

Legislative Council

Tuesday, 10 November 1981

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

BILLS (8): ASSENT

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

1. Small Claims Tribunals Amendment Bill.
2. Agriculture and Related Resources Protection Amendment Bill.
3. Metropolitan Market Amendment Bill.
4. Marketing of Lamb Amendment Bill.
5. Acts Amendment (Land Use Planning) Bill.
6. Pay-roll Tax Assessment Amendment Bill.
7. Stamp Amendment Bill.
8. Business Franchise (Tobacco) Bill (No. 2).

EDUCATION: FOUR-YEAR-OLDS

Petition

THE HON. J. M. BROWN (South-East) [4.31 p.m.]: I wish to present a petition from the citizens of Western Australia protesting at the proposed cuts in education funding for pre-school four-year-olds. I move—

That the petition be received and read.

Question put and passed.

THE HON. J. M. BROWN (South-East) [4.32 p.m.]: The petition contains 150 signatures and bears the Clerk's certificate that it is in conformity with the Standing Orders of the Legislative Council. It reads as follows—

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

I move—

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

Question put and passed.

The petition was tabled (see paper No. 501).

EDUCATION: FOUR-YEAR-OLDS

Petition

THE HON. PETER DOWDING (North) [4.33 p.m.]: I wish to present a petition from the residents of Port Hedland relating to the Government's decision to withdraw funding for education centres for pre-school four-year-olds. I move—

That the petition be received and read.

Question put and passed.

THE HON. PETER DOWDING (North) [4.34 p.m.]: The petition contains 42 signatures and bears the clerk's certificate that it is in conformity with the Standing Orders of the Legislative Council. It reads as follows—

To the Honourable President and Honourable Members of the Legislative Council in Parliament Assembled.

We, the undersigned residents of the town of Port Hedland, pray that the Government decision to withdraw funding for staff salaries in centres providing education for four year old children, particularly those in isolated areas, will be reversed.

YOUR PETITIONERS WOULD THEREFOR PRAY THAT YOUR HONOURABLE HOUSE WILL SEEK A REVERSAL, OF THE GOVERNMENTS DECISION AND ENSURE THE CONTINUATION OF EDUCATION FOR FOUR YEAR OLDS.

AND YOUR PETITIONERS IN DUTY BOUND WILL EVER PRAY.

I move—

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

Question put and passed.

The petition was tabled (see paper No. 502).

HOSPITAL: MERREDIN

Petition

THE HON. J. M. BROWN (South-East) [4.35 p.m.]: I wish to present a petition from residents of the Merredin district relating to the construction of a new district hospital for Merredin. I move—

That the petition be received and read.

Question put and passed.

THE HON. J. M. BROWN (South-East) [4.36 p.m.]: The petition contains 199 signatures and bears the Clerk's certificate that it is in conformity with the Standing Orders of the Legislative Council. It reads as follows—

TO—The Honourable, The President and Members of the Legislative Council at the Parliament of Western Australia in Parliament Assembled:

We, the undersigned residents of the Merredin district urge the State Government to take positive action to build a new District Hospital in Merredin.

1. Attention is drawn to the deplorable condition of Merredin District Hospital in various areas. Stated briefly are some complaints.
2. There is no provision for separate operating theatres.
3. Plumbing and hot water system is in bad state.
4. The electrical system is in urgent need of replacement.

As the cost involved for remedial action over a number of years can escalate enormously with makeshift repairs and renovations, we petitioners therefore humbly pray that your Honorable House will give earnest consideration to the immediate action of building a new District Hospital at Merredin, and your Petitioners in duty bound will ever pray.

I move—

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

Question put and passed.

The petition was tabled (see paper No. 503).

QUESTIONS

Questions were taken at this stage.

ELECTORAL DISTRICTS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. W. R. Withers, and read a first time.

METROPOLITAN REGION PLANNING AUTHORITY: WUNGONG GORGE AND ENVIRONS

Disallowance of Amendment: Motion

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

Debate adjourned, on motion by the Hon. N. F. Moore.

JUSTICES AMENDMENT BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.07 p.m.]: I move—

That the Bill be now read a second time.

Section 135 of the Justices Act makes provision for persons to enter a written plea of guilty to a summons charge if they wish to do so. About 80 per cent of summons cases for traffic offences, for example, result in written pleas of guilty being entered and this effectively means those persons do not have to attend court.

Some difficulty is experienced by the courts in scheduling the remaining summons cases because under the present practice there is no way of knowing in advance whether an accused person intends to plead not guilty or has just simply ignored the summons. Over the last few years a practice has developed where police prosecutors do not summon their witnesses until a plea is known.

If on the day of hearing a plea of not guilty is entered, police generally request an adjournment so that the prosecution witnesses may be summoned for a later date when evidence can be given. This arrangement is not governed by legislation and some charges have been dismissed when the police have not been ready to proceed if a plea of not guilty is entered.

In 1977, on appeal to the Supreme Court following the dismissal of a case in such circumstances, the present Chief Justice—then Burt J.—made the following comments—

Commonsense has to be exercised in these things. The prosecutor should, I think, know whether he has a fight on his hands or not.

It is not reasonable, I think, to expect in Courts of Petty Sessions, for police on every complaint to have all their witnesses marshalled in court before a plea is known.

It would be very wasteful of manpower and very expensive and it is simply not, as it seems to me, a reasonable way of proceeding.

Although it is now the practice in some courts to adjourn contested matters to another date, this is not universally accepted and some cases continue to be dismissed when the prosecution is not in a position to proceed.

Furthermore, one must have concern also for the defendant who may attend the court in the bona fide belief that the case will proceed on a particular day, only to be informed that, as it is being defended, the case will be tried on another day. As a result, the Government believes it is

necessary for the practice to be formalised for the convenience of all parties.

The Bill before the House provides for an amendment to the Justices Act permitting or requesting persons summoned for an offence who wish to defend the matter to enter a written plea of not guilty.

On the first occasion the matter comes before the court, a hearing date will be set and any witnesses can be summoned for that date. There will be no requirement for the defendant or his solicitor to attend on the first occasion the matter comes before the court, as written notice of the subsequent hearing date will be given.

There are several advantages which will flow from the proposed changes, including the more effective listing of cases in the courts. Considerable cost savings will follow for the defendant because he and his counsel will appear only on the day when a hearing is virtually guaranteed. In addition, witnesses for both the prosecution and the defence can be arranged with more certainty. A procedure similar to that proposed already operates successfully in Queensland and Tasmania.

It has not been possible to extend these provisions to indictable offences triable summarily for which summons proceedings are taken because of the need for certain schedules to be read to the defendant by the court before he elects whether to be dealt with summarily and before he can enter a plea to the charge.

It is, however, provided in the case of indictable offences triable summarily that, where a plea of not guilty is entered, the trial will not proceed on the first hearing date. This will assist both parties and the court to know where they stand and avoid further expense.

It is confidently anticipated that the proposed amendments will reduce inconvenience to all parties, reduce costs, and save the courts' time. Courts will be able to programme listings more effectively.

There will be considerable cost savings for defendants because defendants and counsel will need to appear only on the actual day of hearing.

Also, witnesses for both prosecution and defence will be arranged with more certainty and considerably less public inconvenience.

I commend the Bill to the House.

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

COLLIE COAL (WESTERN COLLIERIES & DAMPIER) AGREEMENT BILL

Second Reading

Debate resumed from 3 November.

THE HON. R. HETHERINGTON (East Metropolitan) [5.12 p.m.]: If it were possible to amend an agreement, not just to accept or reject it, the Opposition would support this Bill and move amendments in Committee; but as it is not possible to do that the Opposition will not oppose the Bill but will support it with some reservations.

The attitude of the Opposition has been made abundantly clear by spokesmen of the Labor Party on mining and resources development in another place; therefore it is not my intention to delay the House unduly but merely to mention quite briefly the reservations we have. Before doing that I will say something a little more positive.

The Opposition does approve of the notion that we have long-term agreements and that agreements such as this should very carefully look after the position of the State Energy Commission to make sure there is an abundant supply of power for the foreseeable future—at least for the next 42 years—for the SEC. So here we are applauding what the Government is doing.

We do have two reservations. The first relates to clause 7(1)(a) of the agreement which refers to measures to be taken for the mining of coal by open-cut methods and deep-mining methods consistent with the purposes of the agreement. This and the Griffin agreement use the same form of words whereas the agreement for the third mining company—Western Collieries—reads, "The mining of coal including measures to achieve a fair balance between the mining of coal by open-cut methods and deep-mining methods".

The concern of the Opposition and, I understand, the concern of the Government, is that we should not exploit surface coal by open-cut mining and leave the deep coal to be mined by later generations, because that course would be entirely undesirable. I hope the Government takes this matter quite seriously into consideration. We owe some debt to posterity, and we should make sure there is a balance in the development. Of course, the ratio of deep mining to open-cut mining has become less and less. Only about 20 per cent of mining operations at present are deep mining. There is a danger for the future of which the Liberal Government might well take notice, the kind of danger that occurred in Britain when some of the deep mines were exploited. Pillars of coal were left because it was cheaper to leave

them to support the roofs of mines. It then became necessary, as those mines ran out, to extract the coal from the pillars. Of course, this process was expensive, and the Attlee Government in its wisdom nationalised British coalmines because it knew they were not a profitable enterprise.

The Hon. G. E. Masters: They nationalised a lot of things.

The Hon. R. HETHERINGTON: That Government did nationalise many things.

The Hon. G. E. Masters: My goodness they did.

The Hon. R. HETHERINGTON: The Government nationalised British coalmines for the same reason the Australian railways were nationalised. It was essential that coal be provided to British industry, and nationalisation of the mines was the only way.

The Hon. D. J. Wordsworth: I hope you have a better reason than that which you have just given us.

The Hon. R. HETHERINGTON: For what?

The Hon. D. J. Wordsworth: For nationalisation.

The Hon. R. HETHERINGTON: I am not proposing that anything be nationalised at the moment. I am saying that if a proper balance between deep mining and open-cut mining is not maintained by successive Governments which allow the mining of surface coal, the day might come when a Liberal Government of the future, if we are to have such things during the next 40-odd years, is forced to nationalise the coalmining industry to make sure the essential resource of coal is made available to the people of Western Australia.

I would prefer to see, as would the Opposition, a provision written into the legislation that there must be a balance between deep mining and open-cut mining. Seeing that this Government in its wisdom has decided not to do that, and seeing that even if we wanted to hold up the agreement we could not because we do not have the numbers in regard to this matter, I hope the Government will take this matter very seriously into consideration, and I hope the Minister for Resources Development, who has said in another place that the Government does intend to take the matter seriously, will in fact do so to make sure there is balanced development. The Government must make sure that the industry does not take all the easy stuff now and leave the difficult stuff for later generations, because that would be grossly irresponsible.

The only other remark I make is that as far as I am concerned and as far as the Opposition is concerned the questions of environmental control and rehabilitation of mine areas should have been more specifically referred to in the agreement, and provisions relating to those matters should have been spelt out more specifically. Something did horrify me when with other members of Parliament I flew over bauxite country to inspect forests. We flew over Collie and saw what coal-mining does to the environment. It is fairly horrific. I am not saying we should not mine the coal for that reason, but I am saying we need to spell out clearly the responsibilities of mining companies so that they make sure the areas they mine are treated properly and there is proper rehabilitation. Rehabilitation of coalmining areas is much more difficult than in other forms of mining.

I wanted to place on record the reservations I have in regard to this Bill. The Opposition is pleased to see that the Government has looked ahead to make sure our coal resources will be developed in the interests of this State—I hope—and that the development of SEC power is taken care of by this agreement. The Opposition does not oppose the Bill.

THE HON. R. G. PIKE (North Metropolitan) [5.21 p.m.]: I could not let the member's remarks in regard to nationalisation pass without making a comment. He referred to the possibility of a future Liberal-Country Party Government nationalising the coal industry. It is proper that I make this point briefly: The coalition parties do not accept nor will they ever accept that nationalisation is some magic wand that when waved at some time in the future will provide an economy of production so far as the coalmining industry is concerned, or for that matter any other industry—

The Hon. R. Hetherington: That is not what I said. It is a pity you didn't comment on what I said. Instead you have a misconception of what I was saying.

The Hon. R. G. PIKE: Whether nationalisation of the coalmining industry is a prospect which in the future will be contemplated by a socialist party, such as the honourable member represents, I do not know, but it is something I would understand from such a party.

The Hon. R. Hetherington: You wouldn't understand.

The Hon. R. G. PIKE: Every time the word "nationalisation" rears its head the coalition parties reject the concept of nationalisation being something that would be capable of producing a

product on a more economical basis than it can be produced by private enterprise.

The Hon. R. Hetherington: Why don't you go on with what I was saying?

The Hon. A. A. Lewis: It all has nothing to do with Collie. I wish you would both be quiet.

The PRESIDENT: Order!

The Hon. R. G. PIKE: I remind the honourable member who has just interjected that while he has been associated with the coalmining industry for probably 10 or 15 years, I have been associated with it for much longer. For the information of the member who just interjected, probably I know more about the industry than he knows about it.

The Hon. A. A. Lewis: You know more about anything than anybody!

The Hon. R. G. PIKE: The Government properly is concerned about the long-term prospects of the coalmining industry. It is good that the Opposition supports this move. Now we are to have an excellent long-term future for the coalmining industry; long-term contracts will be put into effect so that the industry is able to plan ahead. At the risk of being retrospective, and notwithstanding the comments made, I make the point that it was a Labor Government under Bert Hawke that was originally responsible for a short-term tenure being introduced into the industry, which resulted in many years of insecurity of attitude so far as long-term development was concerned.

I conclude on the point of environmental control, and relate it to the coalmining industry in general, and the local authority at Collie and the coalminers in particular. All parties have always adopted a common-sense attitude towards environmental problems on the coalfield. They believe that the environment needs to be protected properly, along with the provision of proper services and facilities to the town. The people of Collie and the coalfields supply energy for the rest of Western Australia. These matters for a long time past have been, and for a long time to come will be, considered with common sense by the people of Collie.

THE HON. A. A. LEWIS (Lower Central) [5.26 p.m.]: I do not want to upset Mr Pike, but I inform him that I have been dealing with coalmining, although not always at Collie, since 1949; so I have seen something of the coalmining industry. I may have a field of knowledge in regard to the coalmining industry wider than that of the Hon. Bob Pike, but I will not go into that matter because it is not the subject of the agreement before us.

The Hon. Tom McNeil: What about the Manager of BHP?

The Hon. A. A. LEWIS: That is none of the member's business. The member for Collie in another place, and myself, always agree on what is needed for Collie. We do not draw any party-political lines. We have some small arguments about details of agreements, but it so happens that the three people who represent Collie tend to work for the benefit of Collie and do not try to score political points off one another. While I represent Collie we will continue to follow that course. We believe that is the way a place as important as Collie is to this State should be represented.

As a matter of fact, at least twice a year Mrs Piesse, Mr Tom Jones, and I meet with the shire council to determine its problems, its aims and ambitions. We work together, and we each take a particular matter that we follow up for the people of Collie.

It seems to me this agreement will continue the long-term, future prosperity of Collie. It was interesting to hear Mr Pike talk about long-term agreements. If he refers to the time when the Tonkin Government was in power he will find questions which I asked on that subject. I do not think I have met a Minister for Mines, no matter whether he has been on this side of the House or the other, who has disagreed that Collie needs long-term development—everybody agrees upon that. The way to implement long-term agreements has caused a little bit of worry, but the matter has now been resolved and I believe everybody in Collie is happy about the situation.

The companies know where they are going, which is a most important aspect of the matter. The new School of Mines will open this month—in fact, next week—and I have no doubt we will find modern methods of operation will be introduced to the Collie coalfield, methods peculiarly applicable to that field. The Minister in his second reading speech rubbed salt into the wound when talking about an additional coal-fired power station at Bunbury, but I will not risk raising that subject this evening.

I agree with Mr Hetherington on one point, and that is that balance must be maintained between open-cut and deep mining. However, my view is not quite the same as Mr Hetherington's. I refer to the announcement by the Minister for Mines on 13 October which related to royalties. I believe the mining companies are quite prepared to do the right thing in regard to open-cut mining versus deep mining at Collie. I am extremely worried that there may be a problem in regard to

royalties. Mr Tom Jones and I have spoken to the Premier about this matter, and we are hoping we can obtain some advantage for deep mining by way of royalties so that the cost of deep mining will be lessened. I realise the difficult budgetary situation the Government faces, but I believe that to decrease royalties for deep mining would be an intelligent way to handle the matter.

Mr Hetherington was concerned about environmental matters relating to coalmining at Collie. I am sure the companies, as they have always done, will continue to do a good job in restoring the landscape after mining operations. At present it is extremely difficult to do so, but the two coalmining firms at present involved always have been interested in maintaining a proper future for Collie, and have always been interested in Collie itself. As a matter of fact, some questions were asked in this House by a member, and those questions related to a precipitator. I am sure the member really did not query the cost of keeping all the coal dust off the people at Collie. The mining company and the SEC were determined that the people of Collie would live in the best possible environmental conditions.

I support the Bill and wish it a speedy passage. I hope we can continue to have these long-term agreements for the benefit of the mining companies, the State, and the SEC.

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.31 p.m.]: I thank honourable members for their support of the Bill. The Opposition indicated that it supported the Bill in principle but had some reservations. I can accept that they have some reservations because they were expressed in the other place. However, the reservations expressed in this place boil down specifically to only two matters: One was that there should be a balanced development between open-cut and deep mining and the second was that there should be more concern in the future environment and rehabilitation of the area. I thank also Mr Pike and Mr Lewis for their contributions to the debate.

May I relate to the observations expressed by Mr Hetherington and say that the Government shares the view that as far as possible there should be a balanced development. It is certainly not our intention to allow the very good areas to be developed and exploited at the expense of less attractive areas; in other words, the Government certainly would not agree with that as a matter of policy. Indeed, the Government has demonstrated generally right throughout that its attitude to mining development in this State is that it will not accept that a person be allowed to exploit the rich

areas without developing the other areas at the same time.

A very good example of this is the Government's attitude to the development of iron ore in the north and the controversial amendments which were made in connection with the Hancock and Wright legislation a few years ago. These were supported by the Opposition, as we were then, and for the same purpose, because we always supported balanced development of the area when in Government before that.

Of course, there are people who desire to exploit a particularly rich area and the Government has no intention of agreeing to that. May I remind Mr Hetherington that there is a provision in this legislation and in the agreement, which really forms part of the legislation, for balanced development.

Under clause 7(1)(a) of the agreement the Minister is required to receive a report of proposals from the company in relation to a number of matters. The first is as follows—

(a) measures to be taken for the mining of coal by open-cut methods and deep mining methods consistent with the purposes of this Agreement;

The Government is fully seized with the need to have a balance between open-cut and deep-mining methods. The Minister has indicated this in another place. There is no question but that the Government believes there should be a balanced development and this is quite clearly set out in one of the proposals to be made to the Government in due course in relation to the measures to be taken, referred to above.

There is no immediate cause for concern because it will be a long time before this company reaches the production stage or makes any profits. The company is only in the initial stages, but that requirement is written into the agreement at this early time. The requirement is that the Government will require a proposal, to its satisfaction, as to the measures to be taken for the mining of coal by open-cut and deep-mining methods, consistent with the purposes of the agreement.

The Government has also another method open to it, and this has been adverted to by Mr Lewis. The Government can use the royalties in order to achieve the purpose which Mr Lewis quite rightly put forward; that is, to balance the royalties in some way so that it will be more attractive—at any rate equally attractive, if it is less attractive at the present time—to exploit the deep-mining resources as well as the open cut, in terms of proposals put forward by the company.

The Minister in another place said he was prepared to go into this question. In fact he has already considered the question of royalties and Mr Lewis has raised this matter with the Premier, as has Mr T. H. Jones.

Mr Lewis has been advocating this for some time and the Minister has agreed that the royalty basis will be changed. It is not set out in this agreement, and it does not have to be because, as I said, it will be many years before the company pays royalties. The royalty basis is to be changed for coal mined for industrial use in Western Australia; other than for the SEC. It will be for coal which is not to be exported. The amount exported is nil and it is unlikely that this will change.

The Government is adjusting the royalty on coal which is used internally in Western Australia so as to equalise the amount of royalty which will be payable on open-cut and deep-mined coal.

At the present time it is expressed to be 5 per cent on realised value. The proposal the Government is putting to the company is that the royalty will be \$1 per tonne, irrespective of where the coal is mined and irrespective of whether it is open-cut or deep-mined coal. It will reduce the royalty payable at present on deep-mined coal to \$1 per tonne, whereas it is \$1.35 per tonne at present. A slight increase on open-cut mined coal will bring the figure to \$1 per tonne from 95c per tonne. This equalisation will not involve any loss of revenue to the Government, on the best calculations the Minister has been able to obtain. It may well be possible to provide an incentive for deep mining, and that is an important development which has occurred in the last few days.

On the matter of the environment and rehabilitation, I would like to refer Mr Hetherington to clause 11(1) of the agreement, which has a marginal note which refers to protection and management of the environment. That clause requires the company to carry out a continuous programme of investigation and research, including matters such as the study of sample areas to ascertain the effectiveness of the measures it is taking pursuant to this subclause.

The Minister has the right to approve or decline the proposals, and this proposal is referred to in clause 7(1)(m). So, the Minister has the power to supervise completely and to carry out the protection and rehabilitation requirements of the agreement. I believe this will be taken care of much more in the future than it has been in the past. It is true there are scars on the landscape which have occurred in times gone past and for

which we cannot be blamed. This has been allowed by past Governments when there was no cognisance of the importance of protection and management of the environment.

Mr Hetherington spoke about his flying over Collie. I was surprised when I flew over Mt. Newman. A voice on the public address system said that passengers on the left side could look down and see Mt. Whaleback. When one looked one saw a little speck, which I recognised as a circular place where the ore had been taken out of the ground at Mt. Whaleback. Admittedly, we were flying at 1 600 feet, so one has to make that allowance, but it is incredible, when we note the size of the Pilbara, to see the small specks which mining has made in the area.

Nevertheless, in the south the environment is more noticeable, of course, because of the greater forestation. I can assure the honourable member that the Government is still seized with the need to look after the environment.

The Minister has power under this agreement to approve or refuse proposals put forward by mining companies. That puts the Minister in the box seat and clause 11 contains additional safeguards for the protection and management of the environment.

I thank members for their support.

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.

MACHINERY SAFETY 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) [5.45 p.m.]: I move—

That the Bill be now read a second time.

The Machinery Safety Act 1974 came into operation in 1978. Since that time some deficiencies and administrative difficulties have become evident which necessitate amendment to the Act.

All machinery subject to the Act is registrable and is described under two separate categories of "classified" and "general". Classified machinery requires initial registration, annual inspection, and a certificate of inspection. The registration of this type of machinery does not require renewal. General machinery does not require a certificate of inspection, but it does require renewal of registration, usually on an annual basis.

At the time of registration, the chief inspector is required to determine in which category the machinery will be placed. This is impractical, restrictive, and confusing, since it does not permit prescribing in regulations which machinery belongs to each category.

All matters relating to procedure for registration of, for example, a boiler or a personnel carrying hoist, should be established clearly by regulations and, therefore, be understood readily by owners. Under existing provisions it is necessary to wait till the time of registration to determine the type and relevant procedures.

On the basis that the Act and regulations should be clear on matters relating to machinery registration, the present provisions are restrictive and confusing. It is therefore proposed to prescribe in regulations which types of machinery come within each category.

Procedures for registration of general machinery depend on whether or not premises are registrable under the Factories and Shops Act 1963. This has resulted in two registration systems for similar types of machinery and has proved cumbersome. Additionally, some differences in the Machinery Safety Act and the Factories and Shops Act pertaining to registration requirements give rise to conflict and confusion for owners of machinery.

For example, premises that are not registrable under the Factories and shops Act are—

- any mine, claypit, sandpit, or quarry;
- any factory or shop situated north of the 20th parallel—that is, north of Port Hedland;
- any construction site;
- any prison, technical school or industrial training school; and
- any hospital except where a maintenance workshop facility is attached.

All of these have significant machinery installations that have always been registered, but under the provisions of the Act must be registered by a system separate from that which applies to

machinery in a factory or shop premises which requires registration.

Amendments to correct this situation also require consequential amendments to some definitions, to the registration renewal period, and provisions relating to change of ownership.

The Bill includes a definition of "amusement device", which is in addition to its inclusion in the general interpretation of "machinery". It is intended to include specifically reference to this type of machinery—that is, machinery that possesses significant hazard potential—in the sections of the Act relating to offences in order to provide positive public protection. Other amendments included in the Bill are designed to—

provide for the types of hoist that require control by a certificated operator to be prescribed;

rectify an omission in the summary procedure for dealing with offences by holders of certificates of competency where, as required by the Act, consent in writing to be dealt with by summary procedure is not given to the chief inspector by the person committing the alleged offence; and

provide that a certificate of inspection may continue in force for a period of two years instead of 18 months for certain pressure vessels not subject to high-risk factors. This will allow extra time to be devoted to areas which require more frequent inspection and cause less disruption to industry.

I commend the Bill to the House.

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

WORKERS' COMPENSATION AND ASSISTANCE (CONSEQUENTIAL AMENDMENTS) 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) [5.50 p.m.]: I move—

That the Bill be now read a second time.

This Bill, in the main, is for the purpose of aligning certain amendments contained in the Workers' Compensation Supplementation Fund Amendment Act No. 26 of 1981, to the provisions of the Workers' Compensation and Assistance Bill 1981.

Members will appreciate that amendments to the Workers' Compensation Supplementation Fund Act 1980 earlier this year were related to the Workers' Compensation Bill introduced in the Legislative Assembly, which was subsequently withdrawn.

The Workers' Compensation and Assistance Bill which followed, differed from its predecessor in a number of respects, and it is therefore necessary to adjust the cross references between the two pieces of legislation. The need for those particular amendments will be obvious upon examination and require no further comment. However, the amendment to section 4 of Act No. 26 of 1981 does call for some explanation.

Section 4 provides currently that the Act does not apply to mining employers insured by the State Government Insurance Office for their liability to pay workers' compensation to their employees. The proposed amendment narrows that provision in that it does not apply to the insurance of employers by the State Government Insurance Office against their liability to pay compensation to their employees in respect of certain industrial diseases associated with mining.

This has been necessary due to the Workers' Compensation and Assistance Bill not containing a clause equivalent to clause 169 of the withdrawn Bill. That clause provided that the State Government Insurance Office was the only insurer authorised to insure employers for the liability of employers to pay workers' compensation to all workers employed by them in any mining operation unless the Minister otherwise approved.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. R. Hetherington.

GRAIN MARKETING AMENDMENT BILL (No. 2)

Receipt and First Reading

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

Second Reading

THE HON. D. J. WORDSWORTH (South—Minister for Lands) [5.52 p.m.]: I move—

That the Bill be now read a second time.

This Bill amends the Grain Marketing Act 1975-1981 to ensure—

that the Grain Pool of Western Australia has the power to trade, on a private basis, oats and other grains that are not

compulsorily acquired or being received into a voluntary pool; and

that the Grain Pool's transactions in relation to oats since 31 October 1980, are legally valid.

The Bill aims to provide the Grain Pool with the power to trade grains not approved or prescribed under the Grain Marketing Act, and to ensure that it has no advantage or disadvantage compared with a normal private trader for these grains.

The Grain Pool will be able to enter into contracts, or trade warrants issued by Co-operative Bulk Handling Ltd. for grains authorised by the responsible Minister by notice published in the *Government Gazette*.

The Bill requires the Grain Pool to keep separate accounts for each authorised grain and to keep accounts for authorised grains separate from those for pooled grains. In addition, the Grain Pool is excluded specifically from having access to Treasury guarantees for authorised grains.

The Bill permits the Grain Pool to use any surplus from its trading activities to maintain a proper reserve, to meet prior deficits, or, after consultation with the Minister, for any purpose which will benefit directly the grain industry. The Grain Pool will have the option also of redistributing the surplus back to those who have sold that grain to it in that year.

The Bill aims also to ensure that growers who sell only an authorised grain, and do not deliver any other grain to the Grain Pool are eligible to vote for, or be elected as, a Grain Pool director.

The Grain Marketing Act specifies currently that only growers who have delivered to a pool set up under the Act are eligible to vote for, or be elected as, a Grain Pool director. This disenfranchises effectively oat growers who are now not able to deliver to a voluntary pool.

These amendments have become necessary because of the reintroduction of warehousing for oats. The reintroduction of warehousing on 31 October 1980, enabled Co-operative Bulk Handling Ltd. to handle and store oats for anyone rather than just the Grain Pool.

The Grain Pool, therefore, decided not to operate a voluntary oat pool for the 1980-81 season as it believed that it could not compete effectively with private traders under a warehousing system because of the first advance system of payment and the requirement to accept oats wherever they are delivered.

Instead, the Grain Pool decided to buy oat warrants issued by Co-operative Bulk Handling Ltd. for cash in direct competition with other private traders, believing it had the power to do so under the Grain Marketing Act. However, the Crown Law Department has indicated that it doubts that the Grain Pool has the power under the Act to trade oats or any other grain on a private basis.

It was therefore decided to amend the Grain Marketing Act to ensure that there is no legal doubt that the Grain Pool has the power to trade grains on a private basis and that the Grain Pool's transactions for the 1980-81 oat harvest are put beyond doubt.

The warehousing arrangement for oats will benefit growers most if the Grain Pool is able to compete effectively with private traders and users in purchasing oats. Moreover, it could well benefit growers in the future if the Grain Pool were able to compete for any other grains that might be traded in a free market.

I commend the Bill to the House.

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

DOMESTIC VIOLENCE AND WOMEN'S REFUGE CENTRES

Motion

Debate resumed from 23 September.

THE HON. MARGARET McALEER (Upper West) [5.57 p.m.]: I believe at the outset it should be agreed that the problems of domestic violence, and more particularly the problems of the victims of domestic violence, are being recognised increasingly by the community at large and by the Government. The time when domestic violence could be ignored is well past; nor could one say it has been ignored legislatively for many years. A number of relevant laws which seek to give protection to victims of this violence have been passed. I do not say they are all effective, but I am inclined to attribute that to the nature of the problems and to the circumstances in which domestic violence takes place rather than to deficiencies in the laws. Of course we are now in a new era of civil law with the amendments introduced in the Federal Parliament to the Family Law Act.

I believe the motion is on much firmer ground when it seeks the establishment of a crisis care unit, and that the argument of the Hon. Lyla Elliott was stronger when she mentioned that back-up is needed for police action. However, as the first part of the motion asks for legislative

change, it is worth while taking a little time to look at the legislation.

Section 362 of the Criminal Code relates to assault attended by circumstances of aggravation, and the term "circumstances of aggravation" is defined as including an assault on a female or on a person under the age of 17 years. The word "assault" is defined to include striking, touching, moving, or otherwise applying force to a person by another either directly or indirectly without his or her consent, or if consent is obtained by fraud; it includes threatening to apply force, if the person making the threat has the ability to carry it out. It includes also applying heat, light, gas, electric force, or any other substance in such a way as to cause bodily discomfort.

The penalty on summary conviction is a fine of \$200 or imprisonment for one year. Serious cases can bring charges of assault occasioning bodily harm—bodily injury which interferes with health or comfort—under section 324 of the Criminal Code; and doing grievous bodily harm—injury of such a nature as to endanger or be likely to endanger life or to cause or be likely to cause permanent injury to health. The latter is under section 297 of the Criminal Code, and the case is heard on indictment, for which the maximum penalty is imprisonment for seven years. Unlawful wounding—section 301 of the Criminal Code—is also an indictable offence for which the maximum penalty is imprisonment for three years. A wide variety of other charges may be laid in particular cases.

Sitting suspended from 6.01 to 7.30 p.m.

The Hon. MARGARET McALEER: Prior to the tea suspension I was discussing the clauses in the Criminal Code which deal with domestic violence. There are defences which may be applicable, such as self-defence in all cases and provocation in cases where assault is an element of the offence. Of course, this does not include unlawful wounding. In the case of children there is a further charge of contributing to a child becoming in need of care and protection under the Child Welfare Act 1947-79, section 31A, for which the penalty is a fine of \$500 or imprisonment for six months.

The definition of a "child in need of care and protection" includes a child who is "ill-treated or who suffers injuries apparently resulting from ill-treatment". All these are criminal charges which are generally laid by the police.

Since such offences must be proved beyond any reasonable doubt, it may be difficult to secure a conviction if they are not witnessed by a reliable independent witness. Given the likelihood that

such crimes usually take place inside the house, perhaps in a bedroom, it is hard to see how that sort of evidence can be provided in all cases. In such circumstances, there seems to be little point in prosecuting and it is hardly fair to say the police "refuse to act under the criminal law".

The police attend many calls concerned with domestic violence, but there is always the likelihood they will find themselves the targets of resentment not just of one party, but of both parties involved in the dispute.

In many cases a woman is reluctant to complain or press charges because she is afraid of the consequences or, as the Hon. Lyla Elliott said, she feels humiliated or even guilty. Of course, such a person will not even call the police, let alone lay a complaint.

I do not think there is any way to legislate for this last case. However, for the woman with children who is afraid and who lacks money to leave her husband, there is the possibility of obtaining a supporting parent's benefit from the Department of Social Security. While she is waiting for a cheque from this department, money for a bond to obtain rented premises or to travel to a place of safety can be provided by the Minister for Community Welfare under the Welfare and Assistance Act.

Then, failing criminal action, there is, as the Hon. Lyla Elliott has pointed out, the possibility of obtaining protection under civil law. The civil remedy usually sought in cases of domestic violence is an injunction from the Family Court of Western Australia. If the parties are married, the Family Court may grant an injunction under section 114 for the personal protection of a party to the marriage or of a child of the marriage.

The Hon. Lyla Elliott has criticised this remedy on the ground that, if there is further violence against the woman, the police are powerless to enforce the injunction until she has gone back to the Family Court.

Therefore, the second part of the motion requests the Government to urge the Federal Government to amend the Family Law Act so as to attach a power of arrest by police for breach of an injunction either against threatened violence or against approaching the applicant or the place where the applicant resides.

In this case time has rather overtaken the motion, because following a comprehensive review of the Family Law Act undertaken by the Joint Parliamentary Committee on the Family Law Act, and consideration by the Family Law Council and the National Womens Advisory Council, amendments to the Family Law Act

have been introduced into the Federal Parliament. These include a discretion given to the court to attach a power of arrest where it is satisfied that bodily harm has been caused to a party or to a child of the marriage by the person against whom the injunction is directed, and that person is likely to cause bodily harm to a party or to a child of the marriage.

Once a power of arrest order has been made, under the proposed new section a Commonwealth or State police officer, if he believes on reasonable grounds that the person against whom the injunction was granted has breached the injunction, may arrest that person without warrant.

A person so arrested must be brought before a court within 24 hours of his arrest, or if a Sunday or public holiday commences within that period, 48 hours after his arrest.

Of course, the Family Law Amendment Bill has just been introduced into Parliament and it will not be debated until next year, so we have no way of knowing what the final form of the amendment may be or whether in fact it will be accepted. However, it would seem to be wise for any amendment which was considered desirable to the State Act to wait on the outcome of the Commonwealth Bill.

In the meantime, while it is true that Governments never will be able to legislate marital bliss, it perhaps ought to be said that it has not been the experience of judges of the Family Court that restraining orders "are not worth the paper they are printed on" although, as it is also said, there will be some cases where there will be problems between parties regardless of court orders unless both parties are constantly locked up.

There is a further advantage to Family Court proceedings in that the court may require the parties to attend counselling and is able to make available full conciliatory facilities to those who are obviously having problems.

The third part of the motion relates to the establishment of a crisis care unit. Whatever form it took, whether on the South Australian model or some other, this must be welcomed as a real step towards prevention of crimes of domestic violence and a positive step to fill the gaps left by other types of legislation.

The possibility of creating a crisis care unit within the Department for Community Welfare has been under close consideration since 1979 when the work of the crisis care unit in the South Australian Department for Community Welfare was studied. Proposals for the establishment of a

crisis care centre in Western Australia to deal with issues of domestic violence and other family crises situations were put before the Minister for Community Welfare earlier this year.

The provision for an effective 24-hour service requires the engagement of at least 10 staff in order that the shift system can be worked. The cost to the Government for such a centre would be in the region of \$270 000 a year. I believe that is an early estimate and has not been brought up to date. In view of the tight financial situation, and in consideration of other Budget priorities, the proposals were not proceeded with this year. However, the formation of such a crisis unit continues to have a high priority and will again be considered for the next financial year.

The crisis care unit can, of course, deal only with the immediate crisis and it is necessary for it to have statutory powers to effectively intervene to protect members of the family, especially any children at risk. The longer-term and lasting solution to the problem requires the input of other resources, such as family support and family counselling. The non-Government welfare agencies have an important role to play in this longer-term, preventive work, but provision of additional support from them will require further Government financial assistance.

The final part of the motion requests increased funding of women's refuges in this State. In fact now that the State Budget has been brought down, the additional joint contribution of State and Commonwealth Governments will increase the level of funds for the 14 women's refuges by \$109 000, or 20.5 per cent. The State has increased its contribution by \$62 000 and the Commonwealth by \$47 000, and the total allocation for this financial year is \$641 000. It is believed this will relieve some of the pressures on the organisations running the refuges.

The Hon. Lyla Elliott has said that such refuges are always full and are frequently forced to turn away women and children; but she has not presented any evidence to substantiate this or to suggest that current services cannot provide emergency accommodation for those in need.

Many of the refuges are quite small and naturally would have to turn away people occasionally, but the department says it has no reason to believe such people are not housed later in another refuge. This, of course, would apply to the metropolitan area, because, in a place like Perth there are other refuges to which these people may go. However in Geraldton, for instance, where there is only one refuge they simply have to try to accept people and sometimes

there are beds everywhere. Some refuges do have unused capacity from time to time. However, the department will be in a better position to assess the situation as and when the refuges supply the data for which they have been asked.

There are differences between refuges and it is recognised that needs are different. There is also variance in the duties performed by refuge workers. Some act as counsellors—even social workers—and some are almost entirely engaged in domestic duties. There are part-time and shift workers to be considered.

Each refuge will continue to be given the opportunity to discuss its individual financial needs and, as far as possible, the department will consider them while trying to distribute the available funds equitably between the refuges.

The Government certainly recognises that the refuges supply an essential need.

Finally, I comment on the Hon. Lyla Elliott's reference to an answer given by the Minister for Health in response to a question in another place which concerned the referral to the Department for Community Welfare of women and children needing refuge. Women and children in need of refuge are the responsibility of that department, which has resources and funds to assist them. I understand it would be perfectly appropriate to refer a woman and her children to the Department for Community Welfare for help. If there was no women's refuge, accommodation could be found because the department then would take some alternative action; for instance, arranging temporary accommodation at a boarding house. The department has access to funds for such emergencies.

I have dealt with the motion at some length and in some detail because it concerns a subject of importance to the community and the Government. I hope I have shown at least in part that as far as criminal legislation is concerned, there is provision for domestic violence as it related to the protection of women and children; but the requirements of justice limit its application and there is a need to look at other areas and agencies to deal progressively within the problems of victims of domestic violence and to reduce the incidence of domestic violence itself.

The Federal Government is pursuing amendments to the Family Law Act that will provide greater protection for women and children in civil law. The State Government is actively concerned to enter the field of prevention by establishing a crisis care centre in the near future; furthermore, the State Government does

recognise the value of women's refuges and has increased its financial support.

Amendment to Motion

I therefore think it would be appropriate to amend the motion. I move an amendment—

Delete all the words after the word "that" in line 1 and substitute the following—
this House—

- (1) recognises the problems of victims of domestic violence and that the difficulties associated with proposals for their protection cannot simply be overcome by the passage of legislation;
- (2) believes that, in any event, it would be inappropriate to contemplate State legislation before the Commonwealth Parliament has considered amendments to the Family Law Act at present before the Parliament which will give greater protection to family members in situations involving domestic violence;
- (3) supports the State Government's continuing studies with a view to a crisis care centre being set up; and
- (4) commends the Government for its action in increasing the funding of women's refuges in its current Budget by an amount which together with an additional Commonwealth contribution will be more than 20 per cent in excess of the actual expenditure in the last financial year.

THE HON. W. M. PIESSE (Lower Central) [7.49 p.m.]: I will be very brief on this matter. I support the amendment wholeheartedly. It is a very difficult subject and, as the Hon. Margaret McAleer has said, I too do not believe there is any way any Government can legislate to prevent this kind of thing from happening. Truly, the people who find themselves in this situation do need somewhere with which they can make an instant contact, supposing they are able to get to a telephone. Wherever a crisis care unit is set up, it will be in the wrong place for most of the people who need it, and this cannot be helped.

One thing that perhaps can help to alleviate, prevent, or lessen this kind of catastrophe is to go back to childhood education and instil in children recognition of the rights of every person, and that people must respect the feelings and attitudes of their neighbours or those with whom they come

into contact. Without beginning there, all the Band-aiding that any Government can do will be only of minimal assistance.

The Commonwealth Parliament is considering amendments to the Family Law Act in the hope that the situation will be improved, but it is a very difficult thing when one is dealing with women who perhaps see this kind of violence in a different light from we in this Chamber.

I have experienced contact with people who have suffered in this way and remember one case of a husband who regularly got drunk and beat up his wife. The wife took her own precautions in a hotel on a certain evening when he was very drunk and she knew that if she went home she would receive a belting. She waited in the hotel until almost closing time and then picked up a chair and threw it through a plate glass door and sat down and waited for the police to arrest her. When the police came they said, "Why did you do it?" She just burst into tears and said, "Well, I'd sooner go to gaol tonight than go home". That is the kind of helplessness one comes up against.

What would we do if we had a crisis care unit in the city? How would that woman benefit? The police do an absolutely marvellous job wherever they are able to make contact in these situations, but most domestic violence is not premeditated, so prevention cannot easily be planned.

The Hon. Peter Dowding: Sometimes.

The Hon. W. M. PIESSE: It is a very difficult matter indeed. The more welfare and Band-aid treatment any State or Government produces, the more will slip through the net. This has been proved over and over again. All the bad cases cannot be caught. Then we keep trying to improve the improved, and it becomes a hopeless situation. I sympathise very much and wish there was something more we could do now, but the only thing is to go right back to our education, not in maths or English, but education on a citizenship basis. It is an unfortunate fact that today young people right at the beginning of their educational lives are supposedly taught to question things, but the message they seem to be receiving is to be obstructive rather than to question. That is an area that needs very careful examination. If that can be improved we will also, along the line, get to the stage of improving the situation and lessening domestic violence.

I support the amendment.

THE HON. R. HETHERINGTON (East Metropolitan) [7.54 p.m.]: I wish to oppose the amendment and support the original motion. I get sick of this kind of sanctimonious action by the

Government where it takes motions of the Opposition and, because it is not game to oppose them, slips in its own amendments. The way things are going, members of the Government will need to have operations to get an extra joint put on their arms so that they can pat themselves on the back more easily. I cannot see anything in the Hon. Margaret McAleer's argument that would have stopped her, if she were allowed, from voting for the motion that the Hon. Lyla Elliott has moved.

The Hon. Margaret McAleer: She is out of date.

The Hon. R. HETHERINGTON: I will take the argument, because it seems to me that the very arguments the Hon. Margaret McAleer used supported the motion. I take many of the points she made. Of course, the honourable lady has, as ever, put forward an intelligent argument, but she was not reading her own brief tonight, or I hope she was not reading her own brief entirely, when she put forward this amendment.

It is all very well to say we cannot stop domestic violence by legislation, nor can we stop murder by legislation; but that does not mean that we do not pass legislation against murder. It may be that a number of people will slip through the net, as the Hon. Win Piesse has said, but that does not mean we do not try to help some of the other people, and if some slip through the net, we might aid others.

It could be that if we had a crisis care centre in the city, it would not help people in the country, but is that an argument for not trying to help people in the city? If we set up a crisis care centre in the city, perhaps that would at some stage help people in the country. Perhaps they could get offshoots from it, or we could set up crisis care centres in the country, or have police who have worked in a crisis care centre in the city who can then go out to the country and become little one-man crisis care centres because of their experience.

The Hon. Peter Dowding: Don't make sensible suggestions.

The Hon. R. HETHERINGTON: There is a whole range of things that can be done. I find it quite nonsensical to say that because the Federal Government says it might do something, we should not pass a motion asking it to go on with it.

The Hon. Peter Dowding: It will be two years before the Federal Government's amendment is through; anybody who knew anything about the subject would know that.

The Hon. R. HETHERINGTON: Of course, nobody expects, if this motion is passed, that the Government will bring down legislation tomorrow; as a matter of fact, the way this Government operates, it might mean two years of waiting for legislation to come through; but that does not mean we should not accept it in principle.

The Hon. Peter Dowding: That would be quick.

The Hon. R. HETHERINGTON: One of the things that has happened in our modern society—and many things have happened—is that violence seems to be increasing. It seems to increase with the spread of large cities and in large cities where suburbs are built by "spec" builders which do not cater for public transport and the needs of teenagers and the recreational needs of people, because all they are interested in is making a profit. We might be able to do something in the long run and we should be trying to do this by way of town planning and the development of recreational centres and welfare services in our municipalities.

There is a whole range of things we might be able to do, and I would be the first to argue that if we are going to get rid of violence in our community we need to support changing attitudes and to alter the whole question of attitudes and education.

The Hon. W. M. Piesse: Yes.

The Hon. R. HETHERINGTON: But in the meantime, we have got to deal with adults who were educated in the good old days and who are the people who are committing violence on each other, and often on children. We have to try to do something to solve this problem.

I know the Chief Secretary (the Hon. Bill Hassell)—I am not sure which is the appropriate hat—is interested in a crisis centre. I applaud him for it. It is good to be able to say something good about him and on some social issues I find him quite progressive and I know he has shown a great interest in these areas. As a matter of fact, he was cited to me by a social worker as being the person most interested in promoting this, and I am glad of that. I hope the Government will see fit to give him some money to promote it in due course.

The Western Australian Institute of Technology's social work department set up a family violence centre which was mainly for males. The quite fascinating thing they found, to their surprise and to mine when they told me about it, was that violent males came along and saw them. They provided a great big, broad-shouldered male to deal with them so they could identify with him. Many of the violent men did

not want to be violent and needed a great deal of help. I think this centre vanished when the person who set it up left. Certainly, it was an exciting experiment and is something that should be continued and enlarged.

The Hon. P. H. Wells: One has gone back to Canada, hasn't he?

The Hon. R. HETHERINGTON: That is right. I know some thought has been given to looking after children who are the subject of violence, and I know that within many of our Public Service organisations there are many among our much maligned bureaucrats who are doing a lot of hard and dedicated work to try to do something about the whole question of violence and the alleviation of violence; this is wholly laudatory. It would be a good idea if we in this House applauded them and encouraged them, and put pressure on the Government—if we are not an arm of the Government—to do more, as soon as it can.

I was glad to hear that the Hon. Margaret McAleer agreed with us, because she seemed to be speaking on behalf of the Government on this issue. One of the comments she made was that violence was growing and, as we established organisations to alleviate violence, we would find underneath there was still more violence. One of the appalling things we are discovering as we examine the whole question of domestic violence is the range of violence. Very little research has been carried out into this matter within Australia, but the research which has been done indicates it is a problem of grave proportions. This, of course, is largely to do with our society and our social attitudes.

Earlier, I applauded the Chief Secretary (Mr Hassell). However, in this respect, when he talks to people about the virtues of family life he talks about the value of the authoritarian and dominant male. As far as I can see from reading what he has had to say on this matter—and I have read some of those things very closely—that is the Minister's main fault in respect of his attitudes to this matter. This Minister is an interesting and complex personality, and I applaud him and deplore him simultaneously. That is as it may be; out of this we must try to get something which is better.

We find that the attitude which has grown up is an attitude which condones the dominant male. One has only to go to a primary school football match to be appalled at the parents on the sidelines shrieking for their children to be aggressive. The sportsmanship I grew up with seems largely to have vanished. The killer instinct

is being developed quite well. The children are told that they are not in there to play the game, but to win, and to win by any means.

My friend, the Hon. Peter Wells, who intends to enter this debate, may care to talk about the pervading influence of modern pornography, with the accent on violence, and of films and television programmes with the accent on violence. I notice the Chief Secretary found one film a little too much, and decided to ban it. Whether this is the answer, of course, is another question; the Chief Secretary seems to think he can do something about preventing a little bit of violence by executive fiat if not by legislation.

The Hon. W. M. Piesse: He is endeavouring to lift the mind instead of debasing it.

The Hon. R. HETHERINGTON: One of the things about lifting minds is that in order to be moral, one needs to have the opportunity to be immoral. If a person's mind is to be uplifted, he must have a free choice. However, that is another question; I do not want to be diverted. Perhaps I should not have mentioned this because I want to return to the serious problem of violence in our community—the violence which is endemic in our community and which is well and truly noticeable in domestic life in our community.

The story the Hon. Win Piesse told about the woman who preferred to go to gaol rather than return home is one of innumerable stories one can hear if one speaks to a whole range of social workers and women connected with the welfare agencies of one kind or another. Underneath the glossy veneer of our modern civilisation in Western Australia we have domestic violence, domestic rape, and incest. Incest, of course, by definition is "domestic". All these are problems we must try to solve.

Members might tell me that we are not going to solve the problem of rape by legislation, and I might agree with them. However, I certainly intend eventually to introduce a Bill which I hope will help to go part of the way. We cannot afford to wait until we can educate people into morality or until we have lifted their minds in a society where the people who are interested in making profits very often are also interested in debasing people because that is where they make their profits fastest.

One of the things we hope is being done in fact is not yet done, and it therefore behoves us to ask the Federal Government to amend the Family Law Act. I do not see that because the Federal Government is doing it, we should not ask it to do it. It has not done it yet; the legislation is not there yet; it has not yet been debated, and it

certainly is not yet through the Parliament. I think it is fair enough that this House and this Parliament should say to the Federal Government, "You have not done it yet, but we hope you get on with it because we think it is a desirable thing".

What kind of legislation are we to introduce in order to alleviate family violence? The Hon. Margaret McAleer has put very well the difficulties which face the police and law enforcement agencies under present legislation. Quite often, of course, people make complaints and then withdraw them; or they do not want to make complaints or are afraid to make complaints because if they make them and cannot prove them they will be beaten up. Sometimes, people would like to make complaints but if they do make complaints against the people who are beating them—it may be their husbands, legal or *de facto*—and the people involved go to gaol, their income is lost. They do not want that to happen because they must support the children those men have begotten on them. So, these women are in a "Catch 22" situation.

The law as it stands is not sufficient. I am not claiming that if we introduce new legislation, it will be sufficient, either. However, that does not mean we should not try to see if we can improve things.

I know that R. H. Tawney once said, in illustrating another point in his book on equality, "If you find by washing your hands you cannot remove all the germs, that does not mean you should go out and roll in the dung heap. You wash them again, and get yourself as clean as possible". As far as legislation is concerned, we look to see whether some faults in our society cannot be cured by legislative action. We know that is not going to happen totally, but we may help and relieve the situation by legislation.

The kind of thing done in the United Kingdom is well revealed by what the Federal Government is thinking of doing about the Family Court, in one way or another. At present, if the Family Court issues an injunction, there is no remedy, except through the court in that the person who breaks the injunction is in contempt of the court. However, that does not help the person who is being battered.

If an injunction is issued, with powers of arrest to the police if it is broken, it means there is a fairly rapid remedy. If a complaint is lodged, it is fairly obvious that the person who is doing the battering can be arrested and brought before the court for breaching the injunction. At present, whether we like it or deplore it—and as far as

legislators are concerned, it is irrelevant whether we feel one way or the other; we are still here to try to legislate for the peace, order, and good government of this community—many domestic situations are such that the proponents—the people living together—are not legally married, or they have common law marriages, or they may be *de facto* spouses. Or, if they are film stars, they might be *menage a trois*, meaning that they are living as threesomes. There is no specific remedy for that.

The British Domestic Violence and Matrimonial Proceedings Act of 1976 makes provision for a series of injunctions restraining parties to a marriage from committing violence on each other, or from approaching each other, or from one approaching the other, or from one moving into the property occupied by the other. Those injunctions can be enforced in the normal manner if they are breached, and the person concerned can be arrested.

We might well adopt such legislation. I know there are problems in this area. I have no doubt that if we pass this motion tonight, as I hope we will, the Government will still be looking into the right form of legislation. I am sure that if the Attorney General has any say in the matter—as I have no doubt he will—he will be looking into the matter very carefully for some time to get it just right. Unfortunately, he is not always as well served as he might be by his draftsman; he would get the legislation almost right, and we would amend it.

The Hon. I. G. Medcalf: That is the advantage of a House of Review, of course.

The Hon. R. HETHERINGTON: It is the advantage of a Parliament; we can have review in either House. It seems to me that by passing this motion we are not saying to the Attorney General or the Chief Secretary, "Go forth and bring forward a Bill tomorrow". We are saying, "Go and have a look at it. Draft some suitable legislation and bring it down next session, please"—because we are always polite and deferential in this House.

This would be highly desirable. It might help the situation. It will not cure everything. Domestic violence will still occur; there are still going to be people who need help; there will still be problems, and the need for crisis centres; there will still be the need for the burgooning and multiplication of social agencies which we will have to turn our minds to thinking up in an attempt to alleviate this situation.

That is all we are asking the House to do—to pass a motion asking the Government to take

some faltering steps along the road to helping these people. If the Government is going to establish a crisis centre—when the Treasurer lets it—that is fine; let us applaud it. I for one am looking forward to the day. I believe that if the present Chief Secretary, Minister for Police and Traffic, and Minister for Community Welfare remains in those positions, this will be done in due course, because I think he supports such a move. He and I are at one on this matter. Let us encourage the Minister.

One of the things that Erin Pizzey found, as she states in her book titled *Scream Quietly or the Neighbours Will Hear* is that when she responded to the requests of women to produce a refuge in Cheswick she found her house was always full, there was never room for more, and there were always people who had to be turned away.

We have found that when—as in the 1960s—various family groups, radical groups, conservative groups, and religious groups decide to set up refuges—little ones in houses or bigger ones—despite the odd vacancies that will occur in the best regulated establishments, they have tended to be full to overflowing.

As a city member I can tell the Hon. Margaret McAleer that the time has been when my secretary has rung around to refuge after refuge only to be told there is no room. The person for whom she has been making the calls has had to go on sleeping in someone else's motor car, as many people do in our fair city. As refuges grow and become more successful they will find there are more and more people who need their services.

The Hon. Margaret McAleer: Not all people who go to refuges are victims of domestic violence.

The Hon. R. HETHERINGTON: People go to refuges for all sorts of reasons: Because the State Housing Commission does not have enough accommodation; because the person is a widow; because they have problems with their kids—for all sorts of reasons.

The Hon. Margaret McAleer: People who run refuges have told me that there are professional refuge users.

The Hon. R. HETHERINGTON: I am sorry to hear the member using this kind of argument. Wherever there are welfare agencies we will find professional users of their services. There will always be people who find ways to live on these services.

At least 0.05 per cent of the people in this community do not want to work—this is judging from the number of people who did not work when we had full employment. Perhaps today it is

up to 1 per cent to 2 per cent now, but this does not mean that the majority of people in refuges are not people with problems.

It does not mean either that if we better funded the refuges we would not find more people going into them because of family violence. I do not want to encourage spouses to leave home. Nevertheless, one of the things that refuges have done and one of the things that supporting mother's pensions have done is to give women who otherwise could not have left home a place to live.

Let me hasten to add that the pension has also allowed some men to leave home with their kids and support them. It has allowed men to get away from a sometimes bad or violent wife. It is not only women who get beaten by their partners, although in the nature of things there are likely to be more wives beaten by husbands than vice versa.

I deplore a certain habit which is developing in this Parliament, a habit that developed in the Federal Parliament. The day was when an Opposition could move a motion and the Government would fight it or reject it. Now the custom is that we move a motion and the Government amends it so that it becomes something innocuous and something urging the Parliament to do little more than praise what the Government has done, when in fact it has not done enough. This is true at the present time and therefore I can in no way vote for this amendment, although I am glad the amendment at least involves recognition by the Government that there is a problem. As I look at the amendment I cannot disagree with it all.

Certainly the degrees of protection for victims of family violence cannot be overcome simply by the passage of legislation. I know that; I would be the last person to think we could overcome any problem simply by the passage of legislation. As a matter of fact, the need to legislate quite often shows that we have failed to overcome the problem. If we had managed to overcome the problem of getting people to live together in peace we would not need laws against murder. If we had managed to educate people to live in love, amity, and harmony in their domestic arrangements, so that if they then found they were incompatible they could leave each other decently and respectfully, we would not need the legislation we are calling for. We have not done this and that is why I think we need legislation.

It is urgent we do all the other things necessary, but we should try to introduce legislation in the form of the injunction and it is important that our law officers look more closely at the British

legislation. I would not even begrudge one of the Crown Law officers being given an air fare and some money to stay in a hotel so that he could look at how things are working out in Britain. I am quite generous with taxpayer's money if I think it will benefit the taxpayers. I would be glad if something like this could be done so that we could follow the British legislation and see if we should base our laws on it.

The Hon. Margaret McAleer: What would be the point if we were to depart from the amendment already proposed by the Federal Government, which would govern our Act?

The Hon. R. HETHERINGTON: Any amendment passed by the Federal Government would cover people married under Federal law. I am suggesting the need to establish our own legislation. After all, we have to look after not only people who are covered by Federal laws but also those covered by Western Australian laws. We need legislation to cover domestic situations.

Another problem not covered by this motion needs to be considered—incest. I am not prepared to be dogmatic about this problem now because as yet I do not know enough about it. A friend of mine is involved in social welfare work and has told me some appalling stories. I was told that when I had finished working on amending legislation covering rape I should then start on providing legislation to cover incest. She told me she would provide me with some case histories. I look forward to tackling this problem with no joy because some of the stories I have heard are quite horrific. The more I learn about this subject the greater the incidence of incest in our community seems to be. Although I am fairly inured to realising our world is far from perfect I am becoming shocked at how widespread is the incidence of incest in our community. It is certainly one of the problems we have to consider.

We have to face up not only to the problem of domestic violence but also to the problem of general violence in our community. This, as the Hon. Win Piesse has said, is something we have to do by education.

The Hon. I. G. Medcalf: That is what was motivating the Chief Secretary when he decided to ban *Caligula*. He was concerned with the problem of violence and the affect it might have on the weak minded and juveniles.

The Hon. R. HETHERINGTON: I am seriously wondering about the influence—not just on the weak minded—of visual violence we are getting in our society. It is argued that violence is cathartic if we watch it and then get away from it. I used to do that with my children. I did not

mind their watching Robin Hood or cowboys and Indians—preferably with the Indian's winning, because I did not like the old stereotyped stories—as long as the people involved were using weapons such as bows and arrows, things that were not common to their society.

The Hon. W. R. Withers: They kill silently.

The Hon. R. HETHERINGTON: I did not mind the killing when it involved a fantasy world. But when we get to television films involving violence that is too much like our newsreels, I become a little worried. I am not going to start a crusade against this sort of thing here, because I have not done enough reading about it as yet and my views at present might be wrong.

The Hon. I. G. Medcalf: I will lend you some articles.

The Hon. R. HETHERINGTON: I would be glad of that. If when I go to Adelaide early next year and the film *Caligula* is showing I will see it and decide if the Chief Secretary is right.

The Hon. I. G. Medcalf: I bet you do not sit through the whole film.

The Hon. R. HETHERINGTON: The Attorney might be right, although I am good at closing my eyes during the nasty bits. I did not go to see the film *Jaws* because I did not want to see people eaten by sharks. It might happen, but I prefer not to see it via the medium of a film, even if it involves a mechanical shark which I know is not real. I am being led astray, but it is an important question. I have read a magazine from the Festival of Light from cover to cover. I have not been convinced by everything in it but at least I have read it. Should the people involved read my speech they would at least appreciate that.

Although we do not know the extent of domestic violence in our society we do know it is widespread. The more layers we uncover the more widespread it seems to be. There is no doubt it is a serious problem and there is no doubt it always has been.

Most researchers would say it is true also that violent families breed violent families. One of the interesting things is where a person's violent parents love him and take care of him, in his own mind a person mixes love and violence so that violence becomes part of the pattern of the family setup. Education is needed, but this is a very difficult thing to remove from society.

There is strong evidence that this is happening; people brought up in homes with patterns of violence repeat those patterns in their own lives. I know legislation will not do a lot to assist people in such situations, but it might if we introduced

powers of arrest and injunction provisions. We could pop the people into crisis centres and take them to agencies which might help them. We might in that way be able to break the pattern. We might be able to pass legislation to assist these people if we develop the agencies that will help to break the pattern. All these things are desirable.

We should request the Federal Government to enact legislation to help the situation, although the mover of the motion was not specific in regard to such legislation. We should ask the Federal Government to do what it has claimed it would do; although we have noticed that in Canberra what the Government intends to do is not necessarily done by way of legislation passed in both Houses. By the time such legislation is passed the present Federal Government may not be in power and we will have to press whatever Government happens to be in power.

Certainly I regard the establishment of a crisis care unit as urgent. I know people will say immediately to that suggestion, "Where will the money come from?" I am sorry I have not yet read the Auditor General's report or determined how big the suspense account will be this year. Offhand I do not know from where the money would come, but certainly it could be found. I know it will not be found this year, but I hope we can look forward to it being found. We should establish a crisis centre and a violence centre for violent males. When I said that we should establish a violence centre to help males to one of my feminist friends she said, "What about women?", but I believe that if we can assist violent males to become less violent, women may be better off.

We must consider problems confronting children. Near the top of the pile of things I have listed is the Children in Limbo report which I hope to read before the next session of Parliament when it might be debated. Something should be done about the problems confronting children, and we must increase the funding for refuges. Women's refuges are a mixed bag of institutions run by different kinds of people. I have met the people running one refuge and I found them to be decent and caring people. The Emmaus refuge people got into trouble with the Minister for Health. It is a little awkward because when someone speaks to this refuge he usually speaks to a spokesman, but it is a collective body. Some refuges provide accommodation and support, and some provide just support; some provide continuing support and some provide counselling. They all do different things; the organisations have individual characteristics.

The criteria for funding which the Minister for Health established does not cater for all refuges. Some of them lean heavily on full-time staff and some on part-time staff. A whole range of matters must be considered. People running refuges say they should not be restricted to a formula, but each institution should be considered individually. Of course, the Jesus People Hostel for Single Women is an additional refuge.

Unfortunately I did not realise this motion, which had been for a long time at the bottom of the notice paper, would pop to the top today. I have not been able to do my sums to determine, in the light of how many refuges we now have funded and the rate of inflation, whether the refuges are being funded adequately. I think the answer would be, "No". Certainly I know some of them are in grave financial difficulties; some want to expand, but are struggling to keep together what they already have. Some are run by idealist young women who are feeling defeated. They may give up. Certainly the turnover of voluntary staff at refuges is very high. They need cossetting and helping.

I must say that one of the things I found quite reprehensible in a reply the Minister representing the Minister for Health gave to me when I asked about funding was that the Minister for Health had not discussed with refuges what their needs are. The Minister said that the Government has all the information it needs. I would have thought that had the Minister called together the representatives of women's refuges, and given them his attention, goodwill may have been fostered. Had he been not afraid to come out to face them and get away from his mask of ministerial authority to talk to them as human being to human being—he may not have given them any more money—he may have been able to increase the goodwill between his department and refuges. He may have been able to understand their problems.

A Minister does not necessarily learn of problems by listening only to his public servants; he may have to find out things for himself, as did the Minister for Education when he last week or the week before went to Claremont Technical College and found out that things were other than what he was told. He found out something—

The Hon. Margaret McAleer: I think it would be hard to find anyone more humane and concerned than the Minister for Health.

The Hon. R. HETHERINGTON: I have always regarded the Minister for Health as a humane and concerned person. However, I feel he has erred in regard to the funding of refuges. I

cannot claim that even Mr Ray Young is above error, and in regard to this matter he is guilty of error. He could have done better, although I say that quietly. I have known him for a long time and know he is a concerned person, but he could have handled this issue better had he been prepared to talk and listen to people involved with refugees. So often this is not done by Ministers. I know the Hon. Margaret McAleer will disagree with me, but that is fair enough; we will agree to differ.

The Hon. Margaret McAleer: I was going to say it is a two-way process. You must have people who are willing to talk to you.

The Hon. R. HETHERINGTON: That is true. From being in a position of minor power as a university lecturer—one does not have major power as a university lecturer—I know that the people below someone in power feel that he is getting at them. The person in power needs to take the first step.

The situation would have been a little better if people in refugees were regarded more benignly.

I was not satisfied after talking to people involved with refugees that the Government is providing enough funds at present, and perhaps funding in a different way should be provided. That is my view on the evidence before me. The Minister may have better evidence; after all, I am only a humble back-bencher, on the Opposition side. I am not privy to a great deal of evidence; I only learn what I do by talking to people.

The Hon. H. W. Gayfer: You were a deputy leader.

The Hon. R. HETHERINGTON: I am not now a deputy leader.

The Hon. H. W. Gayfer: You were one of the elitists.

The Hon. R. HETHERINGTON: I have never regarded myself as terribly elite. I have always thought, as does Mr Gayfer, that there is only one elite group, and that is farmers! I am only a humble member; but that remark is only an aside.

I ask the Chamber not to fall for this three card trick no matter how charmingly it is moved by an intelligent and eloquent person. I ask the House to reject the amendment and vote for the very carefully considered and sound motion moved by my friend, the Hon. Lyla Elliott.

THE HON. W. R. WITHERS (North) (8.40 p.m.): After hearing the Hon. Lyla Elliott and reading her motion I believed it was a sensible sort of motion and one which I would be quite willing to go along with. Superficially it makes sense. Certainly it shows the care for other people felt by the Hon. Lyla Elliott. I missed part of the

contribution by the Hon. Margaret McAleer, but I have been able to ascertain from some of the debate that the amendment she moved tends to try to pat the Government on the back. The Hon. Bob Hetherington was correct in saying just that, but the amendment does show a fair degree of sense. Listening to the Hon. Bob Hetherington, I found I was nodding, sometimes in agreement and sometimes because I was being rocked to sleep by his rather lengthy eloquence. However, I do agree with many of his remarks.

The first part of Miss Elliott's motion relies upon what the Federal Government will do. I understand the amendment this year to the Family Law Act takes certain people into consideration, albeit it does not go as far as Miss Elliott would like. On that point I require further guidance. As I understand the Federal amendment, it applies to married couples, and I understand Miss Elliott wanted it to apply to people not married but living together in a domestic situation. That seems to be fair enough, but are those people not married covered by the normal laws in relation to assault and threat? I think such people already receive proper protection.

Paragraph 3 of her motion calls for the establishment in this current financial year of a crisis care unit. That is a reasonable request, but as Miss McAleer suggested, the State Government already is conducting a study in regard to the establishment of a crisis care unit, a point which makes paragraph 3 of the motion superfluous.

The Hon. Lyla Elliott: But when will it establish such a unit?

The Hon. W. R. WITHERS: That would depend on the study. I do not think any study to establish anything can have imposed upon it a set completion date.

The Hon. Lyla Elliott: The Government has been looking at the committee report on my family planning and nurses Bill for four years.

The Hon. W. R. WITHERS: That is far too long. For how long has the study in regard to a crisis unit been going?

The Hon. Margaret McAleer: It is since 1979.

The Hon. W. R. WITHERS: For it to have been going since 1979 is not good enough; such a period is far too long. Maybe Miss Elliott is correct; perhaps the Government should be requested now to establish a crisis care unit.

Paragraph 4 of the motion is commendable. However, I will make a comment about the funding of women's refugees when I speak in

another debate. I will not be specific about the matter now, but will say that in such a consideration we should have regard for the whole State. It is all very well for the Hon. Bob Hetherington to say we should not stop the establishment of a city crisis centre because we cannot establish one in a country area, but I believe if we set up anything in the State for all the people we must consider providing a reasonable service of that thing throughout the State. We cannot keep providing services and centres of any sort just in the metropolitan area.

The Hon. Lyla Elliott: We want more in the country, but we can't get it under the present allocation.

The Hon. W. R. WITHERS: I accept that point, but the speech I will make at another time in this House will make the point that there is no way in the world just over one million people in a State the size of Western Australia can fund all the things we would like to see funded in the State. No physical way exists for us to do that. It is not practical.

The Government should be commended for increasing its funding by 20 per cent. I am not speaking against Miss Elliott's requirement in the motion, because I would like that too; but there must be a practical point where a Government must say, "We must look at the matter but we cannot provide facilities for the whole State on a reasonable level; therefore we will have to make a small effort in the city in the hope that people will take up the example and set up voluntary centres in country areas".

I would like to say "Yes, I agree with this" because it sounds good and what is contained in the motion is good; however, I will have to vote for Miss McAleer's amendment. I would like some clarification from the legal gentlemen in this House in relation to unmarried people, and what protection unmarried people have when living in a domestic situation.

I support the Bill.

THE HON. P. H. WELLS (North Metropolitan) [8.46 p.m.]: A researcher on domestic violence staged several fights with various combinations of males and females. Some involved fights and squabbles between males, others between females, and others between males and females. The report of the research said that on each of the occasions where members of the same sex were fighting in the street, someone took an interest and tried to intervene. However, on no occasion did anyone intervene when the combination involved members of separate sexes.

I suggest that this finding demonstrates the ingrained attitudes within our society, especially when domestic violence or violence between spouses is involved. Women are certainly in a changing role and are gaining more independence, often as a result of their joining the work force. For many reasons, women have changed their status, either because of their own wish or because of economic conditions.

Women are certainly fighting back and by setting up refuges are providing the impetus to find a way out of domestic situations.

At page 19 of the July 1978 edition of the *Australian Social Welfare* under an article headed "The better they be", Miss Susan Cocks stated that it had been the resolve in Australia that since 1974 there had been the creation of refuges by women for women seeking asylum.

Women have been responsible for highlighting their own needs and to some degree their desire to escape violence. They have been responsible, in the main, for the expansion of refuges in our community.

At the commencement of that article Susan Cocks referred to refuges and stated—

... in real and practical terms the Refuges offer food and shelter (the beginning of a transitional alternative to economic dependence) and the right to personal physical integrity: the right not to be beaten. The Refuge is both a material alternative to repeated mental and physical violation and a grass-roots manifestation of woman asserting control over her own body.

Domestic violence has occurred and will continue in our community, and this subject deserves the attention of the Government and people at all levels of authority. It deserves also the attention of the community at large, because violence must not be tolerated in our community.

I wish to make reference to other areas where efforts should be made to solve problems, apart from those in the refuge area.

I was introduced to domestic violence many years ago in my work with the Salvation Army, especially when I came to Western Australia and took up an appointment in Willagee, which was a newly-developed Housing Commission area. Perhaps, coming out of college with a textbook approach, I soon had to change some of my views, but one attitude that has never changed is my interest in people. I mention that fact because the mover of the motion mentioned in her speech, in a way which I would call a challenge, the type of question I raised when I asked "Why do women stay in these circumstances?"

I do not believe people should be pigeon-holed because they ask certain questions, because if that is done we will never solve the problem. I asked, in all sincerity, why women in this day and age stay in such circumstances, especially when many facilities are available to them. If women do not wish to opt out of a situation we have a responsibility to ensure that they are aware of their rights so that they may be able to take advantage of the services which are provided by the Government.

I would like to mention some of the areas in which we can reach out, beyond the crisis intervention units and refuges, in order to uncover the real problem. In this day and age we are affected tremendously by the media. The Hon. Robert Hetherington mentioned television and perhaps later I may make some remarks about the violence on television. We have an example, over the last few years, of the effect of television on the community and the community's attitudes to community programmes. One such programme is the "Life. Be in it" campaign which illustrates the skilful efforts of the media people to put together a programme to educate the community in an attempt to change their attitudes on certain matters.

I believe the responsibility to protect the interests of the community lies with the Government. We need a media campaign which will put forward a caring attitude. One suggestion which has been made to me is that such a media campaign could be based on the three C's: communication, creating, and caring.

There is a need for more tolerance in the community. Recently, the director of the local Family Court made a statement that he thought people in this State were becoming less tolerant within marriage. I believe we need to teach tolerance and respect for others, not only in marriage, but also in all walks of life. I believe a well developed programme on living and loving, based on the three C's would help immeasurably to change community attitudes. I believe it would be more far reaching than any legislation. A media programme would enter the home.

Furthermore we must consider the problem which was highlighted by the Hon. Lyla Elliott's disparaging remark made to me—

The Hon. Lyla Elliott: What disparaging remark?

The Hon. P. H. WELLS: The remark was, "That is the type of question one would expect from a person who does not understand".

The Hon. Lyla Elliott: I did not say that.

The Hon. P. H. WELLS: The answer to that question deserves more consideration because it highlighted the fact that women do not know their rights. The Public Health Department printed 10 000 pamphlets which explained refuges, and that was a start; but I believe there is a need for us to extend this service and I would go so far as to say we should provide a specially prepared pamphlet detailing spouse rights to everyone entering marriage. That would ensure that people knew their rights. Maybe, if spouses knew that their partners could opt out quite easily they would think twice about domestic violence.

The Hon. A. A. Lewis: You would not be tempting fate on that?

The Hon. P. H. WELLS: I am suggesting that there is nothing wrong with people knowing their rights and perhaps we should take the lead and ensure they do know their rights. Educating people on their rights would be a major job.

A study was carried out in New Zealand—I have not read it completely—which was titled "A Study on Growing, Sharing, Learning in Relation to Education".

One area to which we have been referring is that of morals, and I am reminded that there was some criticism of this in a far-reaching report which was published in New Zealand. The report mentions the effect of getting people involved in the community and schools, and sharing in terms of development. I believe there is a necessity for us, if we are going to really tackle the problems of violence in the community, to encourage people to become involved in community activities.

In the past when a community needed a hall it was usual for a group of people to form a committee to raise funds for this purpose. While being involved in the committee those persons grew together and made a contribution to the community. This is an area that is highlighted in the report I have just mentioned. It is one way of attacking the problem.

I have not examined courses on human relations but I suggest they need to be examined in order to ensure they make a definite effort, in terms of development programmes, to show young people that violence is not necessarily a way of life.

The Hon. R. Hetherington mentioned that violence in some families subsequently produces violent marriages. If we do not begin to tackle problems of this nature in an education programme, those children who are exposed to violence in their homes today will more than likely be the violent spouses of tomorrow. Perhaps we could overcome this problem through human

relations courses in our schools. This would not require the expenditure of a large sum of money, but only the re-examination of the education system.

I recently visited a refuge and a worker made reference to an incident where she on one occasion watched a mother thrashing a child, and she thought the thrashing was a little extreme. She told the mother what she thought and the mother objected; she said that she had been thrashed as a child and it had not affected her. That mother was being violent in a refuge. I do not know enough about that particular case to be able to say that person was attracted by her violent nature to violent people. In my research I have found evidence to support the theory that people who come from a violent background appear to be attracted to those who have come from a similar background. What I am pointing out here is that some children are being brought up in an environment of violence, and therefore I highlight the need for a re-examination of the education programme.

Teachers should be taught to recognise some of the signs and symptoms of children who come from violent families and should be taught to react in terms of that child's educational needs and development. Doctors, health workers, and welfare workers could perhaps undertake some refresher course if necessary; perhaps I should have said they should be given more than a refresher course, because I do not believe they have been trained in this field.

The area of law enforcement has been highlighted in this debate. Policemen and solicitors need to have an appreciation of domestic violence. There is a need for an education programme in order to tackle this problem. I do not suggest that the programme requires a lot of money. All it requires is that the Government's priorities be re-examined.

Another point I would like to highlight is the need for a research fund. The last speaker mentioned there is a need not only in Australia, but also throughout the world, for research to be undertaken into domestic violence. Why does one say we need research when a large number of reports are available and many people write about this problem? It appears that in the community there are a large number of people who believe they are an authority on domestic violence. I made a statement before the House sat tonight that on an average a large number of people in the community have been exposed to domestic violence; there are people in this Chamber who have been exposed to domestic violence. I am not saying they have been at fault but because of the

prevalence of domestic violence in the community I suggest some members have had experience of it.

The Hon. G. C. MacKinnon: If your theory is right that violence begets violence, everyone who fought in the war would finish up a murderer.

The Hon. P. H. WELLS: There are various papers that make reference to the attitude of people who have come from a background of domestic violence—and some cases have recently been published in the newspaper—being affected by that type of violence. In fact it goes beyond that, because in varying degrees violence is prevalent in our community. As I said at the beginning of my speech, we are not going to stop violence; so we should be tackling the intolerable violence that is happening between spouses.

In terms of a research fund there is a need for us to achieve what has been achieved in refuges by practical work. I believe solutions will be achieved only by practical implementation. There is a great need for us to find some way of treating the problem rather than the symptom. The responsibility of a research fund, to some degree, falls within the area of the Federal Institute of Family Studies.

The Institute of Family Studies recently held a seminar in Perth which I attended. Various submissions were presented, some of which referred to research projects that could be undertaken. Some of these projects were listed in a booklet published by the institute. On page 12 of that booklet the following suggestions were made in relation to domestic violence—

- 1 The incidence, socio-demographic characteristics and causal factors associated with interspousal abuse,
- 2 The dynamics of family interactions which precipitate family dysfunction,
- 3 The identification of the needs of men in situations of violence,
- 4 Identification of predictors of violence in family conflict,
- 5 Investigation of the relationship between sexual socialisation, child-rearing practices and family violence,
- 6 The examination of existing networks within the community to assess their adequacy in servicing needs,
- 7 Identification of the appropriate intervention strategies at the individual, family, and community level,
- 8 Research into the practical application of the criminal justice system as it interfaces with the perpetrators and victims of domestic violence.

I do not say that I agree with all of the suggestions, but the Institute of Family Studies is one body that will certainly attempt to tackle the problems associated with domestic violence. Although the suggestions made by the institute are not the only areas that require investigation, I point out that it is tackling the problem a little differently from the provision of crisis intervention and refuges.

I refer to the history of domestic violence and its development over the years. I refer to page 27 of a publication prepared by the Canadian Advisory Council. Firstly it refers to a publication by Mary Metzger entitled "A Social History of Battered Women" and states—

Wife beating has been condoned throughout history. The first known written laws, thought to date from about 2500 B.C., proclaimed that the name of any woman who verbally abused her husband was to be engraved on a brick which was then to be used to bash out her teeth.

The Hon. A. A. Lewis: Come on!

The Hon. P. H. WELLS: That is what it says. I was not around at that particular time, because it was 2500BC.

Most members would perhaps remember seeing films, or at least reading about the witches to which she refers in her next statement which reads as follows—

Witchhunts in Europe during the Middle Ages included burning women at the stake for scolding, nagging, miscarrying, or talking back to their husbands.

The author then refers to the middle ages as follows—

Throughout the Middle Ages, wife beating was openly encouraged in the Christian, Jewish and Muslim religions and in countries across Europe. Husbands could kill their wives for adultery without fear of punishment.

Terry Davidson in an article titled "Conjugal Crime: Understanding and Changing the Wife Beating Pattern", said—

Napoleon, for example, believed that women must be treated as "lifelong, irresponsible minors," and "legislated women into a position where they were victims of whatever abuse their husbands meted out and wrote no law to protect them.

The last reference I will make in terms of the history of the matter is that of Margaret May in *Violence in the Family: An Historical Perspective* in which she makes reference to the British

textbooks of the 19th century which quoted such things as the following—

British law textbooks in the 19th century still stated that "the husband had by law 'power and dominion over his wife' and could 'beat her, but not in a cruel or violent manner'."

When one thinks of the historical background from which women have started to emerge as citizens and human beings, it is difficult to realise that human beings can act in those ways. It is frightening to think that similar attitudes exist today.

In 1609, William Heale said—

All couples live and love by nature's law.

Why should not man and wife do this and more?

It is reasonable for us in this day and age to ask the same question. We are in the age of technology, so we can ask why men and women are not living together and giving respect to each other. There is a need for respect.

Many speakers have referred to wife bashing; in Canada it is referred to as "wife battering". Many reports have been referred to in this House, and they have used different definitions of domestic violence. A discussion paper by Hall, Northcott, and Thompson on domestic violence took the following as its definition—

Inter-spousal violence is defined broadly as any intentional threat, coercion, harassment or degradation, be it physical, emotional, sexual or verbal.

When the New South Wales task force looked at the question, it accepted a definition which was not as broad as that. It went on to explain that it meant more. The New South Wales task force on domestic violence in 1980 said the following—

... domestic violence is defined as violence perpetrated by a man upon a woman, with whom he lives or has lived. The Task Force acknowledges that wife abuse is not the only form of family violence: other members of families, including children, are also assaulted.

I noted a programme on television lately in which the commentator made reference to the fact that husband bashing is becoming more prevalent. However, the feminists tend not to be interested in services for both sexes. They argue that this does not exist. I suggest that violence at any level, whether it be between spouses, members of the same sex, or parents and children, is not tolerable in this community.

On page 133 of volume 4 of the report of the Royal Commission on Human Relationships, the following appears—

We define family violence as acts of violence by one spouse against the other spouse or against the children. *De facto* relationships are included. Child abuse is... part of this definition... We are concerned primarily with physical violence, including rape.

At the same time we recognise that emotional or verbal assault can be equally intolerable. "Battered" wives often have their counterpart in "battered" men victims of incessant nagging which can precipitate physical attacks.

I do not know how one can make a distinction. When one is talking about domestic violence, one cannot distinguish between the violence involving spouses and violence involving parents and children. They are interwoven.

On the research available to me, I realise that very often women go to the refuges when the violence goes beyond the spouse to the children. That highlights a double problem.

The Hon. Lyla Elliott: Can you tell me where we separate women from children in the motion?

The Hon. P. H. WELLS: I am not talking about the motion. I am talking about the debate on the motion. I am not saying the motion does not deal with children. In fact, in moving the motion Miss Elliott made reference to children in relation to discipline. I will deal with that in a moment.

The Hon. Lyla Elliott: That is not the only reference I made.

The Hon. P. H. WELLS: One needs to understand the subject in the broader sense. Most certainly domestic violence includes the whole spectrum, although it is reasonable to develop an argument in terms of refuges. Because of the services that have been provided in this State, to a fair degree the problem of rape is being attended to—

The Hon. Peter Dowding: By whom—the rapists, or what?

The Hon. P. H. WELLS: Child abuse is being attended to. I gather the member who just interjected has not been around lately to see what the Government has been doing in those areas. In terms of child abuse, a parent help centre has been established. If the honourable member does not know of that, he could come out to my electorate office and see on the window the notices about the help available to parents who

become frustrated. That help is available 24 hours a day.

The Hon. Peter Dowding: What point are you making?

The Hon. P. H. WELLS: A number of services are provided in the community.

The Hon. P. H. Lockyer: If you had been here earlier, you would have known.

The Hon. Lyla Elliott: I have been here all the time, but I do not know what point he is making.

The Hon. Peter Dowding: What point are you making?

The Hon. P. H. WELLS: If the honourable member had been listening, he would have realised that I am speaking of the fact that the definition of "domestic violence" must cover the broad spectrum. Many people deal with the single subject of wife battering; but we need to think in terms of the total area and the services that are provided and are being provided by Governments in the other areas.

The Hon. Lyla Elliott: What do you think the crisis unit is for? It is not just for women.

The Hon. P. H. WELLS: There is a need for those services to be integrated. The South Australian model was developed gradually, not immediately, and it integrates all of the services. If we consider the services available at the moment, we may see the need to bring them together.

The Hon. Peter Dowding: What point are you making about services?

The Hon. P. H. WELLS: It may be possible to integrate some of these services and to expand them into other areas.

The Hon. Peter Dowding: Is there a gap, or is there not?

The Hon. P. H. WELLS: If the honourable member had been here for the beginning of my speech, he might have heard that point.

The Hon. Peter Dowding: Is there a gap? Can you answer that question?

The Hon. P. H. WELLS: I am sorry that he was not here.

I will now move into the area of the modern approach to domestic violence. It is interesting that, historically, in terms of the expansion of women's refuges around the world, Erin Pizzey, in her book *Scream Quietly or the Neighbours Will Hear*, has put down many of the lies in terms of the publicity given to women's refuges. There seems to be reasonable ground for saying that, because of this publication, and because she opened a refuge in the United Kingdom in 1971.

Refuges expanded to Canada in 1972, and they spread to America in 1974. They spread to Australia about 1972.

I remind members that in 1980 I spoke in this House in connection with the 100th anniversary of the Salvation Army; and on page 2725 of the 1980 *Hansard* I made reference to the Salvation Army's involvement in refuges in this State and world wide in the following terms—

As far as I can ascertain from available records, The Salvation Army set up its first refuge home in 1896. That home was established in Summer Street and in 1898 what is known as the "Graceville Refuge Centre" was opened in Lincoln Street. A number of other centres catering for family needs are operated by The Salvation Army today.

Since its inception The Salvation Army has been involved in the provision of refuge centres. In fact, the founder of the organisation in England set out initially to assist women by providing them with accommodation in refuge centres.

The only reason I mentioned that was that from the time the Salvation Army started refuges, the publication of Erin Pizzey's book gave impetus to the feminist movement for the establishment of women's refuges, and for a major expansion of them.

Basically, many of the refuges in the early days did not start with Government funding. I have a great respect for the voluntary groups which saw the need and raised the funds to begin the refuges. In fact, one of the theses on the subject points out that the refuges are the means for bringing to the attention of Governments the need for funds for welfare. People saw the need to set up the centres, and very often they did not have any funds and they did not have the intention of asking for them. When the Salvation Army commenced its refuges, it did not have Government funds, and it did not have them for many years.

The 1980 figures for Canada show that 71 transition houses have been established. Transition houses are what we call women's refuges.

The Hon. Peter Dowding: What is the point you are making now, Mr Wells?

The Hon. P. H. WELLS: I am referring to the development of refuges since that time. As I mentioned, the movement was motivated by the publication of *Scream Quietly or the Neighbours Will Hear*. It gave rise to the opening of refuges in Canada in 1972. To date, 71 transition houses have been established.

If one accepts that the transition houses in Canada have been established in the same ratio with the same number of families per refuge as the Australian average and the Western Australian average, Canada has one transition house for 40 000 of the population.

The Hon. Peter Dowding: How could you possibly conclude that?

The Hon. P. H. WELLS: According to the task force report published by the New South Wales Government, the most extensive study into domestic violence was conducted in America. The findings are contained in a book titled *Behind Closed Doors—Violence in the American Family*.

The Hon. Robert Hetherington referred to the violence legislation in the United Kingdom. A Select Committee was established in the UK and it operated from 1974 to 1977. The committee was appointed to consider the extent, nature, and cause of the problems of families where there is violence between the parties and where children suffer non-accidental injury, and it was to make recommendations accordingly.

If members research those papers they will see the valuable contribution made in this area. In the first year during which the Select Committee in the UK operated, it inquired into spouse violence and then moved into areas related to children.

The Hon. Peter Dowding: Was not all this literature reviewed in the NSW report?

The Hon. P. H. WELLS: The New South Wales report referred to these papers on occasions, but it brought down some contrary recommendations.

The Hon. Peter Dowding: Why don't you read that instead of all the overseas stuff?

The Hon. P. H. WELLS: I have read the NSW report. Perhaps the Hon. Peter Dowding prefers to accept other people's opinions, but I like to obtain my information from direct sources.

I shall refer now to the position in New Zealand, which may make the Hon. Peter Dowding a little happier because it is closer to home. In New Zealand in 1979 a Select Committee on violence offending was established to consider the incidence and causes of violence offending in New Zealand and the means of reducing such offending, including the advocacy of certain laws and the penalties relating thereto. The Select Committee was required to make recommendations in that regard.

The reason I have referred to these Select Committees is that the UK committee, after the first five months and at the completion of its inquiry, admitted it did not have the answer to the

problem. The New Zealand committee did not have the answer to the problem either. In fact, it was said by one of the committees that an answer did not exist. Such a finding was not made by the NSW committee.

The Hon. A. A. Lewis: Are you for or against the motion?

The Hon. P. H. WELLS: If the member cares to listen to me, he might learn my position as I go along.

The Hon. A. A. Lewis: I have done a pretty good job!

The Hon. P. H. WELLS: Some members have made accusations in relation to the Government's activities in this area. I should like to refer to recommendation 39 of the Joint Select Committee into Family Law which is contained in the report it brought down in July 1980. It was an all-party committee and the recommendation, which appears at page 15 of the report, reads as follows—

Section 114 of the Family Law Act be amended to give a judge a discretion to attach a power of arrest to an order or injunction where the judge:

- (i) makes an order or grants an injunction containing a provision relating to the personal protection of the applicant or a child of the marriage, or makes an exclusion order;
- (ii) is satisfied that the other party to the marriage has caused actual bodily harm to the applicant or the child; and
- (iii) considers that the other party is likely to do so again.

Both the Federal and State police should have the powers of arrest in cases where there is reasonable cause for suspecting a breach of the order or injunction by reason of violence or entry into the excluded premises or area. They should be required to bring the person so arrested before any judge or magistrate exercising jurisdiction under the Act within 24 hours and to seek the directions of the court as to the time and place at which the arrested person is to be brought before the court (para 6.22)

During the course of debate members have referred to the fact that the Federal Attorney General introduced a Bill in regard to this matter. I have seen a copy of the Bill, although I do not have it with me tonight, and I have a copy of the Attorney General's second reading speech in that regard.

The Hon. Peter Dowding: That will take at least 12 months to be passed.

The Hon. P. H. WELLS: The Bill is before the Federal Parliament and I urge members opposite if they have doubt about it being passed to recommend to their Federal member that it be passed.

During the course of debate, the Federal Attorney General said—

Family law has traditionally been a non-party area in respect of which members of this Parliament have exercised individual judgment according to their consciences.

Historically this has been a non-party area; therefore, if members fear a law such as this will not be passed, they should check the policies of their own parties on the matter.

The NSW Government established a 12-member task force on domestic violence which was chaired by Dr Craig Woods. That task force had its first meeting on 18 March 1981 and it handed down its report in July 1981. The report contained 186 recommendations and covered eight major areas. It deserves some examination, although I do not agree with all the findings of the committee.

To some extent, Victoria has progressed a little faster than NSW, because it has set up a domestic violence committee which is examining a number of areas.

The Hon. Peter Dowding: Has it made any recommendations yet?

The Hon. P. H. WELLS: It is an 11-man committee and, if the Hon. Peter Dowding would care to wait a minute, I will give him the details. The amended terms of reference of the Victorian domestic violence committee read as follows—

- (i) To increase community awareness of the incidence of domestic violence.
- (ii) To assess the needs of victims of domestic violence, to evaluate the services offered by existing organisations and to examine the need for the provision of further services, including the financial considerations.
- (iii) To investigate the means of preventing or reducing the problem of domestic violence.
- (iv) To report and where appropriate, make recommendations to the Premier on:—
 - (a) the degree of domestic violence in the community;
 - (b) the needs of victims of domestic violence, including the provision of services, and

- (c) the means of preventing or reducing the problem.

That committee has set up a specialist subcommittee to examine the necessity to amend certain laws in that State which relate to domestic violence.

The Hon. Peter Dowding: How can you say it is further advanced than NSW?

The Hon. P. H. WELLS: One of the recommendations of the NSW committee was that a pamphlet be distributed, but that has not been done, whereas Victoria has produced one already. I do not believe any laws have been amended as yet.

In late 1980 an advisory committee on the development of family policy was established in this State. It was set up to advise the State Government, through the Minister, on the effect of Government services on the family and how family life in Australia could be enhanced by explicit or implicit policy. Members would be aware that the committee, under the chairmanship of Sir Lawrence Jackson, undertook to look at the following areas—

1. Issues relating to Child Day Care.
2. Crisis Care in Western Australia.
3. The Family in Remote Areas.
4. Community Support for the Aged—with particular consideration being given to keeping the aged at home rather than in institutions.

If members have read the reports of the Select Committees into this matter, or the NSW report, they would be aware most of those matters have been referred to already as areas requiring further consideration.

The terms of reference of the advisory committee on the development of family policy in this State were as follows—

- (1) Advise the Minister for Community Welfare, in a general way, on matters that appear to have a bearing on family well-being.
- (2) To consider the issues arising from the Welfare Ministers' Conference entitled "Towards an Australian Family Policy" and advise the Minister concerning the deliberations, resolutions and recommendations of that conference and their particular relevance to Western Australia.

- (3) Consider various forms of human relationships and family arrangements currently existing within the community. Advise as to which seem best to serve the interests of children, particularly younger, dependent children.
- (4) Suggest family policies which promote the welfare and well-being of children.
- (5) Consider services such as welfare, education and recreation being delivered to the family by Government and non-Government agencies. Propose improvements to those services without undue interference to the family.
- (6) As appropriate invite and take submissions from the general public and interested organisations as to how family life can be enhanced in Western Australia.

This Government has taken the initiative to ensure that, on an ongoing basis, people will be looking at a whole range of areas surrounding domestic violence and associated matters.

I should like to refer also to the report submitted by the committee of inquiry into the rate of imprisonment. Members who are interested in studying the South Australian crisis care unit should read pages 128 to 130 of that report. One of the interesting aspects of the South Australian crisis care unit is not only Government people but also volunteers work in it. Page 129 of the report refers to the fact that the unit makes extensive use of volunteer workers and up to 50 volunteers are engaged to man the telephones.

The unit appears to be a combination of volunteers and professional people working together. The report says that the voluntary programme is working very well and families have made a considerable contribution to the efficiency of the unit. A member wonders why I favour the amendment rather than the motion before the House. It is because the Family Law Joint Party Select Committee has made some recommendations which the Government has honoured and brought before the Federal Parliament, and it is reasonable for us to allow that legislation to go through.

The Hon. R. Hetherington: I am not trying to stop you.

The Hon. P. H. WELLS: Miss Elliott in her speech mentioned the areas in which she believed the Act should be altered. Some reference has been made to the United Kingdom domestic violence Act, which goes beyond the amendments to the Family Law Act before the Federal Parliament at present, in that it provides the

power whereby people can be separated from their own homes. In other words, people could be deprived of being in their own homes. I am not certain if the honourable member believes that we should go as far as the United Kingdom Act, and I am not certain if I would agree with that myself, because some of the suggestions that have been made in terms of the legislation relate to the United Kingdom domestic violence Act.

The Hon. Peter Dowding: They are issuing injunctions already. There is nothing to stop that happening now. It is the immediate enforcement of the injunctions.

The Hon. P. H. WELLS: I am not talking about the injunction.

The Hon. R. Hetherington: It is called the Domestic Violence and Matrimonial Proceedings Act 1976.

The Hon. P. H. WELLS: I thank the honourable member. On reading the first page of that Act, which outlines the coverage provided, I find it certainly goes a lot further than the injunction that is asked for in the honourable member's original motion.

The Hon. Peter Dowding: What is the difference—can you tell us?

The Hon. P. H. WELLS: Yes. One of the major differences, apart from the power of arrest, is that the authorities have the power to say to a spouse that he must leave his house.

The Hon. Peter Dowding: They can do that under the existing Act. That is nothing new.

The Hon. A. A. Lewis: Stop arguing.

The Hon. Peter Dowding: That is why I do not understand your point.

The Hon. P. H. WELLS: There were three areas. I will be interested to learn how honourable members feel about the Bill before Federal Parliament.

The Hon. Peter Dowding: Why?

The Hon. P. H. WELLS: I return to refuges, because remarks have been made in terms of funding of refuges and in terms of whether there are enough refuges in Western Australia. Looking at this question, the only reference I could find in any of the reports I have read is a very arbitrary suggestion made in the United Kingdom Select Committee report which suggests that there should be one family place for 10 000 people in the population. I took some time to make some inquiries about the refuges. In this State we have 14 refuges.

Carol Rena presented a thesis on "Women's Refuges as a Feminist Alternative: Success or

Failure", and on page 58 of her study she gives a list of 13 refuges, Holyoake being the one which is not included, probably due to the date of the report. On the previous page she outlines the three categories of those refuges, the first being the church-run category in which she also includes local government refuges that have a management committee consisting of members of the wider body or the staff may be responsible to a central church office. Refuges run by local government are included in this group.

The second category she calls the feminist refuges some having a nominal management committee which are run by collectives. The third classification is the middle-of-the-road refuges where a voluntary management committee makes policy and financial decisions and employs staff.

In the first category of church and council type refuges we have Byanda and Gracefield which were started in 1897 by the Salvation Army and which have places for 30 people. Ave Maria is run by a Roman Catholic order of the Daughters of Charity at North Perth and was opened in 1961. Warrawee, which is a Fremantle City Council refuge opened in 1971, and the City of Stirling refuge was opened in 1979. The Jesus People centre was opened in 1979. In the second category we have two refuges in the feminist group: Nardine, which was opened in 1975 and Emmaus which was opened in 1976. I note from the history of both the City of Stirling refuge and the Emmaus refuge that the catalyst for their development came from the Balga-Nollamara development group which put submissions forward to the council and the Government in terms of getting funds.

The third group, referred to as the middle-of-the-road group, includes Acrah, which was opened in 1976, and Mary Smith's refuge, which opened in 1977 and was named after its developer. The Mary Smith refuge was the model for a number of country refuges. Then there is the Rockingham refuge, and the Lucy Sawyer centre, which opened in 1978 and was developed by the CWA after a story in the local newspaper.

In Kalgoorlie we have the Finlayson refuge which was developed in 1979. The Share and Care refuge was developed in Northam and was based on the Mary Smith refuge, which was developed in 1979. There is Wandella House in Geraldton which was developed in 1979. Then we have the Holyoake centre here in West Perth, which is associated with an alcoholic centre.

I made reference to these categories because the report shows about 110 family places are available in Western Australia. If I divide those

family places by the population provided for in table 4 on page 6 of *Australian Demographic Statistics Quarterly* of July 1981, I find Western Australia has a ratio of one family place to roughly 12 000 people. In other words, we are roughly at the level suggested in the United Kingdom report, which was repeated in the New Zealand report. It is suggested as being the ideal aim. It has been said that we need more beds, but I spoke to some people who believe we do not need more.

The Hon. Peter Dowding: Who is that?

The Hon. P. H. WELLS: I am suggesting that there are people who say we have enough refugees.

The Hon. Peter Dowding: Who on earth are they?

The Hon. P. H. WELLS: They do not subscribe to the belief that there are too many refugees.

The Hon. Peter Dowding: Who are they?

The Hon. P. H. WELLS: The suggestion of the Minister that we need better methods for referral so we can ascertain the need is something which is required. Presently the telephone numbers of refugees are printed in the front pages of the telephone book, if members do not know.

The Hon. Lyla Elliott interjected.

The Hon. P. H. WELLS: Someone can ring the refugees and go through the whole list. If one adds up the numbers provided by a refugee he could well find the same person has been counted a number of times. There are people who believe there are enough refugees. Let us look at New South Wales for a comparison. Incidentally, that report calls for more funds and more refugees. It refers to an average of eight family places per refugee, which is only an arbitrary figure based on Western Australia because some have 30 and some have four. That gives a ratio, based on the figures that were provided to me, of one in 19 000. So on those figures, on a population basis, Western Australia has certainly provided—

The Hon. Peter Dowding: Is that your conclusion or someone else's?

The Hon. A. A. Lewis: It is his, and he is giving it. Leave him alone.

The Hon. P. H. WELLS: I am making a reference in terms of the figures suggested as a minimum and referred to in the New South Wales report which originally comes from the United Kingdom report.

The Hon. Peter Dowding: How do they help?

The Hon. A. A. Lewis: If you had been here you would have heard him explain it all, but don't ask him to explain it all again.

The Hon. R. Hetherington: We have not got enough; that is all I know. Statistics do not help.

The Hon. P. H. WELLS: Funding in Western Australia has been said to be enough and there is a great need to take this into consideration in relation to refugees. I remind members of a question that was asked by the Hon. Robert Hetherington in the House, which outlined that was exactly what the Government was doing; it was considering the various areas referred to in the honourable member's speech and the effect of special needs.

The Hon. R. Hetherington: They haven't done it yet; I can tell you that.

The Hon. P. H. WELLS: I am not setting myself up as an authority, but am commenting on opinions expressed by people to whom I have spoken.

The Hon. Peter Dowding: You are not what?

The Hon. P. H. WELLS: There may well be not enough refugees in country areas.

The Hon. R. Hetherington: There are not enough in city areas, either. You should speak to someone from the refugees.

The Hon. P. H. WELLS: Twenty nine per cent of refuge premises are in country areas, so if there is any need for an extension of the numbers of refugees, one must look at the needs in country areas.

In terms of Commonwealth funding, it is interesting that Western Australia fares worse than other States. I notice that in terms of the actual *per capita* expenditure, Western Australia receives something like 6c while New South Wales receives something like 31c. If one relates that to the actual money available, Western Australia is far better off in respect of the funds that have been provided, which are meeting a greater need in this area than in most other States.

The assessment of the needs of refugees should be continually revised and the method used needs to have some basis on which to build.

The Hon. Peter Dowding: Why is that?

The Hon. P. H. WELLS: There is some reluctance within some refugees in terms of providing statistics and figures for the building of certain cases.

I think it is reasonable to expect the Government to be responsible when it is spending the people's money. I notice in one of the theses reference was made to that point; although this

matter is causing some problems, the Government has a responsibility to make certain that the welfare dollar is spent reasonably.

It is my personal opinion that there is a need for crisis intervention, but I am not certain that the South Australian model is necessarily the one to follow in this State. I am reminded that the New South Wales report clearly stated that it did not believe the South Australian model was the one for New South Wales. The recommendation was to develop two areas, one within the Police Force and another one within the family service. I have not been able to separate these, as the responsibilities appear to overlap.

It appears from my studies that the South Australian model provides for professional people travelling in highly mobile vehicles with communication access to the police so that they can intervene in domestic crises. A certain amount of success has been claimed for that system. The New York model is explained in "Police and Interpersonal Conflict, Third Party Intervention", an article by Norman Baird and Joseph Zachary in a police department publication. In that approach two policemen—one of each sex—attend where domestic violence occurs. Such a system is worth considering.

Another option is for a police officer to attend in conjunction with a member of the clergy or a person from a professional area.

Because of the special needs of this State, I would like us to investigate the system used in Victoria in dealing with the problems of children. A voluntary body—the Children's Protection Society—is involved in this project. The Victorian Government uses voluntary organisations to handle welfare issues, backed by Government support. The Government should give strong consideration to investigating the possibility of voluntary organisations in various parts of the State making a major contribution in this area, with the support of the Government.

Crisis intervention is not the be-all and end-all of the problem. One of the reports has this to say—

Crisis intervention, no matter how effective, can never provide women who are battered with the support they need to make responsible decisions about the course of action they will take. Various support services are needed to back up crisis intervention and to provide the continuity necessary.

So although crisis intervention will make a contribution, it is necessary for a range of back-up services.

The Hon. A. A. Lewis: Mr Dowding asked him to go through the lot of it.

The Hon. Peter Dowding: I did not.

The Hon. A. A. Lewis: It is all your fault.

The Hon. P. H. WELLS: I understand by the remarks of members that perhaps some of them would like me to finish quickly. However, I would like to refer briefly to one matter no member, except for one, talked about when we were discussing legislation before this Chamber recently. Practically every report in connection with violence refers to the matter I am talking about; that is, alcohol.

Just today I was speaking to people at one of the refuges and I was reminded—as I have been reminded on a number of occasions—that alcohol is nearly always associated with incidents of violence. I will not say that the alcohol is responsible for all cases of violence, but a number of the reports refer to alcohol. Although members may not recall this particular Press release I would like to refer to one put out by Sir Charles Court.

The Hon. Peter Dowding: He does issue the odd one, you know!

The Hon. P. H. WELLS: Talking of alcohol the release reads—

Alcohol has become a major drug of abuse in society. Sir Charles said one in every five Western Australian hospital beds was occupied by a person who had problems relating in some way to alcohol. Two in every five divorces or separations resulted from alcohol-induced problems. One Australian survey found that 73 per cent of men who had committed a violent crime had been drinking before the commission of that crime. Alcohol is associated especially with homicide and suicide.

In case members do not believe that alcohol is related to domestic violence, despite that Press release, can I draw their attention to a quote which appeared in an article "Violence in the Family: a Review of Social and Political Support" in the publication *Listen In*. I have read this quote elsewhere, and it appears on page 223 of a publication *Living Together*. It reads as follows—

One of the commonest types of incidence among cohabitating couples described by the Chamber Magistrate involves the man arriving home late... An argument ensued which rapidly erupted into physical violence. In a typical example, the husband comes home at 10.30 p.m. from the hotel and demanded his dinner. It was not ready, and

when his wife refuses to prepare it, he slapped her on the face and punched her about the shoulders and chest.

The Hon. Peter Dowding: What is the point you are making now?

The Hon. P. H. WELLS: I am pointing out that alcohol is a major contributor to domestic violence.

The Hon. Peter Dowding: So is an uncooked dinner by the sound of it!

The Hon. P. H. WELLS: It is unfortunate if the honourable member cannot recognise that alcohol is a major contributor to domestic violence. He stood here a few days ago and told us that we should do something about drivers who drink. Many members did not take part in that debate on the Road Traffic Authority.

The Hon. R. Hetherington: You have to work out whether it is the symptom or the disease.

The Hon. P. H. WELLS: Although some people make that comment, it appears to me that there is a great deal of evidence that alcohol is a contributing factor.

The Hon. R. Hetherington: Of course it is a contributing factor.

The Hon. P. H. WELLS: Certainly on some occasions violence may be caused by unemployment, frustration, or for a number of other reasons. Violence happens to be the means by which a person has an outlet for his feelings. In fact, it has been suggested in reports that some men pretend to be drunk so that they can be violent to their women.

So alcohol is a factor not only in regard to domestic violence, but also in regard to the health of the people of this State, and in regard to the work place. Some members may have read in *Rydges*, May 1980 issue, an article entitled "Safety Programmes to Limit Workers' Compensation". I would like to quote from an article relating to the Foundation for the Research and Treatment of Alcohol and Drug Dependence. On page 132 it reads—

The Foundation for Research and Treatment of Alcoholism and Drug Dependence put the annual cost of alcohol to Australian industry at approximately \$530 million in lost time, accidents, absenteeism and lost productivity.

It estimates that 25 per cent of an alcoholic employee's salary is wasted—through absenteeism or illness, and says alcohol is responsible for a high proportion of industrial accidents, especially in afternoon and night shifts. The

Foundation says some 4-5 per cent of any workforce is likely to have alcohol problems.

Yet US experience shows that a program aimed at tackling the problem can save an employer \$4 for every \$1 spent.

While Australian industry generally has yet to recognise alcoholism as a legitimate industrial problem...

The Parliament is yet to recognise the size of the problem. I am suggesting that while we are considering refuges and crisis centres, we must also get to the nub of the problem. Alcohol is a multi-faceted problem which contributes to domestic violence as well as to many other things. Therefore it is an area that deserves some attention. Certainly alcohol is high on the list of things we should consider in tackling the problem of domestic violence.

I said at the beginning that domestic violence exists and that it cannot be tolerated in the community.

The Hon. R. Hetherington: What are you going to do about that?

The Hon. P. H. WELLS: Establishing refuges is just putting Band-aids on the problem. In some cases people need a change of heart.

The Hon. R. Hetherington: This is just words—that is all it is.

The Hon. P. H. WELLS: Certainly the community needs to be better informed, but more importantly we need to develop community projects to mobilise people into recognising and respecting other citizens.

We should be looking at such things as media campaigns. By research we can hope to change people and to bring about a better way of living in the community.

I support the amendment because I believe the motion is inappropriate. It refers to legislation, but the greatest move in this direction was made by the Federal Government.

The Hon. R. Hetherington: A tiny little step.

The Hon. P. H. WELLS: Fear was expressed in some States that the Commonwealth would not have enough police officers to implement the recommendations. However, when I examined the legislation I noted it provided for the State police to implement its provisions also. I also believe that the State Government is examining crisis care, although not necessarily along the lines of any of the models referred to. The Government is looking at the complete problem and endeavouring to do what is best for our State.

No case has been put forward for the need for more refuges. Furthermore, I do not think a case has been made that domestic violence is a problem of immense proportion. The reports from New South Wales, the United Kingdom, and New Zealand, do not say that domestic violence is a problem of immense proportion. In fact, two reports highlighted the fact that it is very difficult to assess the extent of the problem. Most certainly the papers from the United States mentioned that we are seeing currently the result of something that has been pent up and held down. The fact that more women are in refuges does not mean necessarily there has been an increase in domestic violence. History tells us that violence has existed in the community since the beginning. Therefore, I support the amendment.

The Hon. R. Hetherington: It is time we did something about it rather than making fatuous platitudes.

The Hon. P. H. WELLS: The Government recognises the problem. I have visited the refuges and I have spoken with people from the department. This problem is being tackled. We should watch to see whether members opposite decide to support the joint party committee in terms of the Family Law Act. That is left to them to decide.

The Hon. R. Hetherington: Do not put words into our mouths.

The Hon. P. H. WELLS: I am talking in terms of the concern the Government has demonstrated in this area. It has provided a substantial increase in funding. Certainly, the wider problem of violence in our community needs to be discussed.

I have not discussed violence in terms of television or on the sports field. We even have violence in this Chamber, with people setting themselves against each other. If we are to tackle the problem in terms of the programmes I have suggested—by changing people's attitudes—that will provide great support to the crisis and refuge centres which are doing a tremendous job, and whose officers are so dedicated. They have come a long way; only 10 years ago they had no funding, whereas today they receive substantial funding.

I suggest to those members who say we need more funds that, as a responsible Government, we must make decisions regarding funding as the circumstances apply at the time. To those members who say we should increase the level of funding this year I say: From where do we take the money? Do we take it from the Police Force, or from education?

The Hon. Peter Dowding: You could start with the Premier and his Press corps. Also, we do not need an extra four members of Parliament.

The Hon. P. H. WELLS: When the honourable member is the Minister responsible for that area, he can fight with the Premier of the day.

The Hon. A. A. Lewis: I probably will not be alive to see it.

The Hon. P. H. WELLS: Within Australia there is a great deal of information relating to ways and means of tackling domestic violence. It behoves us, firstly as members of the community and, secondly, as legislators, to continue the quest to ensure women have protection in our society.

I support the amendment.

THE HON. PETER DOWDING (North) [10.17 p.m.]: On Sunday night, a David Attenborough programme called "Life on Earth" appeared on television, in which he demonstrated that in the history of evolution, nature had very skilfully acquired the means of giving large animals the ability to take in enormous quantities of indigestible cellulose material and digest it by means of possessing two stomachs, and regurgitating the material from the first stomach.

With due respect to the Hon. Peter Wells, he has proved nature wrong. He has taken an enormous amount of cellulose material; he has passed it through the process, and completely failed to make any analysis of it. All we have heard tonight has been a list of names, places, events and documents which has been of ever decreasing interest, and no analysis was made of what was said.

I rise very briefly to point out that in all this wealth of cellulose material Mr Wells has been wrapping himself around for the last hour and a quarter he has ignored the point the Hon. Lyla Elliott made in her motion, which is not caught up by the amendment. To that extent, the amendment is defective, because the point in the original motion and the defect in the amendment is this: We are not talking about the problems of domestic violence *per se*. We are not talking in the first part of the motion about the difficulties married couples have, or which are experienced by people living in *de facto* relationships or with some domestic links. We are talking about the protection of victims of domestic violence.

The Hon. A. A. Lewis: You would be against giving every married couple a pamphlet, would you?

The Hon. PETER DOWDING: The pamphlet obviously is a great leap forward into the 1980s. Of course, it is a mark of how tardy the New

South Wales Government is that it brought in only 186 recommendations in July this year, and the Victorian Government has actually leapt into a pamphlet.

The Hon. A. A. Lewis: I think you are frightened of the pamphlet because it might do you out of business.

The Hon. PETER DOWDING: I would urge all the self-help kits in the world, but they will not solve the problem highlighted by the Hon. Lyla Elliott which, simply, is the protection of victims of domestic violence.

If the Hon. Peter Wells understood something about the constitutional problems which are raised in this country in relation to legislation on domestic violence—which he does not—he would understand that if a couple is married, the relationship between husband and wife may be controlled by the operation of the Family Law Act, because it is an event arising out of the circumstance of a marital relationship. If one is not married, or if one is dealing with the welfare of a child that is not a child of the union of the husband and wife, but is perhaps a child born before the marriage as a result of another relationship, the State must bear the constitutional responsibility. Therefore, the State has responsibility for *de facto* relationships or for *ex nuptial* children arising from those relationships.

The Hon. Lyla Elliott made the point admirably that the problem is that even if there is a court order prohibiting molestation by a spouse in the Federal scene, or a *de facto* in the State scene, an injunction is not sufficient to protect the victim from further violence from the same source, because the police cannot or will not intervene. As the Hon. Lyla Elliott pointed out, and as I thought the Hon. Peter Wells and other members would have understood—I am sure some members have understood—if the police attend the scene and one party has an order of the court against him, for protection to be effective they need the second stage; namely, immediate enforcement of the court order.

The Hon. P. H. Wells: Is that not what the amendments to the Family Law Act will achieve?

The Hon. PETER DOWDING: If Mr Wells would only listen! It will not, because the Family Law Act Amendment Bill can relate only to married couples: it cannot relate to a *de facto* situation or to the domestic situation where a dispute between the parties arises not out of a marital relationship but perhaps out of the existence of a child of their union.

The Hon. P. H. Wells: You do not think we should let the Family Law Act come in?

The Hon. PETER DOWDING: It will not apply to people in that situation.

The Hon. P. H. Wells: You do not believe we should observe the implications of that Act?

The Hon. PETER DOWDING: I do not understand the honourable member's interjection. In any event, the Federal legislation certainly will not be through within 12 months; it will take a considerable period, in addition to which there is doubt in my view about the power and the determination of the police in this State to enforce an order of the court.

The point is, we are dealing with protection in two circumstances:—where there is no court order and where there is a court order.

One of the problems which arises is that the only power which rests in the State Act to make a non-molestation provision relates to the situation involving a custody dispute, where there is an order for custody, and then only to the extent of protection of the party of the custody order. In other words, in a *de facto* situation the party which does not have custody of the child may have access to the child and cannot be granted protection under the application of the Family Court Act.

The difficulty is that the application must be made by a person having the custody or guardianship of the child. That is obviously an oversight; it was never intended it should be limited thus. However, it is a fact.

The only area in which a person in that situation in our State can obtain relief is under section 172 of the Justices Act under which she may apply to the Court of Petty Sessions and make a complaint in writing that a person has threatened to do her bodily injury. That person then can be bound over to keep the peace. It is a cumbersome and unnecessary procedure, but it does give some protection.

Members opposite can go on with all the folksy information they like. They can tell us they have read 1 759 studies on the matter. However, if they do not understand the problem of the operation of the law in this State they are misconceiving the nature of the motion and hence, are misconceived in their support for the amendment.

The Hon. Peter Wells reminds me of the man taking a Cook's tour of the world with a telescope the wrong way around strapped to his blind eye. He still does not understand we are dealing with the immediate problems of protection. This can arise only in circumstances, firstly, where the court has power to make an order and, secondly, the Police Force has power to enforce that order. That is not the situation in this State.

A number of good studies have been made in other parts of the world and in the Eastern States. We should learn from them, and not flurry around in a bevy of illiterate suggestions which will not get to the issue, which is the protection of people who are the subject of domestic violence.

The second point I make is that, like so many other tired, turgid arguments we have heard from members opposite in the past, the amendment ends up with a little pat on the back for the Government, and with the Hon. Peter Wells telling us how much his Government cares for the ordinary man in the street. The analogy of the telescope applies. If Mr Wells thinks his Government has the slightest interest for the welfare of the ordinary man in the street, no doubt during the Budget debate he will tell us at length how he came to that conclusion.

The reality is that domestic violence is a problem resulting from social dislocation. Social dislocation is a problem resulting from the economic policies of his Government, and the Federal Government. The support of the party to which members opposite belong, and the Treasurer of this State, for the Federal Government's tax-sharing arrangements has in turn provided us with a diminished income with which to manage social welfare agencies.

That is what the Treasurer keeps telling us is the reason for increased charges, and that is what Government members keep telling us is a justification for providing an economic situation which cripples people in this community. So long as that is the situation, domestic violence will continue as a product of the economic and social situation created by the policies of this Government.

It is a tragedy that in a motion designed to engage members in a serious debate about a matter of importance, members opposite find it necessary to turn it around to a little pat on the back for the Government for its non-existent care.

We are told by the Hon. Margaret McAleer that some sort of studies are in the pipeline; however, no-one has told us about them; nor has it been made clear who is doing them, or what they aim to achieve.

So, we end up with a tiresome amendment to the motion which will give the Government a pat on the back and sweep a serious social issue under the carpet. This is being done because members of the Government are so politically motivated that they will not permit a serious social issue to be discussed in this House and some unanimity reached between both sides of the House.

THE HON. A. A. LEWIS (Lower Central) [10.29 p.m.]: I had not intended to enter this debate; however, after the tirade we have heard from the Hon. Peter Dowding, which showed he obviously listened to very little of what the Hon. Peter Wells had to say, I find I am forced to my feet.

The member had to get personal because he did not have an argument to make about any area of domestic violence. He did not cite the percentage of *de factos* involved in domestic violence. He has not done his research. All he wanted to do was make a political attack on the Hon. Peter Wells.

The Hon. R. Hetherington: It was not a political attack.

The Hon. A. A. LEWIS: If it was not political it was certainly personal. He did not attempt to give the House the benefits of his very "great" knowledge which he tells us he has whenever he gets to his feet and says that the Government knows nothing about what it is doing. He says he was watching television on Sunday night, when I guess he ought to have been in his electorate.

The Hon. Peter Dowding: I had been to my electorate.

The Hon. A. A. LEWIS: The member still has time up his sleeve to watch television on a Sunday night. Perhaps he should be doing one of his two jobs.

He spoke about the debate not being serious. In my opinion it was a very serious debate until he joined in. He spoke about non-existent care being provided by the present Government. When the Hon. Peter Dowding reads the speech made by the Hon. Margaret McAleer he will find that she has proved that he really does not understand what this debate is all about. The member's contribution did nothing for himself or his party.

THE HON. LYLA ELLIOTT (North-East Metropolitan) [10.32 p.m.]: I am extremely disappointed with the Government's actions. I thought this was one issue on which this Chamber could reach a degree of unanimity. I have been absolutely astounded at the attitude of members on the other side who spoke in support of the Government's amendment to my motion. Members opposite concede that domestic violence is a problem in the community, yet they support an amendment which means absolutely nothing.

I register a protest at the length of time the Government has taken to bring forward consideration of the motion I moved seven weeks ago on 23 September. I moved the motion following a good deal of research. Members will remember that I spoke at length to it. It is a poor show that the Government should take seven

weeks to reply to my motion. It is not as though there has not been sufficient time to debate it; we have not even been sitting on Thursdays.

I shall give reasons for my opposing this amendment and why members should agree to my original motion.

The Hon. R. Hetherington: It is a disgraceful amendment.

The Hon. LYLA ELLIOTT: The very next day after I moved my motion, as if to underline the need for legislation covering this area, the *Daily News* of Thursday, 24 September had a front page headline of "Massacre: Father slays his family". The article indicated that a father had killed his wife and four children. Although this occurred in Sydney it is relevant to the situation in this State and throughout Australia.

It does not matter which work one reads on violence, one finds there is strong support for what I said in my speech. Many books can be obtained from our library—Mr Wells seemed to get all of them and a lot from many other libraries throughout the State—which show the need for legislation covering this problem. An example of the books include *Violence in the Family*, *Stopping Wife Abuse*, *Web of Violence*, and *Scream Quietly or the Neighbours Will Hear*. There is also the report of the Royal Commission on human relationships, and the additional studies I mentioned in my speech. They all provide ample evidence of family violence being a wide social phenomenon throughout all stratas of society both here and overseas.

The four Government speakers agreed that it is a large problem. If they agree it is such a wide social problem, they must concede that we must take drastic action. By agreeing to this amendment we would certainly not do that.

Violence behind closed doors is creating a hell on earth for many people. Large numbers of people are being hurt and even killed. This is backed up by the article to which I referred, and which appeared the day after my speech.

We are seeing not only the physical scars of domestic violence but also the creation of social misfits, mental illness, and wives being driven to suicide. Children are being abused physically, emotionally, and sexually. Contrary to what Mr Wells tried to indicate, I did not neglect the very serious problem of children in families where violence is common. They form part of the reason for our need to have a 24-hour crisis unit.

If we are not concerned about the misery of these victims of family violence we must surely be concerned about the social problems which are created, and the community cost involved in

police services, social welfare services, hospitalisation, crime, drug abuse, and the cost of women's refuges.

We are not going to achieve any improvement until, firstly, we recognise the problem exists and, secondly, we take the appropriate and necessary steps to bring about a change. This would include correcting any anomalies or inadequacies in our laws, introducing a crisis intervention service to prevent violence occurring or being repeated, and providing counselling and other practical help.

We should consider also support for women who run the shelters. These women are doing a magnificent job against great odds.

Let us consider the question of funding of women's refuges. We are all aware of the announcement made by the Minister and referred to by the Hon. Margaret McAleer. In reply to a question today I was informed there has been a 20 per cent increase in the funding of these refuges. While that may sound a lot we must first consider the base from which we started, which was a very inadequate base and has been for a number of years. These refuges have been starved of funds for years. They have not been getting the sort of funding they need to do the job properly.

In his reply to my question today, the Minister indicated that the refuges had requested \$880 000 and the Government had allocated \$641 000. There is a shortfall of \$239 000.

The Hon. P. H. Wells: It is more than the New South Wales refuges get.

The Hon. LYLA ELLIOTT: My information is that the New South Wales refuges receive \$1 million. The women running these refuges are sensible people; they are not likely to make extravagant claims and would ask only for the sort of funds necessary to provide the basic requirements. I have talked with some of these women and I am surprised to learn the Minister has said that only one refuge will receive less funds than in 1980-81. Having spoken to one of the senior spokespersons for the women's refuge group my understanding is that the funding to five centres will be cut and that the amount allocated will not be enough to establish new refuges. She said there is a great need in Perth for additional centres to cater for women with psychiatric, drug, and alcohol problems. She said there is a need for a young women's refuge. All the refuges are full and people are being turned away. She said also that new refuges are needed and she indicated there was a need in country areas also. The number of clients is increasing.

She mentioned the problem of the State Housing Commission not being able to find

accommodation for many of these women. This has meant that they are staying longer at the refuges. I have a number of cases in my files of women who have been in refuges for a long time. Once upon a time they would be there for short periods only and would be placed on the SHC emergency list, but they are now staying in these refuges for several months.

She also said that increasing Government charges form part of the rising costs for the refuges. Another woman I spoke to indicated that her refuge would be \$3 000 worse off than last year. Her refuge had asked for \$108 000 and received only \$97 000 last year. This year she received only \$94 000. Members should realise that we must also take into account inflation when we consider these figures. As I said previously, information on which I have based my speeches has come from the people involved.

I would like to quote a letter addressed to the Minister for Health from the Women's Refuge Group of W.A. The letter is dated 6 August and reads as follows—

The meeting of your Department with the representatives of W.A. Women's Refuges to discuss new funding guidelines was unsatisfactory to most of the Refuges attending. At this meeting the views and opinions of the Refuges were given no credence because, rather than being a forum for the development of guidelines, a set of non-negotiable guidelines were handed down to us.

We are as concerned as yourself in finding some mutually acceptable funding policy. We propose that guidelines for funding be formulated with your Department in a similar manner to the funding guidelines of the Victorian and New South Wales Refuge Programmes (see enclosed documents). These were achieved through close negotiations between the relevant government departments and the Refuge groups concerned. These guidelines do not seek to establish a standard funding formula but to first define the nature of a Women's Refuge. Women's Refuges differ greatly from those places where women are provided only temporary accommodation without other services and support being offered. They are designed to meet the special needs of a specific group in society—not merely homeless PEOPLE (i.e. where both sexes are housed). There are and should be alternative sources of funding available to these places, and given the tight budgetary situation, as well as your moves to develop guidelines for

WOMEN'S REFUGES, these institutions should not be funded from Refuge funds.

This proposal should be the basis of the development of funding guidelines in the LONG-TERM. Because these negotiations will take time, we suggest their development over the next year. In the SHORT-TERM we agree that certain anomalies or inequalities should be rectified, but not by removing funds from some Refuges but by increasing the total money the Government provides to Refuges.

Apparently what is intended is the taking of money from some refuges and the giving of it to others, or the using of it to establish new refuges at the expense of existing ones. To continue—

The Refuges writing this letter want:—

A decent living wage for all refuge workers.

A decent standard of living for all women and children resident in Refuges.

Funding based on the individual need of each Refuge negotiated independently with the Department.

100 per cent funding.

The refuges are not receiving 100 per cent funding. The Minister said refuges have not suffered funding cuts, but actually they received under the previous formula 12.5 per cent less than they should have. They received only 87.5 per cent funding, unlike the situation in other States, except Queensland, in which 75 per cent of the funding of refuges was provided by the Commonwealth and 25 per cent by the State Governments. This State has been quite mean in providing only 12.5 per cent of funding instead of the full 25 per cent, which has meant refuges in this State have had to raise 12.5 per cent of their funding. Although the funding may not have been cut, refuges did not receive enough to carry out their functions and pay proper wages.

The Hon. Margaret McAleer: With the new arrangements they don't have to raise the money.

The Hon. LYLA ELLIOTT: That is correct, but if they do not obtain the amount they request—as I have said, they have received \$239 000 less than the amount they requested—they must raise the other 12.5 per cent. It is not a condition upon receiving funding from the Government that they find 12.5 per cent of their funding, but not receiving the full 25 per cent of funding from the State has the same effect because they must raise the necessary funds from somewhere, as they have done previously to survive.

The Hon. Margaret McAleer: It is understood that they should do that.

The Hon. LYLA ELLIOTT: To continue the list of what refuges want—

Recognition by the Department of the need for more Women's Refuges.

A written agreement with the Department recognising the continuing need for Women's Refuges and including a definition of a Women's Refuge, and for this to be the BASIS of funding.

1. The Government has taken no account of the financial needs of Refuges nor the increasing pressures placed on us by the cutbacks in funding to government services and departments i.e. availability of State Housing Commission accommodation, low Department of Social Security benefits, increased water and power charges. These cuts are increasing the pressures on families and also having the effect of lengthening the stay of the women entering the Refuges.

Any suggestion that MORE OBVIOUSLY disadvantaged Refuges should receive increased funding at the expense of those Refuges with more reasonable funding and staffing levels is unacceptable to us. We ALL only receive 87½ per cent funding on our submissions and therefore are struggling to meet our full financial needs. If the Government wishes to rectify certain anomalies or inequalities it should increase funding to the Refuge Programme and thus to the 'disadvantaged Refuges'.

2. The guidelines do not recognise the variations in Refuges nor our right to remain autonomous. All Refuges provide for the basic needs of the women and children residents; for example food, shelter and referrals. However, they differ greatly in the way they provide these services and in additional services they offer. Refuges have come to respect the right of each Refuge to function in the manner which they decide and

to define their own priorities. This in turn enables women to stay in the Refuge they feel most comfortable with, room permitting.

Therefore, we do not accept a standardized funding formula based on the capacities and turn-over of residents of the different Refuges—AS ASSESSED BY YOUR DEPARTMENT. We propose that the submissions made by Refuges should continue to be assessed independently.

3. Wages make up the major part of Refuge expenditure. Even at present wage levels most Refuges are forced to share wages amongst workers, and to rely heavily on workers' commitment to the Refuge in providing volunteer labour. Any reduction in these wages will severely restrict the services Refuges can provide and will mean either a reduction in numbers of paid refuge staff, or closure of the Refuge. Thus we totally reject the provision of a WAGE SUBSIDY. No worker can be expected to accept such drastic wage cuts as are being suggested (i.e. from \$11 000 to \$7 000 p.a.). In effect we are already receiving only a subsidy because we do not receive 100 per cent funding.
4. For the Government to set resident capacities for each Refuge, and to fund only to that level, begs the question of where, if as we expect many of these capacities will be lower than what the Refuges currently house the 'excess' will find refuge. No woman expects high living standards when she enters a Refuge—and the level of government funding does not allow it. We see this move as an avoidance of the pressing problem of providing a decent living standard for ALL women and children seeking Refuge accommodation by reducing the places available to them rather than increase funding.

If the Department persists in its unrealistic attitudes towards the

Women's Refuge Programme we will have to force the Government to accept responsibility for the women and children we cannot assist. Some Refuges are refusing referrals from all government institutions for one month from August 1st in protest against the Department's guidelines.

In fact, this did not come about. One refuge attempted to follow this course, but its funding was cut; it was smartly brought back into line. The action was meant only as a protest.

The purpose of my reading that paper, and referring to the financial position of refuges, was to indicate why the House should not support the amendment and should adopt paragraph 4 of the motion calling on the Government to ensure by way of increased funding that women's refuges in this State have the ability to accommodate all cases requiring emergency accommodation; have adequate staffing; can pay appropriate wages for refuge workers; and have recognition of their individual needs. That is quite a reasonable proposition and should be supported by members of this House.

Paragraph 2 urges the Federal Government to amend the Family Law Act so as to attach a power of arrest by police for breach of an injunction, etc. I was delighted when I read the Press report by the Federal Attorney General (Senator Durack) regarding the introduction of the recent Bill to amend the Family Law Act. The Bill incorporates the principle of one of the recommendations of the Federal Parliament's Joint Select Committee on the Family Law Act, and is in line with the United Kingdom legislation in regard to family law. However, we still need to retain in the motion a request that the Federal Government make certain amendments to the Family Law Act. As somebody pointed out, the legislation will be before the Federal Parliament for some time, and no guarantee at this stage is available that the Bill will be carried. It is quite reasonable to ask the State Government to express its opinion in the way outlined.

The Hon. P. H. Wells: Don't you believe in people being able to discuss legislation? The Family Law Act is important legislation.

The Hon. LYLA ELLIOTT: The member's suggestion is the most ridiculous I have ever heard. Of course I support the giving of time to debate the matter. The Federal Parliament is giving more time than we are given to debate such

matters. We have legislation rushed through in one day. At the end of sessions we always complain that legislation is rushed through and we are therefore not given enough time to debate it.

The Hon. P. H. Wells: Now you complain that we are doing it too quickly.

The Hon. R. Hetherington: I wish you would listen to what she actually says.

The PRESIDENT: Order!

The Hon. LYLA ELLIOTT: We should retain paragraph 2 in the motion.

The Hon. R. Hetherington: Hear, hear!

The Hon. LYLA ELLIOTT: It will be some time before the matter is finally dealt with by the Federal Parliament. It would be good for this Government to express an opinion in support of the amending Bill before the Federal Parliament. I do not know on which basis Mr Wells drew his conclusion.

Paragraph 1 of the motion requests the Government to enact legislation to enable appropriate laws to be changed to give greater protection to victims of domestic violence. When I moved the motion I drew attention to the fact that New South Wales has appointed a task force comprising criminologists, social workers, police, and people from a number of professions to investigate matters related to domestic violence. The task force brought down an excellent report containing 186 recommendations, to which I have referred already tonight. We do not have the benefit of such a task force, and more is the pity. It would be a good idea for this State to have such a task force.

As a back-bench member without research staff or legal training I do not have the resources to go through all the legislation relating to this important social area to enable me to pinpoint the legislation that requires amendment to bring the law up to date. For example, in the New South Wales task force report, under the section dealing with legal issues, these headings appear: "Prosecutions for Domestic Assault", "Injunctions against Domestic Violence", "Legal Aid", "Constitutional Aspects", "Domestic Violence and Homicide", "Delays in the Legal Process", "Supervised Access Centre", "Professional Legal Education", and "Chamber Magistrates and Stipendiary Magistrates". They are some of the areas the task force recommended for consideration to enable the provision of greater protection to victims of violence.

As I said in my earlier speech we are all aware of the fact that police officers are reluctant to intervene in domestic disputes, mainly because of their inability to achieve successful prosecutions. I am not condemning the police; I am just stating a fact of life, that the law as it stands at the moment does not give the police the sort of legal backing they need to intervene in these disputes and to bring about a successful conclusion when they are called to a house. I do not blame them for their reluctance. As I said, we are all aware of their problems but that is no reason to bury our heads in the sand and say we will not do anything about them.

I cannot agree with the amendment which says it would be inappropriate to contemplate such legislation before the Commonwealth Parliament has considered the amendment to the family law legislation. There are so many areas which need to be investigated and examined, and it would be a good idea if we did set up a task force in this State.

New South Wales did not wait for the Federal legislation. That Government did something about it. At the moment that Government is considering the recommendations of the task force. I do not believe we should agree to paragraph (2) in the amendment, we should adopt paragraph 1 of the original motion.

I believe paragraph (3) of the motion, which concerns the establishment of a crisis care unit, whose function would include the provision of intervention and counselling services related to domestic violence, is absolutely essential and urgent. I cannot accept that in a Budget of \$2 billion—and that is the sort of Budget we are operating with in this State—we cannot find a couple of hundred thousand dollars to set up such a vital service. After all, we are talking about a unit which could prevent not only injury but even death. I believe the \$200 000, if it would cost that amount, is a small price to pay to save the lives of children and wives, or save them from terrible injury.

The Department of Community Welfare in South Australia set up such a unit in 1976. It operates seven days a week for 24 hours a day and it has been very successful. I understand the crisis care workers there are trained to enter situations of great stress and tension and they work with the people involved in an effort to resolve the stress and to direct the aggression towards more creative purposes.

The unit works in close co-operation with the Police Department and a large percentage of its calls originate from the Police Department. People are also referred from hospitals, voluntary agencies, the Family Court, adult probation, schools, and doctors. The unit is involved also in the educational process with the Police Force and tertiary institutions.

Such a unit is urgently needed and I cannot support paragraph (3) of the amendment, which states that we should support the State Government's continuing study. What does that mean? When will a crisis care centre be set up?

As I mentioned earlier, I introduced a private member's Bill in 1976 in relation to family planning nurses. I felt it was essential to provide this sort of service for country areas. The Government set up a committee to inquire into the matter and I must say I was very impressed by the recommendations brought down by the committee in 1977. However, what has happened to that? It is four years later and nothing has happened. Will this occur with the crisis care unit? Will it be shelved for another four years?

The Hon. H. W. Gayfer: It is still before Cabinet.

The Hon. LYLA ELLIOTT: I think the way it has been dealt with is disgusting. It is just not good enough to support the wishy-washy statement contained in paragraph (3) of the amendment.

There is no doubt that violence within a family is a serious social problem and we must take immediate steps to improve the situation. Firstly we must overhaul the legal processes and procedures; secondly, as I have indicated, a 24-hour unit should be provided with provision of intervention and counselling services; and, thirdly, we need full support for the refuges which are providing valuable services for battered women and children.

I hope the House will reject the amendment which says absolutely nothing. I am surprised that Mr Wells could speak for 1½ hours, indicating that he has read a great deal on the subject; but I had great difficulty finding out what conclusions he had reached. I was impressed that he was interested enough to research the matter so fully but he did not take it to its logical conclusion.

It is not much use becoming an authority on something unless one uses that knowledge in a practical way. To support the amendment would not be applying that knowledge. This amendment

does nothing about domestic violence; it is empty, and I hope the House will reject it and support my original motion.

Amendment put and a division taken with the following result—

Ayes 18	
Hon. N. E. Baxter	Hon. N. F. Moore
Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. Tom Knight	Hon. I. G. Pratt
Hon. A. A. Lewis	Hon. P. H. Wells
Hon. P. H. Lockyer	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. Neil McNeill	Hon. D. J. Wordsworth
Hon. I. G. Medcalf	Hon. Margaret McAleer

(Teller)

Noes 7	
Hon. J. M. Berinson	Hon. R. T. Leeson
Hon. Peter Dowding	Hon. H. W. Olney
Hon. Lyla Elliott	Hon. F. E. McKenzie
Hon. R. Hetherington	

(Teller)

Pairs	
Ayes	Noes
Hon. Neil Oliver	Hon. J. M. Brown
Hon. G. E. Masters	Hon. D. K. Dans

Amendment thus passed.

Question (motion, as amended) put and passed.

LIQUOR AMENDMENT BILL

Assembly's Message

Message from the Assembly received and read notifying that it agreed to the amendments made by the Council.

MOTOR VEHICLE DEALERS AMENDMENT BILL.

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.12 p.m.]: I move—

That the Bill be now read a second time.

In recent times approaches have been made to the Government by various promoters to run car fairs, mainly on weekends.

These would be conducted in some large area, such as a racecourse or show ground, with the intention of bringing together a large number of private vendors and private purchasers of motor vehicles.

At the time the approaches were made, it was thought, and the promoters were advised, that this type of operation could well constitute a breach of the Factories and Shops Act and/or the Motor Vehicle Dealers Act. Members will be aware that a car fair was in fact held recently despite the advice given by the Department of Labour and Industry that the holding of the fair could be in breach of the previously mentioned Acts. Following further investigation, it has been established that no offence is committed under the Motor Vehicle Dealers Act as the promoter is not a dealer as such.

A similar situation in another State has been dealt with by amending legislation.

Reports on the car fair referred to earlier disclosed that of about 20 cars presented for private sale, 60 per cent were regarded as unroadworthy and, in fact, two of the vehicles had Road Traffic Authority work orders issued on them. If not subject to some form of control, this type of activity will inevitably attract unlicensed dealers, sellers of stolen vehicles, and perhaps some unethical dealers.

The main concern is to afford protection to the public and to ensure that people get the best possible deal, as is provided for in the Motor Vehicle Dealers Act under which dealers, yard managers, salesmen, and premises must be licensed.

Licensed dealers are required under the Act to be of good character and repute and fit and proper persons to hold a licence. They must also have sufficient material and financial resources available to them to comply with the requirements of the Act.

People who present vehicles for sale at car fairs are not required to comply with any of these obligations and therefore the public are at risk. To ensure that as much protection as possible is given to the public, this Bill will seek to control the activities of promoters of car fairs or markets.

A car market operator, that is, the person who arranges to provide the premises, will be required to obtain a licence. The requirements will be basically the same as those for dealers.

Licensed dealers, yard managers, and salesmen will not be permitted to hold a car market operator's licence and vice versa. This is seen as necessary, otherwise it would allow unethical persons to off-load vehicles and avoid the warranty provisions of the Act.

To place responsibility on operators, they will be held liable for any loss incurred where the vendor sells a vehicle subject to an encumbrance. The only exception will be in the case where a notice is displayed on the vehicle being sold stating that title to the vehicle is not guaranteed by the operator.

A substantial penalty is proposed which it is considered will deter the promoters from operating without the necessary licence.

Other matters included in the Bill will amend relevant sections of the Act to apply to car market operators.

In essence, this legislation seeks to control an activity which could get out of hand and act to the detriment of the public.

I commend the Bill to the House.

THE HON. R. HETHERINGTON (East Metropolitan) [11.16 p.m.]: I was concerned about the car fair that was proposed to be held and certainly I had representations made to me from motor vehicle dealers in my electorate who pointed out they had to pay licence fees, they had to face the responsibilities of warranties, and they were meeting this kind of competition which seemed to them to be grossly unfair. As it was, the car fair turned out to be a massive trash and treasure exercise, with much of the treasure being trash, and unroadworthy vehicles being presented.

I think I would prefer not to have car fairs at all, but if we are to have them, the loopholes in the law should be covered. The sooner this Bill is passed and proclaimed so that there will be regulations for car fairs, the better it will be.

THE HON. PETER DOWDING (North) [11.17 p.m.]: The Hon. Bob Hetherington has expressed the view of the Opposition on this subject. I would like to add that I have some reservations about the legislation and I express

these reservations, not in opposition to the Bill but because I do not believe it deals with the matters that it purports to deal with, and it does not offer the protection it purports to offer.

The fact is that a great number of private sales of motor vehicles are conducted every day through the newspapers. As I understand it, the purpose of the fair was to enable prospective purchasers and buyers to get together and view a number of cars in a relatively short period of time. Licensing the person who holds the fair and not permitting certain persons to sell motor vehicles may be appropriate but, with respect to the draftsman and the Government Minister who has introduced the legislation, I do not see that it places the public in a better position of protection from unscrupulous persons who may defraud both the licence holder and a member of the public.

Having expressed those reservations, all I can say about the legislation is that it seeks to control an activity which could get out of hand, when the activity has neither got out of hand nor was evidence presented in the second reading speech, or in the attendant publicity, to say there was any evil arising from it. It seems to me to be an unfortunate move and one which may not be shown to be justified by the passage of time.

It appears that we must recognise that a number of private car transactions are conducted, and it would be all right to allow people the opportunity to get together to conduct these transactions, provided buyers understand that they are not covered by the warranty conditions of the motor dealers' licence regulations, nor do they have the same element of protection about acquiring a good title to the motor vehicle.

With those reservations having been made clear I do not really understand why the legislation needs to go as far as it does.

Debate adjourned, on motion by the Hon. I. G. Pratt.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [11.20 p.m.]: I move—

That the House at its rising adjourn until 2.30 p.m. on Wednesday, 11 November.

Question put and passed.

House adjourned at 11.21 p.m.

QUESTIONS ON NOTICE

WATER RESOURCES: DISCONNECTIONS

Number

686. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Water Resources:

For the years 1978-79, 1979-80, and 1980-81, how many households had their water supply disconnected for non-payment of accounts?

The Hon. G. E. MASTERS replied:

	Discon- nected	Re- stricted
1978-79	2 782	Nil
1979-80	1 335	6 538
1980-81	Nil	3 810

LAND: VALUATION TRIBUNAL

Appeals

687. The Hon. N. E. BAXTER, to the Minister representing the Treasurer:

- (1) How many appeals have been made to the Land Valuation Tribunal since it was established?
- (2) How many appeals have been upheld, and how many have failed?

The Hon. I. G. MEDCALF replied:

- (1) 284.
- (2) Upheld—74
Dismissed—151

The balance represents decisions deferred.

COURT: COURT OF PETTY SESSIONS

Justices of the Peace

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

- (1) How many applications have so far been received from justices of the peace for service in the Perth Court of Petty Sessions?
- (2) Of the applicants, how many have—
 - (a) had five years or more experience in court/bench work;
 - (b) attended a training course—
 - (i) at any time; or
 - (ii) within the last five years?

The Hon. I. G. MEDCALF replied:

- (1) 40.
- (2) (a) 13.
- (b) (i) 35.
- (ii) 25.

FUEL AND ENERGY: ELECTRICITY AND GAS

Disconnections: Number

689. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Fuel and Energy:

For the years 1978-79, 1979-80, and 1980-81, how many consumers had their electricity and/or gas supply disconnected by the State Energy Commission for non-payment of accounts?

The Hon. I. G. MEDCALF replied:

Statistics of the number of customers disconnected for non-payment of accounts are maintained in the metropolitan area only.

The following statistics relate to the periods in question—

July 1978—June 1979	6 300
July 1979—June 1980	11 485
July 1980—June 1981	10 250

POLICE: DEPARTMENT

Annual Report: Racist Comments

690. The Hon. R. G. PIKE, to the Minister representing the Minister for Police and Traffic:

- (1) Is it in fact correct, as stated in the Police Commissioner's report, that "the general deterioration in the behaviour of Aborigines remains evident in many areas"?
- (2) If so, what are the facts on which the assertion is based?
- (3) Why are Aborigines identified in this way in the commissioner's report?
- (4) What are the positive aspects of Aboriginal and police relations?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) From observations of police in the areas concerned supported by the incidence of arrests and charges. This situation has existed for some years and can be traced back to the general movement from pastoral stations to towns and ready access to liquor. The impact of this event throughout the pastoral areas in particular, is well known. In many such areas there is no sign, from a policing aspect, of significant change from the trend evident over past years.

(3) Aborigines are a distinctly identifiable group in the community and, as such, in some areas their behaviour significantly affects police operations and functions. The effect of the behaviour of some Aborigines on policing requirements, is well documented in the recent report of the Government committee of inquiry into the rate of imprisonment in Western Australia.

(4) Positive aspects of Aboriginal and police relations include—

segments in police recruit and in-service training courses on Aboriginal culture, law and Aboriginal/police relations; the Aboriginal police aide scheme referred to in the commissioner's report at pages 7 and 19; and the commissioner is represented on the special Cabinet committee on Aboriginal-police relations by the Assistant Commissioner of Police (Mr R. Kenward).

HOUSING: RENTAL

Evictions

691. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Housing:

For the years 1978-79, 1979-80, and 1980-81, how many tenants of State Housing Commission accommodation—

- (a) received eviction notices; and
- (b) were evicted;

for non-payment of rent?

The Hon. G. E. MASTERS replied:

(a) and (b) The eviction actions against tenants of the State Housing Commission for the years 1978-79, 1979-80, 1980-81 were—

	1978-79	1979-80	1980-81
Notices to quit served	2 540	2 618	3 028
Court orders obtained/writs of summons served	187	276	262
tenants evicted	54	42	34

It is to be noted that the State Housing Commission does sometimes take eviction action for other than non-payment of rent. This type of action is a very small percentage of the total actions and no detailed information is kept.

TOWN PLANNING

Whitford Nodes

692. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Urban Development and Town Planning:

(1) Is it a fact—

- (a) that the Wanneroo Shire Council is anxious to protect the strip of coast known as the Whitford Nodes for public recreation purposes;
- (b) that the MRPA technical advisory group submitted to Cabinet a detailed report on the area, prepared by Scott and Furphy Engineers, with the recommendation that the nodes be acquired and developed by the Wanneroo Shire Council;
- (c) that there is increasing pressure from developers for subdivision rights, to enable urban development; and
- (d) that an appeal against refusal to subdivide has been lodged with the Minister?

(2) (a) If (d) is "Yes", has the Minister reached a decision in this matter; and

(b) if so, what is that decision?

(3) Is the Government prepared to take action and provide funds to protect the Whitford Nodes in the public interest?

The Hon. I. G. MEDCALF replied:

(1) (a) There is no strip of coast known as the Whitford Nodes. However, the Shire of Wanneroo is anxious that land currently zoned for residential purposes and known as the Whitford Nodes west of West Coast Highway be acquired for public recreation purposes.

- (b) No. However, a technical advisory group responsible to the Minister did recommend that the nodes be acquired and developed along the lines proposed in the Scott and Furphy report, subject to minor modifications. The group highlighted the fact that it might be difficult for the shire to raise sufficient funds to purchase all of the nodes.
- (c) A proposal to subdivide land owned by North Whitfords Estates Pty. Ltd. was submitted to the Town Planning Board on 6 November 1980.
- (d) Yes.
- (2) (a) and (b) No.
- (3) Action already has been taken by Government to transfer approximately 36 hectares of Crown land east of Gibson Avenue, Padbury, to the Shire of Wanneroo. The land is to be subdivided and sold and the profits directed towards acquisition of the nodes.

HEALTH: NURSING HOMES

Patients: Number

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

- (1) Can the Minister provide the following statistics—
 - (a) the total number of patients in nursing homes;
 - (b) the total number in each category of home, namely—
 - (i) Government;
 - (ii) non-profit;
 - (iii) private; and
 - (c) the ages and sex of such patients?
- (2) If not, will the Minister instruct his department to undertake a survey to obtain this information?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) This information will be difficult to obtain and the member would need to provide justification for such a survey. A study is in hand to establish a method of obtaining this information routinely in the future.

HEALTH: NURSING HOMES

Patients: Medical Practitioners

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

- (1) Is it a fact that patients in nursing homes have no choice of doctor?
- (2) If so—
 - (a) in how many homes does this apply; and
 - (b) under what Act can a nursing home administration refuse this right?

The Hon. D. J. WORDSWORTH replied:

- (1) No, with a few exceptions.
- (2) (a) Two private—Homes of Peace, Inglewood and Subiaco. Two public—Mt. Henry and Sunset.
- (b) None. At the Homes of Peace this is covered by the rules of the institution and at Mt. Henry and Sunset a service is provided by Government-employed sessional medical staff.

AGNEW CLOUGH LTD.: LAND

Flora and Fauna Reserves

695. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Resources Development:

I refer to question 590 of 20 October 1981, in respect to Goonaring and Beelaring flora and fauna reserves, in which I asked—

firstly—why did the Government include environmentally sensitive land in the sale to Agnew Clough Ltd., and
secondly—why did it not arrange for a formal agreement with Agnew Clough in respect to protecting the reserves.

I now ask—

- (1) Why has the Attorney General referred me to the answer given by the Minister for Conservation and the Environment to question 565 of Wednesday, 14 October 1981, when that Minister stated in that answer that the legislation did not come within his portfolio?

- (2) As the legislation governing the sale of Wundowie Charcoal Iron Industry to Agnew Clough Ltd., which included the land in question, is covered by the portfolio of the Minister for Resources Development, will he now answer the question?

The Hon. I. G. MEDCALF replied:

- (1) and (2) I am advised the Minister for Resources Development has written to the member, and his correspondence refers to both question 590 and this subsequent request.

HEALTH: NURSES

Family Planning

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

Further to my questions 29 of 12 August 1980, 165 of 3 September 1980, and 22 of 25 March 1981, seeking information on the Government's intentions regarding the recommendations of the committee set up to examine the proposals in my private member's Bill of 1976 concerning family planning nurses, and the answers to the latter two questions which both stated "The matter is before Cabinet and a decision is expected shortly"—

- (1) Will the Minister advise whether Cabinet has yet reached a decision on those recommendations requiring Government action?
- (2) If not, why is Cabinet procrastinating over recommendations that have been before it for over four years?

The Hon. D. J. WORDSWORTH replied:

- (1) Yes, in respect of some aspects of the report with other matters which call for decision expected to be decided soon.
- (2) It is not correct to talk about procrastination. The matters involved are important social questions and call for considerable studies and consultation as is proper in a case of this kind.

HEALTH

Women's Refuge Centres

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

With reference to the statement in *The West Australian* of 27 October 1981 concerning an increase in funding for women's refuges—

- (1) What was the total amount sought by the 14 centres now covered by the community health programme?
- (2) Is it a fact that five refuges will have their funds cut?
- (3) If so—
- (a) which ones; and
- (b) by how much?

The Hon. D. J. WORDSWORTH replied:

- (1) Refuges requested \$880 000 and the Government has allocated \$641 000 which represents a 20 per cent increase over the 1980-81 Government expenditure of \$532 000.
- (2) No. Only one refuge will receive less funds than in 1980-81.
- (3) (a) Nardine Women's Refuge.
- (b) The 1981-82 allocation of \$94 700 is \$2 445 less than was contributed by the Government in 1980-81.

QUESTIONS WITHOUT NOTICE

GOVERNMENT DEPARTMENTS AND INSTRUMENTALITIES

Boards, Commissions, and Trusts

200. The Hon. R. T. LEESON, to the Leader of the House:

I refer him to question 541 of Tuesday, 29 September. Would he please take the necessary action to ensure that the information I sought about Government departments and instrumentalities is tabled prior to the end of the current session?

The Hon. I. G. MEDCALF replied:

I am indebted to the member for supplying prior notice of this question. I indicate that no such undertaking can be given. The information will not necessarily be available for tabling before the House rises; if it is available

it will be tabled, otherwise it will be advised to the member in writing.

QUESTIONS ON NOTICE

Answering

201. The Hon. N. E. BAXTER, to the Leader of the House:

Does he anticipate that questions given notice of today will be answered prior to 5.30 p.m. tomorrow

The Hon. I. G. MEDCALF replied:

Naturally the Government will do its best to answer all questions asked by members. Sometimes the number of questions asked poses very severe problems for the staff who have to research the relevant information. I cannot give an undertaking about a particular hour, but I shall do my best.

QUESTIONS ON NOTICE

Answering

202. The Hon. H. W. GAYFER, to the Leader of the House:

Further to Mr Baxter's question, could answers to questions be given before dinner tomorrow rather than after dinner as was the case last week?

The Hon. I. G. MEDCALF replied:

As was indicated last week, it is proposed that we commence our sitting tomorrow at 2.30 p.m. Therefore it is difficult in those circumstances to indicate exactly when answers to questions will be available. We cannot break into the middle of a debate in order to answer questions. However, we will do our best to accommodate members.

