGE CASH: I move -

Page 3, line 23 - To insert after "A person" the following -

not being a probationary driver and not having attained 21 years

The purpose of the amendment is to arrange the various tiers of blood alcohol content offences into a 0.02 offence for probationary drivers, 0.05 offence for drivers up to age 21 years, and 0.08 for drivers above 21 years. The existing 0.15 offence in the Road Traffic Act would remain. The Liberal Party has argued consistently that there is a high risk group of drivers in the community. Recognising the statistics that were presented to us when the Bill was originally introduced, we were prepared to support 0.05 legislation for drivers up to the age of 21 years.

The statistics support the amendment. Unfortunately, the Government has indicated that it is not prepared to accept the amendment. I intend to divide the Committee on this amendment because, although the Liberal Party is very serious about the need to protect this group of drivers in our community, it does not wish to disadvantage drivers over the age of 21 years who are a lesser risk in relation to road trauma resulting from drink driving accidents. I hope the Government will recognise at this late stage the merits of this amendment. If not, I hope that, in the next 12 months while we wait for the legislation to come into effect, a lot of work will be done by the Government on the biological differences of people through the analysing of breath and blood samples. When we deal with the question that the clause be agreed to, I intend to put a number of questions to the Minister which deal with biological changes in individuals and I hope that the Minister will be able to advise me on how the Government intends to deal with that important area.

Hon DERRICK TOMLINSON: In his second reading speech, the Minister for Police indicated that the decision on the blood alcohol content of 0.05 was a political decision. In saying that he was reiterating the findings of the Standing Committee on Legislation. We came down with a very emphatic statement that the research that had been reviewed by the committee did not justify reducing the blood alcohol concentration from 0.08 to 0.05 except in one instance; that is, for people under the age of 21. That is the single group about which the research evidence was quite convincing; a reduction in the permitted upper level to 0.05 would have a significant effect upon their risk of being involved in motor vehicle accidents, motor vehicle accidents causing injury and motor vehicle accidents causing death. That group is at greatest risk. Research demonstrated that they are a risk to themselves and a risk to others on the road when they have consumed even a small amount of alcohol.

The same research which produced that rather convincing evidence was also unwilling to explain the causal relationship between the consumption of small amounts of alcohol by persons under the age of 21 and the probability of their being involved in a motor vehicle accident or suffering road trauma. The researchers were unwilling to hypothesise on a causal relationship because so many variables act together. The researchers could not separate one variable as being a stronger or more important variable than the others. When all of those factors operate together when people under the age of 21 years drive, they create a risk. However, because it was demonstrated that the risk for that group under the age of 21 increased with the smallest amount of alcohol, the committee argued that there was a case for "separating learning to drink and learning to drive". During the committee debates, we argued quite vigorously the point that was contained in the original legislation to impose the 0.02 limit for not one year but three years. There was a substantial case for maintaining the 0.02 probationary driver limit for not a single year but three years. We could not come to an agreement on that but we did agree that there was sufficient evidence to justify making a recommendation of 0.05 to age 21 to the House. Beyond age 21, the risk of motor vehicle accidents causing injury and death really starts to escalate at 0.05.

There is no doubt of the relationship between blood alcohol consumption beyond the 0.08 limit, driving a motor vehicle and road trauma. There is no doubt that the risk escalates at an exponential rate as the blood alcohol concentration increases above 0.08. The research evidence on that is irrefutable. Neither is there any doubt, as Hon Reg Davies argued in his presentation, that there is a halo effect and that the 0.05 or 0.08 limit will cause people to change their drinking and driving habits. The interesting point is that it operates most significantly for those who consistently drive with blood alcohol concentrations in excess of 0.08 and 0.15. For those responsible drivers who reduce their drinking habits such that their blood alcohol concentration is below 0.08, it does not matter anyway because those responsible drivers are demonstrably less of a risk to the community over the age of 21 years than the other people who respond to the halo effect of 0.05 legislation.

There is a case in support of the amendment moved by Hon George Cash. There is a case for a 0.05 limit for drivers up to the age of 21 years. Beyond that, there is a political case and a political argument. We shall divide on the political argument but on the 0.05 limit up to the age of 21 years irrefutable evidence suggests we should be united. I commend the amendment to the Chamber.

Hon REG DAVIES: Members will recall that in the past week or two in the campaign mounted by the liquor industry the speech I made last year in this Chamber on this issue was quoted. At that time I thought it reasonable to have a graduated system and I thought that people would learn to drink and drive within safe limits. I felt at the time that it was the right thing to do. However, as I indicated earlier, I have been studying the whole issue in great detail; I have read copious reports and have spoken to a large number of people on this issue. I have discovered that in a five year period, from 1985 to 1990, in Western Australia 75 per cent of drivers whose blood alcohol levels exceeded 0.08 and who were subsequently involved in fatal crashes were 21 years of age or older. Thirty per cent of the people who were killed in drinking and driving accidents were 30 years of age or older. I agree that young people between the ages of 18 years and 25 years are at higher risk than any other group.

Hon Derrick Tomlinson: Does your research also indicate the alcohol concentrations of those up to the age of 35 years who have been killed?

Hon REG DAVIES: Yes it does and, as Hon Derrick Tomlinson indicated, it was certainly above the 0.08 limit and in many cases much above that limit. They did not account for all of the drinking and driving deaths on our roads and to put it in context I indicate that 84 per cent of drunk drivers had a BAC above 0.08. It is not a problem just of young people. By limiting it to those aged 21 years and under, we are ignoring those between 21 years and 25 years who are also in a high risk category. Effectively, this amendment would ignore almost half the most affected group.

I refer to the people killed in crashes, who number at least between 85 and 90 each year. In the period to which I have referred, 70 of those people had blood alcohol levels of 0.15 and higher. In that five year period, approximately 90 of those killed had blood alcohol levels exceeding 0.08. All those people killed were aged over 30 years. Certainly, that figure is not

consistent with attributing the problem to young drivers. That is a brief synopsis of my studies in relation to this matter, and I am aware of the comments I made previously. I fully believed at that time that it was the right thing to do. However, my research has certainly changed my attitude on the matter and, as much as I understand the comments that have been made, I do not support the amendment.

Hon GRAHAM EDWARDS: I indicate firstly to Hon Derrick Tomlinson that we are united on the question of a 0.05 limit for young people, but that the Government wants to extend that limit across the board.

Hon Derrick Tomlinson: Why?

Hon GRAHAM EDWARDS: If it is restricted to people up to the age of 21 years, we shall lose the significant benefit of the halo effect. Also, it will leave exposed that group which the set of statistics in use indicates is most at risk in drink driving accidents - those between the ages of 21 and 25 years. However, more recent information indicates that the risk continues for drivers through to the age of 40 years. From 40 years of age, the representation in the figures begins to decline. That may well be my interpretation of the figures but Hon Derrick Tomlinson's argument may be based on his interpretation of the figures. We come to a political decision; that is, a decision on which we need to vote on the basis of the best interests of the greater community good. I firmly believe that the greater community good will be served by a 0.05 limit across the board.

We need to consider other practical problems, particularly in relation to the job the police would face on the roads. One of the reasons I am opposed to the restriction of the 0.05 limit to people up to the age of 21 years is that we would effectively be blaming young people for the trauma that occurs as a result of drink driving. That responsibility must be accepted by people of all age groups. It is not right to single out one age group and say that it is responsible. If Hon Derrick Tomlinson so strongly believes in his statements about young people and drink driving, I ask why he did not come back with a united view to support the proposal to extend the probationary period and limit drivers in the first two years of their being granted a licence to a blood alcohol level of 0.02.

Hon Derrick Tomlinson: Because probation places other constraints upon drivers.

Hon GRAHAM EDWARDS: What were the other constraints?

Hon Derrick Tomlinson: You would have to ask Hon John Caldwell.

Hon GRAHAM EDWARDS: One argument that was wrong then and is wrong now is that we would restrict probationary drivers to a certain speed limit, and that that would be unacceptable. We were prepared to compromise on the question of speed, but I believed it was a reasonable argument that we could better reinforce that message than by extending probation to three years and, therefore, extending to probationary drivers a limit of 0.02 blood alcohol content for three years. It seems to me that the best course of action is to have 0.05 BAC across the board. It is not appropriate to lump onto young people that responsibility. That responsibility has to be accepted by all age groups.

Hon J.N. CALDWELL: When this Bill was first introduced, the National Party was 100 per cent against the introduction of a 0.05 BAC. However, we were prepared to compromise, particularly when it was proved to us conclusively from statistics that young people and probationary drivers were subject to more accidents than were older drivers. We had a lot of sympathy with the extension of 0.02 BAC for probationary drivers because of those statistics. However, there was some fear that probationary drivers might be reduced to driving at a maximum of 80 kilometres an hour. I believe there could have been a compromise there, and the Minister did talk to us about that.

Hon Graham Edwards: But we could not sway you.

Hon J.N. CALDWELL: No. The National Party was prepared to compromise to try to bring about some resolution to this problem. We had a slight difference in opinion with the Liberal Party because we thought that the teenage years were the years during which drivers should be restricted and be subject to the 0.05 BAC legislation for three years. The Chamber decided not to accept that proposition. Hon George Cash has made the point that the people most at risk are young people and that people cannot learn to drink and drive at the same time. It is difficult enough to learn to drive without a person's having a belly full of beer at

the same time. It is these people whom we should try to protect and keep under surveillance with this legislation. The National Party will support the amendment.

Hon GEORGE CASH: I thank Hon John Caldwell for indicating the National Party's support of the amendment. The Minister for Police suggested in his comments that he was trying to protect all drivers. I think he missed the point that both the Liberal Party and the National Party argue that there are high risk groups within the driving community. One of the reasons that we have probationary drivers' licences is that we recognise that people with limited driving experience should have a blood alcohol content limit of 0.02 and should also be limited in respect of speed. The Minister is saying that he believes that all drivers other than probationary drivers are in the same risk category. That is where we clearly do not agree. The Minister has failed to distinguish between the various levels of risk, which are closely correlated with drivers' ages, and there is no question that the statistics support that argument. The Liberal Party has analysed the data which has been made available to it and we believe this is a positive amendment which recognises the high risk groups. I am prepared to concede that the statistics indicate that the age of up to 25 is also a risk area, but, beyond that, the risk falls away significantly. I ask the Chamber to support the amendment.

*Division*

**Amendment put and a division called for.**

**Bells rung and the Committee divided.**

The DEPUTY CHAIRMAN (Hon Doug Wenn): Before the tellers tell I cast my vote with the Noes.

**Division resulted as follows -**

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**Ayes (13)**

Hon J.N. Caldwell  
Hon George Cash  
Hon E.J. Charlton  
Hon Max Evans  
Hon Barry House

Hon P.H. Lockyer  
Hon N.F. Moore  
Hon Muriel Patterson  
Hon R.G. Pike  
Hon W.N. Stretch

Hon Derrick Tomlinson  
Hon D.J. Wordsworth  
Hon Margaret McAleer  
(Teller)

**Noes (14)**

Hon J.M. Berinson  
Hon T.G. Butler  
Hon Kim Chance  
Hon Reg Davies  
Hon Graham Edwards

Hon Kay Hallahan  
Hon Tom Helm  
Hon B.L. Jones  
Hon Mark Nevill  
Hon Sam Piantadosi

Hon Tom Stephens  
Hon Bob Thomas  
Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

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**Pairs**

Hon P.G. Pendal  
Hon Peter Foss  
Hon Murray Montgomery

Hon John Halden  
Hon Cheryl Davenport  
Hon Garry Kelly

**Amendment thus negatived.**

Hon GRAHAM EDWARDS: I move -

Page 4, lines 2 and 3 - To delete the lines and substitute the following -  
section is liable to a fine of not more than \$500.

The result of the amendment will be to delete the reference to a minimum fine and leave in tact the maximum fine. That will allow me at a later stage to introduce regulations which will create an offence to be dealt with by way of infringement. The infringement penalty will be \$100. As I indicated during the second reading debate, I intend to hold out for a loss of four demerit points. I understand the Opposition will seek a penalty of three demerit points. That is an argument for that stage.

It is important to delete the minimum fine of \$200 to enable to Government to introduce an appropriate regulation at the appropriate time. By leaving the maximum fine at \$500, we can

impose a fine of \$100 by way of infringement. That is the same situation as applies in South Australia, although its top penalty is \$700.

Hon GEORGE CASH: The Opposition will not oppose the amendment. The Minister has indicated that in due course he will introduce regulations, and that the penalty for 0.05 offences will be by infringement and will incur a fine of \$100. The Minister has also acknowledged the earlier comments by the Opposition regarding the number of demerit points we seek to have apply to 0.05 offences. With any regulation that is introduced, the Opposition will move to ensure that a penalty of three demerit points will apply to 0.05 offences.

Hon Graham Edwards: As I am endeavouring to keep an open mind with the Opposition's argument, I ask that the Leader of the Opposition do the same with my argument.

Hon GEORGE CASH: I will always keep an open mind about any arguments. As Hon Fred McKenzie said once in this place after I had given a very compelling speech on a matter and asked him to keep an open mind, I will keep an open mind but I am not convinced. I will keep an open mind, as will all Opposition members. However, I can assure the Minister that the Liberal Party and the National Party have agreed to three demerit points as a penalty. That has also been agreed by Hon Reg Davies.

I give notice that on the introduction of any regulations our intention is to move to disallow the regulations if they provide for more than three demerit points. We support the amendment.

Hon REG DAVIES: I support the amendment. It is a very good compromise which dispels the myth that the legislation is aimed primarily at raising revenue. I indicated at the second reading stage that I favoured the three demerit point penalty as a reasonable compromise.

#### **Amendment put and passed.**

Hon GEORGE CASH: I take this opportunity to raise the question of endogenous alcohol, and the way in which the police using the latest measuring equipment can detect the exact blood alcohol level reading in different people. During the second reading debate I referred to an article entitled "Blood Alcohol Measurements - Biological Aspects" by Dr Jane Hendtlass. I read to the House the conclusions of the article which was presented as an academic paper in 1988. I now wish to include in *Hansard* a number of matters raised in the paper, but more than that I point to other areas in the paper. Under the heading "Factors which influence blood alcohol concentration" the paper reads -

Alcohol (used here to denote the compound ethyl alcohol or ethanol) is a natural body component: everyone has a small quantity of alcohol in their body and alcohol elimination is a normal body function.

Alcohol is also a drug which is consumed by about 90% of Australians in a wide variety of beverages. It is a depressant which can have a substantial disinhibitory influence on its users. A comprehensive literature has developed to describe other health and behavioural effects of alcohol consumption.

Alcohol is a small molecule which is very soluble in water but is practically insoluble in fat. Therefore, it is mostly transported around the body in the blood. The blood alcohol concentration at any particular time is not predictable; when no alcohol has been consumed the endogenous level can vary by 40% -

This is where some very interesting statistics start to appear. It continues -

- between five minute intervals, and after five standard drinks have been consumed it oscillates up and down over a range of up to 0.03g/100mls in a five to ten minute time period (see FIGURE 1).

The blood alcohol concentration of an individual who has consumed a particular amount of alcohol mainly depends on:

- . the level of endogenous alcohol in the body;
- . the amount of alcohol consumed and factors which affect absorption of alcohol from the gastrointestinal tract;
- . the amount of water in the individual's body;

- the activity of alcohol metabolising functions in the liver; and
- the time since alcohol was consumed.

The article then goes on under the heading of "Endogenous Alcohol" to say -

There is a small amount of alcohol in everyone's blood. This concentration is normally in the range of about 0.0001g/100ml to 0.025g/100ml depending on analytical procedures used, type of food which is being digested, genetics (particularly ethnicity), and possibly metabolic disease such as diabetes. This alcohol arises mainly from fungal and bacterial fermentation in the gastrointestinal tract although a tiny amount is probably made by reverse reactions of the alcohol and acetaldehyde oxidising enzyme systems when they are in equilibrium.

I can see that most members in the Chamber understand that as clearly as I do.

Hon Tom Helm: Didn't you know that?

Hon GEORGE CASH: That is why I said everyone understands what I am talking about. It is important because later we will be talking about the testing equipment that is used by the police and that huge range that becomes apparent between individuals. The article continues -

When more than 2 drinks (that is about 20g alcohol) has been consumed the effect of endogenous alcohol on the blood alcohol concentration is largely overridden. However, for individuals who are covered by the zero or 0.02g/100ml limits, such as the provisions of s.16 ss.2aa or s.16A ss.6aa of the Queensland Traffic Act, alcohol which occurs naturally in the body can normally raise the blood alcohol concentration to a level which is detectable.

I do not need to go on because I have explained endogenous alcohol to everyone. Can the Minister explain how the Government intends to identify people with high levels of endogenous alcohol in their blood and what the Government intends to do about the problem that I have just identified? That is, the huge difference in endogenous alcohol levels that can occur between people. I was pleased the other day to receive information from Mr David Siglin who is the managing director of Strategic Resources Pty Ltd which is a corporate adviser. Mr Siglin has taken a particular interest not only in the alcohol concentration debate but random breath testing and other alcohol related matters under the Road Traffic Act. I am indebted to Mr Siglin for providing me with much of this information. Where a plus or minus 0.03 fluctuation in the blood alcohol concentration can occur every five minutes it seems to be a game of chance as to what the blood alcohol concentration reading will be at any time. I seriously ask the Minister whether the equipment that the police currently have can make readings having regard to the different endogenous alcohol levels in people's blood and whether any leeway is given for the differing ranges across the driving community?

Hon GRAHAM EDWARDS: I am aware of some of the matters raised by the Leader of the Opposition. I am also aware of medical opinion that does not support that paper which has been quoted. I will not let the matter rest there and rather than hold up the Bill I propose to refer that matter to the police for expert advice. I am certainly not in a position to give the Leader of the Opposition that type of medical or expert advice except to say that the same argument can be mounted at whatever level of blood alcohol concentration one has. We need to take that into account. I undertake to refer to the police those matters raised by the Leader of the Opposition and I will ask them to either respond to me directly or to refer the matter via the Traffic Board which will respond to me. I will endeavour to have some response before the matter is debated in another place and I will also ask the Minister to respond there.

Hon REG DAVIES: Is it a fact that breath testing equipment is already calibrated to offset the effect of endogenous alcohol? I understood that by the time a person arrived at the police station to be tested sufficient time would have elapsed for the effects to settle down and there would be one overall calibration which would offset the effect for everybody.

Hon GRAHAM EDWARDS: It is quite some time since I went through the process at the police station and I want to make sure of my facts before I respond. I am yet to see anyone who has been charged for having a blood alcohol concentration that is right on, for instance, 0.08 per cent. In my experience from being out with the police, they will give some leeway.

As I said it is appropriate that I take some expert advice rather than responding off the cuff, particularly as I am not technically qualified to do so.

Hon GEORGE CASH: I thank the Minister for his comment about the information that he will provide in due course. I will also put on the Notice Paper a number of questions that are clearly of a very technical nature which understandably the Minister would not be able to answer during the Committee stage of the debate. They are important questions that must be resolved as I can see a situation occurring where now that the Committee has agreed to the lowering of the blood alcohol concentration to 0.05 per cent a considerable number of people will be caught by this legislation. It is likely that arguments will be put up about the fluctuations between given individuals and, more importantly, the accuracy of the testing equipment used by the police for prosecutions. Again, I refer to the information provided to me by Mr David Siglin which deals with testing equipment. The letter from Mr Siglin states in part -

I refer you to the National Standards Commission Annual Report 1990-91, a copy of which is included. Paragraph three of the Chairman's Overview on page "v" is of interest, as is the section on Legal Metrology on Page seven.

Paragraph two on page 7 states: "Section 10 of the National Measurement Act requires that where Australian legal units of measurement have been defined for a physical quantity, then measurements of that physical quantity shall only be legal when they are traceable to the Australian primary standards of measurement."

States and Territories may enact legislation in respect of the verification of the means of measurement provided there is no inconsistency with Section 10 of the National Measurement Act.

Page 8, paragraph three, makes mention of one calibration problem detected in relation to breathalyser units. Legislative amendments to address certain loopholes as noted in the section "Legislative Amendments" have either been completed or are in progress. The significance of these should be considered.

**Question:**

Is the Minister aware of his responsibilities under the National Measurements Act, and if so does he claim the Police Department is exempt from its provisions, or the pertinent section of the Traffic Act, and if so, for what reason?

General legal opinion suggests that the breathalyser -

That is the one most commonly used by the Police Department -

- does not conform with the Act.

That can be checked in due course. I raise these matters because I believe that when the 0.05 legislation is in force in Western Australia there are likely to be many challenges. The various matters raised in the documents kindly provided to me by Mr Siglin are worthy of consideration. Rather than my putting questions on notice I will provide the Minister with a copy of the documentation I have received so the matter can be properly considered by the Police Department and a response provided in due course.

Hon GRAHAM EDWARDS: I appreciate the manner in which the questions have been raised. I understand that much of what is in the paper is argued against. However, I will gladly welcome a copy of the documents from which the member has quoted and I ask him to indicate which questions he wants answered. I will provide those answers as soon as possible. That is a far better way to proceed than to endeavour to deal now with what are technical matters.

Hon D.J. WORDSWORTH: If a person is charged with a 0.08 BAC offence, is a simple roadside test necessary or must he still be taken to a police station? Can he call for a blood test from the nearest doctor? It seems that we are making a mighty offence out of a simple three demerit point loss.

Hon GRAHAM EDWARDS: It is not intended to use the roadside machines as evidentiary machines. Drivers will have to go to police stations and be tested on evidentiary machines. I do not want to equate that to the compromise I have reached on the penalties, because in

agreeing to a reduction in penalties one runs the risk of people saying it is not a serious offence. It is a serious offence and that is why the Government is pursuing it. It is also hoped that if a person is picked up, taken in and found to be over 0.05 on the evidentiary machines and subsequently fined and loses three or four demerit points, that will be a means of deterring people from driving after consuming a similar amount of alcohol. However, it is not proposed to change the processes through which one goes.

Hon D.J. WORDSWORTH: Will a person be able to call for a blood test in the same manner as before?

Hon Graham Edwards: Yes.

Hon D.J. WORDSWORTH: Can he plead guilty on the roadside or must he go to the police station?

Hon GRAHAM EDWARDS: A person would still need to be tested on the evidentiary machine, because after being given an infringement notice on the roadside he could at a later stage change his plea to not guilty. That, of course, would not be an appropriate way of dealing with the situation.

Hon DERRICK TOMLINSON: I am concerned to hear the Minister's reply on the evidentiary test. One of the greatest problems related to the 0.08 BAC legislation is the need for evidentiary tests and the fact that the machines are located in places such as the East Perth Police Station. A great deal of manpower and time on the roads is lost by police officers having to accompany the person to be tested to the police station. The Standing Committee on Legislation discussed this with representatives of the Police Force and they expressed a similar concern. My understanding of the need for an evidentiary test for the 0.08 level is the consequence of a person's being charged, fingerprinted, facing a penalty of the loss of his driver's licence for three months and the possibility of defending that charge in court.

The 0.05 offence, which incurs the loss of three demerit points, is equivalent to losing three demerit points for driving 15 kmh above the speed limit; that is, driving at 76 kmh in a 60 kmh zone and being penalised by way of an infringement notice. That is made easy through INREP and so on. With the 0.05 level, since there is not to be the same penalty and the penalty, by the Minister's initiative, being made less daunting, there would not be the need for fingerprinting, photographing or the same processes of identification of the person charged as there are in cases of 0.08. I would have thought that given the nature of the offence, the infringement and the penalty, the evidentiary test would not be necessary and the machines used in the field would be adequate to demonstrate 0.05.

Hon GRAHAM EDWARDS: That certainly is not my advice and I have already conveyed my advice to Hon D.J. Wordsworth. One of the problems we have in dealing with 0.08 offences is that we cannot do so by way of infringement. One of the great improvements in this Bill is that we will be able to deal with 0.05 offences by way of infringement and that will greatly speed up the process. The police were appreciative of the comments that were made in relation to the slow procedures that one must go through in connection with 0.08 offences. My understanding is that by dealing with 0.05 offences by way of infringements it will speed up the process.

Clause, as amended, put and passed.

Clause 10 put and passed.

Clause 11: Section 66 amended -

Hon GEORGE CASH: A number of amendments to this clause appear on the Notice Paper in my name. The clause deals with the ability of a member of the Police Force to require a preliminary test in cases where he believes a person's blood contains a certain percentage of alcohol. The current Act states that that percentage of alcohol is 0.08. It is intended by this clause to provide the opportunity for police to carry out tests in respect of 0.05. I do not intend to move the amendments on the Notice Paper. I mentioned my intentions earlier and it would be easy for me to say nothing about the amendments. However, it is important for the record to indicate that had the Opposition succeeded in reducing the 0.05 level to include drivers under the age of 25 the amendments would have been necessary. The Opposition failed to win the vote on that occasion and as these amendments are consequential to the



earlier amendment I formally record that there is no point in moving them.

Clause put and passed.

Clauses 12 to 15 put and passed.

Title -

Hon REG DAVIES: This Bill is part of the overall package to try to combat road trauma in Western Australia. I suggest that members should consider what other States have done; that is, set up a Joint Standing Committee or committee of this place on road safety. In that way we, as a Parliament, can monitor the effect of this Bill on road traffic management in this State. It would be part of an ongoing effort to try to curb the number of fatalities on our roads through traffic accidents, including alcohol related accidents.

Hon GRAHAM EDWARDS: I have given considerable thought to the member's suggestion. Considering the decisions that we have just made I feel we would be in a better position to achieve something realistic by establishing a Standing Committee to monitor the legislation. I am keen to give consideration to the suggestion because it could enhance the decisions made about road safety. We should all be honest enough to recognise that there have been some fairly marked political differences in our response and approach to the question of 0.05. We have now addressed those differences and have overcome a large political stumbling block and the future augurs well for the establishment of such a committee. However, the committee will work only if people are prepared to address the issue on the basis of a bipartisan approach and not a political approach.

Hon GEORGE CASH: The Liberal Party would be keen to pursue a proposal along the lines advanced by Hon Reg Davies. I remind the Committee that in 1987 when I was a member of the Legislative Assembly and was the Liberal Party's spokesman on police issues I suggested to the then Minister for Police, Hon Gordon Hill, that such a committee be formed. My suggestion appeared to find favour at that stage, but unfortunately the Government believed that if the Opposition proposed such an idea it was political point scoring and very little was done. I am glad Hon Reg Davies has revived the idea and I am more than pleased to hear the Minister for Police say genuinely that it is something he would consider because there is merit in such a proposal. Similar committees have worked well in other States and we can learn from their experiences.

Title put and passed.

Bill reported, with amendments.

## PUBLIC AND BANK HOLIDAYS AMENDMENT BILL

### *Second Reading*

Debate resumed from 29 April.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.19 pm]: The Public and Bank Holidays Amendment Bill seeks to amend the Act in respect of Australia Day. The provisions of the Bill will ensure that Australia Day, 26 January, is a public holiday should it fall between Monday or Friday. In the case of 26 January falling on a Saturday or Sunday the Bill provides for the following Monday to be declared a public holiday. Similar arrangements already exist in New South Wales, the Northern Territory and Queensland.

I note that it is the Government's intention that official functions to mark Australia Day will be held on 26 January and not on the Monday public holiday when Australia Day falls on a Saturday or Sunday. It is fair to describe this Bill as a Claytons Bill because it does not achieve much. If this Parliament wishes to address the important question of public holidays in this State it should recognise the problem that occurred recently when Anzac Day was celebrated on 25 April, a Saturday, and was followed by a public holiday on the Monday which cost industry approximately \$9 million in overtime and increased payments. This Bill does little to alleviate that problem.

Members would be aware that Western Australia has 10 public holidays listed in the second schedule of the Public and Bank Holidays Act. They are: New Year's Day, 1 January; Australia Day, 26 January; Labour Day, which is held on Monday, 1 March or the first

Monday following 1 March; Good Friday; Easter Monday; Anzac Day, 25 April; Foundation Day, celebrated on Monday, 1 June or the first Monday following 1 June; Celebration Day, which is the anniversary of the birthday of the reigning sovereign and which is celebrated on a day subject to proclamation so long as the notice is published in the *Government Gazette* at least three weeks before the day on which it is agreed it be taken; Christmas Day, 25 December; and Boxing Day, 26 December.

An argument has been put that when one compares Western Australia with other States it does not appear to have a greater number of public holidays than those other States. However, it is fair to say that when one compares the public holidays celebrated in Western Australia in particular and Australia in general with those in European and Asian countries one finds a significant difference in the number. One must also recognise that annual holidays and other leave loadings applicable in Australia cannot be compared with those in most European and Asian countries. One finds that Australia lives up to its reputation as the land of the long weekend.

It would be easy for the Liberal Party to reject this Bill out of hand based on the argument that it does not think it goes far enough and that it does not address the total problem associated with public and bank holidays in this State. However, that would be the negative way of attacking the problem. The Liberal Party is not here to oppose Government legislation for the sake of opposing it. This Bill is nothing more than a Claytons Bill, and I emphasise that statement by pointing out that the Government, since introducing this Bill into the Parliament some weeks ago, has put an amendment on the Notice Paper to ensure that the legislation does not take effect in 1993 as indicated previously but in 1994.

I do not intend to make any veiled threats regarding future public holidays when the Liberal and National Parties are elected to Government in this State. However, I make clear that if people in Australia wish to be world competitive in production they will have to face many changes, one of which is the number of public holidays we have in Australia and the various leave loadings which are peculiar to our country as distinct from other countries and which make us uncompetitive on world markets.

When this Bill was discussed in our party room a number of members recognised the arguments I put about this being a Claytons Bill and that the real issues needed to be addressed in due course. However, a number of members representing the South West Region put forward forceful arguments that the Australia Day weekend should continue to be celebrated by holding Australia Day on the Monday following 26 January because of the huge tourist operation that occurs in the south west on that weekend. Liberal Party members have a free vote on all legislation coming before the Parliament, so a number of those members from the south west have indicated that they will be unable to support the Bill in its present form and will vote against it rather than voting along the general policy line of the Liberal Party, which is to support the Government on this Bill, recognising that it is nothing more than Claytons legislation.

**HON J.N. CALDWELL (Agricultural) [10.27 pm]:** Some members of the National Party have a problem with the Public and Bank Holidays Amendment Bill. I do not think that anybody here has a problem with the Australia Day holiday; that is supported. That holiday points up the importance of our country to us. Many Australians are not terribly proud of their country. When one travels overseas and talks to people about their country they boom it up and try to make it sound good. Australians, on the other hand, sometimes do not do that and tend to knock our country. We could improve our image by giving Australia Day a little more meaning. All members of the National Party support Australia Day being held on 26 January.

Western Australia has 10 public and bank holidays each year. Some coastal towns in Western Australia have wonderful gala happenings on the Australia Day weekend and it would be detrimental to them if the Australia Day holiday were not held on the Monday of that weekend every year, although it will fall on that weekend 50 or 60 per cent of the time. Those coastal towns which rely on the influx of visitors from the metropolitan area will be hurt rather badly, both financially and socially. I have travelled to Albany to participate in three different sports on the Australia Day weekend, and sporting activities extend over the Saturday, Sunday and Monday when Australia Day is celebrated on a Monday. That arrangement affords visitors to Albany an opportunity of participating in the many sporting and cultural activities offered by the town. To change the day on which Australia Day is

celebrated will mean a drastic downturn in events and incomes for those towns which rely so heavily on that weekend.

The National Party had a good deal of discussion about this in the party room and it was felt that an amendment could be moved to hold another holiday on that weekend. It could not be Christmas Day or Anzac Day, but perhaps the Queen's Birthday or Labour Day could be held on that Monday in January so as to afford those towns the same long weekend as they have enjoyed in the past. All coastal towns benefit from that Australia Day holiday, save perhaps Perth, which experiences an exodus of people to smaller towns to enjoy the entertainment being offered there. Also, many people travel to inland centres to enjoy a longer break than just a normal weekend.

We have quite a problem with doing away with the Australia Day long weekend. I believe something could be done to rectify that and I ask the Government to consider what could be done to retain the January long weekend. We are quite supportive of the Australia Day holiday being held on 26 January.

**HON MURIEL PATTERSON** (South West) [10.33 pm]: As previous speakers have said, 26 January commemorates the foundation of New South Wales in 1788, and Western Australia's connection with that is incidental. I would have thought the celebration of 1 January, Federation Day, or even Anzac Day, by Western Australians would make more sense. At present three States - Queensland, New South Wales and the Northern Territory - celebrate Australia Day on 26 January and I do not see the necessity to change just for change's sake. Why should we join a minority group? The obligation to prove a need for change rests with those seeking change, not with those who are very content with things as they are.

Coming from a region in the south west where many businesses are dependent on the holiday trade, and resort trade in particular, I know that the summer economies of Esperance, Albany, Busselton, Bunbury, Mandurah and Geraldton are tied to the Australia Day long weekend. It is a time when people travel vast distances to celebrate socially and to meet for sporting events. It is also the last time before the school year begins that children are able to travel from the inland to the seaside for a few days' break. Speaking of distances travelled, I suggest that mining companies would have trouble with their fly in, fly out arrangements when Australia Day falls in the middle of the week.

Those who seek to change this custom here in the west are ignoring the fact that such holidays have a human dimension too, and I ask the Government to remember this. People in the country are very important. Instead of trying to impose loyalty by Cabinet decree the State Government should recognise that 25 April is already the focal point of every Australian's patriotism, because Australia Day marks and celebrates the foundation of New South Wales whereas Anzac Day celebrates the virtues of courage, endurance and comradeship, which are Australian.

**HON DERRICK TOMLINSON** (East Metropolitan) [10.35 pm]: The question of whether 26 January is the proper day to celebrate the foundation of Australia is really an academic one. If one were to ask the date on which the First Fleet landed in the colony of New South Wales one would have to accept 18 January, because on that date in 1788 the First Fleet sailed into Botany Bay with the intention that Botany Bay, the site recommended by Sir Joseph Banks, would be the site of the colony. When Captain Arthur Phillip explored Botany Bay for a suitable anchorage he could not find one; neither could he find an adequate supply of fresh water. Being a sailor he was somewhat concerned about the protection of his ships and he could not find a suitable anchorage in the soft sands of Botany Bay, so he directed one of his ships to sail north and explore a cove which Captain Cook's log had shown. On the advice of that exploratory voyage he made the decision to remove the fleet from Botany Bay, which was not suitable as the site of a colony, and to sail into Port Jackson, which Captain Phillip described in his journal this way: "I have just sailed into one of the finest harbours in the world." The sailor chose the site of the colony of New South Wales on the basis of its offering a safe anchorage for his ships, and those ships sailed into Port Jackson, or Sydney Cove, on 25 January 1788.

**Hon J.M. Berinson:** We should declare all of January a holiday!

**Hon DERRICK TOMLINSON:** Precisely. One of the ensigns on board *Sirius* or *Supply* -

whichever it was - records that on the evening of 25 January a longboat was put over the side and three people, including Captain Phillip, rowed ashore. So on 25 January 1788 the first landing on the site of the colony of New South Wales was made. The next day the official landing was made. Then, for the next seven days -

Hon J.M. Berinson: They had a holiday!

Hon DERRICK TOMLINSON: Not at all. For the next seven days they were busy disembarking the convicts, the supplies, and the sheep, goats, geese, and so on that they had picked up at the Cape of Good Hope on the way. On the seventh day after 26 January 1788 they disembarked the women convicts, and the journal of the ensign described the scene as "debauchery defying the imagination". That was the first celebration of the colony of New South Wales!

Several members interjected.

Hon DERRICK TOMLINSON: Interestingly, the proclamation of the colony of New South Wales occurred after this day of debauchery, which was seven days after 26 January, which was one day after the day on which the first landing by Captain Phillips at Sydney Cove occurred; however, this occurred eight days after the landing at Botany Bay, and on the seventh day -

Hon J.M. Berinson: They rested.

Hon DERRICK TOMLINSON: No, in fact they claimed the colony of New South Wales to longitude 135 degrees east, which is actually east of Darwin. This divided in two what we now call the Northern Territory and South Australia, and did not even extend as far as what we now recognise as the border of Western Australia. Therefore, the proclamation was for the eastern half of Australia, and the western half of Australia was still known as New Holland. It continued to be known as New Holland until, as I recall, Boxing Day 1826 when Major Lockyer -

Hon T.G. Butler: Major Phil!

Hon DERRICK TOMLINSON: - it was not Major Phil Lockyer - founded the settlement at King George Sound. It was only following this settlement that the Australian continent was claimed as a British colony. We are therefore confronted with a dilemma: Is 18 January Australia Day, because that was the day in 1788 on which the first fleet sailed into Botany Bay? Do we choose 25 January, the day of the first landing of the man who became the Governor of New South Wales? Do we claim 26 January as Australia Day to celebrate the birth of a nation, because that was the day on which Governor Phillip actually opened his instructions from the British Parliament and raised the flag? Do we claim the day seven days after 26 January? Or do we take Boxing Day 1826 as the birth of the nation, for that was the day that the continent as a whole was claimed as British territory? We could go on with many arguments about Anzac Day or 1 January 1901, but -

Hon Mark Nevill: What about Foundation Day in Western Australia? There were three of them.

Hon DERRICK TOMLINSON: If the member suggests that one should take, as the day to celebrate the birth of a nation, the day on which the most important part of Australia was settled, which was Foundation Day in Western Australia, I am glad to see that the member shares my patriotism to my home State!

Hon D.J. Wordsworth: What day do you have as the foundation of Western Australia?

Hon DERRICK TOMLINSON: Whatever Foundation Day was.

Hon J.M. Berinson: What a patriot; he does not know the day!

Hon DERRICK TOMLINSON: Let us consider that. Should we take the day on which the *Parmelia* foundered on the *Parmelia* Bank; or, of course, we could take the day Major Lockyer founded his settlement. We could argue whether Australia Day should fall on 26 January, and whether we should celebrate that as our national day and proclaim a holiday rather than calling a long weekend on that which is closest to the national day. However, since we accept that 26 January, in spite of the historical evidence, is the day of the foundation of Australia, that day should be as sacrosanct as 25 April - Anzac Day. We do not shift Anzac Day around and say that it should be a long weekend nearest to that date. On

25 April every year we pause as a nation and remember the significance of that day. Likewise, why should we not say that 26 January, if it is Foundation Day, is the day that we should celebrate the foundation of the nation? Do members hear the American people talking about 4 July as being moveable as a holiday? Do members hear Thanksgiving Day being shifted to the nearest weekend to Thanksgiving?

The argument about whether Australia Day has the right date is irrelevant. We have accepted 26 January; we should mark 26 January. I go so far as to suggest that the amendment, which provides that if Australia Day falls on a Saturday or Sunday we should have a holiday on the Monday instead, is totally inappropriate. The set date of 26 January is the day on which the nation should pause and celebrate.

**HON BARRY HOUSE** (South West) [10.47 pm]: It is strange to be discussing this legislation a couple of weeks after Anzac Day, when the Government, in its wisdom, created a long weekend and imposed a severe penalty on many Western Australian businesses. I approach this legislation with mixed feelings: In one way I will support anything which makes us more patriotic and promotes nationalist feelings; however, I feel no affinity with 26 January as Australia Day. If that date were renamed "New South Wales Foundation Day", it would be appropriate. As indicated by previous speakers, to call this date Australia Day is stretching the imagination.

I am very proud to be an Australian, and I support Australian nationalism. It has been my pleasure to represent Australia overseas in three or four different capacities at different times, and it is a great and proud feeling to be called an Australian when overseas. However, having a long weekend in January is more important to the people I represent in the south west of this State than 26 January is as a day. South west centres such as Mandurah, Bunbury, Busselton, Albany, Margaret River and Bridgetown have built up a tradition on the Australia Day weekend of holding many sporting, artistic and cultural events. The vineyards in the south west are reaching their prime vintage at that time of the year. That weekend has become pretty much the busiest weekend of the year. As has been pointed out before, it comes at the end of the school holiday period; therefore it does not significantly interfere with the business plans of people in the metropolitan area, who are largely the visitors to the south west. For economic reasons in the south west it is far more important that that weekend should remain as a long weekend rather than our trying to manufacture a celebration for 26 January. For nationalism purposes we should celebrate on 1 January, the date of federation. However, that is an inappropriate day because we usually have hangovers from the night before. If our founding fathers had had a little more foresight they would have delayed the founding by a month or two so that a day would have been established which did not fall on New Year's Day. It could then have been readily celebrated by all Australians.

I support celebration of Anzac Day on 25 April rather than on the nearest Monday because, apart from Melbourne Cup Day, that is the day Australians stop and reflect together. I do not believe that all Australians reflect together on 26 January. The January long weekend is more important to people in the south west than 26 January. I have mixed feelings about this legislation. I cannot support it in its current form.

**HON D.J. WORDSWORTH** (Agricultural) [10.51 pm]: As members know, holidays are very sacred things in Western Australia and Australia generally. We have recently heard from Prime Minister Keating about the significance of the Kokoda Trail and the Japanese attack on Australia. I recall reading that, on seeing the seriousness of the Japanese situation at that time, Prime Minister Curtin called for Australians to work over the Christmas period. The unions kicked up an almighty fuss and finally settled for six days' leave at Christmas in spite of the fact that the Japanese were on Australia's doorstep. It seems that for no reason whatsoever will Australians give up their holidays; so much so that last month they worked 19 days out of 30. Public servants worked only 18 days. Australians do not take life too seriously. In fact, for the information of those who fill in tax forms and for whom pay days are on a Thursday, there were five paydays last month. The average number of days worked was 3.9 for each week. Indeed, Australians enjoy 36 paid holidays; 16.5 per cent of their time is spent on holidays. They are remarkable figures.

This is the Public and Bank Holidays Amendment Bill. I wonder about the significance of the banks. Perhaps we should consider calling them Public Service holidays. Somehow or other, on numerous occasions, the Public Service sneaks in an extra day. Many people refer

to America as the place where few holidays are taken and where people work very hard compared with Australians. Admittedly, Americans take only two weeks' annual leave compared with four weeks taken by Australians. However, I was rather interested to see that Americans have 10 public holidays - the same number as Australians. I have the list of public holidays taken by people in the United States for which I thank the United States Consulate General's office. Americans celebrate 1 January, New Year's Day; the third Monday in January, Martin Luther King Junior Day - I am not sure how that comes into it, but I suppose that holiday satisfies a certain community.

Hon Mark Nevill: He was a great man.

Hon D.J. WORDSWORTH: They also celebrate the third Monday in February, Washington's birthday; the last Monday in May, Memorial Day; 4 July, Independence Day; the first Monday in September, Labour Day; the second Monday in October, Columbus Day; 11 November, Veterans' Day; the fourth Thursday in November, Thanksgiving Day; 25 December, Christmas Day. It is interesting to see the number of Mondays on which it is specified the United States holidays should be taken in order to overcome the problem such as the one we have with Anzac Day. However, it seems we are getting further into trouble.

The Public and Bank Holidays Amendment Act provided for the holiday to be celebrated on Monday. We are now changing that and as a result we will get into the same trouble as occurred with Anzac Day. We must also realise that since the 36 hour week was established certain Mondays are not worked by some groups; they are called rostered days off and they are a very major issue. I am not sure what happens when a rostered leave day falls on a Monday public holiday. Is the Tuesday taken as a rostered day off? I am sorry the unionists opposite are away and cannot tell us.

Hon Barry House: You can bet that if Australia Day falls on a Tuesday many RDOs would be taken on the Monday.

Hon D.J. WORDSWORTH: That is probably what would happen. We have forgotten sick leave. The shorter weeks cause industry much trouble. I happen to produce livestock at this time of the year. Last week was a full week, but for the three weeks prior to that, at the most four day weeks were worked. On one occasion a three day week was worked. In that situation the livestock selling system breaks down because it takes a full week for the stock to be carted to the saleyard, killed and successfully transported to the butchers' shops. I can assure members that during a short week the number of stock that can be taken is about two-thirds the usual number, and probably even less. I suppose people who sell chooks have a great run at that time. A short week has a disastrous effect on the red meat industry.

We should examine how to take these holidays. If we fed the relevant information into a computer we should be able to see how to overcome the problem arising from Anzac Day and the extra Mondays when the date of the occasion falls on a weekend. We should be able to determine the dates in advance and be able to compensate so that we do not have too many of them. However, not having a mechanical brain, I have not sat down at my computer to work out how that can be done. It can be seen that, in spite of the difficulties Anzac Day may cause, the Opposition supports the legislation.

HON J.M. BERINSON (North Metropolitan - Attorney General) [10.58 pm]: Support is support even when it is grudging. I welcome the indication by the Leader of the Opposition that he, and at least a number of Opposition members, will support the Bill. On the other hand, I rather prefer the comments by Hon Derrick Tomlinson, who expressed very well the considerations which justify the presentation of this Bill in the first place. Australia Day is a national day and it is not the Monday closest to the national day that is a fitting recognition of that; it is the actual date. To the extent that we have not observed Australia Day in that manner in the past, I think we have been in error. In moving in that direction now, consistent with the practice in respect of Anzac Day, which was mentioned by a number of speakers, I am sure we are doing the right thing. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

*House adjourned at 11.00 pm*

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### QUESTIONS ON NOTICE

#### PROGRAM OF AIDS FOR DISABLED PEOPLE - FUTURE UPDATE *Alzheimer's Patients - Incontinence Pads and Pants Supply*

11. Hon BARRY HOUSE to the Minister for Education representing the Minister for Health:

- (1) Is the program of aids for disabled people - PADP - to be updated in the near future?
- (2) If so, when?
- (3) Are representations being made to include the supply of incontinence pads and pants for Alzheimer's sufferers living at home, in the scheme?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) No.
- (2) Not applicable.
- (3) In the south west region discussions are currently occurring with the Bunbury Regional Hospital, community health staff and consumer groups to review incontinence programs. Information is being gathered from hospitals in the south west region to determine the level of support being given to incontinent patients and procedures that have been implemented to assist in the prevention or treatment of incontinence.

#### SCHOOL BUSES - SAFETY COMMITTEE *Report Completion*

119. Hon MARGARET McALEER to the Minister for Education:

- (1) Did the interdepartmental committee considering, among other things, the principle of fitting school buses with flashing lights complete its report within the time anticipated; that is, before the end of 1991?
- (2) If yes, when will the findings and recommendations of the committee be made available?

Hon KAY HALLAHAN replied:

- (1)-(2) The school bus safety committee - 1991 is not an interdepartmental committee and does not have a timetable as suggested. The committee is considering a number of issues including the compulsory use of flashing warning lights on school buses.

#### CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - PINE PLANTATIONS, ALBANY

##### *Soils Trace Element Treatment; Growing Cost Comparison; Growing Areas*

197. Hon W.N. STRETCH to the Minister for Education representing the Minister for the Environment:

With regard to Department of Conservation and Land Management pine plantations in the Albany region -

- (1) Do these soils require trace element treatment -
  - (a) before planting; or
  - (b) during the growing period?
- (2) What is the extra cost of growing these pines as compared to pines in -
  - (a) the Bridgetown-Nannup area;
  - (b) the Donnybrook-Sunklands area; and
  - (c) the Harvey-Yarloop area?

- (3) What area of these plantations are -
- (a) growing on Department of Conservation and Land Management land; or
  - (b) being grown under sharefarming/lease agreements with farmers and other landowners?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) (a)-(b) No.
- (2) (a) \$66/hectare less.  
(b)-(c) \$74/hectare greater.
- (3) (a) Nil.  
(b) 1 845 hectares to 31 December 1990.

#### WEST ED MEDIA - BUDGETS, 1988-91

230. Hon MURRAY MONTGOMERY to the Minister for Education:

What was the breakdown of the budget of West Ed Media in the three years preceding its closure?

Hon KAY HALLAHAN replied:

West Ed Media did not operate as a separate budget but was contained within the budget for the communications and publishing services sections of the ministry. In the three years preceding the closure of West Ed Media the expenditures for the communications and publishing services sections of the ministry were as follows -

	Salaries Expenditure	Contingencies Expenditure	Total Expenditure
1988-89	\$1 397 557	\$2 148 153	\$3 545 710
1989-90	\$1 433 893	\$1 983 100	\$3 416 993
1990-91	\$1 452 124	\$1 746 324	\$3 198 448

#### ALBANY - FIRST HERITAGE TOWN PROPOSAL *Local Groups Involvement*

278. Hon MURIEL PATTERSON to the Minister for Education representing the Minister for Heritage:

With reference to the discussions concerning Albany becoming Western Australia's first heritage town -

- (1) Does the Minister intend to include local groups, other than the Albany Town Council, in the decision making or action plan?
- (2) If no, why not?
- (3) If yes, what other groups are going to be approached and will members of the Opposition be invited?

Hon TOM STEPHENS replied:

Reply provided by the Minister for Heritage -

- (1) The proposal that Albany should become the State's first heritage town is an initiative of the Town of Albany. The council considers that the appellation will contribute to further growth in tourism for the town with a flow on effect for the region generally. The Heritage Council has given an undertaking to produce a discussion paper on heritage towns and similarly designated places for the Town of Albany.



The Town of Albany will have carriage of the proposal and will need to prepare well researched and accurate documentation to the Heritage Council of WA for consideration of heritage precinct listing. Questions concerning the involvement of members of local community groups should be directed to the council of the Town of Albany.

In addition, a maritime heritage survey and assessment of the Port of Albany is presently underway with plans for extensive community involvement. This study will be completed by the end of September this year and will provide a comprehensive foundation for heritage initiatives in the context of future port development needs.

(2)-(3)

Not applicable.

**JERVOISE BAY - THREE LARGE PIPES CONSTRUCTION**  
*Purpose - Cockburn Sound Waters Pollution*

288. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Is it correct that three large pipes are under construction currently in the Jervoise Bay area?
- (2) What will be the purpose of these pipes when construction is completed?
- (3) Is it envisaged these outlets will carry polluting effluent of any kind into the waters of Cockburn Sound?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) No, only one.
- (2) Emergency sewage outfall.
- (3) The outfall will only be used in an emergency, and restricted to a maximum of 12 hours per year in event of power failure. On past experience, use of the outfall is more likely to be around four hours per year. The input of nutrients to Cockburn Sound per year is likely to be in the order of 400 kg of nitrogen per year or approximately equal to one day's discharge from CSBP, Kwinana.

**ROTTNEST ISLAND - GARDEN LAKE**  
*Effluent Emissions Monitoring*

289. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) What is being done to monitor any adverse effects of effluent emissions into Garden Lake on Rottnest Island?
- (2) What results have been gauged from monitoring programs?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

The Rottnest Island Authority commenced in 1991 taking twice yearly water samples from Garden Lakes and having full chemical analyses done by an independent analytical laboratory. Also, monthly salinity readings are taken by authority staff. The analyses so far show that the lake's salinity changes markedly throughout the year - which is known as meromixis - but the ionic composition of the constituents of the water have remained steady; for example, as salinity changes the relative proportions of the various chemical components have remained steady. It is understood that the Rottnest Island Authority has made the analyses publicly available.

**CAMPING - PUBLIC BUSH AREA WITH NO FACILITIES***New Fee*

290. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

- (1) Has a fee been instituted recently for camping in public bush areas where no facilities are provided?
- (2) If so, what are the full details of these fees?
- (3) What is the rationale for instituting such a fee?
- (4) Do rangers/officers have any power/s to evict a camper from public bushland for refusing to pay the fee?
- (5) If yes to (4), what are the details of their powers?
- (6) How much revenue does the Government expect to raise from these new camping fees?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) If the member will define the purpose of the "public bush area" referred to I will answer his question.
- (2)-(3) See (1).
- (4) Yes, on lands to which the Conservation and Land Management Act applied.
- (5) The powers are specified in section 124 of the CALM Act.
- (6) See (1).

**CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - WEED CONTROL**

*Private Land Maintenance*

291. Hon MURRAY MONTGOMERY to the Minister for Education representing the Minister for the Environment:

Does the Department of Conservation and Land Management have to maintain the same controls on weeds on private land acquired by the Department of Conservation and Land Management as it does with Crown land under its control?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

Subject to the rights, powers, authorities and duties conferred by the Conservation and Land Management Act 1984, Crown land under the control of the Department of Conservation and Land Management is subject to the declared plant provisions of the Agriculture and Related Resources Protection Act 1976 applying to public land. CALM addresses this requirement in its policy station No 14 - "Weeds on CALM Lands". A copy was supplied to the member in response to question on notice 884 of 26 September 1990. Where the department is deemed an occupier of private land for the purpose of the Agriculture and Related Resources Protection Act 1976, the provisions for controlling declared plants on private land will apply.

**POTATO MARKETING AUTHORITY - EDGELL-BIRDS EYE***Relationship Review Committee*

292. Hon MURRAY MONTGOMERY to the Minister for Police representing the Minister for Agriculture:

Has the Government set up a committee to review -

- (a) the relationship between the Potato Marketing Authority and Edgell-Birds Eye; and
- (b) its effect on the potato growing industry?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (a) No specific committee has been established with the term of reference to review the relationship between the Potato Marketing Authority and Edgell-Birds Eye. An Edgell-Birds Eye working group was established by the Minister for State Development with the objective of ensuring the future viability of the Edgell-Birds Eye Manjimup plant. The relationship between the Potato Marketing Authority and Edgell-Birds Eye was an issue in this study.
- (b) The Edgell-Birds Eye working group report is presently being considered by the Minister for State Development.

#### ORGANOCHLORINES - GOVERNMENT ELECTION PROMISE IMPLEMENTATION

300. Hon REG DAVIES to the Minister for Education representing the Minister for Environment:

What steps is the Government taking to implement its pre-1989 election promises as stated in the document "Peter Dowding - a future you can believe in - Environment", page 13 and elsewhere -

- (a) to phase out all organochlorine pesticides;
- (b) to conduct an educational campaign to ensure that all householders, building workers and pest control operators are aware of the potential problems associated with the use of organochlorine pesticides and to ensure that all other options are pursued; and
- (c) to conduct a research program on alternatives to organochlorines?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (a) The Western Australian Government has already introduced legislation which has phased out almost all use of organochlorine pesticides in WA. There are two exceptions -

- \* The use of heptachlor/chlordane is only permitted under concrete slabs in the construction of new buildings and with strict controls;
- \* Mirex is used to control the Darwin termite in tropical regions of WA as an underground bait.

The controls and constraints that the Government has applied to the use of these two chemicals since 1988 are such that the environmental impacts are considered to be small. Even so, heptachlor/chlordane will be totally phased out from use once a viable, environmentally acceptable, alternative pesticide has been found for termite control in buildings. The Government is equally aware of the impact that the complete withdrawal of organochlorines would have, both commercially and socially, on the community if no suitable alternative was first available.

- (b) In regard to the education campaign, I understand that the Health Department of WA has produced a pamphlet called "Pesticide Treatment of Your House". This has been made available to the general public since August 1991 from many outlets including local authorities. I understand that it discusses the problems associated with organochlorine use, the controls on its use as a termiticide including who can apply it and where.

- (c) Potential alternative pesticides are currently being investigated by the State and Commonwealth Governments. Specifically the Agriculture Protection Board in WA is conducting a research program which is trialling alternative chemicals with the potential to replace heptachlor/chlordane for Argentine ant control. Similarly the CSIRO division of entomology is trialling alternative pesticides as termiticides in WA and other States with the aim of completely phasing out the need for organochlorines as termiticides across Australia.

#### KINGSLAKE DEVELOPMENT - SEPTIC TANKS

##### *No Deep Sewerage - Leaching Tests*

306. Hon PETER FOSS to the Minister for Education representing the Minister for the Environment:

I refer to the article in the *Wanneroo Times* headed "Lakes Threatened" -

- (1) Is it correct that the Kingslake development is not deep seweraged?
- (2) If so, upon what basis was this development permitted to use septic tanks?
- (3) Have any tests been made to determine whether there is leaching from these septic tanks?
- (4) If so, what was the result of these tests?
- (5) Is the development in any way connected to an aquifer from which public water is drawn?
- (6) Is it intended that any further developments in this area be permitted without deep sewerage?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) The decision to allow septic tanks for this development was based on advice from a number of Government agencies, with the final decision resting with the Department of Planning and Urban Development.
- (3)-(4) I am unaware of any tests being carried out to determine whether any leaching has occurred from the septic tanks.
- (5) The aquifer underneath this development is part of the greater Gngangara Mound. The Water Authority of Western Australia draws water from the mound at various sites, mostly to the north, east and south of this development. For this development to be a threat to public water supply it must be upstream for a Water Authority well fields to the west, or downstream, of this development.
- (6) Should any new proposal for special residential development be received for this area it will be the authority's advice that either reticulated sewerage be provided, or that Health Department approved alternative septic systems using amended soils be used.

#### KINGSLAKE DEVELOPMENT - SEPTIC TANKS

##### *No Deep Sewerage - Leaching Tests*

307. Hon PETER FOSS to the Minister for Education representing the Minister for Health:

I refer to the article in the *Wanneroo Times* headed "Lakes Threatened" -

- (1) Is it correct that the Kingslake development is not deep seweraged?

- (2) If so, upon what basis was this development permitted to use septic tanks?
- (3) Have any tests been made to determine whether there is leaching from these septic tanks?
- (4) If so, what was the result of these tests?
- (5) If there is leaching from these septic tanks, what effect on public health is expected to result?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (1) Yes.
- (2) The Government's sewerage policy allowed scope for the development to proceed without connection to sewer.
- (3) Not by the Health Department of Western Australia.
- (4) Not applicable.
- (5) There would be leaching from the effluent disposal systems as a matter of their function. No effect on public health would be expected.

#### ABORIGINAL HERITAGE ACT - AMENDMENTS

308. Hon P.G. PENDAL to the Minister for Education representing the Minister for Aboriginal Affairs:

- (1) Is it correct that the Aboriginal Heritage Act is to be amended or redrafted?
- (2) If so, before these amendments are introduced into Parliament, is the Minister planning to meet and consult with grass roots Aboriginal communities throughout the State, as well as other heritage group representatives, to gauge their views on amendment proposals?
- (3) Is it proposed that the mining industry will be given a copy of the draft amendments?

Hon KAY HALLAHAN replied:

The Minister for Aboriginal Affairs has provided the following response -

- (1) Yes, amendments to the Aboriginal Heritage Act, 1972 will be introduced to Parliament during the spring session 1992.
- (2) A draft amendment Bill will be circulated to all interested parties for a period of public comment before the final Bill is introduced to Parliament. The Minister or her representatives will meet and consult with Aboriginal communities, industry and other groups about the proposed amendments during this period.
- (3) Yes.

#### HOMESWEST - KARRATHA TENANTS

##### *Commercial Rent Payment Requirement*

309. Hon N.F. MOORE to the Leader of the House representing the Minister for Housing:

- (1) Is it correct that Homeswest tenants in Karratha who do not choose to purchase their Homeswest residence will be required to pay a commercial rent on the property?
- (2) If so, why?

Hon J.M. BERINSON replied:

Reply provided by the Minister for Housing -

(1)-(2)

No.

**OPHTHALMIA DAM, NEWMAN - FORTESCUE VALLEY DEGRADATION**  
*Environmental Protection Authority Involvement*

312. Hon N.F. MOORE to the Minister for Education representing the Minister for the Environment:

The Iron Ore (Mount Newman) Agreement Act states that the Act is to be interpreted according to the law for the time being in force in the State. Would the Minister advise, therefore, why the Environmental Protection Authority has not become involved in the matter of degradation in the Fortescue Valley allegedly caused by the Ophthalmia Dam?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

The Department of Crown Law in June 1990 advised that the Environmental Protection Act's section 5(2) does not give the EPA any power over the State's Agreement Act with the company, under which the dam was built.

**YANDICOOGINA IRON ORE MINE - BROKEN HILL PROPRIETARY**  
*No Salinity or Draining of Aquifer Assurance*

313. Hon N.F. MOORE to the Minister for Education representing the Minister for the Environment:

- (1) Can the Minister assure the House, before approval is granted by Parliament for Broken Hill Proprietary to increase the annual production of iron ore from Yandicoogina by 100 per cent per annum, that there is no likelihood of the underlying aquifer being drained or increased in salinity due to mining?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) No.
- (2) Accurate predictions about the response of the aquifer to mine development cannot be made prior to the development taking place. A research program is being carried out by the Department of State Development, Water Authority of Western Australia, the Department of Mines and the Environmental Protection Authority in consultation with BHP to allow more accurate predictions to be made, and therefore minimise environmental impact.

**IRON ORE - HIGH GRADE RESERVES**  
*Preserved for Future Use*

317. Hon N.F. MOORE to Hon Mark Nevill representing the Minister for Mines:

- (1) Would the Minister advise if any specific known reserves of high grade iron ore have been earmarked to be preserved for future use in Australian industry?
- (2) If yes, which deposits have been set aside and what is the size of these deposits?
- (3) If no, as our reserves of high grade ore at the present rate of mining will be exhausted in the next 50 to 100 years, will the Minister consider setting aside reserves for this purpose, not only to give us an edge over other countries, but to provide jobs where none will exist if our reserves are allowed to be exhausted?

Hon MARK NEVILL replied:

The Minister for Mines has provided the following reply

- (1) No.
- (2) Not applicable.
- (3) Current resources of high grade iron ore usable under existing iron and

steel making technology, will last for about 20 years at present mining rates. Furthermore, known and forecasted improvements in technology are likely to allow further extremely large resources of lower grade ores to be developed. Consequently there are no plans to set aside any reserves for the State purpose.

## QUESTIONS WITHOUT NOTICE

### BLOOD ALCOHOL LEVELS - 0.05 ADVERTISEMENT *Government Non-payment Undertaking*

181. Hon GEORGE CASH to the Minister for Police:

I refer the Minister to an advertisement on page 20 of today's *The West Australian* under the headline "0.05" in which there is a list of organisations and names of persons who support the 0.05 blood alcohol limit and another list showing the names of groups which do not support it. Given that the advertisement was authorised by the Australian Medical Association can the Minister give an undertaking to the House that the advertisement was not paid for by the Government?

Hon GRAHAM EDWARDS replied:

As far as I am concerned it is an excellent advertisement and I am pleased that it provides a balance to some of the advertisements from the Liquor Industry Road Safety Association. I am also very pleased that the AMA was prepared to come forward, as were the other associations -

Hon George Cash: Did the Government pay for the ad?

Hon GRAHAM EDWARDS: - because did not like the manner in which Hon Reg Davies was being so unfairly targeted. My understanding is that the AMA wanted to let Hon Reg Davies know that he did not stand alone. I am aware that there are more organisations apart from those listed in the advertisement who support 0.05. The Government did not pay for the advertisement.

### BLOOD ALCOHOL LEVELS - ROYAL AUTOMOBILE CLUB *0.05 Support Review*

182. Hon GEORGE CASH to the Minister for Police:

I refer to the Minister's comments early last week in which he claimed the Royal Automobile Club of WA (Inc) was supportive of a reduction in the blood alcohol level from 0.08 to 0.05. Is the Minister aware that the RAC is currently reviewing its position on that matter, given the conflicting statistical evidence on this matter?

Hon GRAHAM EDWARDS replied:

I am aware that the RAC is currently reviewing its position. It is a pity that the Liberal Party is not prepared to review its position.

### PUBLICATIONS - *PEOPLE AND PICTURE* *South Australian Change - Current Position*

183. Hon FRED MCKENZIE to the Minister for The Arts:

- (1) Is the Minister aware of a change in South Australia relating to the publication of magazines like *People* and *Picture*?
- (2) If so, will she provide the House with the details?
- (3) What is the current position insofar as *Picture* and *People* magazines are concerned?

Hon KAY HALLAHAN replied:

(1)-(3)

The situation in South Australia with regard to poster advertising and

displaying covers of magazines is that it has introduced a more restrictive code which was effective from 1 May. Today I wrote to my counterparts in other States because they will be meeting in Perth in July and I put to them the idea of a uniform national code for the sale and display of magazines. Currently Western Australia is not part of the national system of classification and it would not want to be. However, since I made the Government's intention clear regarding the restriction of *Picture* and *People* magazines it has become evident to me that there is a great sense of dissatisfaction throughout Australia about censorship. I think the other States will be receptive to the notion of a national system of censorship on these matters. Members will appreciate that censorship is a controversial matter and if we had a good workable system in place it would be to the advantage of the community and provide clear guidelines to publishers.

I announced today that the classification of *People* and *Picture* magazines as restricted material will be published in the *Government Gazette* on Friday. From that date it will be against the law to advertise or display for sale these publications. They will be available to adults from registered outlets. As I indicated to the House recently, I have received enormous support from mature and responsible adults who do not want these magazines outlawed, but who do not want their children or themselves to be confronted with advertising material relevant to these magazines or similar magazines at newsagents or delicatessens. The Government will proceed to classify these publications as restricted material and they will be available to adults only from registered outlets.

#### SCHOOLS - FIVE YEAR OLDS

##### *Future Education Position*

184. Hon E.J. CHARLTON to the Minister for Education:

I have asked the Minister on a previous occasion about the effect on a Government preschool in the country of a private school being established in the area. Will the Minister advise what is the Government's position regarding the future education of five year olds?

Hon KAY HALLAHAN replied:

Members may be aware that this morning the Premier indicated that she would make a major policy announcement this Friday in response to the Community and Family Commission's investigation and report. Her announcement will include details of the Government's decision to extend the four half day program for preprimary children who are five years of age to a full five day program. It will be on a voluntary basis and it will not mean the Government will be reducing the school starting age; it will bring Western Australia into line with other States. It is a very big change and, logistically, a very demanding one and it will be phased in over a three year period. I am not in a position to make further comments because all the details will be given by the Premier on Friday. The information I have given members is the same information the Premier gave this morning on a radio program.

#### SCHOOLS - FIVE YEAR OLDS

##### *Full Day Schooling - Costs Estimate*

185. Hon E.J. CHARLTON to the Minister for Education:

In view of the Minister's comments about the Premier's announcement on Friday, she may not want to answer the following question.

- (1) Has an estimation of the cost of doing this been made?
- (2) Has the Minister taken into account the severe restrictions on education, particularly on country schools and country services, including bus services?



Hon KAY HALLAHAN replied:

(1)-(2)

I have indicated before in this place that the question of complementary school starting ages, and other educational matters, was examined at the Premiers' Conference in Adelaide last year. Since then an enormous amount of work has been done to establish the implications of such a proposal for Western Australia, and costs have been established. I will not get into further debate on that matter now. If the member does not have an opportunity to discuss this matter with the Premier on Friday, I will be happy to answer any further questions he has next week.

The matters of restrictions on educational costs in schools and school buses were raised. I think the member was referring to formulas used for determining certain services and such things as teacher-student ratios. Guidelines are also laid down for school buses. Attempts have been made to establish formulas across the education sector so that people can look at required services being met with some predictability. That does not mean that, when someone wants to do something that does not quite fit with what has been established, that indicates a particularly severe restriction on education expenditure. In certain areas it means that anomalies have appeared. As always, I will work with members in an attempt to overcome such anomalies.

#### UNEMPLOYMENT RATE - REDUCTION

##### *Males and Females*

186. Hon DERRICK TOMLINSON to the Minister for Employment and Training:

I refer the Minister to her answer to question 168 of Thursday, 7 May in which she indicated that the unemployment rate in Western Australia was down from 11.2 per cent to 10.5 per cent. Can the Minister confirm that when the unemployment rate is disaggregated by gender the results show that between March and April the unemployment rate for males fell from 12 per cent to 11.5 per cent and for females from 10.2 per cent to 9.2 per cent?

Hon KAY HALLAHAN replied:

I am glad that some people can stare into crystal balls to find what I should be asked today.

Hon N.F. Moore: Surely you must have predicted that question

Hon KAY HALLAHAN: I had, to some extent.

Hon J.M. Berinson: It is a happy coincidence that you have the reply.

Hon KAY HALLAHAN: Yes. I have quite a few statistics on this matter which I will run through quickly to see whether I can reach the point Hon Derrick Tomlinson seeks.

The PRESIDENT: Order! The Minister is supposed to answer the question asked by Hon Derrick Tomlinson.

Hon KAY HALLAHAN: I am attempting to do that, Mr President. Employment of women in Western Australia rose strongly in April by 1.2 per cent compared with a 0.3 per cent decline nationally. Therefore, women in Western Australia have not experienced the decline in employment prospects that women have experienced nationally. That fact is accompanied by the rather heartening employment figures from last month. In saying that, I am not indicating any complacency or lack of concern about the still unacceptably high level of unemployment. In line with the increase in employment opportunities the female unemployment level fell by 9.7 per cent in April compared with a national decline of 3.8 per cent. Therefore, the unemployment rate for women fell from 10.2 per cent in March to 9.2 per cent in April, which I think is the figure the member wanted confirmed. That is to be compared with a national rate of 9.4 per cent.

**POLICE - HELICOPTER CRASH**  
*Replacement Consideration*

187. Hon P.H. LOCKYER to the Minister for Police:

I assume that the police helicopter that crashed last week was insured.

- (1) Is the Government considering replacing that helicopter?
- (2) If so, has it considered examining a similar type of operation being supplied by the private sector on an as is/where is basis to the police as required?

Hon GRAHAM EDWARDS replied:

- (1) The helicopter was insured. Although that was one concern, I was relieved, as I am sure was everybody else, that no-one was killed or seriously injured in the crash. The crew particularly were extremely lucky. Indeed, it may eventuate that some of the crew escaped because of the help of others. I am sure that story will unfold later. I have not discussed with the Commissioner of Police replacing the helicopter. An interim arrangement is being undertaken by a private group to ensure that a helicopter is on call for emergencies. In addition to its policing role, which it did very effectively, the police helicopter played an important role in other areas, such as rescues. It was involved in a number of rescues that probably would not have been completed successfully had it not been available. We need to continue this service. I am not in a position to give the member any further information at this stage.
- (2) I will refer the second matter to the police. I do not know whether they have given any consideration to private enterprise.

**UNEMPLOYMENT RATE - REDUCTION**  
*Female Participation Rate Reduction*

188. Hon DERRICK TOMLINSON to the Minister for Employment and Training:

I thank the Minister for confirming the decline in female unemployment rates from 10.2 per cent to 9.2 per cent, a decline of one per cent for the month. Can the Minister confirm that, contrary to the expectation that when unemployment rates fall the participation rate improves, in the month March to April the female participation rate in fact declined from 53.1 per cent to 53 per cent?

Hon KAY HALLAHAN replied:

I have said before that the employment participation rate in Western Australia is the highest for women of all States at 53 per cent when compared with a national average of 51.4 per cent. Members opposite seem to disregard this fact or not understand its significance. New South Wales has a participation rate of 50.8 per cent; Victoria, 51.2 per cent; Queensland, 52.1 per cent; South Australia, 50.3 per cent; and Tasmania, 48.3 per cent. Therefore, the participation rate is certainly higher in Western Australia by national standards. The member was right when he suggested that a slight decrease occurred for women in the labour force during the past month, when the figure decreased from 53.1 per cent to 53 per cent. Does that confirm the member's figure?

Hon Derrick Tomlinson: Yes.

Hon KAY HALLAHAN: My figures are from the Australian Bureau of Statistics, so they are accurate. The suggestion is that the figures reflect a higher rise in the female population than in the labour force. A year ago the rate stood at 53.9 per cent, which is an indication of the discouraged worker effect of the prolonged recession. However, in the time that we have been in Government there has been a very marked increase in women's participation in the work force.

**COMMUNITY SPORTING AND RECREATION FACILITIES FUND - GRANTS**  
*Allocation Date*

189. Hon J.N. CALDWELL to the Minister for Sport and Recreation:

What is the exact date on which the allocations for the community sporting and recreation facilities fund grants will be made?

Hon GRAHAM EDWARDS replied:

I am working on this matter at the moment. All the applications have been received and have undergone the preliminary stages of assessment by local government. I want to have them ready as early as possible because we want to ensure that we get the information and advice to local government. I cannot give an exact date but I have indicated to local authorities that they will have the information by early June, and it is expected that that deadline will be met.

**SPEED LIMITS - REVIEW**  
*Main and Secondary Roads Reduction Proposal*

190. Hon W.N. STRETCH to the Minister for Police:

Some notice of this question has been given, and I thank the Minister for redirecting the question to the Minister for Transport, within whose portfolio the matter lies.

- (1) Is the Government in the process of redefining major main roads and secondary roads and reducing the speed limits thereon from 110 kmh to 100 kmh?
- (2) If so, why is the Government doing so and when is it proposed to introduce the reviewed speed limits?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I thank the member for notice of his question. He fell into the trap into which many other people fall in assuming that the police are responsible for setting speed limits and that once they set a speed limit they then set up a Multanova just down the track from where they have erected a speed sign. It does not work that way. The Main Roads Department is responsible for the setting of speed limits and the role of the police is simply to enforce those limits. I have been advised that the reduction of the open road speed limits throughout Australia to 100 kmh was included in the Prime Minister's 10 point safety package. The MRD has just completed a speed zone review of all highways, main and secondary roads, which has resulted in 110 kmh speed limits on all roads that it is safe to traverse at that speed. I am advised that appropriate signing will be erected shortly.

**DDB MARKETING - CONSUMER AFFAIRS MINISTRY LEGAL OFFICER**  
*Marketing Program Response to Solicitor*

191. Hon GEORGE CASH to the Minister for Police representing the Minister for Consumer Affairs:

Some notice of this question has been given.

- (1) Is the Minister aware that a solicitor acting on behalf of DDB Marketing has been attempting to contact a Ministry of Consumer Affairs legal officer to determine whether amendments to a marketing program comply with the Trading Stamp Act?
- (2) If so, can the Minister advise the reason for the legal officer's not responding to telephone calls as requested by the solicitor?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I thank the Leader of the Opposition for notice of the question. I have

been advised that a response has now been made to DDB Marketing's solicitor.

**PREMIER AND CABINET, MINISTRY OF - INDRAD SERVICES INC**  
*Counselling Services Available to Staff Advice*

192. Hon GEORGE CASH to the Leader of the House representing the Premier:

Some notice of this question has been given. In *The West Australian* of Friday, 9 May 1992, it was stated that all staff members of the Department of Premier were advised of the counselling services available through Indrad Services. Will he now advise -

- (1) Which staff employed by the Department of Premier were advised of these counselling services?
- (2) Were electorate officers employed by the Department of Premier advised of such counselling?
- (3) On what date was such advice delivered?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for some notice of this question. The Premier has provided the following reply -

- (1) Employees from the Ministry of the Premier and Cabinet were advised by way of circular of the availability of the Indrad counselling services.
- (2)-(3) Electorate officers are employed by the Joint House Committee rather than the Ministry of the Premier and Cabinet. While they have not been included in the initial program, the matter could be reviewed in the 1992-93 Budget context, subject to the concurrence of the Chairman of the Joint House Committee.

**PERMANENT BUILDING SOCIETY - PAYOUTS POSITION**

193. Hon E.J. CHARLTON to the Attorney General:

What is the latest position with Permanent Building Society payouts for depositors and withdrawable shareholders?

Hon J.M. BERINSON replied:

I do not have an up to date report on that. The first announced distribution has been completed so far as I am aware, but questions involving a determination by the Supreme Court remain to be finalised. At least, that was my last knowledge of the position. I will check that further and advise the member if I have fallen behind the times.

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