

Legislative Council

Tuesday, 21 October 1980

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

BILLS (2): ASSENT

Message from the Administrator received and read notifying assent to the following Bills—

1. Rural Reconstruction and Rural Adjustment Schemes Amendment Bill.
2. Cancer Council of Western Australia Amendment Bill.

QUESTIONS

Questions were taken at this stage.

MEMBERS OF PARLIAMENT: OFFICES OF PROFIT

Inquiry by Joint Select Committee: Assembly's Resolution

Message from the Assembly received and read requesting the Council's concurrence in the following resolution—

That this House doth resolve—

- (1) That a Joint Select Committee of the Legislative Assembly and the Legislative Council be appointed to enquire as to—
 - (a) the suitability of the present law relating to Members of Parliament holding offices of profit under the Crown, or having contracts or agreements with the Crown; and
 - (b) in the event of that law being considered unsuitable in any respect, what changes should be made in that law.
- (2) That the Committee prepare a report to each House of Parliament setting forth its findings and recommendations.
- (3) That in carrying out its functions the Committee shall give particular attention to the recommendations in the Law Reform Committee's report of March 9, 1971, and to the changes in the law proposed in the Acts Amendment and Repeal (Disqualification for Parliament) Bill 1979 introduced during the Third Session of the Twenty-ninth Parliament.

(4) That the Committee consist of nine members of whom four shall be appointed by the Legislative Assembly and five by the Legislative Council.

(5) That the Legislative Assembly be represented on the Committee by the following members, namely—

Mr B. R. Blaikie,
Mr J. G. Clarko,
Mr J. J. Harman,
Mr J. E. Skidmore.

(6) That the Legislative Council be requested to appoint five members of the Legislative Council to serve on the Committee, and to appoint one of those members to be the Chairman of the Committee.

(7) That in the absence of the Chairman from any meeting of the Committee the members present may appoint one of their number to act temporarily as Chairman.

(8) That the Committee shall have power to send for persons, papers and records, to adjourn from time to time and from place to place, and, except as hereinafter provided, to sit on any day and at any time.

(9) That the Committee shall not sit while either House is actually sitting unless leave is granted by that House.

(10) That five members of the Committee, irrespective of the House by which they are appointed, shall constitute a quorum of the Committee and, so long as a quorum is present at any meeting, the members present shall be competent to exercise and perform all the powers, authorities and functions of the Committee.

(11) That the Chairman, or person acting as Chairman, of the Committee shall have a deliberative vote only, and in any case where, at any meeting of the Committee, the voting on any question is equal, that question shall pass in the negative.

(12) That the first meeting of the Committee be held at a time and place appointed by the Chairman.

(13) That the Committee have leave to report from time to time on its proceedings.

- (14) That when the Committee has concluded its sittings a copy of its report, signed by the Chairman, shall be presented to each House by one of the members appointed by that House to serve on the Committee.
- (15) That the Chairman of the Committee shall have power to make arrangements with the Clerk of the Legislative Council for the provision of clerical assistance to the Committee.
- (16) That the foregoing provisions of this Resolution, so far as they are inconsistent with the Standing Orders, have effect notwithstanding anything contained in the Standing Orders and that any member be entitled to sit on the Joint Select Committee notwithstanding the provisions of Standing Order 359.
- (17) That in respect of matters not provided for in this Resolution, the Standing Orders of the Houses relating to Select Committees shall be followed as far as they can be applied.
- (18) That a message be sent to the Legislative Council acquainting it of this Resolution and requesting it to agree to the appointment of a Joint Select Committee in accordance with the terms of this Resolution and to take action accordingly.

Motion to Concur, etc.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.15 p.m.]: A Bill for an act to amend the Constitution Act was introduced and passed by this House during the 1979 session of Parliament, but was not dealt with by the Legislative Assembly due to the pressure of business.

Certain aspects of that Bill relating to disqualification for Parliament were reintroduced in this current session and passed by both Houses.

Members may recall that when speaking to the 1980 Bill I indicated the Government considered it was necessary to deal with a number of specific situations that had recently come under notice and also that the Government intended to provide the means for the whole question of disqualification for Parliament to be fully considered at a later stage of the parliamentary sitting.

The Bill which was enacted recently did not attempt to deal with the general question of an office of profit under the Crown or contracts or agreements with the Crown as it would affect all members of Parliament, but restricted itself to the

immediate problems which had arisen. Apart from the specific situations referred to in that Bill, the position as far as members of Parliament are concerned has not changed.

Thus, great uncertainty remains as to the kinds of offices that members can accept without risking disqualification. For instance, it is not clear whether the restrictions apply only to appointments made by or on behalf of the Crown or whether, perhaps, all offices connected with the Public Service in any way may infringe the restrictions.

As to the term "profit" it is possible that the mere receipt of travelling allowances and necessary expenses transforms an office into one of profit even though the holder does not stand to gain any reward for his services.

So far as Government contracts are concerned, the law is so obscure that any arrangement that an ordinary citizen might enter into with a State instrumentality, such as a contract of insurance with the State Government Insurance Office, could fall into the prohibited category.

The need for legislation in this area is probably best summed up by the remarks of the Law Reform Committee—predecessor of the Law Reform Commission of Western Australia—in its report of this subject in 1971.

That committee was of the opinion that qualification for membership of Parliament should be on as wide a basis as possible and that any restriction in membership should be included in legislation which was easily interpreted by those who might be affected. The committee further considered that, measured against such criteria, the present legislation was defective, being in parts obscure and in parts too rigid.

It is therefore in the best interests of members and the public generally that the laws relating to these matters are resolved and rectified as they have been in the United Kingdom.

The Legislative Assembly resolution now before this House deals with the appointment of a Joint Select Committee of both this House and the Legislative Assembly to inquire into—

- (a) The suitability of the present law relating to members of parliament holding offices of profit under the Crown, or having contracts or agreements with the Crown; and
- (b) in the event of that law being considered unsuitable in any respect, what changes should be made in that law.

The terms of reference are not in any way restrictive and should enable the committee to

produce a report which will be of benefit to all members of Parliament.

It is proposed that the committee shall consist of nine members, four from the Legislative Assembly and five from the Legislative Council.

The remaining portions of the resolution deal with the formalities associated with the committee, its powers, and the procedure to be followed in submitting its report.

Members will note that the committee also will be given the power to report to Parliament from time to time should this be considered necessary.

I would like to emphasise that the subject of disqualification for Parliament is not a party political matter and any member could unwittingly prejudice his seat under the present state of legal uncertainty.

As the matter is of general interest and importance to all members of Parliament—as well, of course, to the public—it is gratifying to note that the Opposition has agreed to co-operate in the setting up of the Joint Select Committee.

I move—

That this House doth resolve—

- (1) To agree to the appointment of a Joint Select Committee of the Legislative Assembly and the Legislative Council in accordance with the terms of the Resolution transmitted to the Legislative Council by Message No. 38 of the Legislative Assembly.
- (2) That the Resolution, so far as it is inconsistent with Standing Orders, have effect notwithstanding anything contained in the Standing Orders and that any member be entitled to sit on the Joint Select Committee notwithstanding the provisions of Standing Order 340.
- (3) That the Legislative Council be represented on the Joint Select Committee by the following members, namely—

The Hon. N. E. Baxter,
The Hon. V. J. Ferry,
The Hon. R. Hetherington,
The Hon. N. McNeill,
The Hon. H. W. Olney.

- (4) That the Hon. N. McNeill be the Chairman of the Joint Select Committee.
- (5) That a Message be sent to the Legislative Assembly acquainting it of this Resolution.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.23 p.m.]: As the Leader of the House has pointed out already, the Opposition agreed to the setting up of this Select Committee. The matter has been well canvassed within our party Caucus, and discussions have been held with the Government parties. We see no reason to hold up the setting up of this committee. It has the Opposition's support.

Question put and passed.

FIREARMS AMENDMENT BILL

Receipt and First Reading

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

Second Reading

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [5.24 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to achieve two purposes. The first is to provide authority for the making of regulations as to the penalty to be applied against persons who do not renew their firearm licences on or before the expiry date of those licences. The present penalty is \$20 and it is proposed to increase that penalty to \$24.

However, because it is considered inappropriate that whenever an increase is sought to the amount of a minor penalty such as this the matter must be brought to Parliament by way of a Bill, the present proposal is that a change may be made by regulation.

The second part of the Bill is of great importance.

It is the firm policy of the Government, and has been for many years under successive Governments, that the availability of firearms should be regulated strictly to ensure a proper level of protection for the community from the misuse of firearms.

This policy is pursued in the full knowledge that it will not totally succeed, but it is believed that it contributes in a material way to maintaining the lowest possible level of violence in the community.

In June of this year, the Government became aware that particular types of high-powered firearms were entering the State, in some cases for the first time. The firearms in question can be described as having certain identifiable characteristics.

They are all light and portable, easy to handle in confined spaces, capable of being shot from the hip with accuracy, in some cases capable of being fitted with a bayonet, and in all cases for use with a projectile which has the velocity to penetrate a double brick wall with only a few shots.

The weapons in question are identified by possessing three particular qualities. They are—

- (a) centre fire;
- (b) automatic or semi-automatic; and
- (c) capable of bulk reloading by use of a magazine with a capacity of eight or more rounds of ammunition.

The ready convertibility of the semi-automatic versions of these firearms from semi-automatic to fully automatic is also of concern. Although requiring some technical expertise, the conversion can be carried out in as little as one and a half hours.

Although some of the weapons with small magazines are presented by the manufacturer, larger magazines of 20 and more shots are available on a mail-order basis.

As the expenditure rate of ammunition can be 10 shots in one second, 15 shots in two seconds, 20 shots in three seconds, and 30 shots in five seconds, the possible use of larger magazines with these automatic and semi-automatic weapons is therefore of itself a major concern.

The Government is not convinced that there is any legitimate basis upon which the civilian population of Western Australia can justify the holding of weapons which are essentially of a military or para-military nature and capable of incredible devastation in the event of misuse.

It is possible, and it occurs, that all types of firearms are at some time or another misused by criminals, deranged people, and sometimes simply by the irresponsible.

In the case of the weapons now in question, it appears to the Government that justification is needed for their availability to any person, and that justification has not been established.

It is not considered appropriate within the framework of the Bill now presented to legislate by nominating the particular firearms to be prohibited.

Experience has shown that similar types of firearms are brought on to the market almost immediately with the clear intention of evading the net of legislation of that kind.

Therefore, the Bill seeks a regulation-making authority to permit prohibition of the licensing of such firearms in Western Australia.

It is the intention of the Government to prohibit the following weapons immediately—

- .223 Colt AR15—3 licensed now
- .223 Ruger Mini 24—34 licensed now
- .30 Calibre US Carbine MK1—122 licensed now
- M14—2 licensed now
- 7.62mm. FN. SLR L1A1—2 licensed now
- .223 HNK—none licensed
- 30/06 Rifle M.I. Gorand—4 licensed now
- 7.6mm. H & K—1 licensed now.

Similar types of firearms which have not yet become available in Western Australia will certainly be prohibited when they come to the notice of the police and the Government.

It is understood that these prohibitions will not find favour with some sporting shooters.

It is the considered opinion of the Government that professional shooters, hunters, and sporting shooters have a wide range of suitable firearms of similar calibres available to satisfy their needs.

A small number of the weapons in question already have been licensed in Western Australia.

Consistently with his announcement at the time, the Minister for Police and Traffic emphasised that the regulations to be made under this Bill if enacted will not apply retrospectively.

The regulations will provide for those weapons of the categories in question already licensed to become prohibited weapons at a future date when a licence falls due for renewal.

The regulatory action to be taken under this Bill, if enacted, is restrained and limited to the prohibition of certain weapons which are in reality military or quasi-military or, in some special circumstances, necessary in the hands of law enforcement authorities.

I commend the Bill to the House.

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

RURAL YOUTH MOVEMENT AMENDMENT BILL

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1: Short title and citation—

The Hon. D. J. WORDSWORTH: During the second reading I was asked a number of questions which I will answer. The Leader of the Opposition did criticise the Government for spending so much time on this Bill.

The Hon. D. K. Dans: I did not criticise; I was called "cynical". I took exception because I was not cynical at all.

The Hon. D. J. WORDSWORTH: I was asked when the Junior Farmer Movement first originated. It originated in Harvey in 1935, and in the 1950s there were some 74 clubs throughout this State. It is rather interesting to note that up to 20 per cent of the rural youth of the community are involved in this movement at any one time. Normally, they do not stay in the movement for more than a couple of years, but, nevertheless, that allows for a very large proportion of the youth community to be involved in the movement at some time during their lives. Of course, many of our youth can directly thank that organisation for their development and their leadership in many other fields.

More specifically, the Hon. Peter Wells and the Hon. Neil McNeill, commented on the lack of an annual report. That matter is being put in hand and I think we will see a report in the near future. The Hon. Neil McNeill asked why we introduced statutory recognition of the setting up of subcommittees for specific purposes. The object is that there are many matters on which the Rural Youth Movement Council would not have any expertise, and it was felt desirable to set up subcommittees to aid the council in its work. An example I could mention would be something along the lines of "The effect of computers on the rural community". It was felt the movement would like the ability to be able to set up committees of this nature.

It could be argued, perhaps, that it was not necessary for the movement to have the ability to set up subcommittees because the council would have this ability anyway. An extensive review by the Rural Youth Movement of the relevant Act was carried out and this is one of the recommendations which has been put forward. Another recommendation concerned programmes, mentioned by the Hon. Win Piesse. I refer to the power to amend the programmes. In fact, I believe they were getting a little technical. In giving the council the ability to amend its programmes, the argument raised was that the federation itself was autonomous, and that the council should not have the ability to direct, but rather to advise.

Clause put and passed.

Clauses 2 to 7 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by the Hon. D. J. Wordsworth (Minister for Lands), and passed.

MARINE NAVIGATIONAL AIDS AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from 15 October.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. D. J. Wordsworth (Minister for Lands) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 4 amended—

The Hon. D. K. DANS: I was hoping the Minister would give some explanation regarding the points raised during the second reading. I would like the Minister to explain just what is meant by the words "the control of marine navigational aids being transferred to a port authority or the State".

This Act has been amended on a number of occasions. On this occasion one purpose of this Bill is to transfer control of marine navigational aids. The word "marine" will be inserted in front of the word "navigational", and the sole purpose of that amendment is to indemnify the private companies which, at present, provide the navigational aids.

Where a navigational aid comes under the control of a department within this State, the Government cannot be sued if one of the lights fail to operate and a ship runs aground. At present, if the Pilbara Harbour Service—set up by Hamersley Iron—is responsible for an accident then the company could be in the position of having to face some court action.

From my reading of the Bill, with the passing of the control of these aids to the State the company will still own them. However, they will be controlled by the State and, within that control, protection will be afforded to the people owning those aids.

The procedure to be followed seems to me to be a roundabout way to do things. It would have been a far better proposition for the State to acquire these aids, having regard for what took place during the last session of Parliament, in respect of Dampier where a port authority is to be set up. One would imagine that the port authority

will not only take control of the navigational aids, but also acquire them.

What does the word "control" really mean? Are we to obtain any revenue from the control of the aids? In controlling the aids, does this mean they will be serviced by the State, and will be a charge on this State? Alternatively, is the company—in addition to retaining ownership of the marine navigational aids—still to service them and to maintain them?

I would like the Minister to tell me what is meant by "control". Does "control" simply mean a device by which the company can be indemnified against prosecution as a result of a transfer of control of the aids to the State? Or, in fact, are the companies still to service and maintain the marine-navigational aids?

The Hon. D. J. WORDSWORTH: Perhaps we should refer back to some of the previous legislation concerning agreements which have come before this Chamber.

The Hon. D. K. Dans: I have been looking at them.

The Hon. D. J. WORDSWORTH: What has drawn attention to this matter is that the iron ore export company of Cliffs Robe River Iron Associates had to develop a port at Cape Lambert. Because the State was endeavouring not to have to contribute taxpayers' funds, under the provisions of the Act the company was responsible for the construction of the port, and the installation of navigational aids. The company carried out that work. It installed two lit sea buoys marking the channels, and it established lead lights on the shore. Since those lights were installed under the terms of the agreement, the State marine navigational aids authority—the Harbour and Light Department—has assumed the responsibility for maintaining the aids. We have the situation that a company installed the aids, and when the port was proclaimed public, the State marine navigational aids authority assumed responsibility for maintaining the aids.

Although navigational aids are provided by private companies they can be used by any ship, once the port is made a public port so the State becomes responsible. In 1977 we amended the agreement to enable the State to assume this responsibility for the maintenance of the aids.

The Hon. D. K. Dans: That was Bill No. 66 of 1977.

The Hon. D. J. WORDSWORTH: That legislation not only provided for the State to maintain the privately-owned aids, but also indemnified the State against any liability arising out of any claim. The State protected itself. That

was a provision in the 1977 legislation, where the State took over control.

The Hon. D. K. Dans: That is right.

The Hon. D. J. WORDSWORTH: We are not now taking control of them. In the amendment the word "control" is used but, of course, control was handed over in 1977.

The Hon. D. K. Dans: The Act was amended again in 1978.

The Hon. D. J. WORDSWORTH: Yes, but the 1978 amendment had nothing to do with this matter.

The Hon. D. K. Dans: I remind you of that. You suggested we had not been reading it.

The Hon. D. J. WORDSWORTH: The matter of control was debated in this Chamber on a previous occasion; in fact, I probably could quote Mr Dans' speech in that debate.

The State has responsibility for the marine navigational aids and has indemnified itself against liability; but it neglected to do anything about the company which owns the aids and which could be sued for damages. This amendment is made for that purpose. It is not likely to happen, but we could have a situation in which the company paid for and installed the aids which were subsequently taken over by the Government, and if the Government failed to maintain them the company could be sued for damages resulting from that lack of maintenance. We are indemnifying the company against such action, and I guess that should have been done in 1977.

The 1978 amendment concerned the collection of conservancy dues, and does not affect this matter. The amendment applies only to Cape Lambert, because that is the only place where a company has provided navigational aids the control of which has been taken over by the State.

The Hon. D. K. Dans: At present under section 4 of the Act the Minister or a port authority is protected against any liability for any act done in good faith or any omission relating to the establishment and maintenance of marine navigational aids, whether or not negligence is a factor in any claim that may arise.

The 1977 amendment concerned the State taking control of certain navigational aids. Am I to understand that the State took control only of those marine navigational aids at Cape Lambert; or did it take control also of the aids provided at Cape Cuvier, which were installed by a company? Of course, there is also Dampier where the pilots are provided by the company concerned.

It would seem to me a mistake was made in 1977 when the State assumed control and responsibility for maintenance of marine navigational aids; because at that time we should have made a cash settlement not only in respect of the navigational aids at the Cliffs Robe River port, but also in respect of the marine navigational aids provided by other companies. I am not knocking the necessity for companies, when establishing themselves in the Pilbara, to provide large sums of money for port and other facilities. However, it seems to me to be doing things backwards to let the companies install the facilities and then for the State to take control of them, and not only that, but also to assume responsibility for their maintenance at the State's cost; and then three years later to say there is a possibility that the company could be sued because it still owns the navigational aids.

What the Minister is saying is that the only purpose of this Bill is to allow private operators to own marine navigational aids that are controlled by the State and maintained at its expense, and to give the companies concerned the indemnity which they evidently sought in 1977 but did not obtain. Bearing in mind that Cape Lambert is now a public port, that Dampier will come under the control of a port authority in the not-too-distant future, and that Port Hedland has now come under the control of a port authority, it seems to me the best way to tackle the problem is to assume complete control of the ports and to acquire the marine navigational aids and marry them into the whole system of aids along the Western Australian coast under the control of the Harbour and Light Department. The State should then co-operate fully with the Commonwealth in respect of the provision of the other lights and beacons which are required under the Commonwealth Navigation Act.

The Minister is really saying that the State has assumed control of the marine navigational aids and is supplying the money to maintain them, and now it will indemnify a company against liability in respect of the navigational aids when in fact the State still does not own them. I suppose if the company concerned wanted to do so, it could remove the navigational aids and the State would be faced with the possibility of having to install others.

I will not rise to speak again. This seems to be a roundabout way of doing things, and it reinforces the comments I made in the second reading debate in respect of obtaining information in the second reading speeches of Ministers. The Bill still leaves a great deal of gray area. I think I am right in assuming that the Government is not

trying to acquire the navigational aids, some of which are really expensive. I would suggest they are also expensive to maintain, and after maintaining them for 20 years we will still not have something that belongs to the State.

The Hon. D. J. WORDSWORTH: I think the operative words are "proclaimed port". If the company is required to have private port facilities—

The Hon. D. K. Dans: But you are talking only about Cape Lambert.

The Hon. D. J. WORDSWORTH: There are other ports which are private ports.

The Hon. D. K. Dans: But you do not say in the Bill which ports they are.

The Hon. D. J. WORDSWORTH: This applies to the Cliffs Robe River facility. When a port becomes a public port, under the previous amendment to the Act the Government usually assumes responsibility for the maintenance of its navigational aids. The Leader of the Opposition suggests that the Government should buy the aids. I do not believe that should be done because, firstly, the State would be up for more expenditure and, secondly, the company might not wish to sell them anyway. After all, the company could have agreements with shipping lines in respect of the type of navigational aids to be supplied. Therefore, I do not think we should confiscate them as was suggested.

The Hon. D. K. Dans: I did not say they should be confiscated. If you make an offer to buy, that is not confiscation.

The Hon. D. J. WORDSWORTH: The company might not wish to sell them.

The Hon. D. K. Dans: If it did not, you could put your own there.

The Hon. D. J. WORDSWORTH: That is a ridiculous comment. Obviously a Labor Government would have two sets of buoys, one owned by the company and one owned by the Government.

The Hon. D. K. Dans: That is a ridiculous comment.

The Hon. D. J. WORDSWORTH: I think most members understand the intention of this Bill. The company concerned was required originally to provide the navigational aids, and the Bill applies initially only to the one public port where there are facilities provided by a company. The provision will apply at a later stage to private facilities which are turned into public ports.

The Hon. D. K. Dans: I was surprised to hear the Minister say this Bill applies only to one port, which is Cape Lambert. Bearing in mind that I

referred to the lack of information contained in second reading speeches, one would imagine that if this amendment applies only to Cape Lambert, the Minister would have said so. However, that is not said anywhere in the Bill. Other private ports in the north-west not only control but also maintain their own navigational aids. I understand Cape Cuvier will be coming back into operation shortly, although I believe some sort of argument is going on about tugs at the moment. In addition, Dampier still owns, controls, and maintains its own marine navigational aids. Therefore, it would have been far better to say the Bill applies only to Cape Lambert, which has now been proclaimed a public port. However, it applies to all ports.

The Hon. D. J. WORDSWORTH: I did not like to say so, but it has become obvious that the Leader of the Opposition has done no research whatsoever.

The Hon. J. M. Berinson: Now he is getting vicious.

The Hon. D. J. WORDSWORTH: The Act says that the department and a port authority in relation to the port under its control and the approaches thereto may establish any navigational aid and may add to, alter, or remove any such aid. The 1977 amendment said that the department and port authority in relation to the port under its control and the approaches thereto, may enter into an agreement with any person who has established or proposes to establish a navigational aid providing for the transfer from that person of the control of the aid.

The Hon. D. K. Dans: I suggest that you read the Bill, because that is overruled.

The Hon. D. J. WORDSWORTH: The 1977 amendment also added a subsection (3) to section 3, as follows—

(3) Where the Department or a Port Authority enters into an agreement pursuant to paragraph (aa) of subsection (1) of this section—

- (a) any navigational aid to which the agreement applies shall be deemed to have been or to be established under this Act; and
- (b) provision shall be made in the agreement for the payment from time to time of the expense incurred in the exercise of the powers conferred by paragraphs (b), (c) and (d) of that subsection.

The Hon. D. K. Dans: You have confirmed what I have said.

The Hon. D. J. WORDSWORTH: This applies where the department has made an agreement, and that is quite explicit.

The Hon. D. K. Dans: The Minister has just confirmed what I said. The fact is that if this amendment is meant to apply only to Cape Lambert, as the Minister has told the Chamber, he should have said so in the first place.

The Minister said that I had not read the Bill. On reading the amendments made in 1977, one finds that they were all-embracing. Even the Minister's second reading speech did not specify any particular area. It would be sensible if the legislation did apply to all the private ports in Western Australia.

The first I knew that the Bill was to apply only to Cape Lambert was when the Minister said so. I do not think there is any point in my going on with it. I was a little confused when I started, and now I am thoroughly confused.

The Hon. D. J. WORDSWORTH: I repeat that if the Leader of the Opposition looks at the Act that this Bill is amending, he will notice that the port authority has the right to enter into an agreement.

The Hon. D. K. Dans: That is right.

The Hon. D. J. WORDSWORTH: The Leader of the Opposition asked to whom this applied. It applies only to Cliffs Robe River because that is the only company which has an agreement. However, it could apply to anyone with whom the department wishes to make an agreement.

Clause put and passed.

Clause 3 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Sitting suspended from 6.03 to 7.30 p.m.

LAND TAX ASSESSMENT AMENDMENT BILL

Second Reading

Debate resumed from 15 October.

THE HON. J. M. BERINSON (North-East Metropolitan) [7.30 p.m.]: This Bill proposes two worth-while measures of land tax relief. The first, which is of limited effect, is to exempt completely from land tax any land on which an owner has constructed his residence, whether the area of the land is more or less than five acres.

This replaces the existing provision, whereby the first five acres only are exempt and any balance of land is subject to tax. The proposal will meet the point of a number of anomalies which appear to arise under the existing provisions, and especially given the safeguards which the Bill includes against undue advantage to residents who subsequently subdivide the land the amendment is, as I have said, welcome.

So too is the other main provision which will ensure that increases in land valuation for land tax purposes will in future be phased in over a three-year term. Perhaps the only comment which may be made in regard to this is that it is a pity similar phase-in arrangements are not available for local government and water rate payments. If the present Bill can set a pattern for those other two situations, it will be even more welcome than it is, taken in isolation.

The Opposition supports the Bill.

THE HON. N. E. BAXTER (Central) [7.36 p.m.]: There are a number of aspects in this Bill about which I am not too happy. In the second reading speech on the Bill the Minister said—

It is relevant to note that because of the provisions of the Act, it is not feasible to introduce a percentage limit for the increase in assessments, as has been done for some other rating changes.

I find that a rather peculiar statement, because admittedly the provisions of the Act do not provide for this, but I cannot see any reason that it cannot be done when considering unimproved values.

I have always maintained that, rather than the present situation in which valuations are arrived at and revaluations are carried out after a number of years—at some cost to the local authority—the percentage of the increase over that period would be a much simpler and more economical method of revaluation. As far as the local authority is concerned, when a revaluation is carried out under the provisions of the Valuation of Land Act, it pays through the nose for valuations. The cost is from \$6 000 to \$8 000. It is a large amount for local authorities to meet when the valuation is performed by the Valuer General's Department.

The Minister went on to say—

The second measure proposed by this Bill is to completely remove the present limit of 2.0234 hectares applicable to the owner-occupied residential land.

That will create a rather peculiar position in that, as I see it, hobby farms which can be up to 100 acres will be exempt from land tax when the

owner-occupier lives on the property. However, the owner-occupier of a hobby farm of a much lesser area would have to pay land tax if he did not live on the property. That creates a rather strange position, because it has been stated that hobby farms have contributed to the increases in values of a number of farming properties in the area in which they are located.

These are the sorts of questions I ask the Minister and I hope he will be able to answer them. The Minister also made the following comments—

In addition, the amendment will also cure automatically the situation that confronts a taxpayer with limited financial means, who is required to pay the tax on the area in excess of 2.0234 hectares and who, for one reason or another, is unable or unwilling to subdivide his land.

Of course, permission has to be granted by the town and regional planning authorities for subdivisions of greater areas than exist at the present time. It is clear in some areas larger lots will have to be subdivided.

I hope the Minister will answer the questions I have raised. I support the Bill.

THE HON. R. G. PIKE (North Metropolitan) [7.39 p.m.]: I rise briefly to elaborate on the point raised by the Hon. J. M. Berinson and say that, as far as I am concerned, in the field of land tax and/or in the field of rating on an unimproved capital value basis, this Bill represents a major breakthrough. It represents a major breakthrough, because of the point made already by the Hon. Joe Berinson and I commend the Government for taking the initiative in this regard. Land tax on unimproved capital values which are spread across the whole of the State of Western Australia have never been assessed completely for the purposes of valuation in any one year or valuation period. To bring that down to a simple proposition, for instance, people in the Shire of Harvey could be paying land tax on a 1970 land tax valuation and in the Shire of, say, Boyup Brook, they could be paying land tax on a 1973-74 valuation. In the past they have all been paying the same rate in the dollar. It is clearly inequitable in any one year of charges.

It is fair to say also that when the shire that has the earlier year of valuation is revalued, it never quite catches up on the basis that the rate in the dollar is changing.

Whilst I commend the Government for the wisdom of phasing-in the valuation increases over a three-year period and thus making the cash payable in stages by each taxpayer, I propose an

alternative which I ask the Minister and the Government to consider; that is, an even more equitable way of imposing this charge would be to have a valuation in hand for any one year—for argument's sake take 1975—the year in which that valuation is struck. It is then used until such time as the whole of the State has been revalued—for argument's sake take 1978—and the valuations are applied retrospectively with the one alteration and that is, where a rezoning takes place, the property that is rezoned is given a notional valuation. This would have the added advantage that everyone would be paying an unimproved capital value that is made for the whole of the State in the one year and it would prevent staggered valuations for different locations.

The other point has already been mentioned, and that is it is very fair that land tax should not be paid by the owners of property who are living on the property, irrespective of the size of the property and it augurs well for the future of land development in this State and will encourage people to return to live in the agricultural community.

I support the Bill.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [7.42 p.m.]: I thank members for their indications of support of the Bill. The comments made will not fall on deaf ears. I say that with some certainty, because some years ago I commented on amendments to the land taxing Acts in the days when the residence was taxed irrespective of its size. The first amendment which was made by the Government of the day as a result of comments by a number of members of Parliament, and by others outside Parliament—I cannot tell members exactly when it was—was to exempt from land tax any area of land of up to half an acre on which a person resided.

Immediately the amendment was passed, a cry went up from myself and others to the effect, "What about people who have slightly more than half an acre? Through no fault of their own, they may be on a block of land in an outer metropolitan suburb which may be three-quarters of an acre or an acre in size. What about them?"

In due course, as a result of these comments, the Government amended the Act again to provide the exemption of residential land up to five acres, provided the owner occupied the property.

That is the present situation which is being amended by this Bill. We see now a further extension of the legislation taking it beyond five

acres and no limit at all is placed on the area at this time, provided there is a genuine residential qualification.

Of course, that is quite a significant extension of the principle of residence. There is a guiding principle in this legislation in spite of the inconsistencies which have been pointed out by the Hon. Norman Baxter and in spite of the inconsistencies which exist between land tax on the one hand and water rates and local government rates on the other hand, as mentioned by the Hon. Joe Berinson. There is a guiding principle also in spite of the inconsistencies mentioned by the Hon. R. G. Pike in relation to the varied application of valuations.

It would be very galling for a person to receive a land tax assessment for a higher valuation when his neighbour in another suburb is still on the old valuation, because the Valuer General has not yet made the valuations in those areas.

However, a number of practical difficulties arise when making valuations. They have to be made properly, with due regard to market prices and all sorts of factors which I do not profess to understand, but I believe the valuers can justify them. This does create an inconsistency. It is a shame we cannot have them all done together, but of course it is not physically possible at the present time. No doubt, the honourable member's comment has much to recommend it.

With regard to the Hon. Norman Baxter's comments, it is true that there are inconsistencies in the legislation in relation to hobby farms, but we should not penalise the so-called hobby farmer who is in fact residing on his land. If he is residing on his land it is a little more than a hobby farm; it is not a hobby farm he resorts to at the weekend. If he is living on his property we are granting to him the same concession, even though he is what a proper farmer would call a hobby farmer.

It would be difficult to distinguish between a proper farm and a hobby farm simply because a farm of, say, 50 or 100 acres within the Shire of Toodyay, or elsewhere, is not a viable farming proposition. It must be regarded as a hobby farm. If the resident owner had to pay land tax that would be very unfair, simply because the area concerned was of small acreage and was not viable as a farm. It would be unfair to penalise a person who was residing in the area but did not profess to have a farm but resided on a property of 50 to 100 acres.

The Government has tried to be as fair as possible, and this is illustrated by the fact that it stands to lose a great deal of money. The figures have been quoted in the second reading. A figure

of \$33 million over a period of three years is a considerable sum; however this loss is due to the phasing-in process. The cost to the Government this financial year because of the residential land extension will be \$150 000. That is a large sum of money and the Government has to think very carefully before making this concession available.

It is obvious there will be a few inconsistencies and those caught last year with high valuations are not included this year. It is unfortunate, but how far back can the Government go? There has to be a starting point somewhere. At least this measure is an attempt by the Government to try to bring a little more equity into an area of inequities. I thank members for their support of the legislation.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

METROPOLITAN REGION TOWN PLANNING SCHEME AMENDMENT BILL

Second Reading

Debate resumed from 15 October.

THE HON. J. M. BERINSON (North-East Metropolitan) [7.51 p.m.]: As explained by the Minister in his second reading speech, this Bill is consequential on the Land Tax Assessment Amendment Bill. The Opposition accepts the need for the legislation and supports the terms in which it is proposed.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. I. G. Medcalf (Leader of the House), and passed.

FISHERIES AMENDMENT BILL

Second Reading

Debate resumed from 14 October.

THE HON. H. W. OLNEY (South Metropolitan) [7.53 p.m.]: Members will recall that when this matter was introduced by the Minister, he indicated at the end of his second reading speech that the Government intended taking the measure to the second reading stage only and the matter would be pended until similar legislation had been passed by other States so that complementary Commonwealth legislation could be proclaimed and the whole scheme envisaged by this amending Act could be proceeded with on a national basis.

With that caveat, the Opposition will not oppose the legislation. However, it may be that when the legislation is considered in Committee more mature consideration will have been given to the matter by members of the Opposition. There may then be some matters we will wish to question and possibly amend, although at this stage there is no suggestion as to the latter.

The legislation has become necessary because of the arrangements that have been made between the Commonwealth Government and the States to turn back the clock so far as Federal constitutional legislative power is concerned. Members will be aware that in 1973 the Commonwealth Parliament enacted legislation by the name of the Seas and Submerged Land Act. This legislation was contested hotly, not only in the Parliament but also in the High Court.

It was found that the Act was within the legislative power of the Commonwealth. The High Court decision recognised that Commonwealth authority in this area was more extensive than it had first been thought. One would have thought that given the will of the Federal Government, the Commonwealth could do just about anything it wanted in certain areas—even fisheries.

However, because of the prevailing attitudes between the Commonwealth and State Governments, particularly the attitude of the Commonwealth Government which is prepared to hand over to the States—I do not think we could say hand back because the States never really had the power—power which the States had traditionally thought they did in fact enjoy; we have a very complicated legislative structure being set up.

I concede that it is somewhat less complicated than the double bureaucracy described by the Minister in his second reading speech. Whatever problems were incurred in this double bureaucratic situation in administration of fisheries, they could perhaps have been overcome without any difficulty if there had been sensible

administration on the part of the two Governments concerned.

The Minister has indicated, very wisely, in his second reading speech that fish do not respect the traditional boundaries that have been drawn by man. That is perhaps fair enough, but of course the boundaries are artificial and some men do not respect those sorts of boundaries, particularly when the boundary is three miles out to sea. It is very hard to see a dotted line in the ocean, even if there is one. It might have been easier to make all fish Federal.

The Hon. P. G. Pandal: It would be better to have State fish.

The Hon. H. W. OLNEY: We will have joint arrangement fish now, but there is a potential to have both Federal and State fish under this legislation.

The Federal Government and the State Governments have agreed upon this scheme, and this legislation will proceed as a unified national approach. The Opposition will normally support such a proposal but when anything is set up on a national basis the machinery required to set it up is often more cumbersome than it need be. However, we support the legislation at this stage and it is expected that we will be prepared to support it right through all stages.

I wish to comment on one minor aspect and it concerns the last paragraph of the Minister's speech where he said, "Independent of the foregoing an amendment is proposed for section 52 of the Act to simplify court attendances and proof of appointment by inspectors of fisheries." I guess very soon members will be saying I am on my band wagon again. I am and I will be for the completion of my six-year term. We have a situation here where the Minister has indicated that an amendment is to be made to simplify court attendances.

We have been given no explanation of the problems in regard to court attendances and proof of appointment of inspectors of fisheries. Speaking from experience many years ago, having acted as a prosecutor in Courts of Petty Sessions in cases dealing with the registration of fruit trees, etc., and indeed prosecutions under the Fisheries Act, I can never recall any great problem in being able to prove a person was an inspector of fisheries or a director of something or other. However, apparently there is some problem that calls for such a provision and the Government intends to insert an amendment reversing the onus of proof.

Although such a provision may not be very important or significant, the Government must

have a reason for its introduction. All we are told is that problems have arisen in regard to court attendances and proof of appointment of inspectors of fisheries. I comment again, as I have done on a number of occasions in recent weeks, that this seems to be a case of legislation for the sake of legislation.

I look with some alarm at the proposed amendment to section 52. The proposed new subsection (2) reads as follows—

In proceedings of the kind referred to in subsection (1) of this section, proof is not required, in the absence of proof to the contrary, of the due appointment of the Director or any inspector of fisheries.

That seems to be a rather odd usage of words because it contemplates that once there is proof to "the contrary", we must then prove the positive. However, having proved "the contrary", I do not see how we could prove the positive. I suggest the use of the word "proof" in this new subsection is a logical inconsistency. With those comments I indicate that the Opposition supports the legislation.

THE HON. R. G. PIKE (North Metropolitan) [8.02 p.m.]: I did not intend to speak on this subject, but in view of the comments made by the Hon. H. W. Olney, I rise to make some very important points. It was significant to me that the Hon. H. W. Olney, in his quiet, yet persistent and competent way, for the first time in this House has given us an excellent detailed admission on behalf of the Labor Party of Western Australia as to just where it stands on the question of State rights *vis-a-vis* federalism and the rights and authorities of the Commonwealth Parliament, as the non-Labor section of the Parliament and of the Government of Western Australia understands them.

The honourable gentleman commenced by saying that we are turning back the clock. I want to remind this House, with a great deal of emphasis, that had the originators of our Federal Constitution—Barton, Deakin, and others—been the slightest bit aware of the thrust and the import of the subsequent decisions made by the High Court of this country, completely bypassing our Constitution, we never would have had federalism in the first place.

The Hon. R. Hetherington: Bypassing the Constitution? That is nonsense.

The Hon. R. G. PIKE: The submerged lands legislation was a very sensible piece of legislation introduced by the Fraser Government in answer to a determination made by the High Court of this country as a result of approaches made to

that High Court by the then Liberal Prime Minister (Mr John Gorton), a gentleman who, in my judgment, will go down in history as the worst Liberal Prime Minister we have had in regard to the preservation of the States in Australia.

The Hon. R. Hetherington: That would be a pretty close contest.

The Hon. J. M. Berinson: Mr Menzies did a fair job with uniform taxation, did he not, Mr Pike?

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order!

The Hon. D. K. Dans: And he did not bypass the Constitution, either.

The Hon. R. G. PIKE: The Hon. H. W. Olney used the phrase "hand over" and not "hand back". Although a debate in this atmosphere may appear to members to be not so significant and not so important as other debates, I remind members that where we have an absolute admission and understanding by the Labor Party of just where it stands in regard to the position of the States and the Commonwealth, then as a corollary of that, it is good for the electors likewise to know.

I repeat the point I made earlier: The Constitution of this country has been eroded continually by decisions of the High Court, made by judges appointed by Federal politicians—of both political persuasions—with centralist ideas; the most recent appointment being a notable and first exception for this State. It is a great tragedy that our Constitution should have become so bastardised in the process of these decisions.

The Hon. J. M. Berinson: Have you read the Constitution debates, Mr Pike?

The Hon. R. G. PIKE: In case members opposite begin to think that there is no evidence around of this attitude of the Labor Party, I remind them of Mr Hayden's attitude in regard to Western Australia.

Several members interjected.

The Hon. R. G. PIKE: Notwithstanding the fact that the Labor Party constitution has been amended slightly so that it does not look quite so tough on the States, Mr Hayden is on record quite recently as saying in Queensland that eventually the Labor Party will preside over the elimination of the States.

If members have a lapse of memory on this matter, I remind them of the Chifley Memorial Lecture given by Mr Whitlam when he said categorically and in absolute terms, that a recommendation he would make to State Labor Governments and to State Labor

parliamentarians, is that they begin to consider the transfer of full legal power—

The Hon. D. K. Dans: I thought this Bill was about Commonwealth fish and State fish?

The Hon. R. G. PIKE: I notice that members opposite never cease their interjections when we are dealing with something that goes to the guts and core of a very important matter—to the Commonwealth Government and thus threaten the continuing existence of this State.

I come back to the point that Mr Whitlam made: State Labor Governments and State Labor members had a continuing and real duty to preside over the handover of all State Government authority to Canberra.

The Hon. D. K. Dans: I think we should reassess our support for this Bill.

The Hon. R. G. PIKE: In case Mr Dans doubts that statement, he should read the speech I referred to—

The Hon. D. K. Dans: We should oppose it, especially the part about the State fish.

The Hon. R. G. PIKE:—bearing in mind of course that it is really an erosion of State rights by stealth.

I come back to the comment of the Hon. H. W. Olney, and I repeat it again purposely. We had a succinct and very real admission from a Labor member in this House that we should hand over and not hand back. I warn the people of Western Australia that if ever—God forbid!—we should find ourselves in the situation of having a State Labor Government and a State Federal Government—

The Hon. D. K. Dans: A State Federal Government?

The Hon. R. G. PIKE:—we will see in this State a gradual and real reduction in the authority of the States, and we shall see in this State the introduction of regional government with a bypassing of the State altogether. That is the simple warning I give to the House and to the people of Western Australia. I purposefully thank the honourable member for the contribution he made in declaring with such clarity and succinctness where his party stands on the question of State rights.

The Hon. D. K. Dans: When are you going to talk about the Bill? Boy, that makes you feel good, I'll bet!

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [8.10 p.m.]: Mr Acting President (the Hon. R. J. L. Williams)—

The Hon. R. Hetherington: Don't say anything in absolute terms.

The Hon. G. E. MASTERS: —I would like to thank members of the Opposition for their support of this Bill. It is indeed a very important one for the fishing industry of Western Australia.

The Hon. H. W. Olney pointed out I had indicated in the second reading speech that I thought this would be as far as we could go with the Bill at this time. I asked him if he would be prepared to take the Bill forward a further stage, and he agreed. I have absolutely no wish to rush the measure, but I think the honourable member will understand the particular point.

I welcome the Hon. H. W. Olney's general comments that he supports the Bill. However, I do not agree at all with his statement that we are turning back the clock. I think we are going forward as far as our fisheries are concerned. We will have a much more flexible arrangement, and one that will suit the fishermen of this State a great deal more than the previous arrangement.

The Hon. Peter Dowding interjected.

The Hon. G. E. MASTERS: The Hon. Peter Dowding will understand the importance of our fisheries because many of his constituents are fishermen. The Western Australian fisheries are the best in Australia; they are probably the most profitable, certainly they are the best managed fisheries, and without doubt they have the best fishermen operating them. However, our fishermen face many difficulties.

The area within three miles of the high water mark of our coast comes under State jurisdiction. Beyond that the jurisdiction of the Commonwealth quite often prevails. Fishermen in the rock lobster industry must have a State licence for the three-mile boundary area, a Commonwealth licence beyond that boundary, and two other licences for limited entry areas. Members can imagine that the fishermen find this rather complex, and they are not sure whom they should approach for advice when difficulties arise.

The Bill before us will overcome this problem. Almost certainly the rock lobster industry—including prawns, abalone, and salmon—will be administered by the State through an arrangement with the Commonwealth. This will make the situation very much easier for the fishermen.

The tuna fishery extends all around the coast of Australia; in fact, it extends around the world. We could regard it as an international fishery. That fishery will be under joint management—the State Government and the Commonwealth Government will join together to manage it.

The Hon. R. G. Pike interjected.

The Hon. G. E. MASTERS: I will come to the points raised by the Hon. R. G. Pike in a minute. I would like to point out that where there is no agreement, the existing situation will prevail. This means that the laws of the State will apply within the three-mile boundary, and beyond that Commonwealth laws will apply. This is a very sensible arrangement, and I would like to point out that all the States of Australia—irrespective of their political colour—agree with the proposals.

The Hon. H. W. Olney thought there could be simpler ways to carry out these arrangements. I really cannot see any simpler way than the one being proposed now.

The H. W. Olney: I meant in the structure and the idea.

The Hon. G. E. MASTERS: I think we will find that the legislation operates in a very simple and straightforward way, and that it will be applauded by all concerned. Certainly it will overcome the bureaucracy and the duplication that presently exists. I believe it is a good move.

Where foreign fishing boats are involved, the matter would be under Commonwealth jurisdiction and control. That, to me, is a common-sense arrangement. Matters to do with foreign boats entering the waters not only of Western Australia, but also of other States are decided upon in Canberra, and this seems to work very well.

The final point Mr Olney made was that he could not see the sense of the last amendment in the legislation, which deals with court appearances. At present, when a person is apprehended for breaking the law in one way or another, quite often the complaint is signed in the Adelaide Terrace office in Perth. When the complaint comes before the court, if the officer who has signed the complaint is not present, a challenge can be made that there is no proof that that officer is a qualified or a proper officer. So, it is necessary for that officer to be in attendance at the court, or the court may reject the charge.

The Hon. Peter Dowding: What is wrong with that?

The Hon. G. E. MASTERS: Mr Dowding should not forget that during the peak December-January period there are literally hundreds of such charges. It is not always possible for the officer to be in attendance at the court.

The Hon. Peter Dowding: It is a question of a person being convicted of a criminal offence.

The Hon. G. E. MASTERS: It is not a criminal offence; generally, it has to do with a person who has taken a few too many fish.

The Hon. Peter Dowding: It is still a breach of the law.

The Hon. G. E. MASTERS: I agree—it is a breach of the law.

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order! Interjections are not allowed whilst I am in the Chair.

The Hon. G. E. MASTERS: It seems common sense that where an officer is unable to attend the court, his name on that document should be taken to mean that he is a properly qualified officer to make such a complaint. I believe it is plain common sense. Mr Dowding is shaking his head but in reality I am sure he would agree there is no other way to overcome the problem. Officers cannot always be in attendance at court. In many cases, it is simply impossible. Therefore, time would elapse and the person involved would never be convicted.

The Hon. H. W. Olney: Your problem is—

The ACTING PRESIDENT (the Hon. R. J. L. Williams): Order!

The Hon. G. E. MASTERS: Obviously, the Committee stage is the best place for members to argue the finer details of this matter.

The Hon. Robert Pike made some comments on State rights. I assume from his comments he is a strong supporter of State rights, as we all are.

The Hon. R. G. Pike: You are very perceptive.

The Hon. G. E. MASTERS: Mr Pike left us in no doubt as to his opinion; in fact, he reflected in total the thoughts of our party. We are firmly committed to State rights and to a strong Commonwealth-State understanding, where we have greater control in many areas. One of these areas is that of fisheries, and we believe it is a good start. This is very significant legislation for a number of reasons, not the least of which is that it affects a very important part of my portfolio which relates to fisheries. It will be applauded by all concerned.

I thank the House for its support.

Question put and passed.

Bill read a second time.

APPROPRIATION BILL (CONSOLIDATED REVENUE FUND)

Consideration of Tabled Paper

Debate resumed from 15 October.

THE HON. P. G. PENDAL (South-East

Metropolitan) [8.20 p.m.]: In rising to support this motion, I commence by congratulating the Government for its resolve to bring into this House what amounts to a balanced Budget. It has been said, particularly over the past four or five years, that balanced Budgets are old hat and that they are bad economics. May I add as a non-economist that in my view, it makes very sound economic sense to learn to live within one's means and therefore to avoid the temptation of deficit budgeting.

In trying to obtain some sort of overview of the entire Western Australian community, and the way it is affected by Government economic measures, two particular points emerge. In the first place, the taxes and charges which are extracted from the people of Western Australia are very substantial indeed. I imagine very few people would challenge that statement. Whether we consider pay-roll tax, personal income tax or the charges that one pays based on land valuation—which, incidentally, are causing serious concern to some of my electors in the Rossmyrne area—the burden is a heavy one.

The second point which emerges from any overview is that increases in rates and taxes have come as a blow to many people, not the least being those who live on or near the poverty line. For example, in my electorate I know through an organisation called "Communicare", which operates at Riverton, that the latest round of increases in State Energy Commission charges and water and sewerage rates has placed many of these people in a position which is next to impossible; they simply cannot pay.

The Hon. Peter Dowding: Do you criticise your Government for that situation?

The Hon. P. G. PENDAL: I accept the interjection, and I refer the Hon. Peter Dowding to the speech I made in this House only a few months ago on amendments to metropolitan sewerage legislation. He can make his own judgment on my comments during that debate.

We have in Western Australia the rather curious position whereby those people who are reasonably well-off are continually plagued with a higher rate of taxes and charges, while those who are poorly placed generally are left floundering. The two ends of the social and economic scale have at least that one factor in common which, in my view, is quite significant. When people of all socio-economic levels are suffering, something must be seriously amiss.

I put it to the House that one of the most obvious deficiencies is in the area of providing Government-run services which we either simply

cannot afford or do not need in any case. One department which springs readily to mind as one which can be abolished is the Department for Youth, Sport and Recreation. I make this suggestion quite seriously. Anyone who has bothered to read the Budget documents will know that this year the estimated outlay to the department is in the order of \$3.5 million, of which \$1.8 million will go in salaries and wages. At the same time, this department has grown from a miniscule operation in the early 1970s until today, where it supports about 115 staff members, many of whom are highly paid.

At a time when one sector of the community is paying very high taxes and charges and another simply is battling to pay the increases which are imposed, I honestly believe departments such as the Department for Youth, Sport and Recreation are a luxury we should be able to do without. If I can put it this way, this sort of department is no more than the icing on the community cake.

The Hon. P. H. Wells: Have you discussed this matter with your local councils?

The Hon. P. G. PENDAL: I would be happy to debate that matter at a later time, particularly having regard to the fact that in the past seven or eight years, local government has received a fairly hefty input of Federal finance which, as Mr Wells would know, was intended to minimise high rate increases, when in fact the reverse has been the case. In the intervening years, local government rates and charges have continued to grow whilst at the same time its share of national income tax revenue has also continued to grow.

To return to my comments about the Department for Youth, Sport and Recreation, I am not in any way saying that some of its functions and services are not valuable; indeed, I would be the first to concede that some of those services are of the highest value. However, I do ask whether we need a whole departmental structure to discharge those functions.

The Hon. T. Knight: Particularly when only \$678 000 will go to sport.

The Hon. P. G. PENDAL: I thank the Hon. Tom Knight for his interjection; that was the next point I intended to make. I am particularly concerned that of the total Budget this year of \$3.5 million, only \$678 000 will go in grants to local and regional recreational bodies. Surely another way can be found to distribute this money without such expensive overheads.

The Hon. W. M. Piesse: I could not agree with you more.

The Hon. P. G. PENDAL: The second area which I believe needs reappraisal is that of the

State Licensing Court. At present, the court exists as a separate entity in its own right. From this year's Budget papers—notwithstanding the fairly sizeable income which results from the operations of the court—I see that this year the court will have within its power an allocation of something like \$462 000. I believe there is a case for some of the court's functions to be reassessed, for the court itself in its present form to be abolished and for the transfer of its judge and some of its staff to the District Court.

It was only a few years ago that the Third Party Claims Tribunal was abolished and its functions were integrated into the District Court. I believe the same could be done in the case of the Licensing Court with a consequent saving of perhaps many hundreds of thousands of taxpayers' dollars.

The Hon. T. Knight: Do you realise the average person making an application must go to the full expense of obtaining—

The PRESIDENT: Order!

The Hon. P. G. PENDAL: I am aware of that, and I again thank the Hon. Tom Knight for raising the matter. By the way, I hasten to add that the Hon. Tom Knight's interjections are not prearranged! I was aware of the matter he raised; it is part of the point I am making, and I will give an example very shortly with which I am sure Mr Knight will agree.

If the Government is prepared to agree to integrate the Licensing Court with the operations of the District Court, parallel with that it might also be worth while to consider an overhaul of the functions of the Licensing Court itself. For example, in the year to June 1979, State Licensing Court supervisors made more than 2 000 inspections of licensed premises. All licensed premises in the metropolitan area were inspected twice and all licensed premises in the non-metropolitan area were inspected at least once.

The Hon. J. M. Berinson: By whom?

The Hon. P. G. PENDAL: The inspections were carried out by the court supervisors, and I thank the Deputy Leader of the Opposition for his interjection, because it is part of what I am trying to put forward. I ask: For what purpose are court supervisors making those inspections? Surely the only legitimate reason for court supervisors to be making inspections is from a health point of view.

The Hon. J. M. Berinson: Why only that? Why not to ensure the provisions of the licence are being complied with?

The Hon. P. G. PENDAL: I am suggesting that if the provisions are not being complied with there are other mechanisms for the public to make complaints to the Registrar of the Licensing Court, integrated within the District Court system, so that the policing and enforcement of those laws do not need to depend on a whole host of court supervisors. The police are quite capable of ensuring that the provisions of the licences are carried out satisfactorily, that is, to ensure that a hotel is opening; before or closing after, the time the law permits, and many other provisions. The court supervisors may well be carrying out a function from a health point of view that may well be discharged more profitably, and certainly with less cost to the taxpayers—

The Hon. J. M. Berinson: Why less cost? You would need more manpower.

The Hon. P. G. PENDAL: I am suggesting the local health inspector, as a normal part of his rounds, is checking on liquor establishments in any case. If he is checking on liquor establishments in any case to ensure that the hotel or licensed premises conforms with local by-laws, he could at the same time be discharging the duties currently being carried out by court supervisors, who are being paid out of the public purse of this State.

The Hon. P. H. Wells: Who checks that they comply with conditions of the court?

The Hon. P. G. PENDAL: I do not know the answer to that. After six interjections I am doing my best to cope. I suggest that to have the whole structure of a State Licensing Court discharging functions which may well be unnecessary is a waste of taxpayers' money. I have had experience in country areas of the Licensing Court breezing through areas on its 12-monthly inspections and of all the hotels and licensed clubs being required to front up to the court members. The fact that those members are travelling extensively throughout the State is clear evidence that there is a cost involved to the taxpayers in the first place.

In the second place, it costs the licensee of that local establishment money, time, and effort each time he has to appear and comply with any judgment handed down by that court. Again I stress that the whole thing could and should be streamlined by its integration into the District Court system.

I come to a third area of government in regard to which costs could be reduced and the burden on taxpayers could be relieved substantially. I refer to the Public Works Department which, by any stretch of the imagination, is a huge

department, with large numbers on its pay-roll, and which administers a huge budget. I put it to members that this department could be reorganised on a massive scale by transferring some or many of its functions to the private sector.

The Hon. Peter Dowding: Shame!

The Hon. P. G. PENDAL: If the Hon. Peter Dowding would like to listen he might find the suggestion is not quite so offensive. I make my suggestion for no other reason than that this would save the taxpayers many thousands and possibly millions of dollars that might well be profitably spent in other areas; for example, in creating jobs for other people.

Several members interjected.

The PRESIDENT: Order!

The Hon. P. G. PENDAL: In transferring many of the functions of the department to the private sector on a progressive basis, not one job need be lost. In addition, not one apprentice need be disadvantaged. Whether one is talking about the Public Works Department's architectural functions, its engineering functions, its building functions, or its maintenance functions, it is possible in the interests of economy and free enterprise to have these functions discharged by the private sector, and discharged well.

On a trial run, for example, I suggest the Government could look at the possibility of progressively letting out the department's maintenance work to the private sector. I presume each of us here ought to be in the business of saving the taxpayers' dollars, and not spending more of them. Therefore, in conclusion on this point, I would like to touch briefly on one or two aspects of the Budget itself.

The Budget introduced by the Treasurer some weeks ago is, in the main, a good document. It is a product of good economic management, but like any other document, it has some features about which I am not terribly enthusiastic. In a way I take my political life into my hands by wondering aloud whether we ought to be giving education the highest priority. They were the words, incidentally, that were used by the Treasurer in explaining the reason for the 16.8 per cent increase in funding for the Education Department. The Treasurer himself has said that the Government, proudly, has made education its highest priority. I repeat: I am wondering aloud whether it is a good thing, or necessarily a good thing, to be making education the highest priority.

I ask: Ought we be making massive increases of that order at a time when taxes and charges are so high? I also ask: Is it not ironic that, in an era

when education is being placed on the highest priority, we hear constant complaints that school leavers simply do not have the preparation that fits them for the work place? These complaints are from all sorts of people across the board.

The Hon. Peter Dowding: If you did not give the money to education, would you put it into the Premier's public relations system?

The Hon. P. H. Lockyer: You stupid man!

The PRESIDENT: Order!

The Hon. P. G. PENDAL: I note in the Education vote itself the Budget provides for a new unit to monitor equal opportunities in schools. Again I wonder whether this is not an instance of too much icing on the cake—an example of an initiative that does not benefit anyone.

The Hon. R. Hetherington: It might benefit girls.

The Hon. P. G. PENDAL: It might cost the taxpayers dearly. On the other hand, I would like to commend the Government on two aspects of its education programme: the increase in technical education spending, and the funds the Government has provided for an upgrading of the education services that become available to handicapped people. But I wonder whether, and if so, when we will ever get to a stage where we view the sacred cow of education with less sanctity than we view it at the moment.

I say this—and the Hon. Howard Olney may have some knowledge of it—as I move amongst some of the smaller non-Government schools in my electorate and see there are often less sophisticated educational aids available, that situation in no material way affects the quality of education in those establishments.

The Hon. H. W. Olney: They all ask for more money.

The Hon. P. G. PENDAL: I agree, but I am trying to make the point that many of these smaller non-Government schools without many of these sophisticated educational aids used in Government schools are providing an education that is in no way inferior to that provided by the Government schools.

The Hon. D. K. Dans: I hate to say it, but I could not agree with you.

The Hon. R. Hetherington: I would like to know what the evidence is.

The Hon. D. K. Dans: I would like to see more sophisticated aids in those schools.

The Hon. P. G. PENDAL: In answer to the Leader of the Opposition, I am not denying the

smaller non-Government schools the chance to have some sort of share in more sophisticated aids or teaching methods. I am simply saying that each time that degree of sophistication grows the money comes from somewhere, and the Hon. Des Dans and other members would agree that the moment we upgrade a school or a prison, the moment we upgrade anything in any other Government establishment, the only source of funding available is the taxpayers' pockets.

I move to another area, and to what I regard as a fairly massive 33.4 per cent increase for the Department of Corrections. I am not one who suggests that prisoners should be bound up in irons and chains and housed in squalor. For the purpose of this exercise I am not criticising the Government for the announcements made in recent days in terms of high security prisons. However, the \$7 million increase in the Budget for a department of this size is hardly to be sneezed at.

Several members interjected.

The PRESIDENT: Order! I ask honourable members to cease their interjections.

The Hon. P. G. PENDAL: I refer particularly to the allocation to the Crown Law Department for the introduction of bail hostels. The Attorney General may feel that is something close to his heart, because I understand the bail hostels suggestion has grown from work done by the Law Reform Commission.

We are told that the concept of bail houses provides for suitable people to be released while awaiting trial. In an age of high Government spending and high taxes and charges, I respectfully suggest that anyone who is suitable for release on bail ought to be released and not kept at public expense in a bail house.

The Hon. R. Hetherington: What if such a person cannot raise the bail?

The Hon. P. G. PENDAL: Most of what I have said I would acknowledge is not new. I suggest even that it has been all said before; but the sort of restraint I am suggesting has not necessarily been tried before. I think it was Chesterton who said that there was nothing wrong with Christianity, except that it had not been tried. I say that although the suggestion of a serious form of restraint on the public purse is nothing new, it is one that may well not have been tried before.

If I am critical about anything this Government has done, it is that it has tried too hard to accommodate all parts of the public sector. Also I suggest that our economic strategy and planning in this State ought to be based not on how we accommodate all the departments and all the

agencies, but on whether we should be accommodating these departments and agencies in the first place.

As members would be well aware, public sector growth can be funded only by the taxpayer, and there is a limit to the taxpayers capacity to keep funding an expanded public sector.

With those remarks I again congratulate the Government on its bringing a balanced Budget into the Parliament for, I think, the fifth successive year. This demonstrates that the Government is one that has learned to live within its means.

The Hon. R. Hetherington: It has learned to balance its Budget by raising costs.

The Hon P. G. PENDAL: The criticisms I offer now are really peripheral, but I hope that in future years more effort will be made to trim the public purse and therefore give on the one hand relief to the many thousands of people in Western

Australia who are on a high or middle income level, but nonetheless are charged high levels of taxes and charges, and on the other hand relief to people—this point may interest the Hon. Peter Dowding—who are on low incomes and who, as I have already said, have experienced difficulty in meeting such increases as those charged for electricity and gas, water, and sewerage.

On that note I—

The Hon. Peter Dowding: Criticise the Government!

The Hon. P. G. PENDAL: —support the motion.

Debate adjourned, on motion by the Hon. T. Knight.

House adjourned at 8.47 p.m.

QUESTIONS ON NOTICE

TRANSPORT: BUSES

Fremantle-Perth Service

291. The Hon. H. W. OLNEY, to the Minister representing the Minister for Transport:

- (1) When the Minister first announced the closure of the Perth-Fremantle railway and its replacement by the linc bus service, what did he say as to—
 - (a) the number of linc buses to be acquired for use on the replacement service;
 - (b) the frequency of the service; and
 - (c) the use of conductors on the replacement service?
- (2) In the intervening 13 months since the rail replacement service was established—
 - (a) on how many occasions has the timetable been changed;
 - (b) what are the reasons for the various changes;
 - (c) are there now fewer trips per day between the two cities;
 - (d) if so, why; and
 - (e) to what extent has the use of conductors been reduced?
- (3) Has the usage of linc buses on the rail replacement service changed since it was first introduced, and if so—
 - (a) in what manner has it changed; and
 - (b) for what reason have changes been made?
- (4) Are the linc buses originally acquired for the rail replacement service now used on other services, and if so—
 - (a) how many of such buses are so used; and
 - (b) on which other services are they used?
- (5) (a) Is it a fact that the linc service was originally referred to within the MTT as the rail replacement service, but is now referred to as the "temporary" rail replacement service;
- (b) if so, does this change in description indicate that the Government plans to reopen the Perth-Fremantle rail service; and
- (c) if so, when?

(6) Has the Government been engaged in any planning towards the removal of the track between Perth and Fremantle and if so—

- (a) what plans have been made; and
 - (b) when is the track to be removed?
- (7) Have any studies been made as to the feasibility of using the Perth-Fremantle railway tracks for some alternative form of rapid rail transport, and if so—
- (a) what studies have been undertaken;
 - (b) by whom; and
 - (c) what recommendations have been forthcoming from such studies?

The Hon. D. J. WORDSWORTH replied:

- (1) (a) 17.
- (b) 15 minute service in "off-peak" and five minutes service during "peak period".
- (c) There was no mention made in relation to conducting staff when the closure was first announced.
- (2) (a) Three.
- (b) To effect better connections with trains, and also to make better use of available resources.
- (c) Yes—one trip in each direction during the weekday peak periods.
- (d) The route was initially overserved by one trip in each direction.
- (e) With the change to standard buses on Saturdays, conducting staff was reduced by three. No conducting staff is required on standard buses for Saturday services. Weekday conducting staff was rationalised when the peak trip mentioned in (2)(c) above was deleted, and a reorganisation of queue work in both Fremantle and Perth (not related to rail replacement service) was carried out. This resulted in a net decrease of four conducting staff, two of whom have been transferred to driving duties, and natural wastage will eventually absorb the remaining two.
- (3) Yes.
 - (a) Weekdays
The service has been reduced by one trip in each direction during the weekday peak period thus reducing the number of linc buses required to operate the service from 17 to 16.

Saturdays

Line buses were withdrawn after a four-month period as patronage was such that it could be handled by standard buses.

- (b) Both the weekday and Saturday changes were made to make the best possible use of the resources that were being employed and also as mentioned above, to effect better train connections.

- (4) Yes.
- (a) One.
- (b) Perth to Rockingham express.
- (5) (a) No.
- (b) and (c) Not applicable.
- (6) (a) and (b) The Government has committed itself to review the future of the railway line after the three-year trial period.
- (7) (a) and (b) The only recent studies made on alternatives to diesel rail operation are—
- (i) Perth Central City Railway Feasibility Study 1974 by Wilbur Smith & Associates.
- (ii) Elrail Consultants Pty. Ltd. Report on assessed cost of electrification—Perth Suburban Railway 1979.
- (iii) Westrail's Assessment of Electrification of Suburban Rail Passenger Operations, 1979.
- (c) These documents have previously been tabled in the House.

In addition Perth 2000—a comprehensive study into the future urban public transport needs for the Perth Metropolitan Region is proceeding.

ABORIGINES**Land Rights**

299. The Hon. H. W. OLNEY, to the Minister representing the Premier:

- (1) Has the Premier perused the agreement recently entered into between the South Australian Government and the Pitjantjatjara people?
- (2) Had the Premier read the agreement before making his statement published in *The West Australian* on 6 October 1980, lauding the Western Australian system of Aboriginal land rights?

- (3) Is the Government prepared to admit the possibility that the South Australian experience may provide a model for future negotiations between his Government and Aboriginal communities?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) The Premier obtained a detailed summary of the main provisions in the Bill prior to making his statement on 5 October. He also arranged for a copy to be sent to him by the South Australian Government.
- (3) No. The Premier does not believe that the South Australian Bill provides such a model. As the member would know from the Premier's comments published in *The West Australian* on 6 October, the Premier has made it clear that the arrangements which apply in Western Australia to land tenure for the use and benefit of Aborigines are superior to the arrangements proposed in South Australia and, indeed, in other parts of Australia.

The South Australian legislation does not offer any advantages over the existing Western Australian arrangements for all aspects of land tenure, reserve entry by miners, protection of genuine sacred sites and life style, etc.

Unless mining is considered to be in the national interest, the views of Aborigines would otherwise prevail in respect of Aboriginal reserves.

EDUCATION: PRE-SCHOOL**Four-year-olds**

300. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Education:

- (1) Have directors of pre-school centres been instructed on behalf of the Minister for Education not to enrol four-year old children in 1981?
- (2) If such instructions have not been given, is it intended that directors of pre-school centres will be so instructed on the Minister's behalf?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) I am advised that teachers and committees of pre-school centres have been advised that additional four-year-old children may not be enrolled if this requires use of staff needed to provide for five-year-olds in their centre or in other centres.

HOUSING: ABORIGINES

Goomalling

301. The Hon. N. E. BAXTER, to the Minister representing the Minister for Housing:

- (1) Are the three transitional houses for Aborigines situated on lots 246, 249 and 256 Dick Street, Goomalling, occupied at present?
- (2) How many State rental houses, duplex flats and transitional houses in Goomalling are not occupied at present?
- (3) If there are unoccupied rental houses, etc., in Goomalling at present, why does the State Housing Commission propose to construct two dwellings for allocation to Aborigines on lot 56 Throssell Street, and lot 210 Bowen Street?

The Hon. G. E. MASTERS replied:

- (1) Lots 246 and 249—occupied
Lot 256—vacant.
- (2) 5 units—2 duplex
2 single detached
1 transitional
- (3) The commission is not proceeding with the intention to construct two dwellings due to the changed circumstances.

POLICE

Drug Squad

302. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) Is there a special squad within the police force known as the "drug squad"?
- (2) How many officers are permanently assigned to this squad?
- (3) How many officers of the rank of detective sergeant or above are permanently assigned to the squad?
- (4) What is the rank of the officer in charge of the squad, and to whom is he directly responsible?

- (5) Do any members of the drug squad receive any payments or allowances additional to the normal salary of a police officer of equivalent rank working in some other branch of the police force?
- (6) What additional allowances and payments are made?
- (7) Do members of the drug squad receive overtime payments for time worked in addition to the standard working hours?
- (8) What special qualifications or experience, if any, is required for officers assigned to the drug squad?
- (9) What period of service has each member of the drug squad of the rank of detective sergeant and above had with the squad?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

- (1) Yes.
- (2) 22.
- (3) 7.
- (4) (a) First-class detective sergeant.
(b) Divisional inspector.
- (5) Yes.
- (6) Normal CIB allowance.
- (7) Yes.
- (8) (a) Specially selected from general body of CIB staff.
(b) A number of in-service training courses are available.
- (9) 5 years; 4 years 3 months; 3 years 9 months; 2 years 8 months; 2½ years; 19 months; 3 months.

MINING

Aboriginal Reserve: Yandeyarra

303. The Hon. PETER DOWDING, to the Minister representing the Minister for Mines:

- (1) Is the Minister aware that the warden has recommended the granting of mineral claims by Locke and others on Yandeyarra Aboriginal reserve?
- (2) Has the Minister made a decision as to whether or not to allow the claims?
- (3) If the Minister has made the decision, what is his decision?
- (4) If the Minister has not made a decision, when does he expect to make it?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) No.
- (3) Answered by (2).
- (4) All applications relating to mineral claims on Yandeyarra reserve are still being considered.

CRIMINAL INJURIES (COMPENSATION) ACT

Australian Law Reform Commission Report

304. The Hon. H. W. OLNEY, to the Attorney General:

- (1) Has the Government or the Attorney General given any consideration to the recommendations of the 15th report of the Australian Law Reform Commission?
- (2) Is the Attorney General able to indicate any initiatives or reforms likely to be instituted as a result of the recommendations contained in that report?
- (3) In particular, has the Attorney General given any consideration to chapter 12 of the report dealing with victim compensation?
- (4) If not, will he do so with a view to introducing a more equitable scheme in lieu of the present Criminal Injuries Compensation Act?

The Hon. I. G. MEDCALF replied:

- (1) Copies of the voluminous report (interim) entitled "Sentencing of Federal Offenders" have been received. As the title suggests, the report is concerned with Commonwealth offenders and Commonwealth law, but the report is under consideration for such relevance as it may have to Western Australia.
- (2) In the light of (1) above, No.
- (3) See (1) above.
- (4) See (1) above. Of course, the Western Australian Act has been and is under close review quite independently of the report.

ROAD

Guildford Road-Morley Drive Link

305. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Transport:

Referring to a recent report in *The West Australian* newspaper of Saturday, 27 September 1980, advising of a new road

linking Guildford Road and Morley Drive to relieve traffic congestion in the Bayswater area, will the Minister advise if the route chosen is that of the proposed Beechboro-Gosnells Highway?

The Hon. D. J. WORDSWORTH replied:

Yes.

COURTS

Community Justice Centres

306. The Hon. H. W. OLNEY, to the Attorney General:

- (1) Is the Attorney General aware of the plans of the NSW Government to establish community justice centres in that State?
- (2) Are there any plans to establish similar centres in Western Australia?

The Hon. I. G. MEDCALF replied:

- (1) Yes.
- (2) No. The New South Wales scheme is considered by that State to be of a pilot nature. Western Australian officers are fully conversant with the proposal and by arrangement with the chairman (Mr K. Anderson, stipendiary magistrate), will keep the operation of the centres under review.

LEGAL PRACTITIONERS

Committee of Inquiry

307. The Hon. H. W. OLNEY, to the Attorney General:

- (1) When does the Attorney General expect to receive the report of the Brinsden inquiry into the legal profession?
- (2) Is it likely that any amendments to the Legal Practitioners Act will be introduced into Parliament during the current session?

The Hon. I. G. MEDCALF replied:

- (1) A definite date is not available, but a report is not expected until the latter half of next year.
- (2) No.

COURTS AND WORKERS' COMPENSATION BOARD

Delays

308. The Hon. H. W. OLNEY, to the Attorney General:

What period elapses between the fixing of hearing dates and the actual trial of actions in each of the following courts—

- (a) The Supreme Court (Civil);
- (b) The District Court (Civil);
- (c) The Local Court, Perth;
- (d) The Local Court, Midland;
- (e) The Local Court, Fremantle;
- (f) The Courts of Petty Sessions at—
 - (i) East Perth;
 - (ii) Beaufort Street;
 - (iii) Fremantle;
 - (iv) Midland; and
- (g) The Workers' Compensation Board?

The Hon. I. G. MEDCALF replied:

- (a) Approximately 2 months.
- (b) Approximately 3 months.
- (c) Approximately 6 to 8 weeks.
- (d) Approximately 4 to 6 weeks.
- (e) Approximately 4 to 6 weeks.
- (f) (i) 1 to 2 weeks,
- (ii) About 15 weeks,
- (iii) 4 to 6 weeks,
- (iv) 6 to 8 weeks.
- (g) Approximately 4 months.

COURTS

Magistrate: Kimberley

309. The Hon. H. W. OLNEY, to the Attorney General:

- (1) What is the estimated total cost of the appointment of an additional magistrate in the Kimberley as announced recently by the Premier?
- (2) When will the new appointment take effect?
- (3) Will the total establishment of magistrates be increased to provide the additional appointment in the north?
- (4) Has the position been advertised publicly?

The Hon. I. G. MEDCALF replied:

- (1) Approximately \$116 000. This, however, includes an amount of approximately \$80 000 for the purchase of a house, which will be a once-only expenditure.
- (2) As soon as arrangements can be completed.
- (3) Yes.
- (4) No.

COURTS: DISTRICT AND SUPREME

Statistics

310. The Hon. H. W. OLNEY, to the Attorney General:

- (1) In each of the last two years on how many occasions has each of the judges of the District Court sat in Criminal Sessions—
 - (a) in Perth; and
 - (b) in courts away from Perth?
- (2) Are statistics kept of sentences and other penalties imposed by Supreme Court and District Court judges for various offences?
- (3) If so—
 - (a) what statistics are kept;
 - (b) by whom are they kept; and
 - (c) will the Attorney General make them available to members?

The Hon. I. G. MEDCALF replied:

In the criminal jurisdiction of the District Court, the appointed sittings, over which a judge presides, are—

- (a) in Perth, monthly and continuously, each sitting as a rule lasting the whole month,
 - (b) in places away from Perth, on a specific day and thereafter continuously, each sitting on an average lasting three or four days.
- (1) Of the six judges of the District Court, each of whom presided over appointed sittings in the criminal jurisdiction—
- (a) in Perth—
 - in 1979—three sat four times and the other three sat thrice,
 - in 1980 the programme requires that one sit four times and one sits three times.
 - (b) in places away from Perth—
 - in 1979—three sat thrice, one sat five times, one sat six times and one sat seven times,

in 1980 the programme requires that two sit thrice, one sits four times, two sit five times and one sits six times.

- (2) and (3) No, but some statistics are compiled by classification of type of offence by the Government Statistician and published in the *Western Australian Year Book*.

WORKERS' COMPENSATION ACT

Amendment: South Australian Committee

311. The Hon. H. W. OLNEY, to the Minister representing the Minister for Labour and Industry:

- (1) Has the Government yet decided whether its new workers' compensation legislation is to take the form of a new Act (as recommended in the Dunn Report), or as amendments to the existing Act (as announced in the Lieutenant-Governor's Speech at the opening of Parliament)?
- (2) If so, what decision has been made?
- (3) Is the Minister aware that a committee headed by the Auditor General of South Australia has recently submitted a report on workers' compensation to the South Australian Government after an extensive investigation including visits to New Zealand and Canada?
- (4) Will the Government give some attention to the recommendations of this South Australian committee before proceeding with amendments in this State?

The Hon. G. E. MASTERS replied:

- (1) and (2) No. However, it appears likely that it will take the form of a new Act.
- (3) Yes.
- (4) Yes.

TRAFFIC: DRIVERS

Drink-driving Offences

312. The Hon. H. W. OLNEY, to the Minister representing the Minister for Police and Traffic:

- (1) Is it the normal practice for the police to arrest suspected offenders charged with the offence of driving under the influence of alcohol?

(2) Under what circumstances is it the practice for the police to prosecute such offences by way of summons rather than by way of arrest?

(3) Does the social status of the alleged offender have any bearing upon the decision of whether to arrest or summon an offender?

The Hon. G. E. MASTERS replied:

- (1) Yes.
- (2) To summons is not the practice or the most efficient method of dealing with such offenders.
- (3) No.

COMMUNITY WELFARE

Crisis Services

313. The Hon. H. W. OLNEY, to the Minister representing the Minister for Community Welfare:

- (1) Has the Minister or any officer of his department made a study of the crisis care unit operating within the South Australian Department of Community Welfare?
- (2) Does the department have any plans to introduce a similar service in this State?

The Hon. D. J. WORDSWORTH replied:

The Minister for Community Welfare advises as follows—

- (1) Yes.
- (2) Yes, but subject to consideration with other priorities.

TRANSPORT: BUSES

Services: Patronage

314. The Hon. H. W. OLNEY, to the Minister representing the Minister for Transport:

- (1) What are the patronage figures for all MTT routes between—
 - (a) Rockingham and Fremantle;
 - (b) Rockingham and Perth;
 - (c) Kwinana and Fremantle;
 - (d) Kwinana and Perth;
 for each of the last 12 months?

- (2) In the last 12 months have any new routes or special services been introduced to cater for commuters in the Rockingham, Kwinana and Medina areas travelling to Perth and/or Fremantle?
- (3) What routes and services have been introduced?
- (4) Has it been necessary to divert line buses originally acquired for the Perth-Fremantle rail replacement service to cater for the Rockingham/Kwinana patronage?
- (5) What studies, if any, have been made with a view to introducing some other form of rapid transit service to cater for the commuting public in this area?
- (6) What recommendations have been made as a result of any such studies?

The Hon. D. J. WORDSWORTH replied:

- (1) Detailed information requested is not available.
- (2) No.
- (3) Not applicable.
- (4) No. It was not necessary, however the MTT was able to achieve more efficient use of its resources by a reallocation of line buses. This resulted in one line bus being withdrawn from the Perth-Fremantle route and used instead on the Perth-Rockingham express.
- (5) None known. However, the Metropolitan Region Planning Authority in March 1980 produced "A Planning Strategy for the South West Corridor." This report was based on a study conducted by T. S. Martyn and Associates and further studies. Pages 106 and 107 give details relating to public transport proposals.
- (6) Not applicable. MTT is continuing to provide the Rockingham-Kwinana areas with express and all stops bus services to Fremantle and an express bus service to Perth. In view of the information given in the planning strategy mentioned in (5) above, no change is proposed to present plans.

HOSPITAL: SIR CHARLES GAIRDNER
Sexual Assault Referral Centre

315. The Hon. H. W. OLNEY, to the Minister representing the Minister for Health:

- (1) What is the total cost of funding the sexual assault reference centre at Sir Charles Gairdner Hospital?

- (2) Who funds this service?
- (3) Are there any plans to expand the service or to establish similar centres at other hospitals either in the metropolitan area or the country?

The Hon. D. J. WORDSWORTH replied:

- (1) Salaries and consumables for 1979-80 amounted to \$34 818.
- (2) The services are part of the normal operation of the hospital and is funded by the State and Federal Governments.
- (3) No, there is no indication of any need to expand the service or establish other centres.

QUESTIONS WITHOUT NOTICE

INEBRIATES

Rehabilitation: Institutions

91. The Hon. J. M. BERINSON, to the Leader of the House:

What action is proposed by the Government to meet the situation disclosed last week by Acting Judge Clarke in respect of the non-availability of institutions as required to give effect to the Convicted Inebriates' Rehabilitation Act?

The Hon. I. G. MEDCALF replied:

This is a matter under consideration by the Minister for Health.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Authority: Chairman

92. The Hon. J. M. BERINSON, to the Minister for Conservation and the Environment:

Does the Chairman of the Environmental Protection Authority (Mr Porter) have the confidence of the Government in that position?

The Hon. G. E. MASTERS replied:

I assume the question results from the newspaper reports today. Certainly, the Chairman of the Environmental Protection Authority (Mr Colin Porter) has done a very good job.

The Hon. Peter Dowding: Answer the question.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Authority: Chairman

93. The Hon. J. M. BERINSON, to the Minister for Conservation and the Environment:

- (1) Is it in fact the case that the Government proposes to remove Mr Porter from his position with the Environmental Protection Authority?
- (2) If so, what is the reason for that proposal, and by whom is it proposed that Mr Porter be replaced?

The Hon. G. E. MASTERS replied:

- (1) and (2) Any legislation under the control of a Minister is always under review. As to whether or not there will be any amendment to the legislation—which I believe the member suggests would be the Environmental Protection Act—it is now up for consideration, as is all legislation. When the proper time comes, if amendments are to be introduced, they will be brought to Parliament and members will receive proper notification.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Act: Amendment

94. The Hon. J. M. BERINSON, to the Minister for Conservation and the Environment:

On an associated matter, can the Minister be any more forthcoming on a different aspect of Press reports; namely, those which suggest that legislation is in the course of preparation to amend the Environmental Protection Act to remove the obligation on the Minister to inform the authority of any detrimental effect which certain projects may have?

Is it proposed in the course of that amendment further to amend the Act to remove from the EPA the task of assessing environmental review and management programmes?

The Hon. G. E. MASTERS replied:

I have already informed the member that all legislation I have under my jurisdiction is under review, as it should be with a new Minister, and that if there are any changes at all the House will be informed in the proper manner. I will not be involved in pure speculation involving newspaper reports.

The Hon. Peter Dowding: Why not be honest?

The Hon. A. A. Lewis: I suggest the Hon. Peter Dowding ceases impugning the Minister's honesty.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Authority: Chairman

95. The Hon. J. M. BERINSON, to the Minister for Conservation and the Environment:

Does he have any cause for concern at the manner in which the Environmental Protection Authority has functioned to this stage under the chairmanship of Mr Colin Porter?

The Hon. G. E. MASTERS replied:

I do not intend to be cross-examined at this stage. I have said that the newspaper reports are pure speculation. If any amendments are to be made to the present Act, they will be introduced in the proper manner. I do not think I should comment any further at this stage.

CONSERVATION AND THE ENVIRONMENT

Environmental Protection Authority: Chairman

96. The Hon. J. M. BERINSON, to the Minister for Conservation and the Environment:

The Minister obviously misconstrued my query. I was not referring to Press reports. I was asking him to comment on the degree of satisfaction or dissatisfaction which he, the Minister responsible, has with the Environmental

Protection Authority under the chairmanship of Mr Porter. Is the Minister satisfied with the effectiveness of the EPA under that management?

The Hon. G. E. MASTERS replied:

I have made all the comments I intend to make in this respect. If any changes are to be made, they will be made in the proper manner. The authority has operated very well over a period of years. It may or may not be necessary to change the circumstances. However, I will not make any more comment.
