Legislative Council

Tuesday, 24 March 1981

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

ELECTORAL: SENATE VACANCY

Governor's Message

Message from the Governor received and read transmitting a copy of a despatch received by him from the President of the Senate of the Commonwealth of Australia, notifying that a vacancy had occurred in the representation of the State of Western Australia, in the Senate, through the resignation of Senator Allan Charles Rocher, which occurred on 10 February 1981.

Filling of Vacancy

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.35 p.m.]: I move—

> That with reference to Message No. 1 from His Excellency the Governor, the Honourable the President be requested to confer with the Honourable the Speaker in order to fix a day and place whereon and whereat the Legislative Council and the Legislative Assembly, sitting and voting together, shall choose a person to hold the place of the senator whose place has become vacant.

Question put and passed.

Sitting suspended from 4.36 to 5.08 p.m.

THE PRESIDENT (the Hon. Clive Griffiths): With reference to Message No. 1 from His Excellency the Governor and in conformity with the Joint Standing Orders relating to the election of a senator to the Federal Parliament, arrangements have been made whereby a sitting of the Legislative Council and the Legislative Assembly will be held in the Legislative Council Chamber on 25 March at 4.45 p.m. for the purpose of electing a person to fill the vacancy notified in the Message from His Excellency.

GOVERNMENT AGENCIES: EXAMINATION BY STANDING COMMITTEE

Inquiry by Select Committee: Standing Orders Suspension

THE HON. R. G. PIKE (North Metropolitan) [5.50 p.m.]: I move, without notice—

> That so much of the Standing Orders be suspended as would allow the necessary motions to be moved, without notice, prior to the adoption of the Address-in-Reply, to reappoint the Select Committee appointed during the last session of Parliament to inquire into the setting up of a Standing Committee to examine State Government agencies.

THE HON. H. W. GAYFER (Central) [5.52 p.m.]: I voted against the setting up of this Select Committee to inquire into the establishment of a Standing Committee to examine State Government agencies when it was mooted in this House last session; therefore, I have no intention of supporting a motion which seeks to reappoint that committee.

In addition, I have good reason to believe the committee members met during the last parliamentary recess, which was contrary to the Standing Orders of this House and, as far as I could work out, therefore the meeting was illegal. That is a matter I could not possibly condone.

I fail to see why this matter should be considered so urgent that it is necessary to suspend Standing Orders to confirm the committee's existence.

On those three counts, I oppose the motion.

The PRESIDENT: Order! In order to pass in the affirmative, this question requires the concurrence of an absolute majority. The question is that the motion be agreed to. All those of that opinion say "Aye"; to the contrary, "No". There being a dissentient voice, it is necessary for the House to divide.

Question put and a division taken with the following result—

Ayes 24

Hon. J. M. Berinson	Hon. I. G. Medcalf
Hon. J. M. Brown	Hon. N. F. Moore
Hon. D. K. Dans	Hon. Neil Oliver
Hon. Lyla Elliott	Hon. H. W. Olney
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. R. Hetherington	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. R. T. Leeson	Hon. P. H. Wells
Hon. G. C. MacKinnon	Hon. R. J. L. Williams
Hon. G. E. Masters	Hon. W. R. Withers
Hon. F. E. McKenzie	Hon. D. J. Wordsworth
Hon. N. McNeill	Hon. Margaret McAleer *(Teller)*

Noes 5

Hon. N. E. Baxter	Hon. W. M. Piesse
Hon. A. A. Lewis	Hon. H. W. Gayfer
Hon. T. McNeil	*(Teller)*

The PRESIDENT: I declare the question carried with the concurrence of an absolute majority of the House.

Point of Order

The Hon. H. W. GAYFER: Mr President, could you advise me whether it is considered that a committee meeting out of session in such a manner would be meeting legally or illegally?

The PRESIDENT: I consider that the committee to which you refer was meeting legally.

Motion

THE HON. R. G. PIKE (North Metropolitan) [5.57 p.m.]: I move, without notice—

That a Select Committee be appointed—

(1) To consider and inquire into—

(a) the feasibility and desirability of setting up a Standing Committee of the Legislative Council to examine State Government agencies, including statutory corporations, boards, and other regulatory bodies not under direct ministerial control or supervision;

(b) the purposes and nature of the various Government agencies in existence in the State in order to determine what sort of agencies call for examination by a Standing Committee; and

(c) the constitution powers and rules of procedure which should apply to any such Standing Committee.

(2) To investigate the constitution and effectiveness of any committees or bodies whether parliamentary or otherwise having similar functions to the proposed Standing Committee in other Australian States and the Commonwealth.

(3) To report to the Legislative Council with such recommendations as may be considered appropriate;

and that the Select Committee be empowered to utilise the information received by a similar committee appointed in the previous session of Parliament.

Adjournment of Debate

THE HON. H. W. GAYFER (Central) [5.59 p.m.]: I move—

That the debate be adjourned until the next sitting of the House.

Motion put and a division taken with the following result—

Ayes 4

Hon. N. E. Baxter	Hon. W. M. Piesse
Hon. T. McNeil	Hon. H. W. Gayfer
	(Teller)

Noes 25

Hon. J. M. Berinson	Hon. I. G. Medcalf
Hon. J. M. Brown	Hon. N. F. Moore
Hon. D. K. Dans	Hon. Neil Oliver
Hon. Lyla Elliott	Hon. H. W. Olney
Hon. V. J. Ferry	Hon. P. G. Pendal
Hon. R. Hetherington	Hon. R. G. Pike
Hon. T. Knight	Hon. I. G. Pratt
Hon. R. T. Leeson	Hon. P. H. Wells
Hon. A. A. Lewis	Hon. R. J. L. Williams
Hon. G. C. MacKinnon	Hon. W. R. Withers
Hon. G. E. Masters	Hon. D. J. Wordsworth
Hon. F. E. McKenzie	Hon. Margaret McAleer
Hon. N. McNeill	*(Teller)*

Motion thus negatived.

Debate (on motion) Resumed

THE HON. N. E. BAXTER (Central) [6.03 p.m.]: There are queries relating to this motion and to what has happened since the prorogation of Parliament. This committee, like other committees, has met during that time although no time was set for these committees to report to the House. The whole situation got completely out of order. One might term as illegal the operations of the committee in meeting after the Parliament was prorogued in February. The committee deliberated on matters when it did not constitute a Select Committee because, according to Standing Orders, to do so was out of order. Part (3) of the resolution indicates that it should report to the Legislative Council with such recommendations that may be considered appropriate and the Select Committee be empowered to utilise the information received by a similar committee appointed in the previous session of Parliament. We are ratifying the right to use information gathered by a committee which was not in order. If that is not acting illegally, I do not know what is. I question whether the mover of this motion has the right to use that information when it was obtained by a committee that was not in order.

THE HON. R. G. PIKE (North Metropolitan) [6.05 p.m.]: In reply to the Hon. Norm Baxter I indicate that the information gathered by the committee was obtained at a date prior to the prorogation of Parliament. The only other information that is at all relevant deals with the leader of the Country Party in the New South Wales upper House, and that is a private matter. Because it would be embarrassing to make reference to that information in this House, I decline to do so.

Question put and passed.

Sitting suspended from 6.07 to 7.35 p.m.

Appointment of Select Committee

THE HON. R. G. PIKE (North Metropolitan) [7.35 p.m.]: I move, without notice—

That the Hons. R. J. L. Williams, R. Hetherington, J. M. Berinson, P. G. Pendal, and the mover, be appointed to serve on the committee and that any three members shall form a quorum.

Question put and passed.

THE HON. R. G. PIKE (North Metropolitan) [7.36 p.m.]: I move, without notice—

That the committee have power to call for persons, papers, records and documents, commission reports whenever it may be necessary, and adjourn from place to place; that the committee may sit on days over which the Council stands adjourned; and that the report be presented to the Council during this current session of Parliament.

Question put and passed.

COMMITTEES FOR THE SESSION

Assembly Personnel

Message from the Assembly received and read notifying the personnel of the sessional committees appointed by that House.

ADDRESS-IN-REPLY: SECOND DAY

Motion

Debate resumed from 19 March.

THE HON. H. W. OLNEY (South Metropolitan) [7.38 p.m.]: I understand that the traditional practice has been that members speaking to the Address-in-Reply debate take a ramble around their electorate and relate to the House, not so much for the edification of members, but for the benefit of the provincial Press, all the great deeds they have done over the last one, two, or three years, or maybe since they have had the opportunity to speak.

I will not take a ramble over the South Metropolitan Province, but I wish to make some remarks about the activities I have found myself engaged in as an electorate worker.

I suppose as is the case with every other member of this House and the other House of the Parliament, one of the greatest burdens I have to bear is to try to satisfy my constituents and help them with their problems, especially with respect to their housing. As I am a representative of a constituency which has a fairly substantial State housing element, this is an activity I find myself engaged in quite frequently.

At this stage, I would like to refer to one particular problem which has been brought about by a policy decision of the Government and which was announced in the last Budget. This problem is causing some concern to the constituents with whom I have some dealings. Members may recall that last year the Government announced that the State Housing Commission was adopting a policy whereby it hoped to release more of the family accommodation which was being occupied by pensioners and which the Government felt ought to be released for family occupation. For 20 or 30 years, many pensioners have occupied this accommodation which is larger than their immediate needs, in terms of the number of bedrooms.

The general feeling I detected was that the Government's move was not popular. The leverage which the Government sought to exercise was to give the pensioners an opportunity to move out of the family accommodation or stay, if they wanted, but then they would have to pay a higher rental.

Many pensioners and pensioner couples were occupying ordinary houses in State Housing Commission areas. They were given the opportunity to elect to either remain in their accommodation or go elsewhere to pensioner accommodation, without any increase in rent.

I have had a number of dealings with people who felt there was some injustice in their being asked to pay more rent to stay in a house which they had occupied for so many years. However, some did elect to go into pensioner accommodation and those who so elected were given an opportunity to inspect what was available, or likely to become available in the future. They were to be given an opportunity to select their preference and then their name was put on a list of people who were entitled to pensioner accommodation as soon as it became available.

A number of people who made this election live in the Hamilton Hill and Hilton areas which are in my electorate. They subsequently had an invitation from the State Housing Commission, some 2½ months after the original approach, to inspect accommodation in a complex called Gunya in Coolbellup. The accommodation was described as three-bedroomed, unfurnished family accommodation. These pensioners were given the opportunity to move into this alternative family accommodation at the reduced pensioner rental.

Many of the people who had decided to go along with the Government's wishes had made plans for their departure. I know of one case where the State Housing Commission tenants sold their chickens and dismantled their demountable garage and threw out the things they could not take into their pensioner accommodation. This was done in anticipation of the new accommodation being available. However they were then faced with an offer to move into other three-bedroomed, family accommodation.

There does not seem to be any logic in such an approach. One case which has been brought to my attention related to a pensioner couple who refused to go into this particular complex—that is the alternative three-bedroomed accommodation—but they received a further approach to go into another family complex of three-bedroomed units, in lieu of the house they were occupying.

This is a matter which the Government should look at in order to ascertain exactly how much sense is being demonstrated with its policy of displacing pensioner couples from their existing accommodation and offering them alternative accommodation of much the same type.

I have said that housing problems occupy much of the time of members of both Houses of Parliament; and I would like the President, and, indeed, Mr Pendal, to know that they may rest assured that their constituents in Coolbellup are being well looked after. If ever they would like to meet some of their constituents and to discuss housing problems with them, they are welcome to visit my electorate office.

The Hon. P. G. Pendal: You do not suggest that we do not know what is going on at Coolbellup?

The Hon. H. W. OLNEY: I am not suggesting that; I am merely suggesting that many of the people of Coolbellup find their way across the boundary to the South Metropolitan Province.

In considering what I should say on an occasion like this, and being a relatively new member here, I indulged myself to the extent of engaging in some retrospection and some introspection. I looked back over my short span of membership of this Chamber and tried to assess what, if anything, I have achieved. I found I achieved the distinction of asking quite a number of questions; and on looking back through them I noted with some concern that the answers I received were rarely satisfying. Although some answers were satisfying, my failure today to leap to my feet and to give notice of 17 or 18 questions is perhaps a reflection of the fact that I am not too sure that is the way to achieve much in this House.

The Hon. H. W. Gayfer: Hear, hear!

The Hon. H. W. OLNEY: I have not taken the trouble to read through speeches I have made in this place, because I concede none of them has been memorable.

However, my memory was jolted recently concerning an amendment for which I feel I was responsible in respect of a Bill to amend the Adoption of Children Act. The Bill had something to do with whether or not children's names should be changed by law upon their adoption. Although the amendment I moved was in effect taken over by the Government, I felt some responsibility for it. Therefore I was pleased to see when reading a recent part of the *All England Law Reports*, to which I subscribe, that the Court of Appeal in England has expressed much the same view I expressed in that debate. The court decided in a particular case, the details of which do not matter, that a decision in respect of changing a child's surname after the divorce of its parents was to be treated by courts as a matter of importance which was to be decided by reference to what was in the best interests of the child's welfare in the particular circumstances, that being the first and paramount consideration.

I felt perhaps the effort I made in respect of that issue when it was before this Chamber was well justified. Of course, at the time I indicated my thanks to the Government for adopting the view I advocated.

During the last session of Parliament some 100 or so Bills came before this Chamber, and on a few occasions this Chamber did review them—which we are told is the function of this place—and from time to time a few amendments were made. There were, of course, some memorable debates, one of which was the debate on a Bill repealing the Stallions Act. I think probably that was the shortest Bill we dealt with last session, but on a word-for-line basis, it must have produced the longest debate during the whole of last year's sitting.

I recall also that Mr Wells moved a motion in respect of the centenary of the Salvation Army, and that occupied a considerable time in debate. I note that Mr Wells this year has given notice of a motion commending the Apex Association on its 50th anniversary. He has gone from 100 to 50 years in respect of the causes he is supporting. No doubt we will all support that motion with some enthusiasm when he moves it.

I would like to tell Mr Wells that if he is interested in coming down to 25 years, my silver wedding anniversary will occur later this year!

The Hon. P. H. Wells: Shift to my electorate and I will send you a telegram.

The Hon. H. W. OLNEY: The motion before the Chair, of course, begs to express our loyalty to our Most Gracious Sovereign and to thank His Excellency for the Speech he has been pleased to deliver to Parliament. We all take an oath of allegiance to the Crown when we enter this Parliament; and, of course, we are only here by reason of the fact—amongst other things—that we are subjects of the Crown. I accept the role of a loyal subject of the Crown, but that is not to say I do not prefer a republican form of government. Along with the former Prime Minister Whitlam and many other people around Australia, I look forward to the day the monarchy will be replaced, by ordinary due constitutional process, by a system of government in the nature of a republic, which I would suggest is more appropriate to the modern forms of government with which we are acquainted.

In the course of his speech to the motion, Mr Neil McNeill referred to the impending marriage of the Prince of Wales. As a father I appreciate the significance that is attached to the marriage of a son; indeed, one of my sons was married recently. However, my enthusiasm for the pending marriage of the Prince of Wales is somewhat less than the enthusiasm I felt in respect of the marriage of my own son, whose future well-being is of concern to me particularly in circumstances where the young couple are paying some 40 per cent of their weekly family income in rent for a flat, with no real prospect of saving sufficient from their income to acquire the necessary capital even to place a deposit on a home of their own. I suggest their only real prospect of that is if their father dies earlier than expected and they collect something by way of superannuation or insurance.

The Hon. H. W. Gayfer: I would have thought with their father being a Queen's Counsel it would have been easy.

The Hon. H. W. OLNEY: The members opposite, who are not opposite but to my left, have a very conventional view of the role of a Queen's Counsel. In fact, now that Mr Gayfer has mentioned it, I would recount that somebody, after hearing my suggestion that a republican form of government would be more appropriate than our present monarchy, queried what would happen to all the QCs when the republic came about. I replied that probably we would all become RCs, which would suit some of them, but not all!

On opening day Mr Berinson posed a question regarding the need to prorogue Parliament and hold a ceremonial opening. The Attorney General gave the very satisfactory answer that he was sure there were many good reasons, but that he did not know what they were. He said he would find out what they were and let Mr Berinson know. I might be of assistance to the Attorney General in this respect and remind him—subject to correction by my comrade, Mr Hetherington—that as I understand the situation the King originally used to call Parliament together for only one reason, and that was that he wanted money—

The Hon. R. Hetherington: That is right.

The Hon. H. W. OLNEY: —and to get the money it had to be voted to him by Parliament.

The Hon. R. G. Pike: It changed a bit in 1642.

The Hon. H. W. OLNEY: In those days the King acted on the basis that, if he gave the House of Commons a few laws that it wanted, its members would vote him the money he wanted; and thus the tradition developed. Like many, or most, traditions associated with this type of activity, it is today quite meaningless, but, nevertheless, is still observed.

The Hon. R. G. Pike: Are you a republican, and do you espouse the republican cause?

The Hon. H. W. OLNEY: The position is that the Government will take the taxes that it wants to take and will put forward the legislation it decides upon. Therefore it seems there is no real reason to observe the fiction of the King coming to Parliament and offering legislation in exchange for money.

I would suggest that members might compare the Speech made by the Lieutenant-Governor and Administrator on 31 July 1980 with the Speech made by His Excellency on 19 March 1981; and they will see that much of the legislation promised in 1980 was promised again this year. We have such matters as the redrafting and updating of the Prisons Act, legislation to deal with bail, the establishment of a Western Australian mining and petroleum research institute, amendments to the Workers' Compensation Act, the Bread Act, and other legislation. Of course, the legislative programme outlined in 1980 was an ambitious one and one which was not realised. I would suggest that Parliament is no longer in a position—and may never have been in the position, certainly in this country—to demand legislation in exchange for the King's revenue. Hence it follows that perhaps

we do not need to have a formal opening with a Speech from the throne three times in the life of each Parliament.

I wish now to deal with some matters of particular interest to me, probably because of my professional background before coming to this place. I have a special interest in some matters which are under the jurisdiction of the Attorney General. I admit that I have the greatest respect and admiration for the Attorney General and for the manner in which he performs what is I believe one of the most important offices in the government of this State. I recall some months ago being in the robing room of the Supreme Court after having engaged in some work there. One of the other counsel in the room said to me—it was about 4.00 p.m.—"Well, you are off to Parliament to give the Attorney General a rough time." The person concerned happened to be an officer of the Attorney General's department. I told him that he misunderstood the position; I said "We don't give him a rough time; we are there to help him." Indeed, I have endeavoured to help him in my short time here. I am not sure if he has appreciated my help, but I hope to continue to be of assistance to him in any small way I can.

The Hon. I. G. Medcalf: I will look at it in a new light from now on.

The Hon. H. W. OLNEY: I turn to the matters coming under the heading of Attorney General on page 10 of the Governor's Speech, and I wish to refer to a few of them in passing. The Governor referred to the Criminal Injuries (Compensation) Act and said the Government proposed amendments and a comprehensive revision of the Act to help the unfortunate victims of crime. I am sure the Attorney General will recall that I put to him a number of questions—and I might even have spoken in the adjournment debate—about the need to update and liberalise this Statute. I drew the attention of the House to the fifteenth report of the Australian Law Reform Commission dealing with the punishment of Federal offenders.

Although at the time the Attorney General did not show much enthusiasm for the suggestion I put—namely, that the draft Bill in the report ought to form a basis for amending legislation in this State—I am hoping that his officers and those advising him will adopt that expedient, and look carefully at the proposal of the ALRC.

I suggest to the House, and commend to the Attorney General, that the figures quoted in the ALRC report show that the cost of removing the financial limit to claims under the Criminal Injuries (Compensation) Act is quite minimal; and that the amendment of the legislation to provide for the payment of damages based upon the ordinary principles of assessment of damages that apply to any civil actions for tort would not cost the community very much at all. That may sound strange to those who have not been into it; but the matter has been researched thoroughly in this country and in the United Kingdom. I suggest to the House that would be a step well worth the fairly slight expense involved.

The Government has indicated, again, that it proposes to introduce legislation dealing with bail. I appreciate that this is a most difficult and technical area; and I am not surprised that the Government was not able to bring down its legislation last year. I look forward with interest to the introduction of the Bill, hopefully during this session. I trust it will be a matter upon which the battle lines will not be drawn along party divisions, and that members on this side will be able to make some constructive contribution to the passage of that legislation.

Members will agree that the facility of bail to persons arrested or taken into custody without conviction of crime is fundamental to the preservation of civil liberties. It is an area of law about which there has been a deal of contention. It is an area of law that has its roots in the past. It is one which will be improved by the updating and codification of all the many rules that are applicable.

The Government also will proceed with amendments to the Juries Act. Again, this is a matter I raised by way of question to the Attorney General. I referred to one aspect of the administration of the Juries Act; and the Attorney General was good enough to write to me at length in response to the issue I had raised. I thank him for that. Being a democrat, although a republican democrat, I believe that the jury system is an essential part of the democratic process, and that we ought to cherish the continuation of trial by jury.

In some States juries are still used in civil matters; and there are pros and cons to that. Certainly the preservation of juries in charges for serious criminal offences is absolutely essential to the preservation of the democratic processes in this State. I trust that the amendments will be to the improvement of that system.

Another matter of interest in the Governor's Speech is the foreshadowing of the establishment by legislation of a law reporting advisory board. This is something that may be of very particular interest only to the lawyers in the House and in the community; but in a system of law where

ignorance is no excuse, it is essential that every person have the facility to know what the law is. Of course, that is a utopian concept. In fact, if every person knew what the law was, we would need no lawyers, nor judges; indeed, everything would work much easier. Of course, that situation will never be achieved.

As a result of the decisions of courts and various tribunals being reported, the facility of knowing what has been said in particular circumstances on other occasions is available at least to those who have to advise. This is a very worth-while initiative on the part of the Government. I trust that the advisory board will have adequate funding to ensure that a proper system of law reporting is established. I trust also that the law reporting will not be confined to the superior courts, and that some of the administrative tribunals also will have their decisions reported. I am particularly concerned that the Workers' Compensation Board should have its decisions reported, because that is a field which touches a very wide spectrum of the community. It is an area of law in which confusion has reigned almost since the day the legislation was first introduced in England 80 or 90 years ago.

On the occasion of the opening of the Parliament I raised, by way of a question to the Attorney General, the introduction of a uniform law of defamation for Australia. This matter has received some Press coverage in recent times. The queston I put to the Attorney General highlighted the alternatives available. There is the alternative of the six States, the two Territories, and the Federal Parliament all making laws, much in the same way as the uniform company laws are being developed at present. That would produce, in some way, a degree of uniformity throughout the country. There is the other alternative, of the States referring the necessary power to the Federal Parliament to enable one law to be made for defamation, in the same way as one law has been made for divorce, marriage, and various other matters which affect all Australians to the same degree, irrespective of where they live.

Although the Attorney General indicated that there was no real prospect of the defamation law being unified by way of a reference of powers, by reason of the murmurs and hoohaas across the way when such a thing was even suggested, I appreciate that the prospect of this Government's making such a reference is remote. However, I commend to the Government the suggestion that it give further thought to this subject.

In a community in which most of the defamatory matter that is propagated is done by television—which knows no State boundaries—or by radio or by the Press, much of which is propagated on a national basis, it is reasonable to suggest that the law of defamation should be the same. We should have the same law throughout the country. The people wronged, or claiming to be wronged, should have the same remedies throughout the country, wherever they may live.

The Hon. P. G. Pendal: It is quite within the control of each television station; so that does not represent a problem.

The Hon. H. W. OLNEY: There has been discussion in the Press recently of quite an interesting legal manoeuvre or innovation in what has been called the "jarrah class action". Indeed, members opposite may be interested to know that amongst the people with whom I have contact the comments made by the shadow Federal Attorney General (Senator Evans) did not find much favour. His comments were made on television recently, and I did not hear them; but they have been reported to me on a number of occasions. It appears many of our supporters did not like the idea of Senator Evans' agreeing with Mr Anthony on that issue. They were both of the view that the suggestion that the Government of this State, and the decisions made by this State and this Parliament, ought to be subjected in some way to a decision of a foreign court, was quite abhorrent.

Whilst I have great sympathy for the cause which the plaintiffs in that particular action in the United States are advocating—

The Hon. G. E. Masters: That is the stopping of operations at Alcoa. You would support that?

The Hon. H. W. OLNEY: The action is not to close down Alcoa, but to determine whether the environmental standards being observed are adequate.

The Hon. G. E. Masters: Mr Bartholomaeus made a statement different from that one.

The Hon. H.W. OLNEY: Mr Bartholomaeus did not consult the Labor Party before he went to court.

The Hon. G. E. Masters: He is one of your men.

The Hon. H. W. OLNEY: I am not debating the merits and the demerits of the remedy he seeks. I am saying that many—

The Hon. G. E. Masters: He stood for the Labor Party. He was defeated, of course; but he stood for the Labor Party.

The Hon. H. W. OLNEY: The issue of the jarrah class action is whether a foreign court should have any effective jurisdiction over what happens in Australia. I will say- and I hope I will

continue to say it while I am a member of this House, and after I cease to be a member of the House—that the Parliament of this country and the Government of this country are here to govern Australia; and although we do not like many of their decisions, I would prefer to have the sovereignty of Australia asserted through our Parliament, rather than through foreign courts.

Therefore I find it rather interesting that the Government still clings to its desire to have a court in the United Kingdom as the ultimate court of appeal from this State. That is another matter with which I have dealt previously in this House. Perhaps the Attorney General will waver ultimately on this one, because the logic of the argument against allowing appeals to the Privy Council is so compelling that even the present Government may, one day, have to give way.

The Hon. R. G. Pike: Since you have admitted you are a republican democrat, that thought follows.

The Hon. H. W. OLNEY: The concept of appeals to the Privy Council is not finding any enthusiastic support in the superior courts of this country. Probably it is something which will wither on the vine in due course.

Another matter under the control of the Attorney General is the question of the appointment of judicial officers. I would like to take the opportunity to express the satisfaction that was felt universally in the legal profession at the appointment of Mr Justice Kennedy to the Supreme Court bench. Much has been said about his honour's capabilities and qualifications; and I would probably not be able to do him justice in repeating them here tonight.

However, there is a matter relating to appointments to the judiciary that warrants comment. During the last session I put a question to the Attorney General, which he was unable to answer. I have not subsequently fully researched the position. The question related to the practice in New Zealand and in some other countries of prohibiting promotion from one level of the judiciary to another. I know that in New Zealand once a person is appointed as a magistrate he is not eligible to be promoted to, say, the Supreme Court bench, or some other high level in the judiciary.

When I asked the question, I had a real fear that the Government might be contemplating such a move in this State. That fear was not based upon any disregard for members of one level of the judiciary compared with members of the other. However, at the time the senior District Court judge was acting as a Supreme Court judge; and some people thought that he may be appointed to a substantive position on the Supreme Court bench.

The objection I and many others in the profession have to the possibility of a judicial officer at one level being promoted to another, is that it leaves everybody open to temptation—if one pleases the Government there is a chance of promotion.

Although it may sound hard to say that a person who is perhaps appointed as a stipendiary magistrate must always remain a stipendiary magistrate or that someone appointed as a District Court judge must always remain a District Court judge, I suggest it is in the interests of justice and in the interests also of the appearance of justice that judges and magistrates are not in a position of seeming to favour the Government. Certainly they have ample opportunity to give the appearance of favouring one side or the other—I am not suggesting this is ever done—and in minor ways it is generally recognised that an inferior judicial officer can, as it were, make himself popular with the powers that be. He ought not to have the prospect of promotion and, therefore, the temptation would be removed.

The recent appointment of a magistrate to the Industrial Commission is an example of what I am getting at. I must make it perfectly clear that I know Mr Fielding only slightly and I have every regard for him. I am certain he will be an excellent industrial commissioner. However, it is clear he has gone from the magistracy to a higher quasi-judicial appointment. Although the Industrial Commission is not strictly a court in the sense that we refer to it in the profession, it is certainly described in the Act as being a court of record and the commissioner has to exercise functions of a judicial nature.

I am rather sorry the Government has seen fit to transfer an officer such as Mr Fielding from one branch of the judiciary to another.

Another matter I raised in this House by way of questions in the last session and which I felt was not dealt with very happily, related to the rights of prisoners in custody, particularly prisoners arrested under bench warrants such as occurred in the case of a well-known supporter of the Labor Party, Mr Bill Latter. He was arrested on a bench warrant, because he did not appear in answer to a minor charge.

I do not need to recount to the House the issues raised there. Broadly they related to the complaint that a person taken into custody at the East Perth lockup, or indeed anywhere in this

State, had no real opportunity to examine his rights with respect to obtaining bail and in regard to other matters concerning his custody.

My first series of questions drew the answer from the Minister representing the Chief Secretary that the civil liberties of arrested persons were protected by the administration of the Department of Corrections admissions check list. When I asked the Chief Secretary through the Minister representing him here, to supply a copy of that, I was told that, although it was not a secret, it was confidential, but I could have a look at one if I liked. I finally asked the Minister representing the Chief Secretary whether he would give me a copy, which he did, and I was able to examine it.

There are only about one dozen items which have to be checked off the check list. The first is "Understand information booklet". The other items relate to whether or not the person's rent has been paid up to date and matters of that nature.

The balance of the pages which follow the check list itself are really instructions to departmental personnel as to what should happen. However, one question was "Understand the information booklet . . . Yes/No". The Minister representing the Chief Secretary supplied me with the information booklet which contains information of a general nature and includes such matters as when the person in custody can see a dentist, doctor, or optician, when he can have his hair done, and matters relating to sheets, pillow cases, and the like. It is a booklet comprising 33 pages and it contains an extensive extract from the Prisons Act.

I doubt very much whether any prisoner taken into custody would be given the opportunity to read this booklet, let alone to absorb it before he was dealt with. Last year I suggested efforts should be made to ensure prisoners taken into custody, particularly those who have not been convicted of an offence, ought to be given every opportunity to have explained to them the nature of their rights, so that they understand them. This would not be difficult.

A standard procedure should be laid down in appropriate legislation, and indeed the Prisons Act may well be the appropriate legislation, to ensure that the civil rights of prisoners are spelt out adequately and clearly.

One of the groups of constituents I represent is, of course, the prison population of Fremantle Prison, many of whom are on the roll for the Fremantle Assembly district and the South Metropolitan Province. I receive quite a steady flow of correspondence from these constituents and, on occasions, I visit them to listen to their problems.

On one particular occasion I was asked by a prisoner to visit him. I telephoned the appropriate official at the prison and made an arrangement to see the prisoner at a particular time convenient to the authorities. I saw the prisoner and discussed with him his problem and assured him he had nothing about which to complain. I pointed out his interests were being protected adequately and I felt I did a fairly good job.

Later on I found out this particular prisoner had been summoned to appear before the superintendent and he was asked whether he knew Mr Olney, who had been to see him, was a Labor member of Parliament.

I am not sure of the significance of asking him whether he knew I was a Labor member of Parliament, but it gave the prisoner the impression that the prison authorities did not welcome the intervention of Labor members of Parliament. They probably do not welcome the intervention of Liberal members of Parliament either.

The Hon. R. G. Pike: I think that would be an unfair summary.

The Hon. H. W. OLNEY: I suggest to the Government that, when it is considering updating the Prisons Act, it examine the fact that today most prisoners are entitled to vote and most of them are on electoral rolls; therefore, prisoners should have ready access to their members of Parliament.

Another matter which is of concern to me, and one with which I have dealt on a number of occasions, not in this House but elsewhere, is the need to legislate to provide for what I would call "an employee's bill of rights". In this State there is virtually no Statute law affecting the contractual relationships between employers and employees who are not covered by industrial awards.

A large number of people in the community work in circumstances not covered by industrial awards. It may interest members to know that in fact no minimum wage is prescribed by law for any worker other than under industrial awards. There is no standard working week and there is no provision to cover an increased hourly rate when one works overtime. Indeed, there is no provision to cover paid public holidays. There is no law relating to sick leave, apart from the provisions contained in awards, nor are there any provisions to cover annual leave.

Apart from the old common law principles, many of which are quite inappropriate, there is certainly no Statute law relating to the termination of employment upon notice or payment of *pro rata* benefits. Long service leave is in fact the only aspect of employee-employer relationships which is covered by legislation that applies to non-award workers and that was introduced by a Labor Government by an amendment. Long service leave conditions are tied to the standard conditions applicable to industrial awards laid down by the Industrial Commission.

Whilst that may be a convenient method to ensure that those non-award workers who are covered by the Long Service Leave Act receive automatically any improvement in benefits that are decreed to award workers by the Industrial Commission, I do not personally like the idea of the commission being able to amend the law.

Of course, the Government gave the Industrial Commission power to do this in other areas in the 1979 Act. The commission in fact now has jurisdiction to declare standard conditions of employment, in addition to long service leave, for people not covered by its awards.

I feel this is a derogation of the role of Parliament. The Parliament ought to declare the minimum conditions that apply to the employment of employees and the minimum rights of employers. I urge the Government to give consideration, as has been done in other States, to legislating in these fields to lay down the minimum standards applicable to all employees, whether they be staff employees in a big mining company or young, unqualified employees in the local biscuit factory or whatever it may be. If the Government moved in that direction it would receive the wholehearted support of the labour movement and the union movement.

Another area which occupied much of my time and many of my thoughts in Parliament last year—and indeed it occupied much of my time out of Parliament—is that of workers' compensation. It is now over two years since the Dunn report was presented to the Government. It was presented on 30 January 1979, and the inquiry was set up in June or July 1978. The need for the inquiry was overdue when the committee was set up and I suggest that whatever legislation is introduced into Parliament this session, it is unlikely to come into force before early next year; therefore, three years will have elapsed from the time the Dunn report was released until the new law comes into force, if in fact it is enacted then.

By that time I suggest the few recommendations made by the Dunn inquiry that were worthwhile will be hopelessly out of date.

I hope the Government will not use the findings and recommendations contained in the Dunn report when legislating in 1981 and expect them to take us into the 21st century. I hope that when this legislation does finally hit the parliamentary deck it will be available for close and objective scrutiny, so that we will obtain the best workers' compensation laws in Australia.

I am afraid we are on the verge of a great leap backwards in this area. One of the problems which led to the setting up of the Dunn inquiry was the inordinate delays in the hearing of cases before the Workers' Compensation Board.

At approximately the same time Mr Dunn was appointed to conduct his inquiry, Parliament provided for the establishment of a second Workers' Compensation Board. In fact, there had been only one board hearing cases since the concept was proposed in 1948 and the board started operations in, I think, 1949. The same chairman presided over hearings from that time until late last year. The position developed whereby inordinate delays occurred—at one stage up to 15 months between the time an application was lodged with the board and when it was heard. Problems were experienced by people engaged in advising and assisting injured workers to obtain their rights—the problems were insuperable.

If an adviser arranged to have three or four expert medical practitioners available to give evidence at a hearing he would have to book them 15 months in advance. No-one could commit himself that far in advance. We reached the stage where the board was hearing two or three cases each day, but very rarely starting and finishing one case in one day. Adjournments became necessary so that specialist evidence could be heard at a time to suit the convenience of the many medical specialists who needed to give evidence before the board. The whole system was a shambles.

With the appointment of a supplementary board the position was rectified to some extent. Even now the delay is five months from the time of the filing of an application to the hearing date. I ask members to consider that the five months' delay starts from when the worker, usually through a solicitor or a union, files his application. By that time the worker has had his accident, probably recovered or partly recovered from it, and already gone through the trauma of having his compensation denied for some reason or another by the employer or insurer. By that

time extensive negotiation probably has been undertaken on the part of those representing the worker to try to have his compensation paid. Five months after all that is done and the decision is made to take the matter to court, the application can be before the board. I suggest the need to reform the system is as urgent as it was in 1978.

Although the Government has had a plan to update the legislation, I feel it has been remiss in not taking what I suggest are very reasonable administrative steps to ensure the reduction in time between the filing of an application and the hearing of a claim. Mr Dunn indicated ways this could be achieved based upon recommendations made to him by the Western Australian Law Society. Something could have been done by an easy amendment to the regulations under the Workers' Compensation Act.

Of course, another problem is that the rules still provide that an employer does not have to file an answer to a claim until seven days before a hearing. We used to have the ridiculous situation of an applicant waiting 15 months to have his claim heard and still not knowing the extent and nature of the defence until a week before the trial. That situation made it virtually impossible for an applicant to prepare properly for a trial. That is not to say that situation occurred in every case, but it did arise on a number of occasions and necessitated the adjournment of applications.

Some cases in which I was involved were adjourned from time to time and a year apart. I think the longest case in which I was involved took something like two years and three months from the first hearing to the final decision. That was an application for a worker to be paid compensation equivalent to his ordinary wages, and, of course, he went without financial support all that time.

Another most unsatisfactory feature of workers' compensation law in this State relates to the appeals procedure. It is a very limited procedure of little assistance except in cases where the most blatant error in law has occurred on the part of the compensation board. I suggest the Government ought to view as a matter of some concern the need to provide redress for dissatisfied workers and employers by means of a proper appeal system.

The whole question of workers' compensation naturally leads one to the consideration of injury compensation generally. In this State we have a fairly efficient system under the Motor Vehicle (Third Party Insurance) Act whereby persons who suffer personal injury by reason of the negligent use of a motor vehicle are insured through the Motor Vehicle Insurance Trust. On the other hand, workers' compensation is what we like to call "no-fault insurance". The third party insurance scheme is of course based upon fault. The thought is held by many people—I am not talking about lawyers who would be the last people in favour of such compensation, but academics and others involved in the rehabilitation of injured people—that the time has come to abolish fault as the basis of compensation for personal injuries. Indeed, the Woodhouse report commissioned by the Whitlam Government recommended that such a step be taken. Mr Justice Woodhouse had carried out in New Zealand an extensive inquiry into such matters, and since about 1973 or 1974 there has been in New Zealand no action for damages on the basis of negligence, but rather a scheme has operated under which no-fault compensation is applied. As I understand, some teething problems were encountered as is always the case with the adoption of a radical scheme, but the New Zealand system is working well.

As long ago as 1971 the legal profession in Victoria somewhat grudgingly had to concede there was some merit in the concept of no-fault compensation and, indeed, in Victoria—I think, in 1973—a limited scheme of no-fault compensation was introduced for people injured in motor accidents. I commend this Government to that concept.

The Government is well placed to take advantage of the experience of New Zealand and other Australian States in their introduction of no-fault compensation schemes. I suggest it should be on a limited scale initially; not in substitution of, but in addition to, the existing schemes for people injured in motor vehicle accidents.

These days it is not always easy to attribute fault, and the cost to the community will be the same whether or not a particular driver is at fault. Of course, the injury to the person is the same irrespective of who is at fault. In the interests of justice and a sensible and humane system of compensation I urge the Government to direct its attention to the introduction of no-fault compensation, at least, in respect of motor vehicle accidents. I do not expect my colleagues in the legal profession to accept the proposal universally. Legal practitioners in other places have not done so, but I am afraid this always has been the case because of some thought that their livelihoods will be in jeopardy. Hopefully practitioners here will take the view of their colleagues in Victoria that it is worth a try.

This brings me to the matter about which I really rose to speak. Last year the House spent much time in debating amendments to the Aboriginal Heritage Act. On a number of occasions we raised the question of granting Aboriginal land rights and matters attendant upon that concept. I wish to reiterate in principle what I said on this issue on one or two occasions last year. I do not intend to rely upon my opinions; I feel I can refer safely to the opinions expressed by prominent judicial and other people who examined the matter and gave their conclusions.

The Supreme Court of the Northern Territory in 1971 had occasion to deal with a most interesting and, indeed, unique claim made on behalf of an Aboriginal community affected by the uranium industry at Gove. The case was known as the Gove land rights case presided over by Mr Justice Blackburn. He found that the Aborigines had not proved any legal basis to their claim of ownership to the particular land. In the course of his long and learned decision he said he recognised that "the natives had established a subtle and elaborate system of social rules and customs which was highly adapted to the country in which the people lived and which provided a stable order of society remarkably free from the vagaries of personal whim or influence. The system was recognised as obligatory by a definable community of Aborigines which made ritual and economic use of the areas claimed. Accordingly, the system established was recognisable as a system of law". The result of the litigation was that it was found, notwithstanding Justice Blackburn's conclusions, the Aborigines could not claim under the the law of Australia as it then existed any title to the land.

I will refer now to an article published recently in the *Current Affairs Bulletin* and written by Mr Bryan Keon-Cohen. The article deals essentially with the legal problems associated with what is known as the Makarrata, a term used to describe what can be referred to as a treaty or settlement of the land rights dispute between the Aboriginal people of Australia and the rest of the Australian community. The word "Makarrata" comes from one of the Aboriginal languages and means "a settlement of a long-standing dispute". Also in existence is an organisation chaired by Dr Coombes known as the Aboriginal Treaty Committee. It has substantially the same objectives as the National Aboriginal Conference which advocates the Makarrata. The *Current Affairs Bulletin* of 1 February 1981 states—

> The legal arguments which seek to validate Britain's original claim of sovereignty over Australia, and which continue to deny Aborigines sovereign rights, including (but not limited to) inherent rights to land, have been exhaustively discussed elsewhere. In brief, they revolve around the concept that Australia, when colonised, was 'settled' and not 'ceded' or 'conquered'. The land was considered 'terra nullius' since no recognisable civilisation was found to be living upon it at settlement. Thus it was (and still is) asserted that there was no resident law or *lex loci* to recognise. As a result, British law applied to the new colony insofar as its conditions permitted, and that law chose not to recognise any special rights vested in Aborigines.
>
> As a matter of historical fact, the absurdity of this account has now been recognised. Australia was colonised by a slow process of occupation, often in the face of armed resistance from Aborigines—yet the constitutional doctrines denying Aboriginal sovereignty and title to land remain. These doctrines have been recently described by one High Court judge as a 'convenient falsehood'.

Sir, I do not suggest that the time is now or will ever be appropriate to overthrow the decisions of the courts in this country. The law has been laid down authoritatively and it is a law which denies to the Aborigines any claim as of right to land which they occupied previously. I believe that the concept of an Aboriginal treaty or Makarrata is a long-term goal and one which involves a slow process of negotiation, and, I hope, agreement. In this field I suggest that evolution would be better than revolution.

Last Sunday I had an opportunity to see at the PIFT Theatre in Fremantle a film entitled "On Sacred Ground". Amongst other things it referred to the confrontation at Noonkanbah last year. I had the opportunity to hear two Ministers of this Government say some most remarkable things. Had I not known that they made the remarks, I would have suggested that the film was dubbed. The fact of the matter is that at that time the Minister for Cultural Affairs expressed horror at the idea that the Aboriginal people were not talking about sacred sites; they were talking about land rights. Obviously he felt that land rights for Aborigines were completely incomprehensible and unacceptable to him.

The Hon. W. R. Withers: You must agree those people did break an agreement with the Government.

The Hon. H. W. OLNEY: I urge the Government to take a leaf out of the book of its conservative fellow Government in the State of South Australia.

I would like to let the House know in brief terms some of the main provisions that the Tonkin Liberal Government has included in the Pitjantjatjara Land Rights Bill of 1980. I think the Bill was introduced into the South Australian Parliament on 23 October 1980. Although the second reading debate has not concluded, it is intended to refer the Bill to a Select Committee of the South Australian House of Assembly.

The contents of this Bill were negotiated by the Premier, the Deputy Premier, the Attorney General, the Minister for Mines, and the Minister for Aboriginal Affairs. They negotiated an agreed form of a draft Bill with the elders of the Pitjantjatjara community and they have introduced that legislation into the State Parliament.

The Hon. N. E. Baxter: What about Mr Dunstan's legislation?

The Hon. H. W. OLNEY: Mr Baxter is right; the Dunstan Government also introduced legislation which had been negotiated with the Pitjantjatjara. That legislation lapsed on the defeat of the Dunstan Government. However, the legislation was in a slightly different form.

The South Australian Liberal Government has reached agreement with a very substantial Aboriginal community in that State. I would like to refer to some of the main features of the Bill.

Firstly, there is established as a legal corporate entity a body to be known as the Anangu Pitjantjatjara, and all members of the Pitjantjatjara tribe are automatically members of this corporate body.

The Bill vests in that body in fee simple the whole of certain specified land, including a pastoral property known as Granite Downs Station. There is provision for that station to continue under its existing leases until 2008, but there is to be no renewal of those leases. Upon termination the Crown will compensate the present holders of the pastoral leases for the loss of opportunity to renew their leases and the Aboriginal corporation will compensate the leaseholders for any improvements it takes the benefit of. Once vested in the Aboriginal community corporation, the land is to be unalienable; it will not be able to sell it or dispose of it, and it is not to be subject to any compulsory acquisition by State law and not subject to State land tax.

The Pitjantjatjara are to have unrestricted right of access to the land, and with certain necessary exceptions, access by people other than Pitjantjatjara to the subject land will require the approval of the community corporation.

The Hon. P. G. Pendal: They do that in South Africa and they call it apartheid.

The Hon. H. W. OLNEY: Mining operations are to be permitted only in accordance with the views of the corporation which may impose conditions. There is to be a right of appeal against decisions to either refuse approval for mining or against the imposition of conditions which are regarded as unsatisfactory. The arbitrator is to be a judge of the Supreme Court of the State, the Federal Court, or the High Court of Australia.

The payment of money to the corporation for mining tenements is to be outlawed, and any money paid in that way is to be forfeited to the Crown. Royalties obtained from the mining operation on the subject land are to be appropriated equally to the Aboriginal community corporation, to the Minister for Aboriginal Affairs to be applied for the health, welfare, and advancement of the Aborigines of that State generally, and to general Government revenue.

Special conditions apply to the building of roads which basically are subject to the control of the corporation. A tribal assessor is to be appointed to determine disputes between individual Pitjantjatjaras and the Aboriginal corporation.

This is not some radical socialist plot of a Government hell-bent on introducing communism or something like it. This is a piece of legislation put forward by the Liberal Government of South Australia after extensive negotiation, negotiation which really started back in 1965 when Don Dunstan first became Minister for Aboriginal Affairs in that State. It has its culmination in the Bill presently before the South Australian Parliament; a Bill which is supported by both sides of politics.

It was interesting to note last week that the Governor's Speech attracted only a small headline in *The West Australian* on the following day. It is interesting also that the headline read "Government seeks better Aboriginal links". To the journalist concerned that appeared to be the major point in the Governor's Speech, or at least the thing most worth reporting. The headline refers to the Governor's Speech when he said—

> The Government is investigating means by which formal arrangements of consultation

with Aborigines can be strengthened and improved.

I am sure that members on both sides of the House support the Government's desire to establish better lines of communication with any group within the community. However, I suggest it is no use the Government's consulting anyone unless it is prepared to listen. This is what the South Australian Government was prepared to do, and I urge this Government occasionally to adopt the practice of listening to people with whom it consults. The message last year from Noonkanbah and the community in general was loud and clear.

I invite the Government to listen even more carefully to what the Aboriginal people in that area are saying. I do not suggest necessarily that the South Australian legislation be used as a model and adopted universally. Every particular situation must be dealt with on its merits. However, I suggest that this Government could move in the same direction, and in the interests of justice and in the interests of the Aboriginal community it is time the Government gave thought to this matter.

Debate adjourned, on motion by the Hon. P. G. Pendal.

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.56 p.m.]: I move—

That the House do now adjourn.

Community Welfare: Children's Institution at Forrestfield

THE HON. R. HETHERINGTON (East Metropolitan) [8.57 p.m.]: Before we adjourn I feel it is incumbent on me to say something about the suggested high security treatment facility to be built in my electorate in Forrestfield, either in the middle of the residential area or next to the high school.

I would like to refer to the answer that the Minister representing the Minister for Community Welfare gave to my colleague, the Hon. F. E. McKenzie, earlier today because I think two aspects of this answer are misleading.

The Minister said he was aware that several residents had expressed opposition to the proposal. I am aware that the Minister for Fisheries and Wildlife lives near this area and he probably knows something about the matter. I hope that from his own knowledge he will tell the Minister that was the understatement of the year. I have received 12 to 15 letters on the subject, and last week I attended a meeting of the Forrestfield Parents and Citizens' Association. The meeting was attended by 200 people, and if I may coin a phrase, these people expressed great "unanimosity"—they were unanimously against the proposal. The people at the meeting were very angry.

I had a little bit of information about the proposal at that time, and when it was suggested during the course of the evening that this facility should be built at Canning Vale, I said that that was not a good idea because psychologically it would be a bad thing for boys in the 14 to 17-year-old age group who were under treatment to be put next to the gaol. My statement met with a certain amount of disapprobation. Nevertheless, I stated something that I believed to be true. On the other hand, I also believe the argument that was put at the meeting; that is, that if it is psychologically bad for the inmates of this institution to be next to a gaol, equally it is psychologically bad for the inmates—and I use that term carefully—of the high school to be next to an institution. Some people are afraid that the pupils of the high school will begin to think of the school as an institution. Certainly with an enrolment of 1 000 pupils, the Forrestfield High School is a large institution, and the principal is trying to make it as little like an institution and as much like a place for human reaction as possible.

The whole problem arose, as the Minister has pointed out in his reply, because in 1968 a site on the corner of Dawson Avenue and Bougainvillea Avenue was vested in the Minister for a facility in the future.

At that stage, it was not a residential area; it was a proposed development. Since then it has become a residential area.

What has sparked off this whole problem is the fact that the parents of children growing up in that residential area need the site for a primary school. The Woodlupine Primary School is becoming too large and the site allotted by the Education Department next to the high school has proved to be a mistake. Children would have to cross a busy road, and it is too far from the residential area it would serve. Therefore, what is needed now is that we recognise mistakes have been made. The Department for Community Welfare site is ideally situated for a primary school and, naturally, this is what parents in that area want. They want a place where their children can be educated.

With good intentions, the Department for Community Welfare and the Education Department held discussions on the matter and

agreed to swap sites. This of course raised the whole question of whether a high security facility of the kind intended to be built on the Department for Community Welfare site should be built near a school, particularly as that site is an ideal site to provide a swimming facility for the district. I would suggest that when the Ministers have a look at the sites, they consider the needs of Forrestfield and whether perhaps one of the other sites held by the Department for Community Welfare might be a better site. I will not suggest Lesmurdie because my honorable friend opposite might not like that; however, I gather there is a site there and, as the Minister revealed in the answer he gave me today, other sites are available.

I refer now to the other point which was misleading in the Minister's reply. He said there were "several" residents who had expressed opposition to his proposal. The Minister should be aware it is more than "several" because at least 200 residents became very irate at a meeting I attended. A great number of people are most unhappy about the situation. The Minister's reply stated as follows—

> I am aware several residents have expressed opposition to the proposal. Others, including the local authority, have expressed support for the proposed arrangement for the overall benefit of the local community.

That is a half-truth.

The Hon. G. E. Masters: No it is not.

The Hon. R. HETHERINGTON: It is.

The Hon. G. E. Masters: It is not; I will tell you why.

The Hon. R. HETHERINGTON: I am making this speech, and I will tell the Minister why. If he wants to tell me why later, I will listen to him. However, first I will give my version. The council approached the Education Department and negotiations took place. As far as the council was concerned, it had two alternatives. Firstly, either the facility could be left at Bougainvillea Avenue or it could be moved adjacent to the high school.

The Hon. Neil Oliver: Actually, it is in Dawson Avenue.

The Hon. R. HETHERINGTON: To be precise, it is on the corner of Bougainvillea and Dawson Avenues.

The Hon. Neil Oliver: Bougainvillea Avenue does not really exist yet. It is on Dawson Avenue.

The Hon. R. HETHERINGTON: I stand "nitted and picked". In the opinion of the council—I have discussed the matter with members of the council and I respect their opinion—the important thing was to secure a primary school on the corner of Dawson and Bougainvillea Avenues. At the meeting, the president of the council said his prime concern was to make sure the primary school was built on a proper and adequate site, and I fully sympathise with his views.

He stated that if a choice had to be made between the two sites, he supported that proposal, as far as it went. However, that is not wholehearted support; it is making the best of what is offered. The council full knows as I full know and as not everybody at the meeting knew that, legally, the council had no option if the Department for Community Welfare decided to build its facility on that site; it could not stop the department. So, the council opted for what it considered was the lesser of the two evils and what it thought, under the circumstances, would be best for the community.

There is a possibility that neither solution is best for the community. I am given to understand that in fact both Ministers are considering this possibility and that neither site may be used for this facility. I commend the Ministers for that. I am pleased that both Ministers are to go up to Forrestfield and inspect both sites and that they are taking the whole problem seriously and will consider the needs of the community as a whole.

I want to look at this matter positively. It seems to me that the needs of this community would best be served by the use of the two sites available, one for a primary school and the other for a facility to serve the community.

One of the problems is that when the Department for Community Welfare is granted land, it allows it to sit there and remain unused for long periods. The Minister for Community Welfare in his reply stated that people moving into a new area should know the use to which such land will be put; they should know what is going on. It is a fact of life that when people buy land, they do not make all the necessary inquiries and they do not always know for what purpose such land will be used.

If the facility had been constructed before development took place around it, I am quite sure the kind of facility which was built would have been accepted by many people. They would have purchased land around it, seeing what was proposed there, and settled happily in the area. However, they are not happy. Particularly upset are the people living in the age pensioners village that a high security treatment facility for 14 to 17-year-old boys should be settled on them after

they have put their life savings into what they believed was their final home, and have settled happily in the area.

So, I hope the Ministers will consider the whole matter carefully. I have spoken unofficially to the Minister for Education about this matter and I have no doubt he will consider the problem sympathetically. I hope that in the end, the fears of the people of Forrestfield will be alleviated and that this rapidly growing suburb—it has grown much faster than I expected—will finish up serviced by all the facilities required by the many young marrieds, and their children living in the area.

THE HON. F. E. McKENZIE (East Metropolitan) [9.08 p.m.]: I support my colleague, the Hon. Robert Hetherington, in the remarks he has just made. I have received a number of letters from concerned residents of Forrestfield, which prompted me to ask the Minister a series of questions, which were answered this evening. Included in his replies was the following statement—

> I am aware several residents have expressed opposition to the proposal. Others, including the local authority, have expressed support for the proposed arrangement for the overall benefit of the whole community.

I would be very interested to know how many people have contacted the Minister, expressing support for this proposal, because every communication I have received has expressed total opposition to the project. I am of the opinion that, irrespective of whether there is a change of sites, a maximum security detention centre such as the one I have been informed is proposed for the area would be unacceptable anywhere in Forrestfield.

The Minister also pointed out that the site on the corner of Bougainvillea and Dawson Avenues has been vested in the Department for Community Welfare since 1968. If that is the case, why was not a sign erected on the site when the land was being developed for housing? In this way, people intending to move into the area would have been aware of the fact a maximum security detention centre would be constructed on the site. People do not like to live near such centres; however, if a sign had been erected on the land warning people that such a centre was proposed to be established there, the people who are currently protesting would have no grounds to complain. I know it is not the policy of the department to erect such signs; however, when it involves virgin land, I cannot see why it should not be done.

The PRESIDENT: Order! Will members at the rear of the Chamber cease their audible conversations!

The Hon. F. E. McKENZIE: It is clear to me that people living in the residential area of Forrestfield see this maximum security detention centre as a gaol for juvenile delinquents, and this has created a deal of concern. They do not want such a centre in their area; they believe it should be located away from residential areas.

My purpose in rising tonight was to support my colleague, the Hon. Robert Hetherington, and to indicate to the House the type of concern being expressed by the people I am elected to represent. I wish members to be aware that I do not believe a site anywhere in Forrestfield will be satisifactory to the people living in that area.

THE HON. G. E. MASTERS (West—Minister for Fisheries and Wildlife) [9.13 p.m.]: I should like to make a few remarks on this matter, having today on behalf of the Minister for Community Welfare answered questions directed to that Minister by members opposite. Further, I have some knowledge of the problem because, until the electoral boundaries were shifted, I used to represent the area and still have many good friends there who keep in touch with me.

I can understand the Opposition's concern for a number of reasons, not the least of which is that Forrestfield is becoming a very sensitive area for them, an area in which they must make some impact to improve their standing.

The problem certainly has been brought to my attention; I know it is a matter of concern to a number of people. Equally, I am quite sure the Opposition members representing the area have had a greater input than I.

My understanding is that the proposed development is to be a medium security, not a high security institution; however, I could stand corrected on that point. To be fair to the Minister for Community Welfare, the site was earmarked for this purpose by the department in 1968, before development commenced in Forrestfield. Certainly, as a member of the local council, I was aware the site was allocated for a detention institution of some sort; obviously I was in a position to have a greater knowledge of the subject than some of the people moving into the area. So, I knew at the time the land was allocated to the Department for Community Welfare that a detention centre may be constructed there, but I acknowledge that people moving into the area generally do not properly inform themselves as to these matters.

To be fair to the Minister for Community Welfare, it was put to him that the site we are discussing should be used for the purposes of a primary school, and that the department's detention centre should be constructed on an alternative site, to which the Minister reluctantly agreed.

The alternative was to go next to the high school; that was the option given to him. It is not fair to say, as the Hon. Bob Hetherington said, that the Minister's answer was incorrect. The statement referred to was that of the local authority which has expressed support for the proposed arrangement for the overall benefit of the local community. The local authority did express support for the arrangement and the arrangement expressed in the answer was the changeover of the land.

The Hon. R. Hetherington: I am aware of that. I am suggesting the answer does not really give a clear and fair picture.

The Hon. G. E. MASTERS: In case there was any misunderstanding, I indicate that was the intention. There was no intention to mislead members of the House and certainly not members of the Opposition. The clear understanding of the local authority was that one site should be swapped for another. They did understand that a medium or some other sort of security establishment would be built.

The Hon. D. K. Dans: Could you explain the difference between medium and maximum security?

The Hon. G. E. MASTERS: Medium security would be less than high security. People in a medium security establishment would not have it so hard.

The Hon. D. K. Dans: What about minimum security?

The Hon. G. E. MASTERS: That would be something like Karnet. I think medium security would mean that the inmates would be subject to a fairly careful watch while they were incarcerated, which I think is a popular term used by Opposition members. They would not be completely restricted in their movements.

Both the Minister for Education and the Minister for Community Welfare, being reasonable men, have agreed to visit the site and to meet and talk with the local residents and any other person who is obviously concerned. It may be that those Ministers will agree that some other option can be found.

I say again that the Government has to look at its commitment. The land has been held for a number of years for the purpose I have mentioned. The Government must behave responsibly, and I believe it is doing that. The Government has agreed to look at the matter further.

The Hon. R. Hetherington: You did notice I paid tribute to that.

The Hon. G. E. MASTERS: The proper steps are being taken. Certainly I will be involved because I have been concerned in the past. I look forward to a decision being made which will be acceptable to the people concerned.

Question put and passed.

House adjourned at 9.17 p.m.

QUESTIONS ON NOTICE

ELECTORAL

Districts: Redistribution

1. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

(1) As at the latest date for which figures are available—

(a) in which Legislative Assembly electorates were enrolments out of quota, and in each case by how much;

(b) in which Legislative Assembly electorates were enrolments less than 1 000 votes from being out of quota, and in each case by how much; and

(c) what was the enrolment in—

(i) Lower North Province; and

(ii) North Metropolitan Province?

(2) When can a statement on the Government's attitude to a redistribution before the next election be anticipated?

The Hon. G. E. MASTERS replied:

(1) (a) At 3 March 1981, the following Legislative Assembly districts were out of quota by 20 per cent or more—

Metropolitan Area
Canning
Gosnells
Murdoch
Perth
Whitford

Agricultural, Mining and Pastoral Area
Kalgoorlie
Murray
Rockingham
Yilgarn-Dundas;

(b) electoral districts which, at 3 March 1981, were less than 1 000 electors from being out of quota—

Metropolitan Area	
Cottesloe	874
Nedlands	67
Scarborough	561
South Perth	279
Subiaco	517
Victoria Park	193
Agricultural, Mining and Pastoral Area	
Avon	582
Katanning	516
Merredin	649
Moore	38
Mt. Marshall	443
Narrogin	440
Vasse	572;
(c) Lower North Province	5791
North Metropolitan Province	98 056.

(2) The Chief Secretary has already indicated that he is looking at the situation. When he has completed his review and the matter has been considered by the Government, a statement can be anticipated. The Act imposes no obligation for any redistribution to occur at this time.

SEXUAL ASSAULT

Government Action

2. The Hon. LYLA ELLIOTT, to the Attorney General:

(1) Is the Attorney General aware—

(a) that serious crimes of violence against women, particularly rape, are increasing in this State as evidenced by the statement by a police spokesman that the number of rapes being reported each year has doubled since 1970;

(b) that the social worker in charge of the sexual assault centre at Sir Charles Gairdner Hospital has stated that 40 per cent of women and girls who seek treatment at the centre are not reporting offences to the police; and

(c) that the New South Wales Government has introduced legislation designed to ease the humiliation experienced by sexual assault victims, to remove the stigma attached to the rape victim, to encourage victims to report the offences, and to bring offenders to justice?

(2) What action does the Government intend to take in this State in respect to—

(a) amending the law related to rape and sexual assault along the lines recommended by the national conference on rape law reform held in Hobart in May 1980;

(b) increasing the size of the Police Force to enable better police surveillance and protection; and

(c) the introduction of effective human relationships education in schools commencing at an early age?

The Hon. I. G. MEDCALF replied:

(1) (a) I am aware of an increase in the number of reported cases of sexual offences generally. The increase should, in order to be properly evaluated, be related to the increase of population.

(b) I am aware of the statement made in relation to the circumstances in which persons who present themselves at the Sexual Assualt Referral Centre at Sir Charles Gairdner Hospital do not on occasions wish to report the matter to the police. That, of course, is their right although it should be said that, generally, that is a regrettable decision in that it precludes the possibility of bringing to appropriate punishment the offender in a genuine case.

(c) I am aware that the NSW Government introduced some legislation on 18 March 1981. The precise terms of that legislation are not yet available to us but the Crown Law Department is seeking access to the Bills introduced in the NSW Parliament.

(2) (a) Much work has been done by the Government in relation to sexual offences generally and the consideration of changes which ought to be made to the provisions of the Criminal Code and other legislation. The matter is under active consideration currently and one of the relevant factors is the consensus in some areas which was arrived at at the national conference on rape law reform held in Hobart last year. There are, of course, many other points of view and considerations to be taken into account and when one is talking of restructuring the substantive law as well as dealing with procedural and evidentiary matters, it is wise to ensure that any change is considered most carefully so that the Government can be sure so far as possible that amendments made to legislation are—

(i) effective to cure the problem in question; and

(ii) create no new problem or injustice in themselves;

(b) I am informed by the Minister for Police and Traffic that subject to the availability of funds to provide for an increase in the Police Force generally, additional surveillance in this area would be possible;

(c) I am informed by the Minister for Education that the development of effective human relationships at the primary school level is attempted partly through course content in subjects such as social studies and partly through the teaching methodologies which are employed and which place a premium on such attitudes as co-operation and tolerance.

In the particular area of relationships between the sexes the Education Department has produced a syllabus entitled "Human Growth and Development" which covers both biological and social aspects of these relationships. The course is available to all primary schools and is used where staff and parents agree that this is desirable.

COMMUNITY WELFARE

Children's Institution at Forrestfield

3. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Community Welfare:

(1) Is the Minister aware that the residents of Forrestfield do not want a Department for Community Welfare detention institution built in their residential area?

(2) Does he consider that the proposed site situated adjacent to the Forrestfield Senior High School to be an appropriate site?

(3) When did the Department for Community Welfare decide that Forrestfield would be the location for such a site?

(4) What was the rationale behind the decision to select Forrestfield?

(5) Why was not a sign erected on the former site in Bouganvillea Avenue advising the public that such an institution would eventually be located there so that land purchasers were aware of the department's intention before they purchased land?

The Hon. G. E. MASTERS replied:

The Minister for Community Welfare advises that—

(1) Yes, he is aware that several residents have expressed opposition to the proposal. Others, including the local authority have expressed support for the proposed arrangement for the overall benefit of the local community.

However, the issue of the proposed land exchange is to be further considered by the Minister for Education and the Minister for Community Welfare, and they will visit the sites in the near future.

(2) Yes, when the nature of the institution, its style and setting are properly considered.

(3) In 1966, and the site on the corner of Dawson and Bougainvillea Avenues was vested in the Minister for Child Welfare on 21 March 1968.

(4) It was available Crown land meeting the requirements of proximity to the city and a main traffic artery, together with proximity to, but reasonable separation from, a residential area from which staff could be drawn.

(5) Because the department is under no obligation to erect such a sign. Prospective land purchasers who made the usual inquiries would have had no difficulty in determining that the site was reserved for a "Child Welfare Institution."

COMMUNITY WELFARE

Institutions

4. The Hon. R. HETHERINGTON, to the Minister representing the Minister for Community Welfare:

(1) (a) How many institutions or facilities are at present controlled by the Department for Community Welfare in or near the metropolitan area;

(b) what is their nature; and

(c) where are they situated?

(2) How many of these facilities are situated north of the Swan River, and how many to the south of the river?

(3) What other land is at present vested in the Community Welfare Department, and where is it situated?

The Hon. G. E. MASTERS replied:

The Minister for Community Welfare advises that—

(1) (a) Assuming that the question refers to major centres, eight;

(b) one is a day attendance centre for young children with behavioural difficulties, one is an open residential centre for young children with behavioural difficulties, one is an open residential centre for legally innocent children in need of care and protection, one is an open residential centre for relatively minor offenders, three are secure centres for serious offenders, and the eighth is an open centre with some security facilities for young offenders who are not considered to represent a threat to the community;

(c) they are situated three at Bentley, and one at Cottesloe, Applecross, Mt Lawley, Caversham, and Stoneville respectively.

(2) Three are situated north of the Swan river, four south of the river, and one in the eastern hills.

(3) Assuming the member's question relates to vacant land within the metropolitan area, this land is Reserve No. 28302 in North Beach, Reserve No. 284433 in Yokine, Reserve No. 29041 in Lesmurdie, Reserve No. 29061 in Forrestfield, and Reserve No. 27075 in Maida Vale.

TRAFFIC

Drivers: Blood or Urine Sampling

5. The Hon. TOM McNEIL, to the Minister representing the Minister for Police and Traffic:

(1) What are the current procedures for testing traffic offenders suspected of being under the influence of drugs or alcohol?

(2) Would the Minister advise whether it is envisaged that drivers apprehended by the Road Traffic Authority for road traffic offences, and suspected of being under the influence of drugs or alcohol, will be required to provide samples of blood or urine?

(3) If so, what procedures are to be adopted?

(4) What is the estimated cost of such sampling if it proves to be—

(a) negative;

(b) positive?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) There are no provisions under the Road Traffic Act to require drivers of motor vehicles suspected of driving under the influence of drugs, to supply samples of blood or urine.

Section 66 of the Road Traffic Act requires a person to supply a sample of breath for analysis if suspected of being under the influence of alcohol. In certain circumstances, a person may be required or may elect to provide a sample of blood in lieu of a sample of breath for analysis.

If suspected of being under the influence of alcohol, the procedure is as follows—

At the scene of the event, to require the offender to supply a sample of breath for a preliminary test. If this test indicates a blood alcohol concentration is equal or in excess of 0.08 per cent, or it is suspected the offender has committed an offence under section 63—Driving Under the Influence—the patrolman may require that person to supply a sample of breath for analysis.

(2) A recommendation that drivers suspected of being under the influence of drugs, or alcohol and drugs, be required to provide samples of blood or urine for testing, is one of a series of recommendations submitted to the Government by an interdepartmental committee. These recommendations are still under consideration.

(3) If the recommendation is adopted, suitable procedures will be prepared.

(4)

	Alcohol	Drugs (if introduced)
(a) Negative	$25	$80
(b) Positive	$25	$110

In the case of drugs, costs would decrease with the number of samples and it is estimated that the cost of 10 samples analysed at one time would be in the vicinity of $16 each.

FUEL AND ENERGY: ELECTRICITY

Power Station: Bunbury

6. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Fuel and Energy:

(1) Is the statement correct in *The West Australian* of 4 February 1981 in which it was indicated that the State Energy Commission was examining two forms of transport; namely—

(a) crushing the coal at Collie and pumping it in slurry form by pipeline to the coast; and

(b) transport by rail?

(2) Would the Minister advise whether or not the examination has been completed, and what mode of transport is favoured?

(3) If not, when will it be completed and the results known?

(4) In respect of the pipeline proposal are there any underlying factors—e.g., disposal of polluted water—which have brought this option under consideration?

(5) If so, will the Minister supply details?

The Hon. I. G. MEDCALF replied:

(1) Yes, the statement is generally correct.
(2) and (3) The examination has not yet been completed.
(4) and (5) The State Energy Commission has undertaken to construct a saline water disposal pipeline from the Muja power station to the coast at Bunbury to dispose of saline water discharged from the power station. The quantity of water to be discharged would be sufficient to carry approximately two million tonnes of coal per annum in slurry form to the coast, and this capacity could be readily increased.

EDUCATION

Teachers: Shortages

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

(1) Will the Minister inform me whether any shortages of teachers exist in specific subject areas or age-grade levels in Government schools in this State?
(2) If "Yes" to (1), will the Minister say—
(a) in what areas such shortages exist; and
(b) how many additional teachers would be required to fill these vacancies as at 28 February 1981?
(3) To the extent that shortages of teachers exist in particular regions of the State, would the Minister indicate the regions affected and the extent of the shortages in each such region?

The Hon. G. E. MASTERS replied:

I am advised as follows—

(1) to (3) At 28 February 1981 all teaching positions in Government schools in this State were filled.

ELECTORAL

Pilbara Electorate

8. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

In respect of the Pilbara electorate—
(a) in what year were the present boundaries established;
(b) what was the enrolment in that year;
(c) what is the present enrolment; and
(d) how many general redistributions of Legislative Assembly electorates have been conducted during the period that the Pilbara electorate boundaries have remained unaltered?

The Hon. G. E. MASTERS replied:

The Chief Secretary advises as follows—

(a) Boundaries approximating the current Pilbara electoral district were established by the electoral commissioners in 1948. The report may be seen in the *Government Gazette*—No. 33—published on Monday 2 August 1948.
(b) As at 25 March 1950 the total of persons enrolled was 1 239. These are the figures for the general election held on that date and are the nearest available figures relating to the new boundaries.
(c) On 3 March 1980 the enrolment was 15 277.
(d) There have been five redistributions since 1948, which was the last date since these boundaries were set by the electoral commissioners. Since that time, the boundaries for the north-west and Murchison-Eyre areas have been determined by Parliament.

INDUSTRIAL DEVELOPMENT

High Technology Industries

9. The Hon. F. E. McKENZIE, to the Minister representing the Minister for Industrial Development and Commerce:

With reference to the Press report appearing on page one of *The West Australian* newspaper dated 12 March 1981, under the heading "New Technology—Backing by W.A. Government", it was stated "The State Government will support development of high technology industries in W.A.". Will the Minister give a definition of the term "high technology" as applied in this article?

The Hon. I. G. MEDCALF replied:

"Technology" is systematic knowledge of, and its application to, industrial processes.

Post-war technology such as information processing, modern telecommunications, robotics, artifical intelligence, etc., has seen the emergence of the phrase "high technology" to cover these new fields of knowledge. It has also been used more broadly to cover areas such as genetic engineering.

COURTS

Local

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

(1) Has any recent consideration been given to updating the jurisdictional limits of Local Courts?
(2) If so, with what result?
(3) If not, will the Attorney General undertake to now review the situation in view of the time which has elapsed since the present limits were established, the extent of inflation in the meantime, and the high risk in costs to litigants in the Supreme and District Courts?

The Hon. I. G. MEDCALF replied:

(1) Yes.
(2) Western Australia's Local Court jurisdiction of $3 000 was established in 1976. At present only Victoria has a similar jurisdictional limit with all other States having less.
(3) No, but a review of the Local Court Act is at present under active consideration by the Law Reform Commission of Western Australia.

TRAFFIC

Drivers: Licences

11. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING) to the Minister representing the Minister for Police and Traffic:

(1) Is the Minister aware that where a mandatory suspension of licence is imposed upon a traffic offender in isolated parts of the State, exceptional hardship might be incurred by the offender in that—
(a) he/she may have to return to some isolated area and the only means of transport may be by his/her car driven by him/her; and
(b) the untried offender may be *en route* to some major centre and be unable to continue without a driver's licence?

(2) Will the Minister give consideration to an amendment to section 76 of the Road Traffic Act to allow magistrates to grant a limited extraordinary licence for a period of up to seven days to enable the offender to complete his journey and impose such conditions as the magistrate may deem appropriate for such a licence?

(3) If not, why not?

The Hon. G. E. MASTERS replied:

The Minister for Police and Traffic advises as follows—

(1) (a) No. Alleged exceptional hardship in such circumstances has in no case that I recall been drawn to my attention;
(b) the question is not clear, as a penalty may only be imposed by a magistrate or court; an offender not having been tried still retains his or her driving licence.

(2) No. It is considered that the provisions of section 76 of the Road Traffic Act are appropriate for the offences concerned. The purpose of suspending licences is to protect innocent people from the danger posed by the driver convicted. Does the member advocate that the convicted driver's self-caused hardship should overrule consideration of the safety of husbands, wives, and children who have committed no offence?

(3) Answered by (2).

MONTE BELLO ISLANDS

Control

12. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING) to the Minister representing the Premier:

(1) Is the Premier aware that in the report on management of former UK atomic weapons test sites in Australia it was

recommended that "Considerations of radiological safety do not preclude return of the Monte Bello Islands to the administrative control of the Western Australian Government nor their designation as a national park. If there are no other reasons to the contrary, the islands should be so returned."?

(2) What steps, if any, have the Government taken or will take to achieve the return of these islands to Western Australia?

(3) What uses would these islands be available for if and when returned to the control of the Western Australian Government?

The Hon. I. G. MEDCALF replied:

(1) Yes.

(2) Preliminary management programmes have been developed for the island and discussions are proceeding with the Commonwealth.

(3) It is proposed to establish Hermite Island as a reserve for conservation of wildlife, and the remaining islands as a national park.

HOUSING

Carnarvon

13. The Hon. F. E. McKenzie (for the Hon. PETER DOWDING) to the Minister representing the Minister for Housing:

(1) Did the Minister arrange a meeting of concerned State Housing Commission tenants in Carnarvon in or about the month of January or February 1981?

(2) Did the Minister agree to attend that meeting?

(3) Did the Minister actually attend that meeting?

(4) If not, why not?

(5) Did the Minister arrange for a representative of the State Housing Commission to represent him?

(6) If so, why?

(7) Is the Minister aware that the fact of the meeting was noted in newspaper and radio broadcasts before the date of the meeting?

(8) Did the Minister arrange a Press release?

(9) If so, will he supply a copy of it?

(10) Did the Minister request that no publicity for the meeting be given?

(11) If so, why?

The Hon. G. E. MASTERS replied:

(1) No.

(2) No.

(3) No.

(4) Due to a prior commitment to attend a meeting of State Cabinet.

(5) Yes.

(6) Because of SHC involvement in the residential area.

(7) Yes.

(8) Yes.

(9) Yes.

(10) No.

(11) Answered by (10).

The Press release was as follows—

The Minister for Housing and the Member for Gascoyne, Mr Ian Laurance, has arranged for senior State Housing Commission official to attend the meeting organised by the residents of the Secondary Island residential development at Carnarvon.

Mr Laurance this week spoke with a number of residents and indicated that he was unable to attend the meeting personally as it had been scheduled for a day on which the State Cabinet meets.

The resident's meeting is to be held on Monday (February 16).

When he met with Secondary Island residents recently, Mr Laurance expressed concern that he would be unable to attend.

Mr Laurance said he would be represented by the Divisional Manager of the State Housing Commission, Mr J. Maloney.

Mr Maloney will report direct to Mr Laurance who said, "I hope that steps can be taken to improve the situation there".

Mr Laurance called for a concerted effort by all the agencies involved and the residents themselves.

"From a housing point of view, the houses at Secondary Island are excellent but with a new residential development it was recognised there would be community problems," said Mr Laurance.

He said it would take the combined efforts of the residents themselves, the local

authority, Community Welfare, police, the State Housing Commission working together to bring about a satisfactory result.

As Minister for North West, Mr Laurance has also offered support of the North West Tree Nurserys at Karratha and Broome for the provision of trees and shrubs to beautify the area.

QUESTIONS WITHOUT NOTICE

CONSUMER AFFAIRS

Mailex International

5. The Hon. J. M. BERINSON, to the Minister representing the Minister for Consumer Affairs:

(1) Has the Minister's attention been drawn to an advertisement in tonight's *Daily News* which offers mail order diamond earrings for $11 a pair, purportedly for purposes of an advertising test programme?

(2) As the New South Wales Minister for Consumer Affairs has been reported as saying the advertisers, Mailex International, are under investigation by his department, and that the diamonds are worth only 25c each, would the Minister urgently consider whether any independent action in this State is called for?

The Hon. G. E. MASTERS replied:

(1) and (2) I thank the honourable member for passing me a copy of the advertisement just before we commenced proceedings today. However I have not had an opportunity to examine it or bring it to the attention of the responsible Minister (Mr O'Connor). I can assure the honourable member I will take that action urgently.

SEXUAL OFFENCES

Legislation

6. The Hon. R. HETHERINGTON, to the Attorney General:

(1) Is he in a position to tell me whether there is any intention this session to introduce a Bill on sexual offences; or is there any timetable?

(2) Has he given consideration to introducing a separate Bill to cover sexual offences or one Bill to cover the whole Criminal Code?

The Hon. I. G. MEDCALF replied:

(1) As I indicated in an earlier reply to the Hon. Lyla Elliott, the question of sexual offences, and the points made at the Hobart conference—which the Hon. Robert Hetherington attended—are under consideration. No timetable as yet has been laid down. The matters are being considered in concert with the Crown Prosecutor's work on the Criminal Code.

(2) The question of whether or not a separate Bill should be introduced is one which is still being considered, along with a number of similar questions arising out of the Criminal Code. All I can say is that no definite timetable has been laid down; therefore I am unable to say whether a Bill will be brought forward this session.

ELECTORAL

Districts: Redistribution

7. The Hon. J. M. BERINSON, to the Minister representing the Chief Secretary:

I refer the Minister to his answer to question 1 on notice asked earlier this afternoon, and especially to the fact that (1)(a) of the question—which sought an indication of the number of Legislative Assembly electorates in which enrolments were out of quota, and in each case, by how much they were out of quota—was not answered. I ask the Minister to ensure that a supplementary answer is given providing the figures requested and, preferably, that it becomes part of the printed answer.

The Hon. G. E. MASTERS replied:

I will certainly pass on to the responsible Minister the remarks of the member, and will endeavour to obtain the figures for him as soon as possible: I also undertake to do as he requested in regard to the printed answer to his question.

COURTS

Local

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

> Further to the Attorney General's reply to the question relating to the feasibility of increasing the jurisdiction and limits of the Local Court, I ask him whether he would agree—not as a matter of opinion, but of fact—that the question of the jurisdictional limit of the Local Court is more a matter appropriate to administrative decision rather than the professional advice which might be sought from the Law Reform Commission? In any event, if the matter is to be left to a report of the Law Reform Commission before futher action is taken, could we have an assurance that the question of jurisdiction is specifically before the commission?

The Hon. I. G. MEDCALF replied:

> When one considers increasing the jurisdiction of a court, one must consider a great number of factors which perhaps are not strictly matters of law reform—matters such as the change in community attitudes, the change in the value of money, the views of members of the legal profession and those who practise in that particular jurisdiction, and so on. So, to that extent, there would be some matters which could be loosely called "administrative" rather than strictly matters of law reform. Nevertheless, the Law Reform Commission has a charter completely to review the Local Courts Act and its rules and there is no question that this matter would be within the ambit of recommendations which the commission might make. At present, however, as I indicated earlier, we do not have any immediate intention of reviewing the limit.