

## Legislative Council

Wednesday, 3 September 1980

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

### QUESTIONS

Questions were taken at this stage.

### LEAVE OF ABSENCE

On motion by the Hon. W. M. Piesse, leave of absence for six consecutive sitting days granted to the Hon. N. E. Baxter (Central) on the ground of parliamentary business overseas.

### CONSTITUTION AMENDMENT BILL

#### *Receipt*

Bill received from the Assembly.

#### *Point of Order*

The Hon. J. M. BERINSON: Mr President, I ask you to advise the House whether the Bill to which you have just referred is accompanied by a certificate of the Clerk of the Assembly to the effect that the second and third readings passed with the concurrence of an absolute majority of the whole number of members of the Legislative Assembly.

The PRESIDENT: No, it does not.

#### *First Reading*

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.03 p.m.]: I move—

That the Bill be now read a first time.

#### *Point of Order*

The Hon. J. M. BERINSON: Mr President, I refer you to Standing Order No. 311 and ask you to rule that, this being a Bill requiring the concurrence of an absolute majority of the whole number of members of the Legislative Assembly—

The PRESIDENT: Order! The honourable member is out of order. There is a question before the Chair. The honourable member asked a question, which I answered, and the Leader of the House has moved that the Bill be now read a first time.

The Hon. J. M. BERINSON: Standing Order No. 311 provides that the Council shall not

proceed with such a Bill unless the Clerk of the Assembly shall have certified to the effect I mentioned. The submission I put to you is that in terms of Standing Order No. 311 it is improper for the Council to proceed with this Bill and that you should rule accordingly.

The PRESIDENT: The honourable member is presupposing what is in the Bill. The message from the Speaker of the Legislative Assembly simply seeks our concurrence with an amendment to a piece of legislation. At this stage the House is not in possession of the contents of that Bill, and I wonder how the honourable member is in a position to decide what is in it.

The Hon. J. M. BERINSON: Telepathy. I accept your ruling at this stage.

Question put and passed.

Bill read a first time.

#### *As to Second Reading*

#### *Point of Order*

The Hon. J. M. BERINSON: Mr President, I now ask you, in terms of Standing Order No. 311, to rule that the Council should not proceed with this Bill in the absence of the proper certificate of the Clerk of the Assembly.

The PRESIDENT: The Hon. J. M. Berinson has asked me to rule whether or not the Bill contained in this message conflicts with Standing Order No. 311. In order to determine the matter I shall leave the Chair until the ringing of the Bells.

*Sitting suspended from 5.06 to 5.44 p.m.*

#### *President's Ruling*

The PRESIDENT: The Hon. J. M. Berinson has asked whether this Bill is in order on the grounds that since the Bill was not passed in the Legislative Assembly with an absolute majority at the second and third reading stages, it is therefore not properly before the Council pursuant to Standing Order No. 311.

I have examined several previous rulings that have been given in the Council, and have also referred to the debates in *Hansard* on occasions where discussions have taken place regarding interpretation of the phrase "Constitution of the Legislative Council or of the Legislative Assembly", and I admit that difficulty has been experienced. Indeed, opinion has been expressed in the past that interpretations of this nature should really be matters of law and not for Parliament to decide.

Bills similar to this one have been passed in the Council to increase the number of Ministers on

previous occasions, and for two of them, in 1927 and 1950, there is no evidence recorded of the support of an absolute majority. An examination of our records reveals that the presiding officer of the day in 1965 and 1975 did in fact state that the Bills being considered required a constitutional majority.

It is therefore apparent to me that the practice established in 1927 and subsequently upheld in 1950, was reversed in both 1965 and 1975 and no reason was submitted in either of the two Houses for the changed practice on those occasions.

However, the Bill under consideration proposes to amend the Constitution Acts Amendment Act 1899, which relates to the Constitution of the State of Western Australia, and Standing Order No. 311 refers to the constitution of the Legislative Council and the Legislative Assembly which is defined in sections 5 and 18 of the Constitution Acts Amendment Act.

Therefore, it follows that the Standing Order does not apply to this particular Bill.

I consider that an absolute majority is required where a Bill provides for the number of seats to be increased or decreased or alters the qualification for electors or members, but in my opinion this Bill does not come into this category, and I therefore rule it to be in order.

#### *Dissent from President's Ruling*

The Hon. J. M. BERINSON: I move—

That the House dissent from the President's ruling.

It is with regret that I move to dissent from your ruling, Sir.

The PRESIDENT: The Hon. J. M. Berinson has moved to dissent from my ruling. Is there a seconder?

The Hon. D. K. DANS: I second the motion.

The Hon. J. M. BERINSON: My objection is to your ruling on Standing Order No. 311 of the Standing Orders of this Council. That relates directly to the provisions of section 73 (1) of the Constitution Act 1899. That section reads as follows—

73. (1) Subject to the succeeding provisions of this section, the Legislature of the Colony shall have full power and authority, from time to time, by any Act, to repeal or alter any of the provisions of this Act. Provided always, that it shall not be lawful to present to the Governor for Her Majesty's assent any Bill by which any change in the Constitution of the Legislative Council or of the Legislative Assembly shall

be effected, unless the second and third readings of such Bill shall have been passed with the concurrence of an absolute majority of the whole number of the members for the time being of the Legislative Council and the Legislative Assembly respectively.

The crucial question arising both from the Standing Order and from the Act is what is meant by the term "Constitution of the Legislative Council or of the Legislative Assembly". Guidance as to what is meant is provided by the precedents of this Council and these should be more persuasive to us than guidance provided from any other source.

As you yourself have indicated, Mr President, Bills with precisely the same objective as the present Bill were submitted and passed by Parliament in 1927, 1950, 1965, and 1975. As I understand it, it has been suggested that, as an absolute majority was not recorded in either 1927 or 1950, those occasions may safely be taken as precedents in support of the view that an absolute majority is not required in legislation of this nature.

I put it to the House that a construction like that on the events of 1927 and 1950 is both improper and even absurd. All that the records show is that in 1927 and 1950 the Bills passed on the voices, which is to say that the requirements of section 73 (1) of the Constitution Act were simply not considered. A reading of the whole report in *Hansard* on those occasions confirms that the requirements of section 73 (1) were simply not considered, so no precedent at all is established by the events of those years.

When the question did come to be considered—and that was in 1965 and 1975—it was ruled on both occasions, and in both Houses, that an absolute majority was required. In 1965 that ruling was given by the Hon. L. C. Diver and it appears in volume 170 of *Hansard* at page 227.

In 1975 the ruling was given by the Hon. Arthur Griffith and that ruling appears in volume 210 of *Hansard* at page 4304. No-one challenged those rulings then. No-one challenged identical rulings in those years in the Legislative Assembly.

I put it to members that those rulings were not challenged, because they were right. They were right then and they are right now and we should see it as our duty to uphold those rulings, because they in turn protect measures which are designed to preserve the most fundamental of all the Statutes of this Parliament—the Constitution Act itself.

Mr President, I reject and I invite all members to reject the view that, as in the last resort we can

turn to the courts to preserve the Constitution, we can rest easy on our own obligations. That clearly emerges from the statement made by the Speaker yesterday and such a view is to be deplored. This Parliament and its members are obliged to respect the Constitution and to seek to preserve it. We should be the court of first instance for that purpose and we should not leave that protection to courts or any other institutions which may well be avenues of last resort. We are the avenue of first resort. It is our prime obligation and it is up to us to see that that obligation is satisfied.

Mr President, in opposing your ruling I do not merely rely on the question of precedent, though I put it to you, with respect, that it should not be passed over as lightly as it appears to have been passed over in your own ruling. I think we can rely on the words of the Act as properly construed and even on their plain meaning. The Speaker in the Legislative Assembly, the Government in supporting him there, and the President in his ruling tonight, have all obviously proceeded on an excessively narrow view of what is involved in the term, "the Constitution of the Legislative Council or of the Legislative Assembly". It cannot reasonably be said that that term, for example, means only the numbers of members who make up the Legislative Council.

I start with an extreme example. What would be said of a provision that the numbers of this House would stand at 32—that is, that the constitution of this House, narrowly understood, would remain unaffected—and that everyone could participate equally in all respects in deliberations, except that metropolitan members only could vote on Tuesdays and Thursdays and rural members only could vote on Wednesdays? Can anyone doubt that there was a change in the constitution of this House when clergymen were made eligible to become members? Can anyone doubt that there was a change in the constitution of this Parliament when the age of eligibility for persons nominated for membership was lowered? Of course those were changes in the constitution of the Houses, though it did not affect their numbers in any way.

The reason I put it to you, Sir, that a change in the constitution of the House was involved on those occasions is that the term "the Constitution of the Legislative Council or the Constitution of the Legislative Assembly" goes not only to matters like the numbers of members, but it also goes to questions like special characteristics of members, special powers and privileges of members, and even special practices in which some members might be able to participate or

which they might enjoy as opposed to other members.

It is true that, in respect of Ministers of the State, they go unmentioned in terms of the relevant Acts; but the nature of Ministers, the nature of their practices, the nature of their special powers, and the nature of their special privileges are all long established and they are recognised universally. I do not doubt for a moment that all of us here would recognise them.

In the present Government there are two relevant practices which are and always have been observed. One of those practices is Cabinet solidarity and the other practice is that by which the Premier is empowered to select all the members of his Ministry.

I invite members to consider some of the practical consequences of a combination of those two practices as related to the constitution of the Houses. An addition of two members to the Ministry, assuming for present purposes they are appointed in the Assembly, would mean that the 29 Government members in the Assembly would have among them 12 Ministers, which is almost half their number. The inevitable result of that is that the existing dominance of the Executive over the Parliament can only be enhanced further since 12 Ministers in lieu of 10 will invariably stick together when it comes to converting the remainder of their parliamentary colleagues.

The Hon. R. G. Pike: That is not relevant to the Constitution Acts Amendment Act.

*Sitting suspended from 6.00 to 7.30 p.m.*

The Hon. J. M. BERINSON: Before the tea suspension I was making the point that anyone with the slightest knowledge of the subject understands very well the special place which the Executive and the Ministry have in our system of Government. They will understand very well also that ability and the tendency of the Ministry to dominate Parliament, and the simple proposition which follows from that is that the bigger the Ministry, the more easy and complete the domination of Parliament can be.

The Hon. R. G. Pike: I said by way of interjection that is not relevant to the Constitution Acts Amendment Act.

The Hon. J. M. BERINSON: That, unfortunately, goes to the honourable member's understanding of the Constitution Acts Amendment Act, and that is really where our dispute lies, does it not? In my submission the effect which I have referred to has a direct relationship to the ability of Parliament to perform its functions, and the constitution of the Houses, which extends to the role of the House on

any proper understanding of the term, must inevitably thereby be changed.

The same consideration arises in the potential for personal dominance by a Premier with the patronage of ministerial offices at his disposal. The more offices available to his patronage, the greater his personal dominance of his own party, and through his party, of the Parliament. If I do not lay any greater stress on that, it is not so much because I fear some further interjection from Mr Pike, but because the subservience of his fellow members to the Premier is already so complete it is hard to imagine its increasing, no matter by how many the Ministry is enlarged.

The Hon. Peter Dowding: "Gutless", that's the word.

The Hon. P. H. Lockyer: What we would expect from you.

The Hon. I. G. Pratt: He is the best electoral advantage we have got—keep it up.

The PRESIDENT: Will honourable members refrain from interjecting and allow the member on his feet to continue his speech uninterrupted?

The Hon. J. M. BERINSON: I had the impression before dinner, and this impression has increased since, that the argument about the general role of the Ministry in our Government might be a little abstract for the hour of the night. If members opposite find it a little difficult to grasp—

A Government member: We grasped it and rejected it.

The Hon. J. M. BERINSON: —let me commend to them a simple and direct examination of the terms of the Constitution Acts Amendment Act which is sought to be amended by the Bill currently under discussion. One section of the Act proposed to be amended by changing the word "thirteen" to the word "fifteen" is section 37. I would like to draw members' attention to this section which reads as follows—

Subject to the second proviso to section thirty-eight of this Act, if any person while holding an office of profit under the Crown, other than that of an officer of Her Majesty's sea or land forces . . . be elected a member of the Legislative Council or of the Legislative Assembly, he shall, if he takes the oath or makes the affirmation hereinbefore prescribed, be held by so doing to vacate his said office.

Provided that this section shall not apply to the thirteen principal executive offices of the Government liable, in accordance with this Act, to be vacated on political grounds.

Of course, we all understand that those principal Executive offices are in fact the offices of Ministers. I ask members to consider that provision together with relevant portions of the next section. Leaving out irrelevant words, subsection (6) of section 38 reads as follows—

If any member of the Legislative Council or Legislative Assembly, after his election—

(6) Accepts . . . any office of profit from the Crown, . . .

his seat shall thereupon become vacant:

Provided that, notwithstanding anything in this or any other Act, a Member of the Legislative Council or the Legislative Assembly shall not vacate his seat by reason only of his acceptance of an office of profit from or under the Crown if that office be one which the holder is liable to vacate on political grounds and which is referred to in sections . . . forty-three . . . of this Act.

I have left out references to other irrelevant sections.

The Bill we are discussing seeks also to amend section 43 referred to, and that is the section which provides there may be 13 principal Executive offices of the Government liable to be vacated on political grounds and no more. And the word "thirteen" there is to be amended to the word "fifteen" in the Bill tonight brought before the Council.

I urge members to try to put those three provisions together, and then to ask themselves what they mean in plain English, with nothing fancy about them. What is their ordinary natural meaning? Surely members will come to the conclusion that in the present circumstances, according to the provisions of the relevant Act, the Houses of Parliament of this State are to consist of 87 members, of whom up to 13 may be Ministers. That is the present position. What the new Bill is saying is that from the enactment of this legislation, the Houses of Parliament of this State shall henceforth consist of 87 members of whom up to 15 may be Ministers.

I ask members to consider how a change of that nature can possibly be understood as other than a change to the constitution of the Houses of this Parliament. On the one hand there is a situation where up to 13 members of a certain class may be included in the total membership of the Houses being changed to a situation where up to 15 members of a certain class may be included among the 87 members.

I invite members on the other side to consider how, on an ordinary understanding of the English

language, that can be understood as involving other than a change to the constitution of these Houses? It appears to me that the only possible basis for such an argument is that provided by the President, and whatever else his ruling did, it did serve a purpose in making clear just what the approach of the presiding officers of this Parliament is. The comments of our own President at least have the advantage over that of the Speaker in that they are clear and not obscure. The President said that it really all depends on section 5 of the Constitution Acts Amendment Act. That provision, leaving out irrelevant parts, says—

The Legislative Council shall consist of thirty-two elected members . . .

According to the ruling of the President, that is the beginning and end of it. Well, it cannot be, can it? In the first place, to speak of a House consisting of 32 members is not in any way speaking of the same thing as speaking of the constitution of the House which is a much broader term involving many other considerations. Apart from the consideration of the excessive inflexibility involved, and the nuances of interpretation involving our not relying on a section such as section 5, almost every precedent of this House is against it. It is not just a question of looking at the Acts of 1965 and 1975 which dealt with an increase in the number of members of the Ministry, Acts identical with the one before us now. It is not just a matter of saying we are going to either overrule or ignore those. It is a matter of ignoring and probably overruling every other occasion on which it has been held in these Houses of Parliament that an absolute majority was needed, with the single exception of those Bills which changed the number of the members of the Parliament.

Are we going to say that the Parliament led itself astray when it decided it needed an absolute majority to allow clergymen to be elected to Parliament? Obviously that amendment did not affect the number of members. Are we going to say the Parliament led itself astray when it decided that a constitutional majority was required to change the age of eligibility for members of Parliament, although numbers were not affected by that amendment at all? Are we going to say that the Parliament led itself astray when it decided that an absolute majority was required to change the age of eligibility for voters in this State? Are we going to say that this Parliament has been wrong on every occasion except on this occasion, and that in this army of constitutional amendments, the House as

presently constituted, with due respect, the presiding officers are the only troops in step?

That would not stand up to rational analysis. It defies the history and precedents of the Parliament and it does not make sense of ordinary English expressions as set out in the various relevant Acts.

The Hon. D. J. Wordsworth: On those occasions did the Parliament decide it would not accept the Bills if it did not have an absolute majority?

The Hon. J. M. BERINSON: On all those occasions—and on most of them without challenge although I will indicate later one occasion on which there was a challenge—it was decided that an absolute majority was required. That was a positive decision. There are even occasions recorded in *Hansard* where unanimity existed between the parties, but the presiding officer insisted on ringing the bells and counting heads. All these were positive decisions that an absolute majority was required in those cases.

If this House upholds the President on this occasion we are saying that on every one of those prior occasions the Parliament was wrong, its presiding officers were wrong, but we are right now. This poses a threat in the large to our fundamental Constitution Acts. It poses a threat to the institutions of which we are members, and I do not think it is out of place to draw attention also to the threat which it poses to the members of Parliament who may be appointed to the two new positions.

It was very striking yesterday to hear the Speaker speaking in these sorts of equivocal terms—

I believe that an argument could be sustained that this Bill does not involve a change or alteration to the constitution of either House.

He was not being too definite about the matter! All the Speaker was saying was that an argument could be sustained that it was not necessary—a person could take his pick—and he was prepared to rule it was not necessary and so the Bill blundered on through.

What if the Speaker is wrong? What if, as I believe, the President is wrong, but the House upholds his ruling? The effect will be that the two members selected to be the two additional Ministers will be improperly appointed and will, on challenge, be liable to have their seats vacated. That is not a light step to contemplate. As members of Parliament—whether on the same side or opposite sides—it is not a step which we

should take lightly without the most careful consideration of all the facts involved.

I come finally to a question which I am sure is in the background of every member's consideration; namely, should we buck the Government? I am sure members opposite are thinking, "We are members of the Government. Should we be prepared to stand on our often-asserted rights of independence and support the motion for dissent?"

The Hon. A. A. Lewis: Some of us have done it.

The Hon. J. M. BERINSON: I invite Mr Lewis to do it again.

The Hon. A. A. Lewis: We will accept the invitation if your argument is valid.

Several members interjected.

The PRESIDENT: Order! Members will please refrain from interjecting and interrupting the member on his feet.

The Hon. P. G. Pandal: Messing up a good speech.

The Hon. J. M. BERINSON: I am happy to accept the assurance of continued independence by members opposite. I urge and encourage them in their feelings of independence and desire to do the proper thing by reminding them of a decision of this House on 21 October 1958. The Bill before the House on that occasion was the Electoral Act Amendment Bill (No. 3). It had been passed by a simple majority in the Legislative Assembly and transmitted to this House. This House, taking its responsibilities seriously as I say it should again take its responsibilities seriously, declined to proceed with consideration of the Bill until the Assembly certified its ability to obtain a constitutional majority for the measure. The Bill went back to the Assembly and, so far as I can see in the short time available to me for this sort of research, there was no problem about obtaining an absolute majority in the lower House. The Bill was duly passed with the required absolute majority and transmitted back to this place.

I bring that example to the attention of the House for the purpose of reminding the Council that this section of the Parliament has on previous occasions not only asserted its right to make an independent decision, but also, in fact, made an independent decision on precisely the sort of question which is now before us.

I urge members to approach this motion on its merits, to consider the plain meaning of the words, and to consider the implications of allowing a measure of this kind to go through with less than an absolute majority. I ask

members on that basis to support the motion of dissent from the President's ruling.

The Hon. R. G. PIKE: Mr President, I rise to support your ruling in the matter before the House. I want to say to the Hon. Joe Berinson that the ratchet effect of his argument is acknowledged.

The Hon. A. A. Lewis: Come, come!

The Hon. R. G. PIKE: Not "ratshit" but "ratchet".

The PRESIDENT: Order!

The Hon. R. G. PIKE: I am only replying to the interjection. The honourable member obviously misunderstood the import of what I was saying.

Mr Berinson is not the only one burdened with comprehension in this matter. What I heard from the Hon. Joe Berinson, who moved the motion for dissent, have been answers, but not facts.

In order to present the view which I—as a back-bencher—hold on this matter, particularly concerning the definition of "constitution" in Standing Order No. 311 and a view I know has originally been proposed and held by Mr Pandal, from whom I hope we will hear during this debate, I want this House to picture a proposition whereby the Labor Party is considering a move to get rid of this House. Of course, this could have been a proposition prior to its recent conference, when it was instructed by its outside bodies to alter its platform to a provision that it should gut the Legislative Council with a view to eventually getting rid of it.

Mr President, I support your ruling on this basis. I ask members to consider not only the Bill before the House—the Constitution Amendment Bill—but also Part I of the Constitution Act itself under the heading "Parliamentary". This is a proposition which has been quite conveniently overlooked and not referred to by Mr Berinson. Part I of the Constitution Act divides the Parliament and the procedures of Parliament into its parts, which we have inherited from the Westminster system; these are parts we all know. I refer to Parliament, the Governor, and the judiciary. I refer members to page 8 of the Act where, at section 2 (1) under the heading "Parliamentary" it states—

There shall be, in place of the Legislative Council now subsisting, a Legislative Council and a Legislative Assembly.

I submit to this House that if we were to have a Bill brought forward by the Labor Party to get rid of or gut this House, that would be the section

first amended, and it would be amended to delete reference to the Legislative Council.

I go on to the second part of my submission, and refer members to page 43 of the same Act, where it is stated—

This Act is divided into three parts, namely, the Legislature, the Executive and Miscellaneous.

Again, I re-emphasise the authorities and designations of the parts of the Parliament contained in this Act.

Mr Berinson referred only to the Executive, but all we are referring to in this motion of dissent is the proposition contained in Standing Order No. 311, which states as follows—

If any Bill received from the Assembly be a Bill by which any change in the constitution of the Council or Assembly is proposed to be made . . .

The guts of this proposition is the small “c” of the word “constitution”, as it is written in Standing Order No. 311, because it does not refer to the propositions put by Mr Berinson which dealt with the Executive; it refers particularly and exactly to the constitution of the Legislative Assembly and the Legislative Council. On that basis, Mr President, your ruling is correct, and the motion for dissent moved by Mr Berinson is incorrect, and should be defeated.

I go on to elaborate. Members should keep that section in mind. We are dealing first with the Constitution Act which constitutes the Legislative Assembly and the Legislative Council and which goes on in subsequent sections to deal with the rights and authorities of both of those Houses within this Parliament.

The Hon. Peter Dowding: It all hinges on little “c” or big “C”; is that your argument?

The Hon. R. G. PIKE: Having pointed it out once, I now repeat for the benefit of members who are listening that the Constitution Act under our system sets out that the structure of authority shall be Parliament, the Governor, and the judiciary.

Having further substantiated the point in the best “legal eagle” traditions of the “legal eagle” we have heard from so far on this matter, I turn members’ attention once again to page 43 of the Constitution Act, where section 4 divides the actions of Parliament into the Legislature and the Executive. The Legislature is divided into two Houses, and the Executive is a separate and distinct ball game. The honourable member who made the point so far has successfully confused the Executive with the two Houses of Parliament

and, as I said before, that is what appears to be the ratchet effect of his argument.

The Hon. J. M. Berinson: You do agree, though, that there is no difference between the Executive and the Ministry?

The Hon. R. G. PIKE: I will come to that in a moment, if Mr Berinson does not mind. As he said to other members, “Please be patient.”

I now refer members to page 44 of the Constitution Act where section 5—Mr Berinson has quoted this already—provides there shall be 32 elected members to this House. I now refer members to page 66, section 18 of that Act which provides that the Legislative Assembly shall consist of 55 members.

The point I make to this House and, I hope, with clarity to Mr Joe Berinson, is that if he were here tonight as the Deputy Leader of the Labor Party proposing a Bill to gut or get rid of this House, he would be amending those sections, because those sections constitute the two Houses of Parliament. At the risk of being pedantic or repetitive, I am going to go back to that point each time, because that is the guts of the proposition this House is debating.

Having made those points, I now turn to page 87 of the red book and refer to the passage under the heading “Executive”. Mr Berinson made the point that this Bill seeks to amend section 43 (1) and (2) of the principal Act which currently provides there shall be 13 principal executive officers of the Government; we seek to substitute “15” for “13”. The point I hope is now made with clarity is that this is all we are talking about. The Parliament is constituted into the Executive, the Legislative Assembly, and the Legislative Council and in that division of authorities which are given to each of the Houses Mr Berinson’s proposition subsides, fails, and is of no effect whatsoever.

I have prepared these facts only during the suspension of the sitting for tea, so I have not had the same amount of time to prepare myself as Mr Berinson has had.

The Hon. Peter Dowding: That is obvious.

The Hon. R. G. PIKE: That is a matter of opinion, which will be reflected by the votes of members who think about the proposition, and do not simply make inane interjections. Mr Berinson referred to page 76 of the Constitution Act Amendment Act. The guts of section 37 refers to the Executive office of the Government. I beseech this House in the consideration of the motion for dissent from the President’s ruling to be thorough in their acknowledgment of the facts that are now presented.

I come back to the issue contained in Standing Order No. 311. That issue is—I hope I make this clear again—that we are dealing with the constitution of the Legislative Council and the Legislative Assembly as designated and as separated, and we are not dealing with the Constitution. Therefore Mr Berinson's motion is of no effect, and I oppose it.

The Hon. H. W. Gayfer: What would Les Diver and Arthur Griffith have been referring to—something different?

The Hon. R. G. PIKE: It is quite possible that determinations which were made in the past were not made in the light of the principal Act which constituted the Parliament, the Executive, and the judiciary into three separate and distinct ball games, each one with an authority, and did not take into account that this Standing Order deals with the constitution of the two Houses of Parliament, and not with the Constitution as a whole.

I rest my submission on those remarks, and oppose the motion moved by the Hon. Joe Berinson.

THE HON. P. G. PENDAL: I want to make a very brief contribution to this debate as it appears the Opposition has no intention really of dragging out the debate on the matter. I wish to refer to a couple of matters that have been canvassed.

The Hon. D. K. Dans: Never speculate on things like that.

The Hon. P. G. PENDAL: At the outset, implicit in some of the things Mr Berinson had to say—Mr Berinson had many sensible and logical things to say—was that somehow or other members on this side of the House were simply going to be toeing a Government line in some sort of mindless way as though they as individual members were incapable of making any sort of mature decision based on the merits of the case rather than on some party political line. I for one resent and reject that argument.

I make it clear that the very brief comments I make are based purely on my own conclusions. Probably, as the Opposition would agree, I am a little slow on these things, but it was as late as 3.45 p.m. today that I realised everyone in Parliament House was running around with the Standing Orders and for the first time in 90 years members discovered there was a Standing Order No. 311.

Quite frankly in the space of an hour or two members were becoming experts on the interpretation of Standing Order No. 311. In view of that fact I did not think it would be terribly out of place if I also became acquainted with it. Not

for a moment am I claiming that I am any sort of constitutional or parliamentary expert on any of the Standing Orders, least of all Standing Order No. 311. Despite that fact and the fact that Mr Dowding is an expert on just about everything in this House, he will appreciate that none of us may be experts on the Standing Orders—with the exception of you, Mr President—and the interpretation of Standing Order No. 311, but the fact remains that members here tonight need to make a decision on it. So whether we are here even in a state of total or partial ignorance—and I put myself in the second category—we still have to make a decision on the President's ruling.

It was as late as 3.45 this afternoon that I was referred to Standing Order No. 311. I do not make any apology for the fact that today was the first occasion since I have been a member that I have ever heard of Standing Order No. 311. Certainly it is the first time I have ever been referred to it. I have looked at it since that time and I know it does refer to Bills seeking to change "the constitution of the Council or the Assembly". I must say here that it is not even the Opposition which annoys me so much on this point, but my very good friend the Hon. Bob Pike who pinched my point about the big "C" or little "c". We are not talking about a question of semantics, because what the Hon. Bob Pike had to say about the type face used in Standing Order No. 311 is very significant.

The Hon. J. M. Berinson: Could I draw your attention to the fact that No. 311 is obviously designed to implement section 73(1) of the Constitution Act, and that has a capital "C".

The Hon. P. G. PENDAL: Mr Berinson has come in with a point I was going to canvass in any case. I stress I am not engaging in semantics when I speak about whether it should be capital "C" or lower case "c". Standing Order No. 311 contains the words "the constitution of the Council or Assembly". The word "constitution" appears with a lower case "c". If any member likes to refer to any other Standing Order in this book he will find that the words "Council", "President", and "Commission" all have capital letters when referred to in this way. I do not believe it is any printer's error or constitutional oversight that at line three, the first letter in the word "constitution" uses not a capital "C" constitution—that is, a Constitution for the State of Western Australia—but refers to the composition—and that is the meaning of the word—or the makeup of the Houses.

My reading of Standing Order No. 311 makes it very clear that that is the case. The word



"constitution" being used is in the sense of the makeup or composition of either House.

So far it would appear that the very learned Mr Dowding and the other member for whom I have far more respect, Mr Berinson, agree on this point.

The PRESIDENT: Order! It is the "Hon." Mr Dowding and the "Hon." Mr Berinson.

The Hon. P. G. PENDAL: I beg your pardon, Mr President. I am trying to demonstrate that it is not a question of semantics. When one considers the matter I have raised—I stress I raised it in my own mind at 3.45 p.m. without any person trying to influence me—that is, that the word used has a lower case "c", it would seem that if I could refer to Mr Speaker in another case, that ruling relates in no way to the makeup or composition of the constitution of either House. The Speaker is not referring to the situation where, for example, we are thinking about increasing or, indeed, decreasing the numbers in either House of Parliament.

Mr Berinson made great play of this particular point and spoke in terms of whether or not the composition of the House was altered a couple of years ago by virtue of the fact that clergymen were allowed to become members of either House of Parliament. I submit that the Hon. J. M. Berinson is inaccurate on that point alone. The fact that clergymen were allowed by constitutional amendment to be elected to this House had nothing, and still has nothing, at all to do with the composition of the House.

The composition of the House—and it may be a narrow view—would involve whether the House is expanded or reduced in size. It is the makeup or the composition of the House which is meant by those words. It has a lower case "c" for "constitution."

What we are dealing with here is an internal House question which really comes down to whether two members in another place occupying places on the back bench ought to come to the front bench in the other place. In these situations the actual constitution or makeup or composition of either House is simply not affected. On that basis alone the Hon. J. M. Berinson's motion must fail.

#### *Point of Order*

The Hon. R. G. PIKE: I seek leave under Standing Order No. 77 to correct a misunderstanding. In regard to Mr Pendal's comments, he must understand that I thought I had made it clear that he was the author of the small "c"-big "C" argument. My argument was dealing with the separation of the Executive, the Parliament, and the judiciary.

The PRESIDENT: There is no point of order.

#### *Debate (on Dissent from President's Ruling) Resumed*

The Hon. I. G. MEDCALF: In rising to oppose the motion I indicate I have listened with considerable interest to the comments of the Hon. J. M. Berinson and other speakers. The comments Mr Berinson made were a good argument in relation to a debate on this subject generally. He did put in a fairly broad way all the arguments which one could raise in support of a broad interpretation of these words as they appear in the Standing Orders. After all, the words are "any change in the constitution of the Council or the Assembly". Everything boils down to what one believes may effect a change in the constitution of the Legislative Council or the Legislative Assembly.

Of course, there is room for differences of opinion in relation to this matter. There have been differences of opinion over the years as has been illustrated by different Speakers and Presidents; that is, the presiding officers from time to time of the Legislative Council and the Legislative Assembly. There have been notable differences of opinion. There have been many differences between those presiding officers and the law officers of the Crown and between some of the members of Parliament and the courts of the land. Clearly, we are in an area in which people can argue in a broad way or, as has been said, in a narrow way. The Hon. J. M. Berinson accused you, Mr President, of arguing in a narrow way, or at least of putting the case in a narrow way. I could equally say to him that he has put the case in a very broad way indeed—an extremely broad way. He has conjured up some fairly hypothetical situations.

In putting what seemed to me to be his main argument which is that the Executive has a special place in its power to dominate Parliament, he was using a broad, almost philosophical, argument in relation to the particular areas of this Constitution which, Sir, it has fallen to your lot to interpret under the rules of the House.

I cannot accept the very broad argument used by the Hon. J. M. Berinson. Whilst it is an interesting argument to which I listened with considerable care, it is much too broad and would not be acceptable to a court. But this is not the place for us to have legal arguments; this is not a court. It would not be acceptable, and my opinion is supported by people who perhaps are far more closely associated with this than am I.

The honourable member asked why the rulings which have been given from time to time by

presiding officers have not been challenged. There was no cause to challenge those rulings. Normally there is no particular cause to challenge a constitutional Bill unless it strikes someone in a tender spot at a subsequent date. We have had a recent illustration of that in our courts. It is quite easy to explain why the rulings over the years have not been challenged. Over the years, presiding officers have acted from rather over-abundant caution in the rulings they have given. I believe they have been extremely cautious. We have had illustrations of presiding officers in one House giving a ruling and presiding officers in another House giving another ruling. Indeed, we had one case last year.

So, I believe there is no real significance in the fact that these rulings have been given that an absolute majority is required on a large number of rather pedestrian situations. As I see it, the issue is comparatively simple and has been well illustrated by the Hon. Bob Pike and the Hon. Phillip Pendal. It seems to come down to one's interpretation of the meaning of any change in the "constitution of the Council or the Assembly". There are not many references to the constitution of the Ministry. As the Hon. Mr Berinson himself has said, the Ministry is not even referred to in that way. It is referred to as the number of Principal Executive offices. These references to the Ministry are few and far between in the Constitution.

Whilst it may well be said that if we were to take out the one member of the Ministry who must be a member of the Legislative Council we may be affecting the constitution of the Legislative Council to increase the size of the Ministry from 13 to 15 in a Ministry which can be selected from both Houses of Parliament, it is my firm belief that we are not changing the constitution of the Legislative Council or the Legislative Assembly. For that reason the matter is very basic. I urge members to vote against this motion. The motion is not well founded and I support the ruling you have given, Sir, and urge members to do likewise.

The Hon. A. A. LEWIS: Although it saddens me, I must disagree with your ruling, Sir, and the last three speakers. It seems to me that it would be a good idea if the last three speakers looked at a dictionary with regard to lower case and upper case "c's". I will quote what the lower case "c" is. It is a "character with regard to a body or strength" and if somebody tells me that by increasing the Ministry one is not increasing the strength of the Executive which is mentioned in the Constitution Acts Amendment Act, then I am afraid I cannot accept that. I am afraid members

opposite have missed the fact that the word "Constitution" with an upper case "C" is "a body of fundamental principles according to which a State is governed". I think that is what Mr Berinson is attempting to explain to this House.

I believe he did it extremely well. It is all right having closed minds, but I just wonder what the Leader of the House is talking about when he says that "it sticks someone in a tender place". I thought we were here to look after this House of Parliament and follow what is in our Standing Orders and what is in our Constitution Act and in our Constitution.

The Hon. W. R. Withers: We are here to look after the laws of the people, not necessarily to look after the people in this place.

The Hon. A. A. LEWIS: These are some of the laws of the people. I think they are the principal laws of the people. I believe I was elected to this place for those reasons: to uphold the dignity of the Parliament and to uphold what has been a common occurrence and precedent for many years. I will not quote these instances. However, to say that it does not affect those on the Executive or the principal officers is wrong because the Bill itself refers to them and they are in the Constitution Act.

If I were to accept your ruling, Mr President, then after reading through it, I consider that an absolute majority is required where a Bill provides for a number for seats to be increased or decreased, but this Bill does not fall in that category. What if it were a money Bill? You have not mentioned that, Sir, in your ruling. Would that be a constitutional amendment? I also ask that question of the members opposite, because I am sure, having read the President's decision, some mention should have been made of this. We are meant to the abiding by the Constitution Act and the Constitution Amendment Act in this House.

It distresses me greatly that I cannot support the Government and must support Mr Berinson's motion. I do not like doing this. However, I do it occasionally without fear of any censure by my party or without fear of being instructed otherwise. That is the beauty of the party I represent.

The Hon. G. C. MacKINNON: It is not my intention to vote against your ruling, Mr President, because I have expressed my opinion over the years that a President has a right to make a ruling and has a right to be supported by the Government. Nevertheless, I wish to express my views because my sympathies lie wholeheartedly with Mr Berinson.

I am unencumbered by the necessary special education in legal diction which is needed to interpret literal phraseology. However, it has always been my belief that a constitutional amendment requires a constitutional majority. This is a simple precedent and I think it is easily understood by most people.

I hazard a guess that if a poll had been taken yesterday morning by telephone of the members of both Houses of the Parliament—and the matter would hardly have crossed their minds or only to a small extent with the exception of yourself, Mr President, and the Speaker—there would have been five other people who thought that this legislation did not require a constitutional majority.

If asked if a constitutional majority were necessary most people would have said, "I agree". The general talk throughout both Houses of Parliament was that it would require a constitutional majority. However, it does not. This is difficult to understand. The talk on this situation is purely and simply semantics. People should not be misled by the marginal note which, of course, should be totally ignored. It is not included in any legislation. New members may not be well aware of this. The marginal note is purely for guidance with reference to picking up something—and I mean numbers. The Constitution does not stop at numbers. This is a matter which requires a constitutional majority.

Mr President, the reason I rose to speak was to make a plea to you that there are areas of our Standing Orders which obviously require serious attention. We will be accused of bending with the breeze for political expediency in this matter. That will be held against this House, for which I still have a tremendously high regard. It will be held against this House for a long time.

The second reason for my rising is that I am aware that you reached your conclusion tonight, Sir, totally and completely independently—totally and completely independently. I have made this statement at least twice because I am aware that you, Sir, were not prepared to speak to anybody. I was not told that by you, Sir. I was told by other people that you reached your conclusion independently and without pressure.

Members should make no mistake about it, but the nature of this matter is such that these accusations will be levelled and will be difficult to refute because we have allowed the situation to persist.

Were we as clever as we now pretend to be, then someone might have asked the Standing Orders Committee to look at the matter. I have

no doubt in my mind, irrespective of what the lawyers may say, that item 73 on page 32 means that to amend the Constitution Act a constitutional majority is required and in the big, wide world outside I do not think that anyone else believes anything different.

Mr President, you have made your ruling and I believe you are correct because you made it in the modern terms of the legalistic interpretation. God help us but we appear to be getting back to Cromwell's Parliament which had a majority of lawyers.

The Hon. D. K. Dans: Give us time.

The Hon. G. C. MacKINNON: We might get some good honest workmen around us one day. We are looking at the phraseology and we tend to forget that the people who knew of the establishment of Standing Orders and knew what they were talking about are long since gone. In 25 years the only rulings on this subject that I have seen have been those which required an absolute majority—the only rulings that I have seen in a quarter of a century—and yet we are now going back to the sort of parliamentary situation where everybody literally lived in this Parliament and knew each other and what they were doing. That does not appear in *Hansard* and does not affect the vote.

The Hon. D. J. Wordsworth: Aren't you arguing against yourself? Those decisions were the ones that did not require an absolute majority and the new ones do.

The Hon. G. C. MacKINNON: In those days—and I go back to the time when there were members in this House such as Hawke, Wise, Strickland and Fraser—few members rarely departed from this House. They were here from early morning until late at night. Country members spent their entire parliamentary time here. They talked to each other and knew what was happening.

The Minister for Lands was referring to two cases in which there were no specifications for an absolute majority in that era when people literally lived in this Parliament. Members used to live across the park and the President had a bedroom at the top of the court. However, those days are long gone. Mr Diver and Mr Griffith, both Presidents of this Chamber, made the decisions.

I will not oppose your ruling, Mr President, I believe that in the exact sort of literal interpretation of which I am sure in any capacity Mr Berinson would be expert, you may well be right.

I believe that in the spirit of what is required of a Constitution amendment we as a House are

wrong. We are wrong in that we have not ensured that a constitutional amendment requires a constitutional majority. I believe this sort of situation does call for a closer examination by the Standing Orders Committee which you, Sir, head.

I think it ought to be made abundantly clear. In my opinion, the constitution is the total makeup, and that is not properly expressed in the Standing Orders. Mention has been made of many Bills which the Assembly sent back to us because our procedures did not agree with the Assembly's Standing Orders, and according to our Standing Orders we were spot on. In this situation, I believe in my heart that the reverse applies. You, Mr President, have found yourself in the very awkward position of having to interpret the matter legally as the words spell it out, and I am quite sure from my outside knowledge that if the matter were taken to a court of law the court would uphold your ruling.

I repeat that I think the matter ought to be simple and easily understood, not only by simple people like some of us here, but also by the ordinary people outside who believe a constitutional amendment requires a constitutional majority, and therein lies their protection. They will feel themselves to some extent bereft of that protection by the decision we are about to make.

The Hon. H. W. GAYFER: I cannot express myself as eloquently as the former Leader of the Government in this place has just done. Nevertheless, I agree entirely with the remarks he made, and before he made his speech he knew that.

Mr President, you have probably been in consultation with your Clerks about the interpretation of the matter before the House. You have formed your opinion and handed it down; and, as you are the President of this House, I believe it is not my place to argue with you on a legal matter. However, I agree entirely with Mr MacKinnon that if we accept such an interpretation it will bring rebuke upon this House. As he said, it will indicate to the public that we are not prepared to abide by what we or they believe is a constitutional matter. But according to the definitions and findings of law, you have decreed that it is not a constitutional matter.

I still find it very difficult to get out of my mind the fact that in 1965 the Hon. Leslie C. Diver, a Country Party President of this House, who was very well respected and held office for many years and was later knighted for his services to this place, did in fact request a constitutional

majority. I still cannot get it out of my mind that in 1975 the Hon. Arthur Griffith, a Liberal Party President of this House, who was later knighted for his services to this place, also decreed that a similar matter required a constitutional majority.

However, had your decision tonight been otherwise, and had I been at variance with it, I still would not have disagreed with your bringing it down. Nevertheless, I repeat that it is a sad day. If there were any way in which this matter could be deferred and perhaps referred to a court of law, that might be the answer; but I do not understand the legal niceties. I think I am the only one in this House who is not a lawyer.

The Hon. D. J. Wordsworth: You are a bush lawyer when you want to be.

The Hon. H. W. GAYFER: The point is, I do not know how we would now get the matter to a court of law for a decision. But two or three members have mentioned that in their opinions it is a matter of law. Certainly, it is beyond me, as a simple layman, to make a decision on the niceties of the points of law which have been put forward on both sides. All I have to go on is your decision. In my own mind, I am inclined to query your decision, but you, Sir, are much wiser in these matters than I am.

The Hon. R. G. Pike: Hear, hear!

The Hon. H. W. GAYFER: In the circumstances, I will not disagree with your ruling; but I agree with the Hon. G. C. MacKinnon that we will rue this day. We will have hell knocked out of us by the Press and everybody else because we adopted a stance which was contrary to that which everyone else believed we should adopt.

The Hon. TOM McNEIL: As other speakers have made it clear which way they intended to vote on this matter, I make it clear, with due respect to your office, Mr President, that I intend to support the dissent from your ruling. I find it rather awkward to stand up here and say that, which might suggest I have no respect for you. I say it in the context that I agree with the Hon. Mick Gayfer and the Hon. Graham MacKinnon that people tend to look upon this House as a rubber stamp rather than as a House of Review.

I can recall two very important Bills which I opposed in this House, and when they reached the Assembly it turned out that was the House of Review. I refer to an amendment to the Electoral Act when I, as a member of the Government parties, felt that in opposing it I was regarded as committing a traitorous act in deserting Government members. However, I was doing something in which I believed. The other Bill

relating to homosexuality reached the other House and was defeated.

The Hon. H. W. Gayfer: That was another one I did not understand.

The Hon. TOM McNEIL: On some occasions the Hon. Mick Gayfer and the Hon. Sandy Lewis have crossed the floor, and that was unusual in this House because it tends towards a party-type vote.

The Hon. R. G. Pike: You never see a Labor member doing that.

The Hon. TOM McNEIL: I point out that in the eyes of the public we will be judged on what we decide tonight. The two speakers prior to me said that out of respect to you they will go along with your ruling, although they have their own feelings about it. I believe this matter goes beyond that, and that in voting out of respect to the President of the House we are abdicating our responsibility in being here. We are here to do a job and if we vote as we see fit we will gain credence in the eyes of the public. I say that with no disrespect to you, Sir.

I was very impressed by the case put up by the Hon. Joe Berinson. As one who is not a lawyer or a farmer, I was impressed by his argument and felt that in supporting the motion I would ease my conscience without bringing disrespect to you. I dissent from your ruling.

The Hon. W. R. WITHERS: This is becoming like the Noonkanbah situation.

The Hon. D. K. Dans: I hope not.

The Hon. W. R. WITHERS: We have heard some rather wonderful debate here tonight, but we have heard so much about semantics, legal opinion, and the voice of experience that we seem to have got away from the facts. Although every member who has spoken tonight has given some facts in his speech, the only speech which was to the point was the very simple, straightforward, and clear speech addressed to us by my colleague, the Hon. Phillip Pandal. He explained semantics correctly and we cannot go past that. If we start giving words anything but their true meaning, our language is lost; and we must debate with our language. The Hon. Phillip Pandal explained that very clearly. Therefore, I must go along with him and support your decision, Mr President, by voting against the dissent.

Question (dissent from President's ruling) put and a division taken with the following result—

#### Ayes 11

Hon. J. M. Berinson	Hon. R. T. Leeson
Hon. J. M. Brown	Hon. A. A. Lewis
Hon. D. K. Dans	Hon. T. McNeil
Hon. Peter Dowding	Hon. H. W. Olney
Hon. Lyla Elliott	Hon. F. E. McKenzie
Hon. R. Hetherington	(Teller)

#### Noes 19

Hon. V. J. Ferry	Hon. P. G. Pandal
Hon. H. W. Gayfer	Hon. W. M. Piesse
Hon. T. Knight	Hon. R. G. Pike
Hon. P. H. Lockyer	Hon. I. G. Pratt
Hon. G. C. MacKinnon	Hon. P. H. Wells
Hon. G. E. Masters	Hon. R. J. L. Williams
Hon. N. McNeill	Hon. W. R. Withers
Hon. I. G. Medcalf	Hon. D. J. Wordsworth
Hon. N. F. Moore	Hon. M. McAleer
Hon. O. N. B. Oliver	(Teller)

Question thus negatived.

#### Second Reading

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [8.45p.m.]: I move—

That the Bill be now read a second time.

The Constitution Acts Amendment Act at present provides that there may be 13 principal Executive offices of the Government. However, in March this year two Honorary Ministers were appointed and the present Ministry is structured on a basis of 15 persons with appropriate portfolio allocations.

This arrangement has been necessary due to the growth and complexity of Government operations generally, the greater sensitivity that is emerging on environmental aspects of all projects, both private enterprise and governmental, together with the undoubted need to give more direct attention to all resource development and energy matters.

An example of the increased demands can be related to the old portfolio of Industrial Development. For a considerable time this has been used as a department to embrace an ever-widening range of activities and has grown a long way beyond the earlier concept of straightout industrial development.

There has been a tendency for resources development, in conjunction with mines and fuel and energy, to overshadow the straightout industrial development and commerce sides of the activities, including services for small business; even though there have been ever-increasing facilities for this part of the work. It therefore made good sense to separate resources development from industrial development.

There is a logical grouping between resources development, mines, and fuel and energy, even though it does impose a heavy load on a particular Minister. This load is currently manageable, but

could become intolerable if the Minister were expected to also handle an expanding role for industrial development and trade, including the affairs of small business.

The increased burdens and complexities are, of course, not only related to resource and energy matters. It is fair to say that right across the whole range of Government economic and social responsibilities, the complexities and the demands are increasing and there is no sign that this will abate.

On the contrary, the very nature of modern institutions and modern attitudes is that they are more likely to increase than to decrease. Furthermore, if there is any lessening of pressures in one particular field, experience shows that it will soon be replaced by pressure in other directions.

The decision to introduce this legislation has not been taken lightly. In 1975 when the Ministry was increased from 12 to 13, a number of reasons were given why this was necessary.

Those reasons are still valid today, if not more so. The increase in ministerial commitments has continued and this in turn has contributed to the need to make a new allocation of responsibilities.

Western Australia is very different from any other State. It is vast in area with a scattered population. Many of the major economic activities take place in remote areas, and it is imperative that they be adequately serviced by Ministers, as well as by local members and public servants.

Demands in these areas are not only directly related to resource development issues, but also cover the wide range of commercial and other questions inseparable from modern communities living in widely separated and decentralised areas.

The appointment of Honorary Ministers can only be a short-term expedient, which has been shown by experience to have limitations in the long term.

There is another aspect of the matter; that is, the importance of not only ensuring that there are enough Ministers to adequately service all the portfolios involved, but that a greater number of Ministers makes it easier to have a wider range of age groups and experience to provide continuity in the event of retirements, sickness, or other changes in the Ministry.

For the reasons I have outlined, this Bill seeks to increase the limit of the size of the Ministry to 15.

I commend the Bill to the House.

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

## CONSTITUTION AMENDMENT BILL (No. 2)

### *Receipt and First Reading*

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

### *Second Reading*

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [8.50 p.m.]: I move—

That the Bill be now read a second time.

During the final session of the previous Parliament, the Legislative Council passed the Acts Amendment and Repeal (Disqualification for Parliament) Bill, and for the benefit of new members I would refer them to the debates on that Bill which have relevance to the proposal now before the House.

Unfortunately, the 1979 Bill did not complete all stages in another place, due to the Government's heavy legislative commitments, and was allowed to lapse.

Although the view may not be held by all, it is generally accepted that the laws of this State under which a person may be disqualified from being elected to Parliament, or a sitting member may lose his seat because of his holding an office of profit from the Crown or because of his having a contract or agreement with the State, are antiquated and are most uncertain in their effect.

As matters stand, it is quite often impossible to be confident that a particular office or contract will not attract the operation of the disqualifying provisions. Resulting from this uncertainty, situations arise from time to time in which a member holding an office or being a party to a contract, in circumstances that have previously been assumed to be perfectly proper and normal, suddenly finds doubt being cast on the validity of his election or on his right to continue to hold his seat.

It is the intention of the Government to provide means for the whole question of disqualification for Parliament to be fully considered later in the session; but, in the meantime, it is necessary to deal with a number of specific situations that have recently come under notice.

One such situation involves the arrangements that a number of members have made with the State for loans for the purchase of motorcars. In at least one case, a member has arranged to purchase a motorcar from the State. It is quite possible that the disqualifying provisions in sections 32 and 34 of the Constitution Acts Amendment Act, 1899, would apply to arrangements of either of these kinds.

Another situation arises in relation to arrangements members have with the State for the provision of electorate offices and secretarial assistance. Even though these facilities have come to be regarded as proper and normal incidents of membership of Parliament, it is possible that a member may vacate his seat on entering into such an arrangement. In each case, it depends on the procedures followed in making the particular benefit available. The question is whether or not there is, in the terms of section 32 of the Act, a "contract" or an "agreement".

There is also a possibility that members who avail themselves of benefits and facilities provided by the State with respect to travel may risk losing their seats.

The benefits and facilities I am referring to are provided to members under long-standing arrangements and are additional to those determined under the Salaries and Allowances Tribunal Act. They include provisions for limited intrastate and interstate air travel and the "gold pass" system for travel on public transport.

Generally speaking, the acceptance of such benefits would not jeopardise a member's seat, but the position might be different if it could be shown in any particular case that a member's travel arrangements involved a contract or agreement with the State. Again, the procedures involved in making the benefit available can be all important.

A situation of a slightly different kind may exist as regards members who hold certain offices including that of Honorary Minister. The holder of such an office may be given the use of a motorcar or may be provided with secretarial assistance or other facilities to assist him to carry out the duties of his office.

The danger here is that these arrangements might result in the office becoming an office of profit from the Crown, in which case any member accepting the office would vacate his seat under the provisions of section 38 of the Act.

The Bill provides that no member shall lose his seat or be deemed to have lost his seat, or be disqualified or be deemed to have been disqualified, in any of the circumstances I have mentioned.

The Bill will also protect a person against any liability that might arise, or might have arisen in the past, under section 39 of the Constitution Acts Amendment Act 1899, as a result of his having sat or voted in either House whilst disqualified in any of those circumstances.

I commend the Bill to the House.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [8.54 p.m.]: The Opposition has no objection to this Bill. If anything, we doubt the need for it, as some of the potential difficulties referred to by the Attorney General would appear to be somewhat exaggerated. Still, if the worst that can be said of a Bill is that it tends to demonstrate—again to quote the Attorney General—a superabundance of caution, that is no reason to get into a dispute over it. We have no objection to the Bill, and no objection to its passing through all stages.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [8.55 p.m.]: I am gratified at the support the Opposition has given to the Bill. If anything has been exaggerated, then it has been exaggerated on good authority since these are views put to me by the Crown Solicitor over a period of some time. I might say the measure is put forward out of concern for members, and in no other spirit. We did not even attempt to find out which members might have been affected by it more than others. I dare say some have quite a lot of these benefits while others have not experienced any of them.

I am grateful to the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

*In Committee, etc.*

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

*Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and passed.

**ADDRESS-IN-REPLY: NINTH DAY**

*Motion*

Debate resumed from 2 September.

**THE HON. W. M. PIESSE** (Lower Central) [8.58 p.m.]: I rise to support the motion. In doing so I would like to take the opportunity to congratulate all members, old and new, who retained or won their seats in the election earlier this year. I would like also to congratulate members who have been appointed to special positions in this Chamber, particularly to the position of Leader of the House and Minister. I would like specially to congratulate the Government Whip (the Hon. Margaret McAleer). I know she will prove herself very

capable in this position, and I believe all women will be very proud and pleased to know of her appointment.

The Hon. H. W. Gayfer: That is sexism.

The Hon. W. M. PIESSE: I am not a sexist, nor am I a women's liberationist, but I really must express sincere appreciation on behalf of so many women that the Hon. Margaret McAleer has become, I believe, the first lady Whip in this Chamber.

While I welcome all the new members, I also wish to make special mention of two members whom I miss very much. One is the Hon. George Berry, who used to sit on my left and was a very staunch colleague who gave me a great deal of assistance and advice when I first entered Parliament. I understand he is enjoying a well-earned retirement, and I wish him well.

The other member whom I miss is the Hon. Don Cooley. He is a man with whose philosophy I could never agree; but I do respect him as a very sincere man. I wish him also a very happy retirement.

With reference to the Lieutenant-Governor and Administrator's Speech on the opening of this Parliament, I appreciate that this State has achieved a great deal; and it will achieve a great deal more yet. However, I must again stress the need for us to look at the whole State, and to give further genuine consideration to decentralisation. I know that in some areas the Government is to be congratulated on the efforts it has already made, particularly in relation to the Bill we have just had introduced in relation to further care and consideration for small businesses throughout the State. This is very commendable. Yet, it is true that to some people "decentralisation" really only means making bigger centres or centralised centres outside the metropolitan area. I believe we must do rather more than that.

Smaller towns must retain their essential services for the people within them. It is all very well to say that if industry does not wish to go into smaller towns, there is nothing that the Government can do about it. That is only partly true because, although in a few instances incentives have been offered to induce people to develop secondary industry outside the metropolitan area, we are not doing enough in this area at present.

One of the main problems for people in the outer areas is the cost of freight. The reason is that they have to pay freight on everything that comes in and everything that goes out. This brings to mind the question of the proposed loop line

which Westrail anticipates will be built around the Wagin district.

This proposal has created a great deal of anxiety in the Wagin district, for very good reasons. Most members are aware of the theory that the loop line will be used for one train only per day, which will carry wheat from the eastern districts, down through Katanning to Albany, and return empty. However, I do not think this will be the case. Once a train is moving up and down on the loop line, supposing it is built, it would be only a very short time before other commodities would be carried on the line.

The problem with this is that people in the eastern area outside the Wagin district, who now depend on Wagin for the servicing of their machinery and for providing their groceries, medicine, and all kinds of things, will be told, "We had better start sending them out on the train." Gradually, there would be a whittling away of the businesses in the Wagin townsite. Wagin is much closer to the eastern wheatbelt than any of the other centres, and depends to a large extent on the support from the outer areas for its business enterprises to remain viable.

There were many meetings called so people could protest about the loop line, and point out the problems that the district could suffer because of this. The people who attended the meetings were members of the local shire councils and members of the chamber of commerce, as well as other business people and residents in the district. I believe they did everything possible to point out to Westrail and to the Minister for Transport the problems and disadvantages that they thought the loop line would cause in the Wagin district.

The member for Katanning in another place arranged for representatives of the Department of Industrial Development to conduct a three-day investigation in the Wagin area to determine the potential for further industrial development. That committee reported that there was definitely potential in that area; but if the Government continues to whittle away staff from the smaller country areas, the town will become less and less attractive for the establishment of industries or businesses. Thus we return to the "centralised decentralisation" I have mentioned.

The Wagin people were told that the establishment of the loop line would mean only the removal of three single Westrail employees from the district, which would not make much difference to Wagin. However, that is not really true. Every person domiciled in the Wagin area at present does some shopping in the town. That makes it easier for the stores to remain open, and



to employ their staff. Each time a Government employee is removed from the town of Wagin or the smaller country towns, the businesses in the town face decreasing trade.

In the case of single men moving, I suppose it would not mean a direct reduction in the numbers of children at the school; but if enough of these people are moved out of the country towns, inevitably it means an eventual reduction in the number of school children. All these things add up. If we did not need to have people still working in those areas, the whole thing would not matter at all; but you know, Mr Deputy President, and I know that the people in this State are still dependent on the primary producers. We still need to look very carefully at the retention of the facilities in the towns. It is important to keep the essential services in the towns.

It is more than a matter of the cost of laying a small amount of extra railway line. It is a matter of all the other things that become involved. These things are all part of the cost. In this case, the concern is felt not only within the Wagin town itself; the whole area is very concerned about it. I will quote from a minute of the meeting of the Central South Region Development Committee, held on 20 June 1980. The meeting was held in Dumbleyung, and those attending came from areas out to Lake Grace and beyond, as well as Wagin and to the south and west. This minute refers to the loop line as follows—

It was agreed that this proposal would have a severe and detrimental effect on Wagin and accordingly, members resolved that this committee write to the Minister for Transport expressing concern and alarm at this proposed bypass of Wagin and the effect it is likely to have on the town and request the Minister to give urgent reconsideration.

Members will realise that the problem is a far-reaching one. I have mentioned one area only, but the problems are occurring in many other areas throughout the State. Many people are very concerned about this.

It is all very well to say that the problem of the depreciation of small country towns is outside the jurisdiction of Westrail. However, Westrail has only to look after itself; yet the problems of this State are the problems of this Government. We should have a much better look at this whittling away of the facilities of the smaller towns.

Whilst speaking about Wagin, I am reminded of something else which affects the whole State; that is, the distribution of police officers throughout country areas. Recently in Wagin, as was mentioned by another member, there was a

great deal of worry, anxiety, and upset over the activities of some officers in the Road Traffic Authority. I do not know if the whole catastrophe was created by one officer, or whether it was created by a number. Certainly the whole of the RTA cannot be blamed for the bother we had. A number of meetings were called; and it seems, according to the debate in the House, similar problems have occurred in other areas. I attended a public meeting called by the residents in Wagin; and a member in another place also attended that meeting.

Sometimes it is said that the people who attend such meetings are all disgruntled people, or radicals, or they are not being very sensible. I assure members that that was not the case. The people who called the meeting I attended were well-regarded citizens. Many of them were members of the shire council or the chamber of commerce. Some were members of the Pastoralists & Graziers Association, and other well-recognised organisations. As I say, those people were well-regarded and well-respected citizens. I believe the problems they placed before us were very real ones indeed.

I would point out that this is another problem peculiar to country areas. If one went to Wagin as a stranger and said, "I believe you are having a bit of trouble with the RTA. Tell us what happened", the people would hesitate to tell one. They would hesitate to tell because they fear reprisals or repercussions on themselves and their families. It seems unbelievable that this should happen; but country towns are like that. It would never happen in the metropolitan area, because one does not even know one's neighbour in the metropolitan area, or who is the son of whom, or whatever.

This very worrying situation has arisen. A full report of the meeting was sent to the Minister for Police and Traffic. I hope the people in Wagin will receive an answer to their problems shortly.

As I have said, it is quite unfair to brand the whole of the RTA as causing dissatisfaction. It would be just as untrue to say that as it is to say that the RTA is entirely responsible for any reduction in road deaths and fatalities of any kind. I do not for one moment disregard the areas in which the RTA has been effective. I fully appreciate that. However, we become carried away with statistics.

The weekend before last there were a number of fatalities which could not have been prevented by the RTA in any way. They were not caused by people breaking the law. If we look at statistics, we find it is very easy to be carried away. We

need to keep matters in perspective. It is unfortunate that matters of this kind are blown up out of all proportion, as they sometimes are in the media.

However, on the occasion of the meeting in the Wagin district, I am pleased that names were not used. I hope that the matter will be put to rights soon. Personally I have had no trouble with the RTA; but I had to listen to and report on the complaints that were brought to me.

The Hon. H. W. Gayfer: You are lucky.

The Hon. W. M. PIESSE: No. I am careful.

While on that subject, I want to say I deplore the activities of a small group of people who brought a somewhat distorted contribution to the discussion on the possible amalgamation of the Road Traffic Authority administration and the police administration. One of the things that might have arisen out of such an amalgamation is a better distribution of police throughout country areas.

Although the Hyden district is outside my own area, I had complaints from people there. In Hyden there is an hotel, and it is a popular place for tourists. There is quite a passing trade, and the people in Hyden do have problems at times; but they have no policeman domiciled in Hyden. The nearest policeman is at Kondinin, or even further away at Kulin, some 40 miles away. I am not sure exactly how far it is. However, if there is a social disturbance in a particular area, 40 miles is a long way to travel to get a policeman.

It is not satisfactory to say it is uneconomic to put policemen in all these small centres. However, I am not suggesting that policemen should be employed in all centres; but I believe we could have a better dispersal of the Police Force in areas where there are hotels and where there is a large amount of passing population or which have a number of tourists travelling through. I believe the Government should look more closely at the matter.

Another issue which is of very real concern to me, and I hope it is of considerable concern to most people of this State, is the increasing number of children who engage in the habit of smoking. With all the evidence available to us, it is rather foolish to dispute the fact that smoking is a health hazard. I refer particularly to children. In the case of adults, it is up to them to decide whether or not they will smoke; but where juveniles are involved it is a different matter. I am alarmed at the number of primary school children who are regular smokers today. It is well known that for many generations, the idea of having a secret puff behind the shelter shed was regarded

as a bit of a lark and I am sure most members of the House would have indulged in that practice. However, the juvenile smoking we see today has gone a long way beyond that and it is high time this Government looked at the matter to see what it can do.

To that end, I have examined the legislation in relation to the distribution or sale of tobacco products to minors. I was amazed, as I am sure other members would be, when I found that the current legislation in relation to this matter is so inadequate. At the present time we have Act No. 1 of 1917 and it is still our current legislation in relation to the sale of tobacco products to minors. The legislation was assented to on 2 March 1917, and all sections, apart from two, have been revised and amended over the years. However, to this day, two sections have remained unchanged.

The two sections which have not been repealed or re-enacted are the short title, and section 10 which reads as follows—

No person shall sell, give, or supply tobacco in any form or cigarette paper to or for the use of any person under the age of eighteen years.

Penalty: Forty shillings.

That penalty hardly amounts to the cost of tobacco or cigarettes today. No salesman will take notice of that legislation. Incidentally, the penalty of 40s was covered in the legislation providing for the change to decimal currency, so in fact the penalty is \$4. It can be seen that few people will take notice of such a fine. It is high time we had a good look at the matter.

If the Government tells me that the updating and policing of this Act will achieve nothing in regard to juvenile smoking, I should have to disagree, and ask members to think about the legislation concerning the sale of alcoholic beverages to minors. I am sure members would not recall seeing liquor sold over the counter or traded to minors in any other manner. We are able to enforce that law, so I see no reason that we could not try to do something in regard to the smoking habits of young people.

If we do not attempt to stem the sale of tobacco products to minors and to protect their health during their growing years, we are irresponsible in the affairs we are supposed to be administering.

Finally, Sir, I should like to say a few words about medical facilities in country areas. It is indeed pleasing to see the new Donnybrook Hospital well on the way in its building programme, and also the renovation and rebuilding programme which is taking place at Collie. However, I am disappointed that a

permanent care ward for patients has not been included in the planning for the Donnybrook Hospital. Every country centre needs such a facility. Katanning has had one planned for some time, but so far nothing has eventuated and the dedicated staff continue to cope under rather appalling conditions.

Kojonup also has an urgent need for a permanent care ward. Care of the aged and infirm is an area in which the State Government seems to have difficulty getting involved. No doubt this is due in some part to the Commonwealth activity in the area and no-one will turn down money from the Commonwealth Government. However, if no more money is forthcoming from the Commonwealth, these needs must be met by the State Government. Somehow this Government must find ways and means.

I support the motion.

**THE HON. F. E. McKENZIE** (East Metropolitan) [9.20 p.m.]: In my opening remarks I should like to extend a welcome to the members on this side of the House who were elected to Parliament at the last State election. I refer to my colleagues the Hon. Joe Berinson, the Hon. Howard Olney, the Hon. Peter Dowding, and the Hon. Jim Brown. All of those members have made a contribution to this debate by way of their maiden speeches and I have listened to them intently. I have also listened to them when they have spoken in other debates which have taken place here and I believe we shall have some very exciting times in this House.

While members opposite may not agree with some of the comments which have been made, particularly by the Hon. Peter Dowding, I feel his contribution in this House so far has certainly stirred it into action.

However, the Labor Party was unfortunate to lose the services of a number of excellent members of the previous Parliament. Two of those members were defeated in the State election and they were Grace Vaughan and Roy Cloughton. Of course, it must be remembered that they were effectively defeated in 1975 when the seat I hold with my colleague (the Hon. Robert Hetherington) was created. If one looks at the boundaries laid down as a result of those new seats being introduced, one can see both those members had virtually no hope of being re-elected when they next faced the electors, which occurred at the last State election.

The Hon. G. E. Masters: That is not really true.

The Hon. P. G. Pental: They gave up without trying, which is one of the reasons that, for generations, this House has not been able to produce more Labor members.

The Hon. F. E. McKENZIE: That is not true. In this instance if, following the redistribution, South Perth had been part of East Metropolitan Province and Canning part of South-east Metropolitan Province, instead of Canning being in East Metropolitan and South Perth in South-east Metropolitan, we would have won both provinces; but that was not the case and therefore some members opposite should consider themselves lucky to be sitting in this House.

The Hon. P. G. Pental: I consider myself to be very lucky.

The Hon. F. E. McKENZIE: It is true that the two members to whom I have referred were effectively defeated in 1975 when the redistribution took place. When that occurred, I was one of the lucky ones. However, the boundaries were redistributed for reasons of political expediency.

The Hon. G. E. Masters: That is not the case. You should not get excited about things like that. If you want a good example of how seats can be won, you should look at the way the President has won his seat for many years. He is a very good campaigner; that is the secret. Do not make excuses for bad campaigning.

The Hon. R. Hetherington: That is not the case.

The Hon. G. E. Masters: I think it is.

The DEPUTY PRESIDENT: Order! There are too many interjections.

The Hon. F. E. McKENZIE: He now has what is regarded as a "safe" seat. I must admit the Hon. Clive Griffiths is a good campaigner and he won the seat when it was likely that someone less able to capture votes would not have done so. He is a rarity. There are not many like him.

The Hon. G. E. Masters: There are a few here.

The Hon. R. Hetherington: I hope you don't include yourself in that comment.

The Hon. F. E. McKENZIE: This House will feel the loss of Roy Cloughton with his years of experience. Members on this side of the House will miss him particularly.

I believe it is a great pity that we have lost a woman of the calibre of the Hon. Grace Vaughan, because both Houses of Parliament can ill-afford to lose any of their female members, let alone one of the calibre of the Hon. Grace Vaughan. She was very highly qualified and I believe her loss to the Parliament will be felt greatly.

Finally, I should like to make a comment in respect of a very dear friend of mine, the Hon. Don Cooley.

The Hon. G. E. Masters: I miss him more than you do.

The Hon. F. E. McKENZIE: I am sure Mr Masters does miss him.

The Hon. H. W. Gayfer: So do I.

The Hon. F. E. McKENZIE: The reasons Mr Masters misses him are different from the reasons that I miss him. I was associated with Mr Cooley for a great number of years and at times I felt quite grieved at the way members opposite were uncharitable to him.

The Hon. G. E. Masters: You should have felt sorry for us.

The Hon. F. E. McKENZIE: Anyone who has been associated with the Hon. Don Cooley in the trade union movement, as I was for a number of years, would realise the genuineness and the integrity of the man. His loss will be felt in this House. The debates will never be the same again. Unfortunately I am not able to handle debates on trade union matters as he could.

The Hon. R. G. Pike: BHP will have a rest now.

The Hon. F. E. McKENZIE: I will miss the Hon. Don Cooley, because I needed his support. However, in his absence I will do my very best.

The Hon. A. A. Lewis: We have too many lawyers now and not enough good trade unionists.

The Hon. F. E. McKENZIE: We have a different Parliament now and already we have seen different interpretations being placed on the law. We have to adjust ourselves to the new phase we are entering in this Parliament.

The Hon. G. E. Masters: I am sure you will give a good account of yourself.

The Hon. F. E. McKENZIE: While I am referring to the Hon. Don Cooley and the trade union movement, I should like to comment on an aspect of the Lieutenant-Governor's Speech when he made the following statement—

The Government remains concerned about the incidence of industrial disputes which are costly to employees, their families and employers. These disputes are seriously endangering the nation's future by causing adverse reaction in countries which are important as markets and as sources of capital.

I cannot understand that statement which the Lieutenant-Governor made on behalf of the Government, because the Government is creating

the very problem about which it is concerned. The Government is creating this problem as a result of its continuing confrontationist policy.

I am not referring only to the trade union movement. A similar policy has been adopted by the Government in regard to the Noonkanbah dispute. I ask members opposite to take note of the situation that existed in Queensland. A coalmining company in that State had the worst industrial record and, after there had been a change of personnel in one position in that company, it was transformed and it now has the best industrial record in the State.

In support of that statement, I should like to make a quotation. I believe a great deal can be learnt from what is said in this document.

The Hon. R. G. Pike: I believe you make some constructive comments on trade unionism and we are quite happy with them.

The Hon. R. Hetherington: All his comments are constructive.

The Hon. F. E. McKENZIE: I know members opposite have a great deal of faith in the Premier; but he has a very onerous record for developing a confrontationist policy.

The Hon. R. G. Pike: I believe he is very hard working.

The Hon. F. E. McKENZIE: Members opposite should take note of the comments I am about to read, because it is clear the situation can be improved, but it will not be improved while the Government continues to introduce repressive legislation. It is understandable that an increasing number of people will break the laws introduced by the Government. There is no need for that, because the situation can be overcome easily if members opposite try to be a little more understanding.

The Hon. P. H. Lockyer: Do you want us to break the laws?

The Hon. F. E. McKENZIE: I believe unjust laws should be broken so that they can be changed.

The Hon. P. H. Lockyer: Don't you believe that the law is the law?

The Hon. F. E. McKENZIE: If a law is unjust it deserves to be broken. That is the only way to bring about a change. In a democracy one cannot expect the people to accept a law which is unjust. Section 54B of the Police Act is one example. Last year the Government changed the Industrial Arbitration Act, and what was the result? Members opposite know that the Government has created more confrontation. The same thing will occur when the next attack on the working people

is introduced; that is the amendment to the Workers' Compensation Act.

The Hon. P. H. Lockyer: How do you know we will change the Workers' Compensation Act?

The Hon. R. Hetherington: He is speaking on past records.

The Hon. F. E. McKENZIE: Let me get to the point and read an extract.

The Hon. P. G. Pandal: Would you not agree that confrontation also existed during the time of Labor Governments, both State and Federal, in the history of this country? What about Chifley and Curtin putting the Army into the open cuts?

The Hon. F. E. McKENZIE: That was in 1948. Cannot the member raise something which occurred much closer to the present time?

The PRESIDENT: Order! Will the honourable member address his comments to the Chair?

The Hon. F. E. McKENZIE: I am trying to convey to members opposite the true position. If they are prepared to listen I would like them to convey the message to their Premier when we may be able to overcome the situation which occurs repeatedly. I will quote from a document entitled "Inside Trade Unions", which is available in the library. It is dated 11 July 1980, and I will quote from page seven under the heading "Industrial relations of the three main companies". The article refers to the Queensland situation, and reads—

Thiess Bros—the company with the worst industrial relations which has now been voted the company with the best employee relations. The company view:

Since it first opened its open cut and underground operations eight years ago, Thiess Bros. had the reputation of having the worst industrial relations in the Queensland industry. The reasons for this were generally considered two-fold.

Prior to entering the coal industry, Thiess had been mainly involved in construction. When they started up their underground operation, they tried to implement construction industry relationships into a traditional mining area. The results were disastrous.

Management changed very frequently and as a result there was a continuous change in methods and emphasis.

Credit for the about face in industrial relations, according to the unions, must go to the company's new open cut Mine Manager, Jack Brodie, who has been with the company for the past 18 months. According to union

delegates, Brodie has done more for sorting out industrial relations than any other manager. And on the face of it, Brodie's formula has been very simple—listen rather than talk.

"I tend to find that many people in the industrial relations area go into meetings with pre-conceived ideas. At the meeting they talk about these ideas and achieve nothing.

"I believe in going into a meeting, sitting down and listening. That way you often find your ideas become rationalised and you also often find out that what the other person is really thinking is often a lot different from what you thought he was thinking."

Bringing about a change in employee/employer relationships in a company which has a tradition of bad relationships is not easy. Firstly, because people have long memories and secondly because it must be a general change.

"I have found it a difficult process because the more you develop a relationship with the delegates on site—and I believe it very important to develop an understanding with the people you sit across the table from—the more you divorce them from the general mass of workers.

"To have a lasting effect, there has to be a general change in attitude. Otherwise you can cause more damage than good."

So far Brodie's approach seems to be working. On a site where 24 and 48 hour strikes were regarded as normal (with talks only held when the men came back), now there is far more willingness on the part of the workers to talk about a problem before "bolting".

I think what I have read is something of which members opposite should take note. If that situation can be achieved in a small concern in Queensland, then it can be done here. In Queensland one man was able to do quite a lot, according to the statement I have read, and it could be achieved here. Unless goodwill prevails during talks, we will get nowhere and finish up losing our present democracy. We will then have a dictatorship.

The Hon. N. F. Moore: By whom?

The Hon. F. E. McKENZIE: By people such as the Premier. We are now on the first rung of that ladder towards a dictatorship.

The Hon. P. H. Lockyer: How do you substantiate that?

The Hon. F. E. McKENZIE: That is my conclusion. I want to advise members of the union view stated by Peter McCarthy, Chairman of the Queensland Colliery Employees Union at Thiess, South Blackwater. He has been with the company for the past seven years. At page 9 of the document, he says—

Over the years Thiess has had more of a hiding than any other company in Australia. The QCEU is a tough union and we have a bad industrial record in the employer/employee relations area. But over the last year or so, things have really changed with the company. In fact, I would say that right now, South Blackwater has as good industrial relations as they've ever had and I believe that they are quite a bit better than the other companies.

The Hon. P. G. Pental: Why is it that something like 94 per cent of the unions in Western Australia can negotiate with the employers and the companies, and show good sense? You are suggesting that the trouble always comes from the last 5 per cent to 6 per cent of the trade union movement—the same old group of people who do not believe in goodwill.

The Hon. F. E. McKENZIE: I do not know where the honourable member gets the figure of 94 per cent. There is no reason that it should not be higher still. In the area of disputes the tendency is for the number to increase rather than to decrease. The Government is able to make laws because it has the numbers in both Houses, and the more repressive is the legislation introduced, the worse the situation appears to get. The percentage figure would be much higher if the Government kept its nose out of union affairs and allowed the employers and employees to solve their problems.

The Hon. P. H. Lockyer: You mean we should let the unions take over? The people have woken up.

The Hon. F. E. McKENZIE: That argument has worn thin and the honourable member is aware of it. I would like him to tell me what experience he has had in the trade union movement.

The Hon. P. H. Lockyer: I have spent the last seven years in the Pilbara. It is probable you have not been up there.

The PRESIDENT: Order! The honourable member should not be asking members to answer questions. He should direct his comments to the Chair.

The Hon. F. E. McKENZIE: Thank you, Mr President.

I will move on to another matter which causes considerable concern to me, to the people in my electorate, and to the people of Western Australia. I refer to a deteriorating situation with regard to the State Housing Commission, which, by its charter, provides housing for those people in the community who are most disadvantaged. The Lieutenant-Governor's Speech stated that the State Housing Commission in 1979-80 built more than 800 accommodation units for low and moderate income earners, and continued its programme of upgrading and renovating older housing units. The Speech states that the commission's programme for 1980-81 will continue on a scale to enable it to hold waiting lists at the present satisfactory level. That is the biggest load of claptrap I have ever heard since I have been in this Parliament.

The Hon. R. Hetherington: Did you say that the programme will continue at the present satisfactory level?

The Hon. F. E. McKENZIE: Yes.

The Hon. R. Hetherington: Good heavens!

The Hon. F. E. McKENZIE: I do not know how the Government can have the temerity to try to put that point across to the people and expect them to believe it. The statement is false.

The Hon. N. F. Moore: What is a satisfactory situation?

The Hon. F. E. McKENZIE: When everybody is adequately housed.

The Hon. P. H. Wells: Surely the \$10 million provided in concessions was a worthy contribution. Over 50 per cent of the occupiers of State Housing Commission houses are on concessional rent. That figure has risen from 25 per cent.

The Hon. F. E. McKENZIE: That is right. The Government feels proud that it was able to build 800 units during the last year. With reference to the last interjection, those people paying full rent carry the burden for the rest. It is the responsibility of the Government to cater for those disadvantaged people in the community. That is one of the charters of the State Housing Commission, and it is unfair to expect those people who are paying full rent to carry the burden. More money should be made available either from the Federal Government or the State Government.

The Government seems to be proud of the fact that 800 units were constructed in 1979-80. In 1977-78, the State Housing Commission provided 1 607 units, so the latest figure is down by less than half in two years. In 1978-79, the figure was

reduced to 1 001 units, and this year it is down to 800 units. Where are we going? I have demonstrated how the housing programme is falling away.

When the Tonkin Government went out of office in 1974 the State Housing Commission rental for a two-bedroomed home was \$12.40 a week, whereas today the rent is \$37.00 a week. That is an increase of 198.38 per cent.

The Hon. N. F. Moore: What has been the salary increase over that period?

The Hon. F. E. McKENZIE: Wait a moment and I will cover all the points. In 1974 the rent of a three-bedroomed home was \$13.90 a week. It is now \$40—an increase of 187.77 per cent. Mr Moore spoke about salaries. The average weekly earning in March 1974, was \$111.10. In June 1980, the average weekly earning was \$243.70—an increase of 119.35 per cent. So while the average weekly earning has increased by 119.35 per cent, the State Housing Commission rents have increased by at least 187.77 per cent. The increase is way out of kilter.

The Hon. N. F. Moore: Have you checked the increase in building costs?

The Hon. F. E. McKENZIE: All I am interested in is the amount of money a person brings home.

The Hon. N. F. Moore: You have to take into account the cost of building the houses.

The Hon. F. E. McKENZIE: It is the Government's responsibility to cater for those who are disadvantaged.

The Hon. N. F. Moore: To the extent of free houses?

The Hon. R. Hetherington: They are not exactly free—they are subsidised.

The Hon. F. E. McKENZIE: We know that many factors are involved, including increased profits for building companies. Mr Rick New, whom members opposite know very well, is involved in that. However, I am interested in the amount of money in the average pay packet and the rent that people had to pay. I am saying that the increases are out of kilter.

The Hon. N. F. Moore: It is not as simple as that, unfortunately.

The Hon. P. H. Wells: What about the increase in concessions over that period?

The Hon. F. E. McKENZIE: We will come to concessions in a moment, because they concern me also. People paying the full rental are required to carry an increasing burden. It is only people

who do not have the capacity to pay the full rent who are given a concession.

The Hon. P. H. Wells: That shows we are helping those most in need.

The Hon. F. E. McKENZIE: Anyone on a tradesman's rate of pay—not a princely sum—is paying full rental. Surely it is the responsibility of the Government to look after the disadvantaged.

The Hon. I. G. Pratt: Hang on—all people in State housing are not disadvantaged.

The Hon. F. E. McKENZIE: Let me again refer to the report which states—

The application of the 1978-81 Housing Agreement Amending Act in its first year strongly influenced the operations of the Commission.

Commonwealth advances for 1978/79 of \$29.7 million were down \$7 million on the previous year, and the decrease was even greater in real terms because of the inflationary factor.

So less money is being channelled into the State Housing Commission because of the Commonwealth grants under the Commonwealth-State Housing agreement. I believe this Government has the responsibility to pick up the shortfall.

Let us look at the point raised by Mr Wells. An ever-increasing number of people are being housed in SHC homes because an ever-increasing number of people are coming into this disadvantaged category. That is the real problem. It is causing concern to the commission, and in its last report the commission had this to say—

With 51.4 per cent of the Commission's 24 000 tenants now receiving rent rebates—

That means that over half the commission's tenants are disadvantaged people—people who earn less than the wage it is considered they need to meet the full SHC rent.

The Hon. P. H. Wells: You don't think we are now reaching those in the greatest need?

The Hon. F. E. McKENZIE: All I am saying is that more and more we need to cater for those in the greatest need because less money is available. I cannot make it any clearer than that. The people paying the full rents are required to pay ever-increasing amounts. That is the point I was trying to make. It is quite unfair and unjust. The report continues—

With 51.4 per cent of the Commission's 24 000 tenants now receiving rent rebates in Commonwealth-State Housing Agreement dwellings the cost increased by \$1.4 million

this year to \$8.5 million, a 20 per cent increase.

The increasing use of the Commission as a welfare organisation will undoubtedly ensure that its rental account will remain in deficit, in light of the dwindling numbers paying full standard rent.

That is real cause for concern because we will finish up with an organisation that is responsible for housing people who do not have the capacity to pay the full rent, and that is a very disturbing feature.

The Hon. P. H. Wells: Are you saying we shouldn't help those in need?

The Hon. F. E. McKENZIE: The reason is that insufficient funds are being made available to the commission to meet this increasing need.

In his Speech the Lieutenant-Governor and Administrator also said that the State Housing Commission would continue its programme of upgrading and renovating older housing units. Of course it will continue with its programme, but let us look at what has happened, and I again quote from the annual report of 1979, which says—

#### MAINTENANCE

The total expenditure on property maintenance for Commonwealth State rental properties was substantially lower in 1978-79 due to restricted budget allocation. The expenditure of \$8 324 479 represented a reduction of \$2 436 639 on the previous year.

That is a very substantial reduction.

The Hon. P. H. Wells: You don't think they have got more efficient?

The Hon. F. E. McKENZIE: The paragraph continues—

The difference of 22% resulted from reduced activity in programmed and day-to-day maintenance, to contain expenditure within the reduced allocation of funds. Area of work mainly effected was internal painting of occupied units and restricted activity on low priority works such as fencing.

The maintenance programme of the SHC is suffering very badly. The commission is building fewer homes these days, and so it has more older homes to maintain. There are many SHC homes in the electorate I represent, and I receive constant complaints from my constituents about maintenance. To its credit the SHC attempts to do what it can, but as the funds are not available, it is continually carrying out patch-up jobs, and these patch-up jobs fall apart in a very short space of time. Most of the homes in the Belmont, Rivervale, and Bentley areas were erected just

after the war and the necessary maintenance is just not being carried out. Maintenance can be carried out one day, and the next day my constituent will return to say that the problem is just the same. I had a case recently where the roof of a house was painted with an insulating material in an attempt to stop the rain coming through. However, the roof still leaks. The only solution is to replace the roof, but the commission has insufficient funds for that.

The Hon. G. C. MacKinnon: Could they increase the rent if they replaced the roof?

The Hon. F. E. McKENZIE: No, they could not.

The Hon. G. C. MacKinnon: Why not?

The Hon. F. E. McKENZIE: Because the rents are already too high. As I have said, many people are paying \$40 a week for this substandard accommodation.

The Hon. P. H. Wells: But what about some people who bought these houses and are now renting them out?

The Hon. F. E. McKENZIE: They are paying \$40 a week.

The Hon. P. H. Wells: Yes, that is to the SHC, but what about the people who purchased the houses and who are now putting them on the market?

The Hon. D. K. Dans: That has nothing to do with the SHC.

The Hon. P. H. Wells: There are some around.

The Hon. D. K. Dans: Of course, but that has nothing to do with the debate.

The Hon. F. E. McKENZIE: I know that Mr Wells represents an area where there are many SHC houses. Why does he not stand up in the House to say he is satisfied with the SHC? I will send a copy of his speech to his constituents.

The Hon. P. H. Wells: I live in an area where there are many SHC houses.

The Hon. F. E. McKENZIE: Many of the houses in the honourable member's electorate were built more recently than those in my electorate. What I am saying today may well apply to Mr Wells' constituents in the future.

I am very concerned that insufficient funds are being made available. If the Government cannot obtain sufficient funds under the Commonwealth-State Housing agreement, it ought to provide funding from its own sources to help solve this ever-increasing problem. In two years the number of units being constructed has been cut by half.

Another matter I want to raise relates to a question I asked in the House about the future



market for natural gas in the south-west. I referred to a report carried out by PA Consulting Services Pty. Ltd. and I asked whether it would be made available for public reference. The Minister's reply appears on page 34 of *Hansard* of this year, and after saying it would not be made available for public reference, the Minister said—

The document contains commercial information which is the property of the State Energy Commission and is intended for use by that organisation in its planning and marketing activities associated with North-West Shelf gas. However, selected summaries of the information are being made available in various commission documents from time to time. It should be noted that this is only one source of information from which the commission derives information on the future market for natural gas.

I asked whether we could have access to that particular report and the reply was "No". I am of the view that the result of this study should not be kept secret. We have the right to access to this document, as has any other member of the public. In many respects the State Energy Commission is adopting a very secretive attitude about what it intends to do. Of course, it may be argued that disclosure of this information could embarrass companies supplying materials, but those likely to be embarrassed, if any, would be particularly large energy consumers such as Alcoa of Australia Ltd. and BHP, whose consumption would be so large that it should be public knowledge anyway.

By making the records secret, the SEC places itself in the position where its decisions cannot be challenged because the evidence on which they are based cannot be questioned in depth. Members opposite should appreciate that point. If the information is not available, particularly to members of Parliament, then we cannot question the facts in any depth. That is very disturbing. Secrecy can cloak incompetence.

The SEC nuclear policy is based on a secret report to which we do not have access. From the future cost estimates that have been quoted, it seems certain that the report contains major errors. I have discussed this matter with people who are more qualified than I and they are of that opinion.

However, if we do not have access to this information, we cannot question it. Projections of energy consumption need to be examined very closely at present, because they encourage extravagant forward planning rather than energy

conservation and renewable energy resource development. We should get away from the concept of nuclear power and examine renewable forms of energy such as tidal and solar energy.

The State Energy Commission seems to place more weight on its financial return rather than on the long-term public interest. It can profit from energy wastage, and its conflict of interests needs to be kept in mind. I ask members to think about that point, because it is worth consideration.

The term "commercial information which is the property of the Energy Commission" has connotations about how the State Energy Commission sees its aims and objectives, bearing in mind the composition of the State Energy Advisory Council, the members of which no doubt have access to all State Energy Commission records. These people are in a privileged position. It seems as though the cards are heavily stacked against the public knowing what motivates SEC policies. So much for democracy in Western Australia! If we cannot obtain access to this sort of documentation, we cannot question the policies of the SEC in depth.

The Hon. G. C. MacKinnon: Incidentally, I am not sure whether we have access to those reports. I have never tried to obtain them.

The Hon. F. E. McKENZIE: I am not trying to invite an answer; I am simply stating facts. I believe the State Energy Commission is being over-secretive in its activities.

The Hon. G. C. MacKinnon: You are saying that members on this side could obtain the documents, but I am not sure you are right.

The Hon. F. E. McKENZIE: No, what I said is that the members of the State Energy Advisory Council have access to this information, and that we do not. I believe that not only members of Parliament, but also the general public should have access to this documentation. I realise some information cannot be supplied, but the SEC is over-secretive regarding all its activities.

I am sure the Hon. Graham MacKinnon will be interested in what I am about to say. I refer to a matter outside my electorate, but one which concerns and affects the public generally. I refer to the sandbar at Mandurah which, I am sad to say, recently claimed two lives.

The Hon. G. C. MacKinnon: It is now outside my electorate; it is in the electorate of Mr Neil McNeill and Mr Pratt.

The Hon. F. E. McKENZIE: Mr MacKinnon knows a great deal about the sandbar at Mandurah because he supplied an extensive answer to a question I directed to him in 1979. In

response to a request from one of my constituents, I directed a question to Mr MacKinnon, part of which was in the following terms—

- (c) If not, is it possible to develop some scheme which will overcome the recurring expenditure involved in clearing the sandbar?

The Minister replied as follows—

- (2) (a) Since the earliest days of settlement, numerous proposals have been made from many sources for keeping open the sandbar at the entrance to the estuary at Mandurah, the most recent proposals being those from the member for Murray. When Mandurah was part of the original South-West Province, I made many approaches myself, as have others in the long list of Liberal representatives both before and since. Most of these proposals have involved the use of groynes or similar structures and several have been carefully investigated by the Public Works Department.

This clearly illustrates the saga of the Mandurah sandbar has been going on for many years. It has now reached the stage where, tragically, it has claimed two lives. The Minister's answer continued—

- (c) The entrance could be kept open by introducing a by-pass system whereby sand deposited at the entrance would be picked up and moved on by pumping. Such systems are widely used, but are expensive to establish and operate.

We can be sure the matter was not proceeded with due to the high cost involved. Must this matter be raised again and again before the Government will take action? Two lives already have been lost. There is an extensive fishing industry at Mandurah.

The Hon. G. C. MacKinnon: In fairness, it is possible lives will be lost at any point along our coastline if the weather happens to be bad.

The Hon. F. E. McKENZIE: I do not intend to enter a debate of that nature.

The Hon. G. C. MacKinnon: You must agree, though.

The Hon. F. E. McKENZIE: I do agree, but most of those lives are lost because the situation could not be avoided; perhaps some misfortune has taken place. However, in this instance we know a serious hazard exists, and we know it can be overcome. The Mandurah estuary will be there

for a long time, and many people use the estuary. Increasing numbers of people from the metropolitan area travel to Mandurah for their holidays to get away from the city. I believe that, because of the benefits which will flow to the fishing industry at Mandurah, the local residents, and the people visiting the area from the metropolitan area, the cost of keeping the sandbar open would not be considered too great.

Although Mandurah is not in my electorate, many of my constituents travel there and use the estuary to reach the ocean. It is obvious the hazard can be overcome. I join the long list of people on the other side in urging the Government to examine this problem with a view to overcoming it. I do not suggest the Government legislate to prevent people from reaching the ocean, because that would not be desirable. However, something should be done about the problem, and done quickly before more lives are lost.

The Hon. G. E. Masters: I think the Government is again making efforts to do something about the problem. I agree with you that it is very dangerous; in fact, I was there recently. However, anyone who goes out in a small boat in these conditions is taking his life in his hands. This situation arises every year, and it is difficult to overcome.

The Hon. F. E. McKENZIE: I am merely pointing out that it can be overcome.

The Hon. G. E. Masters: Anything can be overcome at a price; however, we must weigh up the cost against the benefits provided.

The Hon. F. E. McKENZIE: I do not suggest the Government should overcome the problem by placing a patrol boat at the mouth of the estuary and thereby preventing people from reaching the ocean. We do not want this situation to arise year in and year out. It has been raised many times in the Parliament and it is high time something was done.

Finally I turn to the matter of transport. It would be inappropriate if I did not have a few words to say about public transport because my maiden speech three years ago in this place was confined solely to the need to upgrade our railway system and our public transport system generally. Since making my maiden speech, I have had one disappointment after another, because the Government has failed to acknowledge its responsibilities in the field of public transport. Instead, it has chosen to place the burden of transport on the people of Western Australia by forcing them into motorcars simply because it has

failed to provide an adequate public transport system.

The Lieutenant-Governor, when opening this Parliament, could have fooled me when he made the following statement—

Promotion of public passenger transport through improved services, comfortable vehicles and public transit lanes, will continue.

This comment was made at a time when the public transport services were decreasing. Our population is continuing to expand, yet the public transport system continues to reduce its services. In fact, there has been a sharp reduction in the number of buses running on the route closest to my home, no doubt because buses have been required elsewhere and costs are being watched. There is only one way we can encourage people to return to public transport, and that is by providing an adequate service. Certainly, it will lose money, but if the people are convinced that the public transport system is efficient in its timetabling, they will be attracted from their motorcars. One of the reasons people do not use public transport is that it is inconvenient in terms of timetable efficiency. People have too long to wait between buses. The Government must be prepared to run the services at a considerable loss until people become adjusted to the fact that our buses and trains run reasonably frequently.

The Hon. P. H. Wells: You need a bit more population out your way.

The Hon. F. E. McKENZIE: No, people stop using public transport because the services gradually shrink away; it is not convenient. For example, if I left this House now and walked down to St. George's Terrace to catch a bus home to Belmont, I would probably be faced with a wait of one hour.

The Hon. P. H. Wells: Recently I caught two buses out to Balga within an hour.

The Hon. F. E. McKENZIE: Mr Wells probably was lucky because he walked out at the right time. Is he suggesting there is a bus every 10 minutes?

The Hon. P. H. Wells: The MTT moves a fair number of buses from the Mirrabooka centre.

The Hon. F. E. McKENZIE: If members opposite want to learn a lesson about how money should be spent on public transport and how this expenditure eventually will benefit the Government due to increased patronage, they should examine what is happening in New South Wales, under a Labor Government.

The Hon. H. W. Gayfer: Did the Labor Government put in the underground railway?

The Hon. F. E. McKENZIE: Mr Gayfer is going back a long time. The eastern suburbs railway was opened during the term of the Labor Government. However, I agree that construction may have commenced during the term of a Liberal Government.

The previous Liberal Government of New South Wales did not purchase diesel locomotives for a period of 11 years. Now New South Wales is undertaking tremendous expenditure on that item of equipment.

The position in Western Australia is that we are only just starting to buy a few railcars. No new purchases have been made since 1966, and some two-thirds of our rolling stock is of 1957 vintage. How can the Government expect to run an efficient transport service like that? If members are interested in the position in other States, I draw their attention particularly to what is happening in New South Wales under a Labor Government.

The Hon. D. J. Wordsworth: Is it a fact that when new stock is purchased, the losses decrease?

The Hon. F. E. McKENZIE: I imagine they do.

The Hon. D. J. Wordsworth: That is completely wrong, because the forecast is that the losses become worse and worse. I am referring now to New South Wales.

The Hon. F. E. McKENZIE: The forecast losses will become worse and worse? I am not too sure about that. I will check that out and raise it in the debate next time. However, that is not the point, as other things must be taken into account. Surely the social benefit must have some merit.

The Hon. G. E. Masters: At any cost?

The Hon. F. E. McKENZIE: Not at any cost. There comes a cut-off point somewhere, but it seems to me that unless something pays, the Government is prepared to keep scaling it down until it disappears altogether. That appears to be this Government's philosophy; the more people it can force into motorcars, the less responsibility it will have to provide a public transport system.

The Hon. G. E. Masters: You said you would support the spending of \$100 million to bring back the Perth-Fremantle railway service.

The Hon. F. E. McKENZIE: New South Wales is spending more than that on its system.

The Hon. G. E. Masters: That was a reckless statement to have made at the time.

The Hon. F. E. McKENZIE: I do not recall making it.

The Hon. G. E. Masters: I do.

The Hon. F. E. McKENZIE: I may well have done so.

The Hon. G. E. Masters: You do make these rash statements.

The Hon. F. E. McKENZIE: Of course, the Hon. Gordon Masters makes no rash statements! I am not infallible. I admit that perhaps if one has a bias, one is prepared to be a little more generous in certain circumstances.

The Hon. P. H. Wells: When did you last travel by bus?

The Hon. F. E. McKENZIE: I am a regular bus traveller.

The Hon. P. H. Wells: You knew the timetable?

The Hon. F. E. McKENZIE: I went to catch the bus, but found I had just missed it and therefore would have to wait an hour. I rang my wife and had her pick me up.

The Hon. J. M. Berinson: These extra Ministers will not have to do that.

The Hon. F. E. McKENZIE: No.

My final plea is that the Perth-Fremantle railway line should be re-opened. There are 100 000 people who did not want the line closed. The Government may have some problem in respect of rolling stock, but it is essential that in some form or another that line is re-opened. The more the rail transport system is contracted rather than expanded the less will be the chance for the Government to develop a reasonable public transport system for Perth, a system which could incorporate bus and rail; there will be less chance of the Government providing this State with a viable public transport system.

The railway service can be electrified and provide us with a cheap form of transport.

The Hon. D. J. Wordsworth: A cheap form?

The Hon. F. E. McKENZIE: I am talking about the electrification of the rail system on an expanded basis, not on a very contracted system.

The Hon. D. J. Wordsworth: What makes it cheap suddenly?

The Hon. F. E. McKENZIE: It would be cheap because of electrical power generated by our own resources rather than by the use of expensive oil from overseas. Again, I make a plea to the Government to reconsider its stand to cease the Perth-Fremantle service. I ask the Government to reinstitute the service as early as possible.

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

## ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [10.20 p.m.]: I move—

That the House do now adjourn.

### *Police: Interrogation of School Children*

THE HON. R. HETHERINGTON (East Metropolitan) [10.21 p.m.]: I am sorry that yesterday I mislaid the piece of paper I am now holding, otherwise previously in the Address-in-Reply debate I might have brought up the question I will now raise. I think it is something that should be mentioned. I am holding a copy of "Administrative Instructions" issued in August 1980 by the Education Department about the interrogation of pupils by police. This is something that concerns me and is part of the platform of my party which I helped to write. We believe we should set out procedures by which students should be interrogated and that pupils should also have the same kind of bill of rights as others so that their rights are vigorously guarded.

After reading an article written by Mario D'Orazio in the *Weekend News* I understand that this question has been brought before Dr Mossenson who has indicated surprise and stated that he will do something about it. I hope he does. It does not surprise me that he would do something about it, and shortly I will ask the Attorney General if anything has been done about it, because it is something that seems quite out of character for Dr Mossenson and, I hope, his department.

What has been done among other things regarding police interrogation of students at schools, in part under the procedures, which were agreed to between someone in the Education Department and someone in the Police Department—and this can be found on page 275 of the Education Department circular under item 4—is that—

... where the interview concerns the child's complaint of an offence committed by his parent(s) on him—

I am not objecting to that. To continue—

—or where the child is to be interviewed regarding an offence in which his parents may be involved the police will advise the principal not to communicate with the parent(s). It should be noted that where a principal communicates with the parent(s)

contrary to the wishes of the police officer, he could place himself in legal jeopardy.

This seems to me to be quite improper. I do not say it is illegal. I am not talking about legalities because, unlike some members of this House, I do not equate legality with morality. But it does seem wholly undesirable that pupils should be interrogated at school while their parents are not told about some offence which may involve the parents.

This is shades of "Big Brother". As I said yesterday with respect to Cockburn Sound, it is 1980, and sometimes when I see some of the things being done by some of the bureaucrats in this State, I believe 1984 is closer than we think. Certainly this smacks of the development of a police state.

Item 5 of the agreed procedures is as follows—

The principal will not unreasonably refuse permission.

That is, permission for an interview. The principal or a teacher is there in order not to act *in loco parentis* to defend the student. The principal has no right to intervene except to encourage the student or to protect him. I do not know what that means. The whole thing seems to contradict itself and it certainly seems to place a burden on the principal to support the police rather than to look after the interests of the student.

I think parents should always as of right, except when they are involved in violence against their own children, be present at an interrogation. Some effort must be made to get hold of them. I

hope that something will be done about this problem soon. We should remember that children have rights before the law, as does everyone else. They have very special rights, particularly in relation to their parents. Certainly I would be loath to see the position go—although it has gone in many ways by now—where teachers cease to be *in loco parentis* as far as looking after the interests of the student is concerned. They are not allowed to be there to interfere or look after the interests of students who may be interrogated by the police.

I am not here suggesting a bad motive on the part of the police or the Education Department; but it seems to me that what has been done so often in this State is that someone has drawn up something that is administratively convenient, but which goes beyond the bounds of the rights of the individual.

Although it is not within the portfolio of the Attorney General, I would be glad if he would look at this matter—that is, the interview of children at school by police—because it involves an important principle. It is something we should watch very carefully. I hope it will be adjusted. If it is not I will certainly get up again and make rather more noise than I am making tonight. I could not allow the occasion to go by without some mention of the fact that this has happened, and I hope it will not happen again.

Question put and passed.

*House adjourned at 10.25 p.m.*

## QUESTIONS ON NOTICE

152. *This question was postponed.*

### CONSERVATION AND THE ENVIRONMENT

*National Parks: D'Entrecasteaux, Pingerup Plains, and South Coast*

153. The Hon. LYLA ELLIOTT, to the Minister for Conservation and the Environment:

(1) With reference to his published comments on Mr Ian Rotheram's letter in *The West Australian* on 4 July 1980—

- (a) on what date was the report on national parks he referred to, presented to the House;
- (b) on what date was the report available to the public after being printed;
- (c) whose responsibility is it to provide the Minister with a copy of the report of comments made by the committee;
- (d) on what date did the Minister receive a copy of the report;
- (e) since responding to Mr Rotheram's letter, with which members of the committee has the Minister communicated to obtain comments;
- (f) further to (d) and (e) above, what comment, advice, or recommendations did the committee make concerning the proposed South Coast National Park?

(2) (a) Has agreement yet been reached between the Lands Department, Forests Department, National Parks Authority, and others on the boundaries of the proposed national park;

- (b) (i) do these vary substantially from those endorsed by Cabinet in 1976;
- (ii) if so, will the Minister provide details?

(3) Has the State Government broken its public undertaking again and approved of yet a further excision from the proposed national park involving the Pingerup Plains area?

(4) For what reason was the Point D'Entrecasteaux Cliffs, after which the national park has now been officially named, been excised from the proposal that Cabinet publicly endorsed in 1976?

- (5) (a) Is it correct that the local authority managing the limestone cliff area at Point D'Entrecasteaux has the same powers under the Parks and Reserves Act, as the Albany Shire Council over the West Cape Howe Recreation Reserve; and
- (b) are there limestone or limesands quarries on the Point D'Entrecasteaux Reserve?

The Hon. G. E. MASTERS replied:

- (1) (a) 27 November 1979.
  - (b) Placed in parliamentary papers on 1 February 1980.
  - (c) The Hon. A. A. Lewis, MLC, Chairman of the Select Committee appointed by the Legislative Council to inquire into and report upon the current position of national parks within the State.
  - (d) 27 November 1979.
  - (e) The Chairman of the Select Committee.
  - (f) I refer the member to the report.
  - (2) and (3) Declaration of the national park awaits precise definition of the boundaries and resolution of land use conflicts within those boundaries. These issues are slow to resolve, but discussions are proceeding satisfactorily.
- The public undertaking of this Government has always been that it will give consideration to all views and make decisions in a responsible and balanced manner.
- (4) See answer to (2) and (3). The south coast national park has not been officially named. The Nomenclature Committee has approved the name "D'Entrecasteaux" for a park in the area.
  - (5) (a) Yes.
  - (b) Yes.

## INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

### *Observance by LRAC*

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

In view of his answer to question 114 on 20 August 1980, will the Government now amend the Legislative Review and Advisory Committee Act to require the committee to have regard to the International Covenant on Civil and Political Rights when exercising its functions under the Act?

The Hon. I. G. MEDCALF replied:

No. The committee's charter as expressed in the Legislative Review and Advisory Committee Act is considered to be wide and adequate in that it requires the committee to have regard, amongst other things, to the "rights or liberties previously established by law or inherent in the traditional freedoms of Her Majesty's subjects in Western Australia". This type of statutory requirement is believed to be unique in Australia.

## PRISONS

### *Psychologists and Social Workers*

155. The Hon. R. HETHERINGTON, to the Minister representing the Chief Secretary:

- (1) Is it a fact that psychologists and social workers from Fremantle Gaol are not permitted to go outside the metropolitan area without the specific permission of the Director of the Department of Corrections?
- (2) Has this resulted in a sharp decline in the mobility of such psychologists and social workers?
- (3) Has there been a reduction of services by psychologists and social workers to regional prisons such as Bunbury?

The Hon. G. E. MASTERS replied:

I am advised by the Chief Secretary as follows—

- (1) Yes.
- (2) No.
- (3) No.

## INDUSTRIAL ACCIDENTS

### *Number and Prosecutions, and Industrial Foundation for Accident Prevention*

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

- (1) How many full time safety officers are employed by the Department of Labour and Industry?
- (2) What financial contribution, if any, does the Government make to the Industrial Foundation for Accident Prevention?
- (3) Since the Construction Safety Act came into force in 1974—
  - (a) how many industrial accidents have been reported to the department; and
  - (b) how many prosecutions have been instituted for breaches of the Act and the regulations?

The Hon. G. E. MASTERS replied:

- (1) 83.
- (2) Consolidated Revenue Fund—Grant \$20 000 State Government Insurance Office—Grant \$10 000. In 1979-80 Consolidated Revenue Fund also met cost of safety manuals—\$10 000.
- (3) From 8 February 1974 to 30 June 1980—
  - (a) 766;
  - (b) 317.

## RAILWAYS

### *Dwellingup-Pinjarra Line*

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

- (1) Has the Government been considering the cessation of rail services on the Pinjarra-Dwellingup railway line?
- (2) If so, will he supply details?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) Answered by (1).

**TRAFFIC: RTA***Officers: Deployment*

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

- (1) How many Road Traffic Authority officers are employed full time on road patrol duties?
- (2) How many RTA officers, other than road patrol officers, are employed full time on duties associated with road safety?
- (3) What financial contribution does the Government make to the National Safety Council?

The Hon. G. E. MASTERS replied:

I am advised by the Minister for Police and Traffic as follows—

- (1) 550 officers are employed full time on road patrol duties.
- (2) Three research staff.
- (3) The Government makes a general purpose grant to assist with the National Safety Council instructional programmes.

In 1979-80, the amount of the grant was \$541 000.

**EDUCATION: HIGH SCHOOLS***Karratha, Roebourne, and Wickham*

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

- (1) When is it proposed that a high school will be established in Wickham?
- (2) What facilities will be provided for the high school in Wickham, and upon what dates?
- (3) When is it proposed that extensions will be made to the Karratha High School?
- (4) Upon what date will such extensions be provided, and what is the nature of the extension in each case?
- (5) What years of schooling will be provided for in the Wickham High School?

(6) Is it a fact that on 13 February 1980 the then Minister for Education said as follows: "Year 8 students would stay at the Wickham Primary School in 1981 to commence high school studies. They will then move into a new three year high school which will be built next year in readiness for the start of the 1982 school year."?

- (7) (a) Is it the intention of the department to provide for a high school at Roebourne; and
- (b) if so, when and for what years?

The Hon. D. J. WORDSWORTH replied:

- (1) to (5) The director of planning recently travelled to Karratha and Wickham to discuss proposals.

As soon as a study of alternatives is completed I shall be in a position to provide further information.

The member for Pilbara has arranged that I visit both the towns and schools involved during my forthcoming visit to the Pilbara on 11 and 12 September. This will enable me to make a personal assessment of specific requirements.

- (6) Yes.
- (7) (a) and (b) No.

**COMMUNITY WELFARE***Homeless Youth*

160. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Community Welfare:

- (1) Is it a fact that 18 months ago the Minister for Community Welfare commissioned the Department of Social Work at WAIT to produce a report on homeless youth?
- (2) If so—
  - (a) was the report to be available by March 1980;
  - (b) (i) has it been produced;
  - (ii) if so, what was the cost of the report; and
  - (iii) will the Minister table it?

The Hon. G. E. MASTERS replied:

I am advised by the Minister for Community Welfare as follows—



- (1) The department made a research grant available to the Department of Social Work, WAIT to enable the homeless youth project committee to carry out a study on the homeless youth in Perth.
- (2) (a) No. The study was due to be completed by 31 May. Due to difficulties in sampling, the completion of the project was delayed.
- (b) (i) No. The report is currently being typed and will be produced shortly.
- (ii) The amount paid to WAIT to date has been \$2 500. It is anticipated that this will cover the total cost of the project.
- (iii) The Minister will consider his course of action upon receipt of the report.

161. *This question was postponed.*

## ROADS

### *Wanneroo Road and Esperance-Israelite Bay Road*

162. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

- (1) Is the constructed section of Wanneroo Road through to Lancelin within a road reserve where it passes through Yanchep National Park?
- (2) Before commencing work to upgrade this road, is the Commissioner of Main Roads required to consult—
  - (a) the local authority concerned;
  - (b) the National Parks Authority;
  - (c) the Environment Protection Authority; or
  - (d) the Department of Conservation and Environment?
- (3) (a) Is the road from Esperance to Israelite Bay classified under the Main Roads Act; and
- (b) if so, what is its status?
- (4) Is the section of this route crossing the Cape Arid National Park and the adjoining Nuytsland Nature Reserve within a road reserve or dedicated road?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
  - (2) (a) The Commissioner of Main Roads is required to notify the local authority concerned of proposed works.
  - (b) to (d) When the work is involved within or adjacent to national parks the Commissioner of Main Roads liaises closely with the National Parks Authority and the Department of Conservation and Environment.
- The Department of Conservation and Environment would request referral to the Environmental Protection Authority if it considered the project justified such a referral.
- (3) (a) Yes.
  - (b) Secondary road.
  - (4) No.

163. *This question was postponed.*

## TRANSPORT: BUSES

### *Fares*

164. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Transport:

- (1) Is it the intention of the Government to abolish the bus fare concession which allows MTT patrons to travel anywhere in the metropolitan area within a two-hour period for 55c?
- (2) If so, on what date?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2) No.

## HEALTH: NURSES

### *Family Planning*

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

Further to my question 29 on 12 August 1980, seeking information concerning 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—

- (1) Has Cabinet yet reached a decision on those recommendations requiring action by the Government?
- (2) If not, when is it anticipated a decision will be made?

The Hon. D. J. WORDSWORTH replied:

- (1) No.
- (2) The matter is presently before Cabinet and a decision is expected shortly.

## CONSERVATION AND THE ENVIRONMENT

### *Environmental Protection Act: Social Factors*

166. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

- (1) Does the Environmental Protection Act include social factors in the definition of "environment" other than the social factor of aesthetics?
- (2) Does the definition of "environment" in the Commonwealth Protection (Impact of Proposals) Act include social factors?
- (3) Is the Environmental Protection Authority somewhat constrained by its Act in not including that definition?

The Hon. G. E. MASTERS replied:

- (1) No.
- (2) Environment is defined as including "all aspects of the surroundings of man, whether affecting him as an individual or in his social groupings."
- (3) No.

## HOUSING

### *Terminating Building Societies*

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

Further to question 69 on 13 August 1980, from the financial return submitted and inquiries made by the Registrar of Building Societies, are either of the societies named—i.e. Trades and Labor Council of WA, or Carpenters' Building Society—subsidised concerning their management expenditure from outside sources?

The Hon. G. E. MASTERS replied:

The management expenditure concerning both the Trades and Labor Council of WA Building Society and the WA Carpenters' Building Society is not subsidised from outside sources.

## POLICE

### *Suicides*

168. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Police and Traffic:

How many suicides were committed in Western Australia by—

- (a) males; and
- (b) females;

in each of the years—

- (i) 1976-77;
- (ii) 1977-78;
- (iii) 1978-79; and
- (iv) 1979-80?

The Hon. G. E. MASTERS replied:

- (a) and (b) I am advised by the Minister for Police and Traffic that:

The information is contained in "Demography Western Australia" Cat. No. 31015, produced by the Australian Bureau of Statistics which keeps these figures.

The Chief Secretary's office advises that figures supplied by the Australian Bureau of Statistics indicate that—

Death by suicides and self-inflicted injury—

	Males	Females
1976	98	28
1977	101	33
1978	91	34
1979	Information not available at this time.	
1980	Information not available at this time.	

## HOUSING

*Caucasians and Aborigines: Assistance*

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

In answer to question 8 of 6 August 1980, the Minister referred to two housing lists, one for Caucasian and one for Aborigines—

- (1) Is it a fact that Aborigines and persons of non-Aboriginal descent are eligible for assistance from normal State Housing Commission funds?
- (2) Is it a fact that by way of positive discrimination in favour of Aborigines, special Commonwealth money has been made available for housing for Aborigines?
- (3) Will the Minister ensure that the State Housing Commission does not use the word "Caucasian" to identify a housing list which includes all Australians, be they Aboriginal or non-Aboriginal?

The Hon. G. E. MASTERS replied:

- (1) Yes, provided they meet the criteria.
- (2) The earmarked funds provided for this purpose are to meet the special housing needs of the Aboriginal people.
- (3) One list is maintained for normal rental homes funded under the Commonwealth-State Housing agreement irrespective of ethnic group, subject to meeting criteria.

A separate list is kept for applicants seeking assistance under the Aboriginal Housing Authority.

## HEALTH: MENTAL

*Institutions: Patients*

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

- (1) For the years—

- (a) 1976-77;
- (b) 1977-78;
- (c) 1978-79; and
- (d) 1979-80;

what was the total number of—

- (i) male; and
- (ii) female;

patients in mental health institutions in Western Australia?

- (2) Of these, how many were—

- (a) in-patients; and
- (b) out-patients?

- (3) How many new admissions were there in each year of—

- (a) male; and
  - (b) female;
- patients?

The Hon. D. J. WORDSWORTH replied:

- (1) and (2)

## 1976-77

	M	F	T
Total number in institutions	4236	4905	9141
Inpatients	1525	1138	2663
Outpatients	2711	3767	6478

## 1977-78

	M	F	T
Total number in institutions	4230	4969	9199
Inpatients	1417	1042	2459
Outpatients	2813	3927	6740

## 1978-79

	M	F	T
Total number in institutions	4812	5321	10133
Inpatients	1394	1033	2427
Outpatients	3418	4288	7706

## 1979-80

	M	F	T
Total number in institutions	5509	6105	11614
Inpatients	1452	1132	2584
Outpatients	4057	4973	9030

- (3) Admissions

## 1976-77

	M	F	T
Inpatients	908	769	1677
(*Includes Readmission) Outpatients	1751	1931	3682
Number of Outpatient Attendances	21266	32504	53770

## 1977-78

	M	F	T
Inpatients	837	681	1518
(*Includes Readmission) Outpatients	1647	1934	3581
Number of Outpatient Attendances	25049	35627	60676

## 1978-79

	M	F	T
Inpatients	837	666	1503
(*Includes Readmission) Outpatients		N/A	
Number of Outpatient Attendances	29582	41873	71455

## 1979-80

	M	F	T
Inpatients	949	789	1738
(*Includes Readmission) Outpatients		N/A	
Number of Outpatient Attendances	38206	52231	90437

Above figures refer to approved psychiatric hospitals and psychiatric outpatient clinics and facilities.

These figures are available in annual reports.

## ELECTORAL

*Enrolments: Witnesses*

171. The Hon. PETER DOWDING, to the Minister representing the Chief Secretary:

- (1) Is it a fact that notaries public have a significant role throughout the world, particularly in relation to shipping and banking transactions, identification of persons and the testation of documents having international significance?
- (2) Are notaries one of the persons who are authorised to sign as witnesses to electoral enrolment cards?
- (3) If not, why not?

The Hon. G. E. MASTERS replied:

I am advised by the Chief Secretary as follows—

- (1) Yes. I understand there are 54 notaries in Western Australia, most of whom are in Perth.
- (2) No, to the best of my knowledge.
- (3) The Electoral Act provides that the signatures of claimants who are not already on the roll be witnessed by—

an electoral officer;  
a justice of the peace;  
a clerk of the courts; or  
a police officer.

This list was established following the Government's consideration of recommendations on the matter by His Honour A. E. Kay in his report on the Electoral Act inquiry 1978. His Honour did not include notaries public in the list, nor did he comment on the omission. The Government saw no reason to vary the recommendation except in relatively minor fashion to give effect to certain statements in the body of the report that indicated the restriction of witnessing should not apply where claimants are already enrolled.

There are—

100 electoral officers in Western Australia, State and Commonwealth;  
2417 justices of the peace;  
41 clerks of court;  
84 Federal police officers and 2643 State police officers.

The numbers are approximate in each case.

## TECHNOLOGICAL CHANGE

*Availability to Citizens*

172. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Education:

As during information technology week held 4 to 8 August, the public had the opportunity to see many new developments in the methods and speed of transmitting information, what is the Government doing to ensure that the use of such new technology is available to the average citizen at the lowest possible cost?

The Hon. D. J. WORDSWORTH replied:

The question is not fully understood. If it means the use of information technology in Government departments and agencies then the usual procedures of evaluation and introduction as necessary will apply.

If it means the use of information technology in business services then the impetus of competition should ensure modern services at competitive prices.

In the field of education new information technology is under continual observation and developments are introduced as demanded and resources permit.

## QUESTIONS WITHOUT NOTICE

## ATTORNEYS GENERAL

*Standing Committee*

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

- (1) Can the Attorney General say how often the Standing Committee of Attorneys General meets?
- (2) Are the decisions of that committee always unanimous?
- (3) If not, what is the basis upon which the committee reaches its decisions?
- (4) Are minutes or any records of the meetings made available to the public or interested people?

The Hon. I. G. MEDCALF replied:

I thank the honourable member for some notice of the type of question he was to ask. My answer is as follows—

- (1) The Standing Committee of Attorneys General meets approximately once per quarter, although not necessarily rigidly; it depends upon the convenience of the members.
- (2) The method of reaching conclusions is ostensibly by unanimous vote, but in practice it works on a kind of consensus. In fact, it requires unanimity in order that a matter may be placed on the agenda for discussion. However, here again a certain amount of flexibility is adopted to accommodate members who may have different views.

- (3) Once an item is placed on the agenda it is usually considered by attorneys and referred to officers for detailed examination. The officers' report is then returned. There is usually no formal vote taken on these matters.

A degree of unanimity is required in theory, but in practice there is a great deal of accommodation between those present in order to try to reconcile possible conflicting views.

- (4) No record of the proceedings is made available to the public, although a transcript is usually kept. This is treated as a matter of confidence by all attorneys in order to accommodate conflicting political views in order to encourage members to reach a consensus of opinion.

#### HOUSING: SHC

##### *"Caucasian": Use of Term*

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

My question is supplementary to question 169 of today. I wish to draw to the attention of the Minister's department the fact that when I referred to the two housing lists I mentioned the

words "Caucasian" and "Aboriginal" to describe both lists. Will the Minister ensure that the State Housing Commission does not use the word "Caucasian" to identify a housing list which includes all Australians, be they Aboriginal or non-Aboriginal?

The Hon. G. E. MASTERS replied:

I will pass the honourable member's comments to the appropriate Minister.

#### CONSERVATION AND THE ENVIRONMENT

##### *Environmental Protection Act: Social Factors*

46. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

I refer to the Minister's answer to my question 166 of today. In view of the stated difference between the Commonwealth view of the environment and the State view of the environment, does he believe it is appropriate that the State environmental authority should look at social factors when making its determination; and if not, why not?

The Hon. G. E. MASTERS replied:

Our Government is quite happy with the Act as it stands in this regard on environmental protection and we shall continue to maintain the same approach.

#### CONSERVATION AND THE ENVIRONMENT

##### *Environmental Protection Act: Social Factors*

47. The Hon. PETER DOWDING, to the Minister for Conservation and the Environment:

- (1) Further to his last answer, does he not agree that the Commonwealth environmental factors legislation takes note of social factors when bringing in

an impact study in relation to a report under the Commonwealth Environmental Protection Impact Proposals Act?

- (2) Why does he regard it as appropriate that the State Environmental Protection Authority ignores social factors?

The Hon. G. E. MASTERS replied:

- (1) and (2) The honourable member is asking me for an expression of opinion. If he has any supplementary questions, I suggest he put them on notice.

#### MICROFILM CAMERAS

##### *Certification*

48. The Hon. PETER DOWDING, to the Attorney General:

I refer to the answer to question 33 without notice on 19 August, in which

the Attorney General mentioned that working papers of the Law Reform Commission are normally made available and he would ensure I received a copy of them. Is a copy of the Law Reform Commission's working paper in relation to the certification of microfilm evidence available; and if so, when can I have a copy of it?

The Hon. I. G. MEDCALF replied:

I have tabled today the report on the recording of evidence, which contains a reference to the matter. I understand the detailed matter to which the honourable member refers has not been considered by the Law Reform Commission. When a working paper on that particular aspect is issued, it will be made available.

