

Legislative Council

Tuesday, 19 February 1985

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

LEGISLATIVE COUNCIL

Staff

THE PRESIDENT: Honourable members, since the House last met a number of changes have occurred in the staff of the Legislative Council. Mr Richard Harloe has been appointed Clerk of Papers, and Malcolm Peacock, formerly an attendant, has been appointed as his assistant. Mr Peacock's replacement is Mr Chris Hunt.

Parliament: House Controller/Executive Officer

I also take this opportunity to remind members that since the House last met the Joint House Committee has appointed a new controller and security officer for Parliament House in the person of Mr Vincent Pacecca. Mr Pacecca and his wife, Shelley, are in the President's Gallery, and I suggest to honourable members who have not yet had the opportunity to meet them, that they introduce themselves.

Legislative Council Chamber: Television Camera

Finally, it has been brought to my attention that Channel 7 wishes to replace library film footage which it uses during news items about the happenings in the Legislative Council.

As has been the practice in this House, I bring it to your attention and advise you that, unless I hear something to the contrary during the rest of today's sitting, it is my intention to advise Channel 7 that permission will be granted for cameramen to come in during the early part of tomorrow's or Thursday's sitting, depending on the situation.

BILLS (31): ASSENT

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

1. Acts Amendment and Repeal (Industrial Relations) Bill (No. 2) 1984.
2. Wheat Marketing Bill 1984.
3. Credit (Administration) Bill 1984.
4. Occupational Health, Safety and Welfare Bill 1984.
5. Acts Amendment and Repeal (Credit) Bill 1984.
6. Commercial Tribunal Bill 1984.

7. Workers' Compensation and Assistance Amendment Bill 1984.
8. Secret Harbour Management Trust Bill 1984.
9. Tourist Development (Secret Harbour) Agreement Amendment Bill 1984.
10. Lotteries (Control) Amendment Bill 1984.
11. Building Societies Amendment Bill 1984.
12. Stamp Amendment Bill (No. 2) 1984.
13. Financial Institutions Duty Amendment Bill (No. 3) 1984.
14. Financial Institutions Duty Amendment Bill (No. 4) 1984.
15. Acts Amendment (Conservation and Land Management) Bill 1984.
16. Loan Bill 1984.
17. Appropriation (General Loan Fund) Bill 1984.
18. Appropriation (Consolidated Revenue Fund) Bill 1984.
19. Metropolitan (Perth) Passenger Transport Trust Amendment Bill 1984.
20. Reserves Bill 1984.
21. Acts Amendment (Department for Community Services) Bill 1984.
22. Credit Bill 1984.
23. Housing Agreement (Commonwealth and State) Bill 1984.
24. Secondary Education Authority Bill 1984.
25. Rights in Water and Irrigation Amendment Bill 1984.
26. District Court of Western Australia Amendment Bill 1984.
27. Public Works Amendment Bill 1984.
28. Parliamentary Commissioner Amendment Bill 1984.
29. Censorship of Films Amendment Bill 1984.
30. Conservation and Land Management Bill 1984.
31. Unleaded Petrol Bill 1984.

ELECTORAL

Reform: Petition

The following petition bearing the signatures of 43 persons was presented by Hon. Kay Hallahan—

TO:

The Honourable the President and Members of the Legislative Council of the Parliament of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia request the following electoral reforms:

- (1) The right of each elector to cast a vote equal in value to each other vote cast in

elections of Members of State Parliament.

- (2) That Legislative Councillors be elected to represent regions using a system of proportional representation such as is used in Senate elections.
- (3) The retirement of half of the Members of the Legislative Council from each region at every election. (ie: simultaneous elections).

And that the above reforms be decided by the people voting at a referendum.

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 434.)

JUSTICES AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.50 p.m.]: I move—

That the Bill be now read a second time.

The Bill proposes to amend the Justices Act in two respects. The first relates to the eight-day remand period in section 79 of the Act. The second is in respect of the range of penalties available under the Act for failure to comply with a restraining order under section 172 of the Act.

Section 79 of the Act provides that a defendant charged with an indictable offence may be remanded in custody for hearing for a period not exceeding eight clear days. The original basis of the eight-day rule was to ensure that the defendant could renew any application for bail, or make a complaint about his treatment, and did not get "lost in the system".

Although the rule is intended for the benefit of defendants, they are frequently heard to complain of the inconvenience of what are perceived to be unnecessary appearances when several remand orders are made between the initial court appearance and the preliminary hearing. This is particularly so when defendants are already serving sentences of imprisonment for other offences.

The eight-day remand system also causes substantial inconvenience and increased costs for prison administration, the Police Force, and the courts.

It is proposed to amend section 79 so that a defendant already serving a term of imprisonment for a separate offence may be remanded in respect of another offence for a period not exceeding eight clear days, provided that with the defendant's consent, he may be remanded to a date no later than the date of expiry of his term of imprisonment.

It is proposed that any other defendant may be remanded for a period not exceeding eight clear days, provided that with his consent, such a defendant may be remanded for a period not exceeding 30 days. Clause 2 of the Bill effects these changes.

The Law Reform Commission's discussion paper on Courts of Petty Sessions, published last year, refers to the difficulties caused by the eight-day remand. The above changes are proposed by the Government as interim measures pending publication and consideration of the commission's final report.

The Justices Amendment Act (No. 2) 1982 amended the Justices Act in respect of orders to keep the peace. This amendment is commonly referred to as the "domestic violence" amendment.

As a result of that amendment, section 173 of the Act provides that a person who contravenes or fails to comply with a restraining order made under section 172 of the Act commits an offence and is subject to a penalty of six months' imprisonment. Section 173 does not provide for a fine or other alternative form of sentence.

Section 166 of the Act provides a power to impose a fine in lieu of imprisonment, but that provision applies only to offences constituted under Acts other than the Justices Act.

A recent Supreme Court decision held that the only alternatives to imprisonment under section 173 were probation or a community service order under the Offenders Probation and Parole Act.

It is proposed that section 173 be amended to provide that a fine of up to \$500 may be imposed as an alternative to imprisonment.

It is also proposed that section 166 of the Act be amended to delete the requirement that this section apply only to offences constituted under Acts other than the Justices Act.

Clauses 3 and 4 effect these changes.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

MEMBERS OF PARLIAMENT (FINANCIAL INTERESTS) BILL

Introduction and First Reading

Bill introduced, on motion by Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.55 p.m.]: I move—

That the Bill be now read a second time.

This is a Bill for an Act to require members of this Parliament to publicly register their financial interests. It is substantially modelled on the Members of Parliament (Financial Interests) Bill 1983, which was rejected by the Opposition members in this House in December 1983.

Public disclosure of the financial interests of members of Parliament is a long-standing commitment of the Labor Party, at both State and Federal levels. As I said in 1983, it forms an important part of the Government's programme for parliamentary and electoral reform.

At that time, I set out the Government's policy on disclosure of financial interests. My comments on that occasion are just as relevant today.

The Government believes that members of Parliament, as trustees of the public confidence, ought to disclose their financial interests to demonstrate to the electorate that they have not been, nor will be, influenced in their official business by considerations of private gain.

The disclosure of interests by members of Parliament is a desirable and necessary step to maintain public confidence that members are discharging their public duties without bias and free of the influence of private interests or personal advantage.

It will reinforce the well recognised principle that any conflict between public duty and private interests should preferably be avoided altogether, but, at very least, always declared.

The public confidence which a measure of this kind will encourage is an important part of a healthy parliamentary democracy.

Victoria, New South Wales, South Australia and the Northern Territory, all require disclosure of the financial interests of members of Parliament.

So far as the Commonwealth is concerned, the Prime Minister has made public the financial interests of his Ministers. In October 1984, the House of Representatives resolved to establish a register of members' financial interests.

Before dealing with the detail of the Bill, I refer to an assertion made against such legislation in 1983: That to require members to publicly register their financial interests is an invasion of privacy.

As I said in 1983, a member of the community who voluntarily seeks public office must accept the responsibilities which go with that office. Part of that responsibility, and one of the results of public life, is that one's private affairs become subject to greater public scrutiny than would otherwise be the case. Part of the acceptable public scrutiny which can and should take place so far as a member of Parliament is concerned, is that of his or her financial interests. This allows the public to ensure that decisions made are not affected by conflicts of interest.

This Bill is substantially based on the Financial Interests (Members of Parliament) Bill 1983. I do not propose therefore to go through the Bill clause by clause, but simply to highlight those clauses where changes have been made from the 1983 Bill.

Clause 19 places restrictions on publication by members of Parliament of information contained in the financial interests register. It provides that a member shall not publish in the course of proceedings any information derived from a register unless that information constitutes a fair and accurate report or summary of the information contained in the register, and is published in good faith. Any comment by a member in the course of proceedings on the facts in the register must be fair, and published in good faith.

A member who publishes within Parliament contrary to these restrictions is guilty of a contempt for which the House may deal with him or her accordingly. "Publish" is given the same meaning as assigned to it in the Criminal Code for the purposes of defamation.

The 1983 Bill contained a provision which restricted publication outside the Parliament of information contained in the register. These provisions have been deleted from the present Bill.

A person who publishes information or comment outside Parliament will be subject to the usual laws in respect of defamation.

Clause 20 provides that where a member willfully contravenes or fails to comply with the disclosure provisions, the member is guilty of a contempt of the House of which he or she is a member, for which the House may deal with him or her accordingly.

The 1983 Bill contained provisions which allowed for imposing fines on members. The constitutional validity of this was questioned in the course of debate on that occasion and the matter has subsequently been examined. There is some

doubt as to the constitutional validity of that position, and it is not now pursued.

Clause 21 provides that the sanctions imposed by the Bill are exhaustive.

Other minor changes from the 1983 Bill are mainly technical. For example, a definition of "Corporation" has been inserted in clause 3, and clause 11 has been amended in respect of interests of corporations.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters.

[Questions taken.]

LEGISLATIVE COUNCIL

Staff: Removal of Coats

HON. LYLA ELLIOTT (North-East Metropolitan) [5.38 p.m.]: In view of the extremely unpleasant conditions in the Chamber and the fact that members have been given the right to remove their coats, I ask that the same approval be given to the staff of this Chamber. The Hon. Margaret McAleer and I are fairly lightly dressed and both have been fanning ourselves vigorously. It must be most unpleasant for the staff, and I ask that they be given permission to remove their coats.

The PRESIDENT: That will be looked at.

LOCAL COURTS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by Hon. J. M. Berinson (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.39 p.m.]: I move—

That the Bill be now read a second time.

In 1982 on the recommendation of the Law Reform Commission, the Local Courts Act was amended to provide for the establishment of a small debts division of the court.

The jurisdictional limit of the division was then fixed at \$1 000. This was identical to the then jurisdictional limit of the Small Claims Tribunal.

The commission recommended that the monetary limit of the small debts division be adjusted concurrently with that of the Small Claims Tribunal.

The Small Claims Tribunal jurisdiction was increased from \$1 000 to \$2 000 in December 1983, and this Bill provides for a similar increase in the jurisdictional limit of the small debts division.

I commend the Bill to the House.

Debated adjourned, on motion by Hon. I. G. Medcalf.

BILLS (4): ASSEMBLY'S MESSAGES

Messages from the Assembly received and read notifying that it had agreed to the amendments made by the Council to the following Bills—

1. Acts Amendment (Complaints against Police) Bill 1984.
2. Conservation and Land Management Bill 1984.
3. Public Works Amendment Bill 1984.
4. Unleaded Petrol Bill 1984.

CENSORSHIP OF FILMS AMENDMENT BILL 1984

Returned

Bill returned from the Assembly without amendment.

COMPLAINTS AGAINST POLICE BILL

Order Discharged

Order discharged, on motion by Hon. J. M. Berinson (Attorney General).

House adjourned at 5.42 p.m.

QUESTIONS ON NOTICE

AUSTRALIAN LABOR PARTY: RAFFLE

Illegal: Federal Election Campaign

479. Hon. G. E. MASTERS, to the Minister for Racing and Gaming:

- (1) Has the Minister been advised of the possibility of an illegal raffle-lottery being conducted by the Australian Labor Party during the recent Federal Election period to raise campaign and ALP funds?
- (2) Has the Minister been advised of the possibility of an illegal Melbourne Cup raffle-lottery being conducted by the ALP to raise funds for the Labor Party?
- (3) Has the Minister sought legal advice on the matter?

- (4) If "Yes" to (3), what is that advice, and what action does the Minister intend to take against the organisers?
- (5) If no legal opinion has been sought, why not?

Hon. D. K. DANS replied:

- (1) to (3) No.
- (4) and (5) Not applicable.

AUSTRALIAN LABOR PARTY: RAFFLES

Complaints: Lotteries Commission

480. Hon. G. E. MASTERS, to the Minister for Racing and Gaming:

- (1) Has the Lotteries Commission received any complaints over recent months with regard to Australian Labor Party lotteries-raffles?
- (2) Has the Police Department received any complaints over recent months with regard to ALP lotteries-raffles?

Hon. D. K. DANS replied:

- (1) No.
- (2) Not known.

AUSTRALIAN LABOR PARTY: RAFFLE

Melbourne Cup: Permit

481. Hon. G. E. MASTERS, to the Minister for Racing and Gaming:

- (1) Was an application made and a permit issued for either the Australian Labor

Party Melbourne Cup raffle-lottery or the raffle-lottery held during the recent Federal Election campaign by the ALP?

- (2) Over what length of time were the tickets offered for sale in each of the raffles-lotteries?
- (3) What were the first prizes, second prizes, and third prizes?

Hon. D. K. DANS replied:

- (1) No.
- (2) and (3) Not applicable.

FISHERIES: JAPANESE FLEET

Albany: Use

482. Hon. TOM KNIGHT, to the Minister for Employment and Training representing the Minister for Transport:

- (1) Has the Government investigated the reasons why the Japanese fishing fleet is not using the Port of Albany?
- (2) Is it not correct that the Japanese fishing fleet predominately fishes in the Southern Ocean?
- (3) Would not the Port of Albany be some 28 hours steaming time closer than the Port of Fremantle?
- (4) Is it not correct that in the eastern sector of the Southern Ocean fishing area they use Hobart in preference to Melbourne and Adelaide to save steaming time?
- (5) Is it not correct that the facilities, e.g. recreation, entertainment, sport, leisure, stores, repair facilities etc., are more conveniently placed in Albany to those facilities at Fremantle?
- (6) Would not the benefits, e.g. bunkers, post office, shops, accommodation, Mission to Seamen, tourist activities, be equal to those in Fremantle and at the same time be extremely beneficial financially to Albany business people?
- (7) Has the Government approached the Japanese Fishing Association to point out these factors to their mutual benefit?

Hon. PETER DOWDING replied:

- (1) to (7) The Minister for Transport has indicated that he will be writing to the member on the matters raised in this question.

PORTS AND HARBOURS: MARINA

Sorrento: America's Cup Use

483. Hon. P. H. WELLS, to the Minister for Racing and Gaming:

Is the Sorrento marina required to be ready for the America's Cup events?

Hon. D. K. DANS replied:

The principal purpose of the Sorrento marina is to provide a much-needed facility to service the growing boating population of the region. If it is available for use during the finals of the America's Cup it will provide a safe haven for the large numbers of craft which will be attracted to the event, so its completion by that time is desirable.

FISHERIES: ABALONE

Inspections

484. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Fisheries and Wildlife:

In relation to the northern metropolitan coastal area between North Beach and Burns Beach—

- (1) On what dates, for how long, and in what number were fisheries inspectors in these areas during the last six months?
- (2) On each occasion, of how many persons taking abalone did inspectors inspect the catch?
- (3) How many persons had more than the allowed catch of abalone?
- (4) How many persons detected with more than the allowed catch of abalone were prosecuted?
- (5) What was the range of penalties given by the court to persons breaking the law relating to the taking of abalone?

Hon. D. K. DANS replied:

- (1) to (3) This information is not readily available.
- (4) and (5) The area in question was only opened to legal abalone fishing on 1 October 1984. A number of breach reports are under consideration or being processed, but no prosecutions have yet been dealt with by the Courts.

EDUCATION: PRIMARY SCHOOL

Edgewater: Building Programme

485. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Education:

- (1) What is the building programme planned to 31 December 1985 for the Edgewater primary school?
- (2) Will buildings to replace temporary class rooms be ready for use by students at the start of the 1985 school year?
- (3) How many temporary class rooms will be at the Edgewater primary school in 1985, and for how long is it planned that they will be needed at the school?

Hon. PETER DOWDING replied:

- (1) The Edgewater Primary School is recognized as requiring an extra building stage in the next building programme.
- (2) No.
- (3) In February 1985 it is expected that there will be four or five transportable rooms needed at the Edgewater Primary School. After the completion of the permanent building it is expected that two or three transportable rooms may be needed while enrolments are at their peak.

QUESTIONS WITHOUT NOTICE

INDUSTRIAL RELATIONS:
TERMINATION AND REDUNDANCY*Application: Support*

244. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Does the Minister support the TLC's application to the State Industrial Commission on termination of employment and redundancy?

Hon. PETER DOWDING replied:

The honourable member will know that the State Government supported the application of the ACTU before the Federal Commission in relation to the security of employment application. The Western Australian application is slightly different in that it is not, as I understand it, intended to proceed as a general order, but as a specific application to certain awards. In that case, we are looking at

the implications of the specific application and will make a decision in Cabinet in due course.

However, the principles which were espoused in the job security case have been accepted, particularly, as I said in the Press recently, because the decision of the Federal Commission gives the protection of the rule which does not apply to small businesses which employ less than 15 people, and in each case there was to be the right for any business which was adversely affected by the implication of the decision to make a special application for exemption from the provisions.

The provisions handed down by the Federal Commission are by and large very much less than the practice of small business already in regard to terminating employment—this applies also to large business—and these matters will be considered by Cabinet in due course.

As I said in the Press, I make it clear to the honourable member that the Government supports the general provisions before the Federal Commission.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Application: Decision

245. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Does the Minister recall reading and making a statement which was reported in *The West Australian* on 13 February 1985 where it was stated that Mr Dowding said that a decision would be made in a few days?
- (2) In view of the commitment made by Mr Dans in the latter part of last year, does the Minister's change in attitude about the issue result from pressure from the TLC and the reported statement of Mr Ron Reid?

Hon. PETER DOWDING replied:

- (1) and (2) I do not believe that there has been any change in attitude. The honourable member may not know it but if he keeps abreast of industrial relations

he will find that the Federal Commission did in fact make a general statement and adjourned the case to enable specific submissions to be made on a number of matters. It finally handed down its decision late in 1984 and it gave general principles which were to apply in those circumstances. They apply in this State to Federal awards. What we have to do now is to consider the position of the State Government in respect to an application which we understand is being made against specific awards and not for a general order. It is a change in the procedure as to what we understood would happen at a State level, and Cabinet has not yet had the opportunity to discuss that matter, simply because of time constraints. However, I hope that it will do so shortly.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Application: Decision

246. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

I thank the Minister for his history lesson, but I did ask him if he recalled making a statement in *The West Australian* newspaper wherein it was reported that Mr Dowding said that a decision would be made in a few days. It was also stated that Mr Ron Reid said that the unions were amazed at Mr Dowding's statement. I suggest that Mr Dowding had no knowledge of the matter and, as a result of pressure from the TLC, said that the Government would support the application.

Hon. PETER DOWDING replied:

I cannot make the honourable member stop making spurious suggestions. The position of the Government was well stated.

Hon. G. E. Masters: Your position was not stated. You made a *faux pas*.

Several members interjected.

Hon. PETER DOWDING: I have told Hon. Gordon Masters the position.

**INDUSTRIAL RELATIONS:
TERMINATION AND REDUNDANCY**

Application: Decision

247. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

The Minister indicated that Cabinet would consider the matter soon. Can the Minister tell the House when Cabinet is likely to make a decision on this matter?

Hon. PETER DOWDING replied:

I shall not give the member that information. It is appropriate that the member knows what I have already stated; that is, that the matter will be discussed in Cabinet. It will be discussed when it is appropriate.

**INDUSTRIAL RELATIONS:
TERMINATION AND REDUNDANCY**

Application: Consultation

248. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister consulted, not only with the TLC, but also with the Confederation of WA Industry and other employer groups on this matter before making a recommendation to Cabinet?

Hon. PETER DOWDING replied:

I have had discussions with a number of individuals. I have not been engaged in a formal tripartite consultative process. We have, as members know, unlike the Opposition when in Government, engaged repeatedly in discussions between ourselves, employers, unions, and other employee groups. I have made it clear, as I understand my predecessor the Leader of the House also did, that the Government's door is always open to groups which wish to talk to it about any matter. When this matter has been discussed further by the Cabinet the Government will make an appropriate decision about any formal consultation which will be required in the light of the extensive submissions which preceded discussions in 1984.

**INDUSTRIAL RELATIONS:
TERMINATION AND REDUNDANCY**

Application: Consultation

249. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Has the Minister consulted with the Confederation of WA Industry?

Hon. PETER DOWDING replied:

On a number of occasions I have met with or talked to the confederation about a number of matters.

Hon. G. E. Masters: Including this one.

Hon. PETER DOWDING: Let me answer the question.

As I said to the honourable member, I have not instituted formal tripartite consultative procedures, and before we go any further I wish to discuss the matter in Cabinet and will then set in motion what formal procedures are appropriate.

**INDUSTRIAL RELATIONS:
TERMINATION AND REDUNDANCY**

Application: Consultation

250. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Will the Minister, before a commitment is made by Cabinet, undertake to give the opinion to and put the matter before the tripartite consultative council?

Hon. PETER DOWDING replied:

I will give that some thought.

**INDUSTRIAL RELATIONS:
TERMINATION AND REDUNDANCY**

Application: Survey

251. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Has the Minister been advised of or does he have some knowledge of the survey carried out by the Confederation of

Western Australian Industry in which businesses were asked a number of questions and gave answers which indicated quite clearly that support for this application by the Government or anyone else would lead to increased unemployment and the lay-off of a significant number of people; and further, that in many cases it would change employment from permanent employees to casual, part-time staff?

- (2) If that is not the case, will the Minister consult with Confederation of Western Australian Industry about this matter?

Hon. PETER DOWDING replied:

- (1) and (2) Yes, I am aware of a survey which the confederation carried out prior to the decision of the Federal commission. I am aware that the decision of the Federal commission casts a very different light over the matters contained in the survey. I have had the advantage of a number of discussions on this issue. I have made it quite clear to the honourable member—perhaps I should make it clear—that he will not be running my calendar; I will be running it.

Hon. G. E. Masters: You sound like Mr Dans.

Hon. PETER DOWDING: I have every confidence that at the time we progress this further the relevant parties will find that they have had ample opportunity to pursue their views with me. I also make it clear that many of the arguments Hon. Gordon Masters has made in his statement were carefully canvassed before the commission. Anyone who reads the commission decision will see that many of them have been addressed. I am aware of the concern which exists amongst both employees and employers on the issue. We will be taking account of those concerns, as we have repeatedly done during this Government's term in office.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Cost: Government

252. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) In discussing or asking questions on the application of redundancy and

termination of employment, has the Minister carried out any estimates of the cost to the State Treasury?

- (2) If so, could he give some detail?
(3) If he has not acted on detail readily available, could he make it available as soon as possible?

Hon. PETER DOWDING replied:

- (1) to (3) The matter has been considered at some length. I do not know of any costings which have been achieved. I am not sure whether that sort of work has been looked into. If that information is available at this stage I will let the honourable member know.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Cost: Private

253. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Would the Minister take note, in placing his recommendations before Cabinet, of figures which have been calculated for the private sector of the cost of the proposals—for example, the cost of severance pay has been estimated at \$480 a year for each employee?
(2) Further, would he note that the termination proposals now being pursued by the TLC and the trade union movement—and, I have no doubt, supported by the Government—will cost employers in Australia something in the region of \$432 million?
(3) Does the Minister consider those calculations are of concern to business and industry, and should have an effect on the decision of Cabinet?

Hon. PETER DOWDING replied:

- (1) to (3) Having regard to the material that has become available to me since I became Minister for Industrial Relations, I quite frankly cannot rely on the accuracy of calculations of Hon. Gordon Masters

because he seems to have had so many other calculations horribly wrong. He has made his calculations, and he has told the House what they are. I will have a look at them.

INDUSTRIAL RELATIONS: TERMINATION AND REDUNDANCY

Cost: Private

254. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

My last question—I want it absolutely clear from the Minister—is this—

- (1) Will the Minister take into account the cost to private enterprise, industry, and commerce of this application, and will he, in making recommendations to Cabinet, draw the attention of Cabinet members to the very serious problems which it is believed are likely to occur as a result of the success of this application?
- (2) In doing so, will he draw to the attention of Cabinet the cost to the taxpayer of this proposal?

Hon. PETER DOWDING replied:

- (1) and (2) As the member knows, since we have been in Government we have pursued a tripartite approach. The regrettable aspects of the member's own behaviour—and probably the reason why he lost office—was that he did not pursue a tripartite approach. He stood to one side and threw brickbats at everyone else.

He made an inflammatory speech in his question. He knows very well there is a whole variety of arguments which led the Federal commission to come to its conclusions. I am not going to debate them with him in question time, because that is not the appropriate time. We will, I hope, have an opportunity to join in debate about it, and the public can test his depth of understanding of these issues.

This is a one-sided view, and he cannot expect people to take him seriously. We will look at the implications, and continue to look at all the implications.

INDUSTRIAL RELATIONS

Tripartite Labor Consultative Council: Use

255. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) On another matter, I am pleased that the Minister has mentioned the consultative council. Will the Minister continue to use the industrial consultative council to advise him on industrial matters?
- (2) Has the Minister submitted the Opposition policy discussion paper, "Employment Freedom" to that consultative council?

Hon. PETER DOWDING replied:

- (1) and (2) We are committed to the continuation of the tripartite policy and I shall continue to support the very good initiative which Hon. Des Dans put in place.

Hon. G. E. Masters: And Mr O'Connor before him.

Hon. PETER DOWDING: As far as the document which the Liberal Party has put up is concerned, it is a very shallow and self-interested statement which does not add much to the general debate, no doubt at considerable cost to those who donate to the Liberal Party. The member has gone around to the sort of people he would like to have read it.

However, I would not wish to prevent any organisation from having an opportunity to make comment to me about it, and I shall give it due consideration.

INDUSTRIAL RELATIONS

Tripartite Labour Consultative Council: Use

256. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

Did the Minister say he would or would not support that; or did he say he would just consider the matter?

Hon. Peter Dowding: Yes.

Hon. G. E. MASTERS: That means there is no firm commitment.

What is the Minister's attitude to the idea of more flexible working arrangements?

I ask the Minister, in considering the document presented by the Liberal Party, what his attitude is to the idea of more flexible working hours and arrangements during a week?

Hon. PETER DOWDING replied:

Having studied the document, I am driven to the conclusion that the Liberal Party has no interest in the well-being of young people. It believes that it can throw young people into a bargaining situation on a one-off basis with employers and expect to see some justice in that arrangement.

It also believes that employers could dismiss older workers, perhaps those with families, and replace them with young, unskilled people to work for a pittance. It talks in woolly terms about putting in safeguards.

My advice, from people involved in industrial relations over many years, is that this is a hotchpotch of nonsense dressed up as some sort of moral dispensation. It is the sort of document one would expect from an Opposition which has no responsibility to implement it. It is designed to attack our very long-standing system of industrial relations which, while it has had its hiccups, would have more than a hiccup if one tried to dismantle it.

Overall it is a recipe not only for economic disaster for the community at large but also for very great hardship for people who are not in a position to enter into the sort of bargaining that is suggested in that document.

Frankly I find little of attraction in the document. I am greatly surprised that if the Liberal Party is possessed of all this erudition why it made no submission to the Kirby inquiry and more importantly why Mr Masters made no submission to the Hancock inquiry into our own industrial system. He is silent when it comes to the point of putting up something that might be tested, but he is quite happy to put out a little bit of political propaganda for the sake of quick headlines.

EMPLOYMENT AND TRAINING: KIRBY REPORT

Youth Labour: Cost

257. Hon. G. E. MASTERS, to the Minister for Industrial Relations:

- (1) Is it correct that the Kirby report found that the cost of youth labour was too high?

- (2) Is it also correct that at least one in four young people are unemployed in this State and that the figure is still rising?

Hon. PETER DOWDING replied:

- (1) and (2) It is well worth pointing out that youth unemployment escalated very dramatically during the period of the Liberal Government in this State and that that Government had no initiatives to deal with it at all.

The second thing is that the Leader of the Opposition obviously has not read the Kirby report; if he has he has been unable to understand it. What it specifically says is that the concept of reducing youth wages is not a solution to the problem of youth unemployment.

GAMBLING: INQUIRY

Government Attitude

258. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

- (1) Can the Minister tell the House the Government's stance on the report of the inquiry into gambling?
- (2) If, as it is rumoured, some legislation is to be introduced to rationalise gambling in this State, does he expect that to be introduced prior to the country racing round?
- (3) Is legislation required?

Hon. D. K. DANS replied:

- (1) to (3) The report was received by the Government a couple of weeks ago and has been released for public comment for two months. When that time is up we will have a look at what the public have had to say and then see how we can effectively put into operation some of the gaming inquiry recommendations. I do not envisage any legislation for the current racing round. I wish we could do it but, unfortunately, with the processes through which we have to go, it is not possible.

GAMBLING: INQUIRY

Report: Availability

259. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

Can I take it then that the document is now a public document available for

members of Parliament and that it is likely to be tabled in the House?

Hon. D. K. DANS replied:

The report has been released and I would imagine that it would be available here in Parliament. If it is not available I will have some copies made available for members. It is available for purchase from the Government Printer. For those who have an abiding interest in gaming and racing, I will see that a copy is made available.

GAMBLING: TWO-UP

Legalisation: Timing

260. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

Can I take it that he does not expect that the illegal two-up that may or may not take place at country race meetings will be legalised for this country racing round commencing in April?

Hon. D. K. DANS replied:

Counting two months from now, I would say, "No".

GOVERNMENT REGULATIONS: REVIEW COMMITTEE

Report: Recommendations

261. Hon. P. H. WELLS, to the Minister for Industrial Relations:

Referring to his earlier answer tonight about costs, I ask—

- (1) Is he aware of recommendation 4 of the report of the Government regulations review committee recommending that economic impact statements be prepared by officers of the department on matters relating to Government action?
- (2) If he is not aware of the recommendation, will he ensure that his officers read the report and implement some of the recommendations made in that respect by businessmen, remembering that the report was delivered to the Government in February 1983 as part of the work of a red tape committee to inform Government of what should be done?

Hon. PETER DOWDING replied:

- (1) and (2) I will take the question as being on notice and get an answer to the member later.

PRISONS: MAXIMUM SECURITY

Level of Security

262. Hon. P. H. LOCKYER, to the Minister for Prisons:

- (1) Is he happy with the security in our maximum security prisons, particularly the Albany Regional Prison?
- (2) Have any steps been taken at that prison to tighten up matters following the escape a couple of weeks ago of a very dangerous prisoner?

Hon. J. M. BERINSON replied:

- (1) and (2) We have only two prisons of true maximum security status, namely Fremantle and Albany. There is no guarantee with any prison, even a maximum security prison, that prisoners will not defeat the system and escape. We concentrate at all times on ensuring that escapes do not result from negligence or some inherent fault in the system. The record of the Albany prison in particular is very good in terms of the security it has been able to maintain. I would not support any suggestion that the very serious escape which recently occurred demonstrates any fundamental weakness in the system or the standards of that prison. It was a serious escape, but it is in the nature of the prison system that these escapes will occur from time to time. The investigations which followed the particular incident have isolated the causes of the escape and it comes down to one of those cases where a prisoner simply beats the system. That is what happened in this case. It is unfortunate and serious, but it does not give rise to a need for substantial alteration of the existing security arrangements.

RACING AND TROTTING: COUNTRY CLUBS

Government Assistance

263. Hon. P. H. LOCKYER, to the Minister for Racing and Gaming:

- (1) Can he inform the House whether any country race clubs have contacted him or his department to indicate that they are in some financial difficulty?

- (2) If so, does the Minister expect this to become a very serious matter in the coming season?
- (3) What steps have been taken to assist these clubs?

Hon. D. K. DANS replied:

- (1) to (3) I have had nothing drawn to my attention from any race club in Western Australia, with the exception of one trotting club.

GOVERNMENT REGULATIONS: REVIEW COMMITTEE

Report: Recommendations

264. Hon. P. H. WELLS, to the Minister for Industrial Relations:

I refer the Minister to my previous question and ask—

- (1) Is he aware of the report?
- (2) Has he ever implemented any of its recommendations since he has held any of his portfolios?

Hon. PETER DOWDING replied:

- (1) and (2) I have already suggested that the question go on notice. I will check with my departments to ascertain whether they have done any work on it and then advise the member.

PORTS AND HARBOURS: MARINA

Sorrento: Plans

265. Hon. P. H. WELLS, to the Leader of the House:

- (1) Has the Leader of the House read *The Western Mail* article written by Martin Saxon, published on 16 and 17 February 1985, which reported that the plans of the Sorrento marina, issued by Mr Dans' America's Cup Office in 1984, stated that an updated plan was submitted to the PWD during 1984?
- (2) If previous reports are correct, why did the Leader of the House mislead the House in December 1984 by saying that there were no details or plans of the Sorrento marina at all?

Hon. D. K. DANS replied:

- (1) and (2) I have read the article and it is incorrect. I answered a question in Parliament on this matter and I said at that time there were no plans to proceed with the Sorrento marina.

If members had been at the public meeting some time ago they would be aware that we had line drawings of the walls, and to the best of my knowledge that is the only plan in existence, in my office.

Members must understand that the office of the America's Cup is not responsible for preparing detailed plans, or for building the marina. That matter falls to the Minister for Transport. I have not seen any detail and, to the best of my knowledge, none is in existence.

GAMBLING: INQUIRY

Report: Availability

266. Hon. P. H. WELLS, to the Minister for Racing and Gaming:

My question follows the answer the Leader gave to the Hon. Phil Lockyer with regard to the gaming report. Is this report available for the public to examine, without cost?

Hon. D. K. DANS replied:

The report has been released in a similar way to other Government reports and can be obtained from the Government Printer, or the Government Publications Office.

If anyone has an interest in this report he can purchase it, because it has been released for public comment. It was released on the day I presented it to the Cabinet, so I think we have created a record, especially when we consider the record the previous Government had of never releasing reports.

The report has received a certain amount of publicity in the electronic media and in the Press.

ROTTNEST ISLAND

Hooliganism: Prevention

267. Hon. P. H. LOCKYER, to the Minister for Tourism:

What steps have been taken to stop the reported hooliganism at Rottnest Island?

Hon. D. K. DANS replied:

The Rottnest Island Board—of which I am not the chairman yet—is at present looking at a variety of options open to it with a view to reducing the type of incident which took place when I was on the island.

While the incident that occurred at Rottneest was bad, I think it was blown up out of all proportion. If publicity is given to such an incident, we will always have people who want to perform in that scenario. Given time I think we can overcome most of those problems.

Anyone who has visited Rottneest for many years—I have said I have been going there for 30 years, and I think I understated a little—would know that even going back to the time before the hotel was at Rottneest, incidents occurred such as that which occurred recently. I am not saying that that is all right, but I believe we have identified the problem in certain areas and we can do something to rectify it.

[Resolved: That questions be continued.]

PORTS AND HARBOURS: BOAT RAMPS

Government Assistance: Federal

268. Hon. P. H. LOCKYER, to the Minister for Tourism:

- (1) Is it a fact that Federal funds are available, through the America's Cup funding, for assistance to local governments for the betterment of metropolitan facilities such as boat ramps, etc.?
- (2) Is this money restricted to the metropolitan area, or is some funding available for country areas which may have some significance during the time of the America's Cup, so that those areas may improve their boating facilities?

Hon. D. K. DANS replied:

- (1) and (2) The Federal member for Fremantle, when Minister for Finance, was successful in getting the Federal Government to make available \$30 million for community-based projects in the lead time to the America's Cup. That

sum of money is, for want of a better word, administered by the inter-governmental committee which consists of the Hon. John Dawkins, the Mayor of Fremantle, and myself.

We have only \$30 million available and submissions from interested parties have totalled 246. We are slowly going through those submissions. There is a story in the *Bible* about a person with loaves and fishes. We have been able to allocate about \$6 million at this stage, which is this year's budget. While I may think a submission is a good idea, I have to convince the Federal Minister and his officers that it is.

Hon. P. H. Lockyer: I take it then that submissions have closed?

Hon. D. K. DANS: The member could put in a submission, but we have received 246 and are trying to do the best we can with the funds that are available for projects involving the America's Cup. They are not necessarily confined to the metropolitan area.

GOVERNMENT REPORTS

Availability: Public Libraries

269. Hon. P. H. WELLS, to the Leader of the House:

With regard to the reports that the Government releases to the public, I wonder whether the Minister would consider having them made available in State libraries for public comment?

Hon. D. K. DANS replied:

I will look at that proposition but, as with all Government publications, if a person goes along to a public library and finds the report is not held there, he can make an application to have the report obtained. As I understand it, that has always been the case.