

# Legislative Council

Wednesday, 25 September 1985

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

## POISONS ACT: REGULATION

### *Disallowance: Motion*

Debate resumed from 24 September.

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [4.35 p.m.]: I listened with interest to Mr Lewis and read his speech with great interest.

Hon. D. J. Wordsworth: It was pretty good.

Hon. D. K. DANS: After I read it I was not very much the wiser and I had to seek some advice on what was entailed. My advice is that the Poisons Amendment Regulation (No. 5) 1985 deals only with fee changes for licences and permits, not with the recording or sale of the seventh schedule poisons, which were dealt with under Poisons Amendment Regulation (No. 3) 1985.

The fee increases originated from the Cabinet's budgetary review of 1983-84. Fees were to be reviewed and increases put forward in line with inflation rates over the period since the last increase was made. The present increases were the result of that Cabinet initiative. They were recommended to the Minister for Health by the Poisons Advisory Committee, which includes two members nominated by the Confederation of Western Australian Industry. The last increase was gazetted in 1981.

Hon. A. A. Lewis: On 6 November, actually.

Hon. D. K. DANS: It was gazetted in November 1981. Inflation rates since then have been: 11.3 per cent to 30 June 1982; 5.9 per cent to 30 June 1983; and 4.1 per cent to 30 June 1984. Those rates compound to an overall increase of 29.3 per cent. Fees were therefore increased by a mean 30 per cent effective from 1 July 1985. For example, the fee of \$50 was increased to \$65. Fees for small amounts, for example \$10, were rounded to the nearest \$5 and the two previous \$15 fees were taken to \$25 to rationalise the number of fee levels from four to three.

In relation to Poisons Amendment Regulation (No. 3), seventh schedule recording, which Hon. A. A. Lewis mentioned, section 20(2)(g) of the Poisons Act defines seventh schedule substances as being substances of ex-

ceptional danger that require the taking and exercise of special precautions in their manufacture and use. I do not want to argue with that. All those poisons have prescribed first aid and/or warning statements and may be sold only to certain classes of people. None is available to the general public. They are clearly not ordinary items of commerce and cannot be treated as such. By way of interjection, Mr Lewis says, "What rot!" I am not in a position to know whether it is rot, but in the case of a layman versus an expert, I would be inclined to take the word of the expert before allowing such poisons to pass my lips.

I am pretty sure that everyone else in this Chamber would do that. If I was in the bush with Hon. A. A. Lewis and I read the label on a bottle which said certain things, but which Mr Lewis said were rot and should not be taken notice of, I do not think I would take his advice. If he said that I should put my finger in the bottle and taste the substance, there is no way I would do so.

Hon. A. A. Lewis: If you were at sea you would.

Hon. D. K. DANS: No, I would not. I would rather die a lingering death in the lifeboat and take my chance of being picked up and rescued than suffer instant and final death. There is certainly nothing more final.

The purpose of requiring a register entry is to ensure that sales are made only to permitted purchasers, and this can be confirmed by shire health surveyors or Health Department inspectors as necessary or during routine inspections. Presently such confirmation is difficult, if not impossible, to obtain. Frequent anecdotal reports are received that persons not entitled to purchase the substances have been able to do so. These include alleged misuse of especially toxic pesticides and agents such as strychnine. Therefore, there are good health and environmental reasons to closely control such sales, and this is in line with the Government's policy of controlling all pesticides and other chemicals. I do not think anyone in this Chamber would argue with that. Perhaps Mr Lewis might.

Most other States have similar recording restrictions. Schedule seven substances are not usually sold in small amounts, and the unit cost is typically high. In other words, the people who are able to use these poisons do not usually buy a small bottle; they buy a rather substantial amount in drums. Thus, the cost of recording the sale is not usually significant compared

with the value of the sale itself. No unreasonable burden has been placed on the seller. If this is not the case for a particular class of seller, who has come to the notice of any member, I shall be pleased to be advised so that the matter can be further considered. When Hon. A. A. Lewis provides that information I will ask a member to adjourn the debate and during the adjournment will investigate what Mr Lewis has said. Wherever possible I will always be fair-minded. In all fairness and seriousness, if Hon. A. A. Lewis provides information that the statement I have made is not correct, I will personally have the matter investigated.

The amendment to the legislation was based upon a recommendation of the Poisons Advisory Committee. I do not know of any Minister in any Government who would reject such advice—based on a recommendation from a technical committee; whether that committee be the Poisons Advisory Committee or some other technical committee—if the Minister was not qualified in the discipline but the members of the committee were. Such a Minister would do so at his own risk.

The foremost representatives of industry were included in the membership of this committee; not only people with the necessary qualifications but also representatives of the Confederation of Western Australian Industry. I see Mr Lewis shrugging his shoulders but, after all, that confederation is supposed to represent the views of a large number of people.

Hon. A. A. Lewis interjected.

Hon. D. K. DANS: I am not talking about unions today; that debate can proceed another time in the continuing Blue Hills saga that has taken place ever since I have been a member. The scenario never changes, only the actors.

Mr Lewis mentioned nicotine and, in this connection, I add that when I went to school I was taught by a strict Christian brother at one time—

Hon. P. G. Pental: He was not strict enough.

Hon. D. K. DANS: He was a very strict person whose nickname was Basher.

Hon. P. G. Pental: He was probably the nicest of them.

Hon. D. K. DANS: In fact, he was the strictest brother I have ever come across. I always remember imagining some dire consequences of this brother's behaviour if I met him in later life. When I was in Sydney I visited my sister, who lived in Waverley, for lunch and this brother was present. However,

he looked so old that my hatred faded away. He may have taught me something—I am not sure. That brother used to say that nicotine is a deadly poison that paralyses the nerve cells of the brain. That is one of the reasons why I tried smoking only once in my life. Nicotine, in fact, is an extremely toxic compound with a lethal dose of 60 milligrams, less than the lethal dose of cyanide or arsenic, and about the same as for strychnine. Death can occur within a few minutes. I did not know a great deal about poisons, but I knew about that. I did not know the actual time span or that the lethal dose was lower than that for cyanide, arsenic, and possibly strychnine. I know that death from strychnine poisoning is instantaneous. I do not think it is the offhand thing that Mr Lewis tried to make out. Nicotine is exempt from the schedule of the Poisons Act when included in tobacco, so the sellers of cigarettes do not require a licence under the Poisons Act. I recall that Mr Lewis spent some considerable time on that subject.

Finally, I remind the House that the Poisons Amendment Regulation (No. 5) of 1985 deals only with fee changes for licences and permits; it does not deal with the recording of schedule seven poisons which was dealt with by the Poisons Amendment Regulation (No. 3) of 1985.

Hon. A. A. Lewis: I mentioned that.

Hon. D. K. DANS: I got a different impression when I read Mr Lewis' comment.

Hon. A. A. Lewis: If you read your "greens" properly you would see my reference.

Hon. D. K. DANS: I did do so and the member would know who reads them first because he has seen the lady doing so.

I believe that the Poisons Advisory Committee is a very responsible body and that any Minister in any Government would be most unwise not to heed its advice. On this occasion the Minister has heeded that advice, which is the correct thing to do. I ask the House to reject the proposition that the Poisons Amendment Regulation (No. 5) of 1985, made under the Poisons Act of 1964, published in the *Government Gazette* on 12 April 1985, and laid on the Table of the House on Tuesday 16 April 1985, be disallowed.

To disallow that regulation in my opinion—I do not think there are any politics in the regulation—would prove beyond a shadow of doubt that the members of the House are thoroughly irresponsible.

**HON. A. A. LEWIS** (Lower Central) [4.50 p.m.]: It was interesting to hear the Leader of the House, and I thank him for his answer. However, I draw to the attention of members of this House the fact that there is only one thing in question; that is, the increasing of the licence fees.

We in this place have heard how sincere the Government is when it comes to looking after country people.

**Hon. D. K. Dans**: Don't you think people in the city can be poisoned either?

**Hon. A. A. LEWIS**: I do not doubt that. However, I will repeat it if the Minister wants me to. The poisons which are used for agricultural purposes would rarely be used in the city. They are poisons such as Clout 5, Tryquat, Sprayseed—which seems to go back to that old parliamentary story that when people become Ministers, there is a spray which goes over them and they change their attitude—and then there is the Leader of the House's girlfriend, Lucijet.

**Hon. D. K. Dans**: You are becoming cheeky. If I had girlfriend at my age I would be very proud and would show her off.

**Hon. A. A. LEWIS**: I am sorry but Mr Stretch has just told me that Lucijet would kill a crow in two seconds.

**Hon. D. K. Dans**: That does not say much for my taste in females.

**Hon. A. A. LEWIS**: The two things go together. The Hon. Mark Nevill will know what I am talking about because he represents a country electorate. The fees will create difficulties for small businesses such as Elders and Wesfarmers agencies. Small businessmen must now keep a book in which to register all these things and that will take time, and time costs money. That cost is then passed on to the consumers. It is not simply because the licence fees are going up, it is an increase in charges.

**Hon. D. K. Dans**: Mr Lewis, it is an increase in charges, it is not a new charge. People in the cities buy chemicals and they have to pay the increased charges.

**Hon. A. A. LEWIS**: It has been increased from \$10 to \$15. Under amendment (3) they have to keep a book, but it is only at the beginning of the year that preparations for use of chemicals are made. It is a wonder that members such as Hon. Mark Nevill, who comes from a country area, have not been told about that because I have been told about it wherever I have been in the country.

What worries me even more is that a number of people still do not know it. Many of the people who are selling chemicals in small businesses—but still schedule seven stuff—will need help which I think the Government should provide. If the Government wanted to help the people of the bush it would say: "Okay, you sell it because you know who are the farmers and if you sell it to anybody who is not a farmer then you register his name."

**Hon. D. K. Dans**: That puts a dreadful onus on the seller.

**Hon. A. A. LEWIS**: The onus is on the seller and as I read out previously—

It is emphasised that as a licence holder for sale of poisons in this category, it is your responsibility to ensure that purchasers are properly entitled to be supplied with these poisons and that proper entries are made in the register. Inspections will be made to ascertain compliance with these requirements and to make sure that stocks tally in accordance with the register.

**Hon. D. K. Dans**: But you did not say that.

**Hon. A. A. LEWIS**: I read it out. However, Hon. D. K. Dans must have missed it when he read the "greens".

**Hon. D. K. Dans**: I was listening to what you said. Greens are sometimes hard to follow.

**Hon. A. A. LEWIS**: *Hansard* put the copy through the photocopier. The problem is, and I think the Minister is beginning to understand this, that there are difficulties selling chemicals to Joe Blow or Jimmy What or to anyone who comes in and asks for Paraquat or Lucijet. However if a farmer comes in pursuing his genuine line of business and wants some Lucijet a small businessman would naturally say, "Yes, you are a farmer who is going to spray his sheep, or his seed before putting down your crop and you are entitled to this chemical."

**Hon. D. K. Dans**: What you are saying is that if Jimmy What wants to buy poison he can use it and there is no record.

**Hon. A. A. LEWIS**: I am only pointing that out.

**The PRESIDENT**: Order! There is no provision in Standing Orders for duets. I suggest that we do things one at a time. Hon. A. A. Lewis is currently on his feet.

**Hon. A. A. LEWIS**: I can see the necessity to be careful with chemicals and I have never not taken care when using them. However, I cannot for the life of me see what is going to happen

when we deal with the Bill later. It seems to be slanted in the department's way and the reseller is being burdened with more problems. It is always the reseller and then the end user who pays the price. The end user when confronted with a new increase may say, "What the blazes! Why is this so expensive?" What has happened is merely all this book work.

Mr President, you would remember the forms that farmers once had to fill out merely to buy batteries in order to satisfy regulations. It is exactly the same type of attitude. If someone came in and asked for a battery, say, of 24 plates, then one would know that he had come in to buy a battery for a big wheat truck or tractor. I cannot see why such a farmer has to fill out a form to say that he is buying the battery for agricultural purposes, particularly when he is in the agriculture business. I am worried that people are required to fill out forms simply because it makes life easier for health inspectors or for the Department of Health. I believe that the Government should either say it is prepared to alter what it has said in (3) and does so, or does it another way altogether. The Minister just nodded his head to indicate that he would look at that and I thank him for agreeing to take that advice.

The \$5 increase in the licence fee probably will not break any backs but it is putting extra work onto people who are reselling the chemicals, and that will cost money to the end user.

Hon. D. K. Dans: Why did you say that Lucijet could kill a crow in two minutes? You know that frequent illegal users of Lucijet use it to kill birds.

Hon. A. A. LEWIS: So I understand. In fact I can remember it being used to kill foxes.

Hon. D. J. Wordsworth: Could you tell me how many permits each farmer on average has to obtain?

Hon. A. A. LEWIS: I would think that each farmer would have to sign 15 or 20 times for permits. This would mean that the average businessman in country areas which have populations of, say, 600 would have a book which would contain 12 000 signatures—

Hon. D. K. Dans: Mr Lewis, you are raising new points now. You may be able to tell me then why the farmers always had to sign the book. This is new.

#### [Questions taken.]

Hon. A. A. LEWIS: I am sure that members are glad to come back to this riveting subject.

Hon. D. K. Dans: Where are you at? Don't be long because I have to leave shortly.

Hon. A. A. LEWIS: I think the Minister understands the problem I am outlining. He has given the House an assurance that he will look into the matter and I will take his word that he will do that.

It is my estimation that a small businessman in a rural community who has 100 clients would probably require 1 500 signatures in a year if he were to follow amendment (3). I think that is asking too much. One must take into consideration not only the time that is taken to acquire those signatures, but also the time involved in getting the relevant register out and putting it away, or sending out a form and on its return attaching it to the register. If it takes a minute to undertake each transaction, to my mind that would amount to 25 hours in a year. That is the amount of time required for a storekeeper to keep such a register.

One may argue that 25 hours is not very much time, but it is just another straw to break the camel's back. The analysis could go on and on and 25 hours could amount to \$250. The register is just another cost to the small businessman.

I believe that before amendment (3) is again altered by an instruction from the Minister, the people involved should be allowed to offset the extra fees. Therefore, I intend to move for disallowance at this time.

Question put and negatived.

### WILDLIFE CONSERVATION AMENDMENT BILL

#### *Second Reading*

Debate resumed from 18 September.

HON. A. A. LEWIS (Lower Central) [5.30 p.m.]: It is the intention of this Bill to increase the penalties for breaking the wildlife laws of the State, and I do not think anybody could argue with that.

What is of concern to me, and was dealt with in another place, is how heavy handed people are while dealing with the Act. I would like to refer to beetles and butterflies, because this is the latest case that has come to my notice. Beetles and butterflies may not mean very much to you or me, Sir, but they are things of beauty in the main. There is a gentleman in my home town of Boyup Brook by the name of Carnaby who is a world expert on buprestids. During the 150th celebrations, which were ably organised by Hon. Graham MacKinnon, Mr

Carnaby opened a display of beetles and butterflies donated by him to the Boyup Brook Shire and displayed in Boyup Brook. It is well worth a visit, as Mr MacKinnon said. It is one of the two great exhibitions of its kind in the world; that is how important it is.

When Hon. Gordon Masters was Minister for Fisheries and Wildlife, and Conservation and the Environment, Mr Masters and his predecessors were written to from around the world and had a running argument about allowing Mr Carnaby to collect these beetles and butterflies. We ascertained at that stage that the Museum and the Department of Fisheries and Wildlife were kicking up a fuss because they did not know how to find jewel beetles. They are funny insects. They claw their way up a tree and then slip down and finish six to eight inches below the surface. With much worry I finally got Mr Masters into my office by nearly threatening him.

Hon. G. E. Masters: Not nearly, you did.

Hon. A. A. LEWIS: I got a letter out of him saying that Mr Carnaby should be allowed to collect these beetles anywhere in Western Australia.

Last Saturday morning a very distraught Mr Carnaby came to see me because the saga had been taken one step forward. Mr Carnaby is an aged pensioner. He now mounts these beetles and butterflies in show cases such as the one I now show to members. We call the middle one "Peter" because it is black and a bit sniffy but the proper name is *xylotrupes gideon*. They are magnificent specimens. Peter is the middle one.

The DEPUTY PRESIDENT: Order! The Hon. member will get on with his speech.

Hon. A. A. LEWIS: I am just trying to demonstrate what Mr Carnaby is doing for students.

Hon. Peter Dowding: Very good.

Hon. A. A. LEWIS: It is very good but I hope the Minister will explain to me why, having got the permission and Mr Masters' letter, which has been used for four or five years to allow Mr Carnaby to catch these beetles and butterflies, the Department of Fisheries and Wildlife has told him that because he mounts and sells them to students at \$35 each, he requires a permit. He sells only about 10 a year. Here we have an expert mounting these things and presenting them beautifully. I am sure the Minister will agree. For \$35 I will get him one. This world expert is being tied up with red tape.

I will give the department its due because when I phoned this morning about this Bill and about Mr Carnaby I was told that it was only a matter of Mr Carnaby obtaining a licence to sell. I do not know how far we go with regard to expertise, but I have a definite feeling—and I will let Mr Ferry deal with smuggling and those sorts of issues relating to birds later—that the Department of Fisheries and Wildlife in this State should be promoting, and not enforcing. I tend to think that having been tied up with fisheries it has been enforcing both fisheries and wildlife laws and there has been no chance to get out and tell the public and the world what we have and what may be learnt.

By stultifying someone like Mr Carnaby the department is stopping students—and I believe every student needs encouragement; even though beetles are not my thing—from taking an interest in beetles. As we have a world expert within the State, surely he should be allowed to sell specimens of his own.

Hon. D. J. Wordsworth: Are you allowed to press wildflowers?

Hon. A. A. LEWIS: It depends if they are a protected species.

I remember a very senior member of this House, who was a Minister at the time, who was giving an aged lady from South Australia a lift from Bunbury to Perth. At the time he was Minister for Flora and Fauna as it was then. He saw her pick up a great bundle of wildflowers and said that she could not put them into his car because he was the Minister and that she should not have picked them. She said, "You silly little man, how am I going to lecture to the New York Horticultural Society without specimens?" She was the first Australian to be asked to the New York Horticultural Society to lecture on Australian wildflowers.

One member of this House knows who I am talking about and he learnt his lesson. She went on her way and lectured successfully in New York.

Hon. G. C. MacKinnon: It is an interesting story, but it has no real relationship with the facts.

Hon. A. A. LEWIS: I will not go on to tell the rest of it. Those are the sorts of attitudes which we must get away from. We have to protect our flora and fauna, especially the rare and endangered species. But we cannot have this jackbooted attitude towards protection; education must be first.

I have one more query which follows from the motion we dealt with previously. I mentioned it when we discussed that. In clause 9 new section 26A says—

26A. A complaint for an offence against this Act may be made at any time within 2 years from the time when the matter of complaint arose.

I have circulated an amendment. The Minister's second reading speech mentioned something about somebody being caught with eggs just before Christmas. This was highlighted late last year in the case of two Americans convicted of nest robbing. They should be hit with everything we have to hit them with. Mr Ferry will probably tell members some horrific stories about birds being exported from the Commonwealth. There is a very lucrative market. We should start to export common birds like the Port Lincoln and the Twenty-Eight; the more the better, as Mr Stretch says. Any rare and endangered species we should keep, and the situation should be kept under control.

We should not give the new department two years to prosecute a complaint. This is an overflow from the Department of Fisheries and Wildlife. It is no secret this Bill was drafted before CALM came into being. In fact, it was drafted with the idea that fisheries and wildlife inspectors would be the same people working along the same lines. With the introduction of the Department of Conservation and Land Management, if we bring in the two-year provision in respect of wildlife, will the department then flow on to include misdeeds in national parks and forests?

The Minister must stand up in this place and explain why we need two years. I can see that six months is too short, but one year should be plenty. I can find out no detail of how many complaints fail between six and 12 months, let alone 12 months and two years. It would be a very sound Government which would accept the amendment I have circulated, and then, if the Government can prove it is necessary to go to two years, we should do it. I would be the last person to want these major criminals to escape.

The precedent set by the Department of Conservation and Land Management, if these things are permitted, will give this State and the department a lot of trouble. I do not believe this State is run for the benefit of the department.

While I probably would not have brought up this argument if the Department of Fisheries and Wildlife had still been functioning, now I believe the Government ought to accept this amendment and give it a try. If it is no good the Government can come back and say, "We have lost out in five cases where we reached the crunch point but because we did not have a year plus one day, we have not been able to prosecute." I would go along with that; but to start with we should begin with one year.

The Opposition and I support this Bill. I know it looks horrifying to some people. When the Minister talks about fines increasing from \$100 to \$1000 and \$400 to \$4000—a ten-fold increase—I could make the caustic remarks I have made before concerning increases. In the last few years penalties have been too little for the really hardened criminal. I am just a little worried these measures will not be implemented with a light hand, but I am sure this House will hear about it if there are too many heavy-handed manoeuvres under this Act.

I support the Bill.

**HON. V. J. FERRY** (South-West) [5.48 p.m.]: I support the Bill in its main thrust, but one or two features deserve comment. It would seem to me it is past the time when some of these penalties should have been increased. It is apparent that poaching of our fauna is particularly difficult to handle. Convictions are at times very difficult to effect.

It has come to my notice—and I am sure other members realise this—there is a lucrative trade overseas for a number of our birds and mammals and wildlife generally, and the very magnificent flora that we have in this State.

I was made aware recently of the difficulties of law enforcement in the wildlife section of the Department of Conservation and Land Management.

It has been related to me—and I have no reason to doubt the assertions—that a number of poaching transactions are effected from WA and that the articles are flown out of the country. Apparently aircraft are used to carry the material from inland WA to other points, possibly on the coast, where the material is transferred to another aircraft and then flown overseas.

I outline that scenario because some of the airstrips that may be used inland are those which by necessity are not of a high standard and are suitable only for light aircraft. Those

light aircraft have a limited range, so another aircraft would be required to carry the material out of Australia.

This problem is of particular moment to Western Australians. We need to appreciate that putting an end to this sort of operation is fraught with difficulties. First of all, we require sufficient manpower to police this activity. It is said that this sort of activity occurs well inland of WA, perhaps towards the South Australian border, so the patrol officers, the enforcement officers, are confronted with an extremely difficult operation in trying to apprehend poachers.

The DEPUTY PRESIDENT (Hon. P. H. Lockyer): Order! There is far too much audible conversation and I am finding it difficult to hear the member on his feet, as is the Minister. If people need to carry on their conversations they should do so in another part of the Chamber.

Hon. V. J. FERRY: The law enforcement officers face difficulties traversing some of this country. I therefore suggest the use of surveillance aircraft, although I appreciate that the cost may be considerable. In addition to aerial surveillance, a back-up ground party would be required to apprehend people spotted and suspected of engaging in this traffic. Close co-operation would be necessary between the aerial surveillance and the ground party teams.

Because of the extreme heat in the inland areas of WA at certain times of the year, these operations would be limited, although the poaching of these items during this time may also not be so great. The conditions and the areas involved can make it extremely difficult to apprehend any suspected culprit.

I am a little at a loss to know how to improve the situation except to say that more funds need to be provided so that more enforcement officers can be appointed to enable the department to make a concerted effort to apprehend these poachers.

In answer to questions I have asked about the species and the numbers suspected of being poached, I have been given relevant information. When I have further questioned the people who should know what they are talking about as to how they could identify the species being taken without actually viewing the material itself, it was explained that many species could be identified from the feathers left around caged areas in the bush. These caged areas are fairly well protected by the poachers, who have an elaborate alarm system among themselves so that they know if anyone is trav-

elling on land in their area, which enables them to remove themselves before the enforcement officers arrive at the site where the poachers' cages are located.

The traffic in eggs overseas also brings high prices. We do have a real problem policing our regulations and this will continue for some time because the very size of our State makes it, if not impossible, then very difficult indeed to control this activity.

I would like to think that sufficient funds could be made available for an aerial surveillance operation coupled with a back-up ground party operation. It would be worthwhile if this could be implemented at least on a trial basis for six months to ascertain how effective the operation was in apprehending culprits.

The wildlife officers are very dedicated to their task and put up with severe conditions. Their personal trials and discomfort do not stop them trying to do their best for us. It is up to all parties, from the Government down, to assist these people in their onerous task.

The Bill contains provisions to strengthen the programme of controlling these activities, and these provisions have my support.

I support also the view expressed by Hon. A. A. Lewis about the worth of reducing the time in which action can be taken from two years to one year. One year seems to be a reasonable time in which the vast majority of actions could be launched. Two years seems to be an inordinately long time in which to bring action against suspected traders. The suggestion that it should be two years rather supports my view that we do not have enough wildlife enforcement officers to carry out the required work.

Hon. Peter Dowding: Two years is the period for fisheries.

Hon. V. J. FERRY: Mr Lewis mentioned that. I believe Mr Lewis' suggestion that the period be one year is worthy of consideration.

HON. PETER DOWDING (North—Minister for Employment and Training) [5.58 p.m.]: The Government thanks the Opposition for its support of this measure. The matters raised by the two Opposition speakers will be brought to the attention of the relevant Minister.

I make it clear in relation to the foreshadowed amendment, that in 1982—very recently—members opposite all supported, with an explanation from Hon. Gordon Masters, who was then the Minister handling the Bill, the need for a two-year period in respect of

prosecutions under the fisheries legislation. I am told that in the wildlife area the reason for a two-year period is more serious and relates to the international character of many of the transactions and to the time it takes for evidence to be sifted and ultimately to be tracked back. Three years ago the Opposition was convinced of the need for a two-year period in the fisheries area and I think that, despite the misgivings of Hon. Fred McKenzie, he supported the measure then, as did the then Opposition.

There is an argument for saying that no-one knows whether one year, 1½ years, two years or 2½ years is the appropriate time; but there seems to be some sense in having a similar period because of the similar problems, except that there are perhaps more extreme problems in this field which ought to justify the two-year rather than the one-year period. Nevertheless, that is a matter we can deal with in Committee.

Question put and passed.

Bill read a second time.

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

#### *In Committee*

The Chairman of Committees (Hon. D. J. Wordsworth) in the Chair; Hon. Peter Dowding (Minister for Employment and Training) in charge of the Bill.

Clause 1: Short title—

#### *Progress*

Progress reported and leave given to sit again, on motion by Hon. D. K. Dans (Leader of the House).

### **COMMERCIAL TENANCY (RETAIL SHOPS) AGREEMENTS AMENDMENT BILL (No. 2)**

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

#### *Second Reading*

HON. D. K. DANS (South Metropolitan—Leader of the House) [7.32 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to make a number of amendments to the Commercial Tenancy (Retail Shops) Agreements Act which came into effect on 1 September 1985.

When the Act was first introduced, the Government recognised the complexity of the matters being addressed in the legislation and that it should be prepared to move quickly to introduce amendments where necessary. These amendments are being introduced to overcome certain concerns which have become apparent in relation to the legislation since its passage some months ago.

It is the Government's desire to ensure certainty in relation to the operation of the legislation and to ensure that tenants of retail shops obtain the benefits flowing from the legislation.

Concern has been expressed, particularly by legal commentators on the legislation, that the definition of lease extends to those persons occupying under short-term licences the common areas of retail shopping centres, and action has been taken which has resulted in charity groups and commercial promotional activities being excluded from some of these areas. As well, retail shops in some shopping centres have been told that spillage of their premises into the common area is no longer permitted. This has been generated by fears that the effect of such occupation and licence amounts to a lease giving a right to an option for five years' tenancy. This was never intended by the legislation, and the Government's advice was that the legislation did not apply to charity groups in any event. However, to avoid any uncertainty as to the application of the legislation, the Bill seeks to amend the definition of lease to remove this perceived difficulty and the problem flowing from it.

Finally, the Bill provides a device which is intended to prevent the avoidance of the legislation by the interposing of a head lease to a related person or corporation. The concept of the related person or corporation is broadly defined. In these cases, the head lease is deemed to be modified to the extent necessary to provide for an option of a five-year term. The Government, however, recognises that there may be bona fide commercial reasons for related persons or corporations to enter into head leases for reasons not connected with the intended avoidance of the legislation. The Bill provides a mechanism to avoid the modification of the head lease by a determination of this issue by the commercial registrar of the tribunal. As well, issues as to the extent of the modification of the head lease can be resolved by the commercial registrar in the same manner as other matters arising in relation to a retail shop lease. It is anticipated that such



amendments will deter persons from entering into contrived agreements to avoid the application of the legislation.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. V. J. Ferry.

### ACTS AMENDMENT (SEXUAL ASSAULTS) BILL

#### *Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon. D. K. Dans (Leader of the House), read a first time.

### CONTRACEPTIVES AMENDMENT BILL

#### *Second Reading*

Debate resumed from 18 September.

**HON. JOHN WILLIAMS** (Metropolitan) [7.35 p.m.]: It is sad in one respect to see a Bill like this come before the House, because of what the Bill intends or is attempting to do. It is sad because I feel it is a reflection upon the society of today; on people whose morals may not be up to the standard we would like them to be. However, we are not here as moralists but rather as realists.

Perhaps, too, the fourth estate—the media—have to bear some of the blame for the hysteria which has accompanied this disease called AIDS. It is a terrible disease, there is no doubt about that, but it has not reached and will never reach the proportions of, say, the bubonic plague, as some people would like us to believe. And yet, we are going to sweep in legislation—and we can only do this at this precise time—in order to contain or try to contain this disease.

Let me make it perfectly clear to the Government side of this House that I am speaking this evening as an individual. My colleagues have their own points of view, and I am not presenting the Liberal Party point of view. I am presenting my own point of view and I wish to re-emphasise that because we on this side of the House are doing to this Bill what we feel we want to do, each and individually.

For instance, there are members on this side of the House who have a complete abhorrence of the methods described to contain this disease or help to contain it. They are caught in the crossfire of sound religious belief and dogma as to the facts of contraception; yet this has nothing to do with contraception *per se*; it has to do with protection against disease.

It was in 1979 that the first case of AIDS was noticed.

Hon. D. K. Dans: In the western world.

Hon. JOHN WILLIAMS: In the western world. And here we are, six years on, and we have this enormous panic. For 12 years the Venereal Disease Clinic of Western Australia had been telling people that there is a far worse disease in the venereal disease complex, and yet we had done nothing about it—only treat it and recognise it.

This disease was the subject of an article that was available to be read last Sunday in the *Sunday Times*. The disease is called chlamydia and is a venereal disease to which, of course, AIDS is somewhat similar. It is a sexually transmitted disease in its origin, but it becomes transmitted by contact with either semen or blood, or some other form of fluid entering orifices of the body.

I wonder how many people knew that chlamydia was such a terrible sexually transmitted disease. Any female contracting chlamydia for the first time may never know that she has the disease, but 15 per cent of women may be made sterile after only one episode of the disease. The article gave the figure of 30 per cent for those who would be made sterile after a second episode. Seventy-five per cent of those infected a third time would become sterile. Those statistics were given by Dr Deller. Dr Morris Gollow of the VD clinic and his predecessor, Dr Newman, knew about this disease 12 years ago, but it was not glamorous enough then for the Press to blow it out of all proportions as it has AIDS. I do not mean to say that the AIDS disease is not serious, but I believe that the media has blown it out of all proportion. We do not see as much hysteria with respect to chlamydia, gonorrhoea, herpes, genital warts, syphilis or hepatitis B, which are all sexually transmitted diseases.

One reason for that is that the diseases I have just mentioned can be treated with drugs according to their severity. Some of the gonorrhoea strains, or course, will not be treated by present day drugs; they are penicillin resistant. But such is the nature of the disease that venereologists and medical technologists around the world can, as it were, build a drug to counteract that strain.

We are dealing with an appeal by Professor Penington to reduce the incidence of the disease AIDS by freely distributing, or having freely available for purchase, condoms. That is the polite term for them; there are many other

terms with which I am sure everybody is well acquainted. Certain sensitive groups within the community object to the condom being freely available, not on the ground that it is a bad thing, but on the ground that it is used for contraception during intercourse. They hold to their belief and I respect that. However, when faced with a bushfire such as AIDS, we might have to take remedial action for the time being. That remedial action, as suggested by Professor Penington, is the use of the condom during intercourse or whatever. If Professor Penington suggests that that is a step which may contain the disease, I can go along with it because I believe that before long a vaccine or drug of some sort will be found which will tame this scourge as well.

We must not forget that when syphilis was first identified it was untreatable and hence a scourge. One went from the first to the second and tertiary stages of syphilis. It was a frightening thing to see. People literally were eaten away in front of one. Anyone who has had the misfortune, as some of us have, to see the disease and the treatment that was given in those days, was lucky ever to have procreated after that. It is an absolute wonder that we did so procreate because the scenes were horrific and the treatment in those days was also horrific. In those pre-penicillin days everybody was treated with some form of arsenic compound in a brutal fashion.

Our drug engineers or medical technologists will soon discover some form of relief for this disease. There are worries with it. For example, in some cases there is a 10-year incubation period. There are the terrible cases of those unfortunate persons who through no fault of their own are infected with the disease. The most common example is that of a haemophiliac who was unfortunately contaminated with blood which was not screened. Everybody points to the case in Queensland of the family with three members who have contracted the disease. The father was a haemophiliac who contracted the disease and passed it to the mother who passed it to the child. Those three people are AIDS victims through no fault of their own.

During the war a sign warned troops about contracting sexually transmitted diseases. I stand by the motto of that time: "Clean living is the only real safeguard". That is true. If one wishes to avoid diseases of that sort, clean living is the way to go about it. However, there are

people in the community who cannot understand it. They do not respect that and therefore Governments find themselves in the impossible position of wanting to do the best for the community and suggesting remedies which may help.

I have no objection to the sale of condoms in places other than pharmacies. Indeed, when this Bill was introduced, not being well acquainted with the product and its sale, I wandered around a couple of chemist shops. These products are openly on display in varieties that I had never heard of. I am not too sure of their proposed uses; some of them looked as though they might finish up as Christmas decorations. It certainly sent me back to the time when I was appalled by the ignorance of students in secondary schools only 16 or 17 years ago who felt that their incursions into the field of sexual relationships were perfectly safeguarded with gladwrap and a rubber band or, failing that, the spermicide of a bottle of Coca Cola with two aspirins shaken up in it. That was appalling ignorance which led to appalling tragedies.

I will not quarrel about the distribution of these products. Because the world and, in particular, Perth, has moved on, products are now advertised on television that I never thought would be so advertised. In point of fact, I do not think that they should be advertised on television. I am talking about female sanitary requisites. Only 15 years ago such requisites were available only in chemist shops and were always packaged in a plain package after purchase.

Hon. Robert Hetherington: The packages are pretty these days.

Hon. JOHN WILLIAMS: Yes, and they are on display in stores of every type which provide those conveniences. I suppose it is a shopping convenience for the customer. It could be said that the sale of condoms through outlets other than chemist shops should now be looked at.

I do not understand why it will be looked at now. It has been looked at in Europe over the last 50 or 60 years, and no-one would say that Australians are less promiscuous—because contraceptives are on open sale and display there—than Europeans.

They are displayed in the toilets of railway stations throughout Europe, in the toilets of hotels and, generally speaking, in other outlets;

in the supermarkets in the United States and some of the countries in Europe, particularly Germany.

I could not draw a comparison, and I would not draw one, of the morality of those places which had contraceptives on display and those that did not. Of necessity, as a protection against disease and to alert the community, they should now be available in places other than in chemist shops in Western Australia.

There will be arguments to counter my thoughts, and I will accept some of them. I will always accept, for instance, the sincerity and the genuine concern felt by people like Hon. Phillip Pendal, who makes his position in this House abundantly clear on matters of this sort. But I want to make it abundantly clear that by supporting this Bill I am not condoning in any shape or form any of the practices which lead to the contracting of AIDS. I want no-one to be left in any doubt about that whatsoever. I do not condone the practices which lead to persons contracting sexually transmitted diseases. AIDS is a tragedy.

Having said that, I agree with the concept of the Bill and with the ideas put forward in it. There is, however, one portion of the Bill about which I am extremely unhappy and with which I find great difficulty.

Honourable members in this House will not be at all surprised when I refer to this completely unnecessary committee. It is another QANGO set up to distribute these products through the community. Here we have what is described as a normal function for the protection of the community, and the function is to be licensed. The very fact that we are talking about it is offensive to a large proportion of the population. The very fact this Bill may pass is offensive to many people. One cannot offend them any further. It will happen, whether we like it or not.

But why in heaven's name do we need a committee to decide what type of outlet is necessary and where condoms should be sold? That completely escapes me. Six people will be wrapped up for a set time at a cost to the State. At least one member will have to be paid because he is not a director of a communicable diseases clinic or his deputy and he is not a member of the Family Planning Association.

I can imagine that the flood of applications will mean that more than one meeting a week will be required. I have never heard of anything more ridiculous than a licence to sell condoms.

Is that to be printed above the shop? "Licensed to sell tobacco, licensed to sell condoms, by appointment"? That is what we are letting ourselves in for. It is a ridiculous situation.

Several members interjected.

Hon. JOHN WILLIAMS: I am resolved that this situation must be looked at. I do not agree with the mountain of paperwork. For goodness sake, when those female toilet requisites I was talking about earlier came onto what might be described as the open market, who was the licensing authority then? There was not one. Some people find those as offensive as others find condoms. I checked with Hon. Graham MacKinnon on this because he was in the Ministry in those days. He said licences were not granted to sell those things, it just happened. The customer became the regulator.

We have had scare tactics brought forward. Will condoms be sold in lolly shops? I ask you, Sir, would any self-respecting person running a lolly shop seek to distribute them? G. J. Coles, the large department store, will not distribute them. So people are already regulating themselves. Why, in heaven's name, do we want to put a cost onto a simple Bill like this? When the hysteria has died down after two or three years, after there has been medical research, why license the selling points?

What we are doing is appointing members of those committees. When a person's child asks, "What did you do for a living, Dad?" he will reply, "I licensed condoms. I was on the licensing board for condoms." That is what this bureaucracy will do as a result of this Bill.

I appreciate at the same time the reason for it being there at the moment. There is the sensitivity which the Minister for Health mentioned he feels about these groups outside. These groups must face the facts.

I shall support the Bill, but I shall have something more to say, perhaps in the Committee stage, on the question of the committee which will decide how condoms should be distributed.

HON. P. G. PENDAL (South Central Metropolitan) [7.58 p.m.]: I oppose the Bill. I put it to members we are really dealing with the worst kind of legislative window shopping imaginable. The provisions of this Bill will, as we are aware, place on a shop counter a product which until now has resided in a place where every 15-year-old throughout Western Australia has known it to be, and that is in a chemist shop. If one thought carefully about

the contents of the Bill one would perhaps presume that homosexuals have less brains than other people.

In other words, for generations every 15-year-old has known where condoms are sold. Surely those people who practise homosexuality are in possession of the same information and are therefore presumably equally capable of calling at one of those outlets to make a purchase of that kind.

Why is there the need therefore to increase the number and the type of outlets available? This is silly and superficial legislation that provides for the members of this House and of another House no evidence whatsoever that it will make the slightest impact in a public health sense on the spread of AIDS. To the contrary, it will probably result in a greater number of young people experimenting with either heterosexual or homosexual activities long before an age when they are able to make mature decisions about such activities.

Finally, I put it to the Government that, in reality, it is evading the real problem at stake in the public health element of the spread of AIDS. It is not without significance that it has been left to the Opposition, and in particular the shadow Minister for Health, Mr Ian Thompson, to introduce legislation that will make a real attack on the problem of AIDS. That is a position and a responsibility that ordinarily would rest with the Government, but it is a responsibility that this Government has refused to shoulder.

I oppose the Bill and will vote against it.

**HON. PETER WELLS** (North Metropolitan) [8.02 p.m.]: If the Government were honest it would let this legislation lie on the Table of the House until the Government had consulted with the industry primarily concerned. I will explain. This Bill purports to authorise licensed premises to be treated the same as pharmacies with respect to the sale of condoms. The Bill provides that an authorised place does not include any premises of a public place but does include a registered pharmacy or any licensed premises within the meaning of the Liquor Act of 1970. The present Act refers to pharmacies, and that is how they have derived their authority to sell condoms.

This Bill will make pharmacies and licensed premises, within the meaning of the Liquor Act, authorised premises—not public places—able to sell condoms. That is my interpretation of the Bill. If I am correct, this

means condoms will in future be able to be sold on licensed premises holding any of the following—

- a hotel licence;
- a limited hotel licence;
- a tavern licence;
- a winehouse licence;
- a cabaret licence;
- a theatre licence;
- a railway refreshment room licence;
- a packet licence;
- a restaurant licence;
- a club licence;
- a store licence;
- a vigneron's licence;
- a wholesale licence;
- a brewer's licence;
- a ballroom licence; and
- a reception lodge licence.

In other words, it means all licensed premises. On figures I have been able to obtain at short notice from a report into alcohol-related matters provided for the Legislative Assembly, Western Australia has 1 619 licensed premises. As a major thrust of the Bill is to allow all these licensed premises to sell condoms, one would expect that the liquor industry would have been consulted. However, I am led to believe that not one word of consultation has taken place.

If I am incorrect, the thrust of the Bill must be that pharmacies are no longer to be authorised premises with respect to the sale of condoms and that they will be required to apply to the appropriate committee to be able to sell them. Therefore, the thrust of the Bill would be to decrease the number of outlets that would be automatically available for the sale of condoms.

However, on the best advice I have, my first interpretation is correct; that is, all licensed premises are to become authorised to sell condoms.

**Hon. D. K. Dans:** Your logic astounds me.

**Hon. P. H. WELLS:** In 1972 Mr Roy Cloughton, the then member for North Metropolitan Province, brought in a Bill that amended the Contraceptives Act. His Bill altered the definition of an authorised place and provided that "public place" did not include a pharmacy registered under the Act. It was explained that the Bill was introduced to give pharmacists the authorisation to sell condoms, and that is why pharmacists are now able to sell condoms. Those words are now put back into this Bill, but with one additional in-

clusion, because reference is made to "licensed premises within the meaning of the Liquor Act".

I take it that the licensed premises are those I read from section 23 of the Liquor Act. I am not saying that the owners will all rush out tomorrow and buy condoms to put on their shelves for sale. Nevertheless, if my interpretation of the Bill is correct, the major thrust of this Bill is to enable those outlets to sell condoms. My information is that no consultation on this matter has occurred with the liquor industry.

Hon. D. K. Dans: How old are you? Do you remember the war?

The PRESIDENT: Order!

Hon. P. H. WELLS: I understand the need to cut down the incidence of sexually transmitted diseases and that it may be more desirable to have the community made more aware of the usefulness of condoms. We consider that valuable advice could be obtained from the Pharmacy Guild of Australia and the Pharmaceutical Council of WA. They represent the people—the pharmacists—who have carried the responsibility up till now of the distribution and sale of condoms. The Bill goes as far as to provide that a committee to be established should have, as one of its members, a member of the Pharmacy Guild of Australia. In my discussions with members of the guild, I was told that not one of its members had been consulted.

I will stand corrected if the Minister can tell me whom he has consulted. When I discussed this matter with that organisation it had not been consulted despite the fact that this Bill proposes that one of its representatives should be a member of the committee which will decide about licensing. That organisation could have made some contribution to the discussion about methods of tackling the problem.

It is time to pause—I am not saying I am going to oppose this option—and consult the organisations affected. The Government claims it consults small business when that sector is affected by legislation. This Bill has been created without an iota of consultation. In relation to other areas of the Bill I doubt that the Government has spoken to retail traders or the Family Planning Association and others who it is suggested might be represented on the committee which Hon. John Williams has questioned.

I am not certain why the Government decided that a committee was the best way to approach the matter. Other States have not

gone that way. The system in Victoria provides that the commissioner may, after examination, authorise a person to sell condoms. The conditions that person has to meet and the name of the distributor are published in the *Government Gazette*. Victoria has not set up a committee, but it has adopted a method by which the public can challenge the authorisation of persons to sell condoms if they wish. I may well accept that some need exists for a committee, but this Bill may not achieve what it sets out to do.

Firstly, I am told the best condoms sell for about \$6 a dozen. At the other end of the scale they are about \$3 a dozen. So at best the profit would be about \$1.50 to \$3. What business is going to race out and go through the maze of being licensed and seeking authorisation from a committee for that sort of return? The business cannot transfer its authorisation if it is sold. The new owner of the business must lodge a new application. It appears the problems within the Bill may well defeat it and there may not be a greater number of outlets for the sale of condoms.

We might well consider some propositions put forward in other States to deal with this problem. The Select Committee on Prostitution in New South Wales made a statement in relation to this matter, and some of the remarks are worthy of inclusion in this debate. The committee referred to the promotion of condoms and suggested the Government should look at some sort of education programme. The committee said—

The Select Committee on Prostitution of the New South Wales Parliament will recommend a publicity campaign by the Government to promote the use of condoms as a means of controlling sexually-transmissible diseases.

I ask the Minister: Is this the solution? Has the Government considered such a proposition relating to education? The committee went on to say—

The Committee will therefore be recommending that the Government should begin with a re-examination of medical education in the field of STDs, but should at the same time seek to increase community awareness through education campaigns directed to both adults and teenagers on the nature and risks of STDs.

That committee certainly recognised that the condom could play a major part in terms of helping those people who decide they want to have sexual relations. The committee went on to say—

The condom remains one of the few reasonably effective protection and prevention measures available to the public against A.I.D.S. and other STDs short of strict abstinence, but if there is to be—as there should be—an increased awareness of this fact, there is a clear responsibility on behalf of health authorities and the Government to ensure that modern communication methods are used to bring this message across.

It goes on to indicate the method of advertising condoms which is used overseas. In its final recommendations the committee said—

The Department of Health should sponsor a publicity campaign to promote the use of condoms as a means of reducing the incidence of STDs in the community. Condoms should be readily available on sale through vending machines, particularly in places where prostitution takes place, as well as in STD clinics and other selected locations. Where chemist's shops largely operate on a self-service basis, proprietors should be encouraged to ensure that condoms are on open shelves, rather than behind the counter with prescription drugs.

It is very questionable whether the sale of condoms should be extended into hotels and the other areas I have mentioned, certainly if there is no education and the people running those businesses are not onside.

Let us ask the question whether it is appropriate to put condoms into hotels and whether licensees are likely to do so. If they are put on sale in hotels one could imagine, knowing that people at hotels sometimes get into a gay type of mood, that there might be some crank one night who says, "Let us have a bit of fun", and decides to get a handful from the shelf and put a needle through them. Is the Government telling me that could not happen? That type of thing could be devastating for the person who believes he is getting some sort of protection when in fact it has been destroyed. Most hotel licensees would probably not rush into selling condoms, because they would not see it as appropriate for them to be pharmacists.

Hon. John Williams: Children will not be able to get them on licensed premises anyway.

Hon. P. H. WELLS: That is right. There may be some argument for selling them on licensed premises in that one achieves the separation of children from their availability.

We have said that a certain group of people need to use condoms. I suspect the people who do not use them are those who are too embarrassed. I suspect they are only a small group today. The high risk areas need to be identified so that we can make sure outlets are available.

I suspect one of the high-risk outlets in Western Australia would be in the vicinity of the University of WA. If Mr Dans wants to check it out he should talk to the police. The international homosexual beat is in Crawley. It is known worldwide. There are five police in that particular area, and they informed me of that.

Hon. D. K. Dans: Are you saying the police told you the majority of homosexuals operate in and around the university?

Hon. P. H. WELLS: No, I said there is an internationally known homosexual beat down beside the university.

Hon. D. K. Dans: Internationally known?

Hon. P. H. WELLS: Yes, among people who move internationally with homosexuals. If the Minister wants to check he can phone the police tomorrow.

Hon. D. K. Dans: I have an inspector in my office. I will ask him to phone.

Hon. P. H. WELLS: It is recognised that the police identify that as a real problem area. I suggest that the Government look at that problem, consult with the Police Force, and perhaps arrive at a solution.

It may well be that an outlet for the sale of condoms is already there, but I do not know. I suggest that the Government look at the high-risk areas and deal with the problems confronting people in those areas.

Hon. D. K. Dans: Are you suggesting that if we close the university it must be cheaper?

Hon. P. H. WELLS: It is interesting to hear the Leader of the House make such ridiculous remarks, but it is better than his dozing during my speech.

Hon. D. K. Dans: This is one of your most interesting speeches.

The PRESIDENT: Order! I ask the Leader of the House to cease his interjections and the member to direct his comments to the Chair.

Hon. P. H. WELLS: We have a Bill before the House and the Government has not consulted with those retail outlets that already

sell condoms or those outlets which it is planned will sell condoms. The Government has failed in this area and it may spell the death of what it seeks to achieve.

I suggest that the Government leave the Bill on the Table of the House during the week the Parliament is not sitting and consult with those organisations it hopes will take the forefront in regard to the expansion of outlets for the sale of condoms.

I suggest also that the Government reconsider the method it proposes to use for the sale of condoms. Apparently hotels and pharmacies will be authorised to sell condoms but every other outlet must become licensed and will have to go through the maze of a QANGO, as Hon. John Williams has mentioned, in order to obtain such a licence.

I believe these sorts of things should be examined in order that the Government will be in a better position to know whether what has been suggested by the Minister in his second reading speech as the main thrust has any chance of proceeding.

I predict that the way in which the Government is handling the legislation will spell the death of this matter. I urge the Government to consult with those people concerned. If the Minister continues to laugh and say, "We can do what we like", he will be running into trouble and this legislation is likely to fail. If it does fail it will be on the Government's head because of the sloppy way in which the legislation has been drafted.

**HON. N. F. MOORE** (Lower North) [8.24 p.m.]: I am not one of those people who opposes the practice of contraception and I think that condoms are a legitimate and a relatively safe form of contraception. It does not result in the same problems associated with the use of the pill—problems which have yet to be fully realised—and also the problems associated with intra-uterine devices and other forms of contraception. I also mention that it is not as permanent as vasectomy.

Condoms are now readily available on the shelves of chemist shops throughout the State. They are on display on the shelves in the same way as one would see products on display on the shelves in supermarkets. They are obviously displayed and are readily available.

I do not see the reason that condoms should not be available from other retail outlets, particularly in towns where there are no chemist shops. There are several towns in my electorate

where there are no chemist shops but there are other retail outlets and condoms should be available through these outlets.

Condoms prevent not only conception, but also the transmission of venereal diseases and AIDS, as Hon. John Williams has explained to the House tonight. Condoms should be readily available for those who seek to use them. Regrettably it is not possible to make their use compulsory for homosexuals. Perhaps if it were made compulsory we could do something about the problem of AIDS. I suggest that any homosexual who does not use condoms is taking the risk of committing suicide.

As important as this aspect of the argument is, it is equally important, as far as I am concerned, that condoms be used to prevent unwanted pregnancies, particularly among young people, and the transmission of venereal diseases.

To me there is little difference between choosing a packet of condoms from the shelf of a pharmacy or from the shelf of a supermarket. The availability of condoms should be extended and, in a sense, the marketplace should decide from where they are purchased. I do not see any need to establish another QANGO to administer and license the sale of condoms. The Government should reconsider the unnecessary restrictions it is placing on the sale of this product. I can understand why the Government has brought this form of licensing to the House for consideration. It is an attempt to be all things to all people. However, I believe it should reconsider this idea for some of the reasons Hon. Peter Wells has raised.

With those few words I indicate that I believe condoms are a legitimate form of contraception. They are a useful means of preventing unwanted pregnancies and they are useful for preventing the transmission of venereal diseases, including AIDS and, therefore, they should be available to anyone who wants to buy them.

**HON. D. J. WORDSWORTH** (South) [8.28 p.m.]: I do not oppose this Bill but I have my doubts about the manner in which the Government is going about the promotion of condoms to reduce the risk of AIDS. If the Government feels that condoms are an important part of controlling AIDS there should be more encouragement for the sale of this commodity. Instead, we have a Bill before the House which proposes that retailers who wish to sell

condoms should apply for a licence to do so. The Government has given no thought to increasing the outlets.

The committee that has been set up can only hinder rather than encourage the greater use of outlets. The general public is regrettably confused about AIDS. We were originally told that AIDS was a disease only of homosexuals and it took a long while before it was appreciated that bisexuals could spread the disease to the heterosexual community.

I have gone out of my way to study the pamphlets that have been distributed by the Health Department in order to ascertain what information is available because I believe that the general public, while being very concerned about the disease, is also quite ignorant about it.

I am aware that mothers have been telling their daughters to be very careful about whom they kiss—especially, they should not go around the dance hall and kiss all and sundry on festive occasions such as New Year's Eve. However, when one reads the information that is available one becomes more aware about how contagious AIDS is. I will quote some facts about AIDS which were compiled by the AIDS Task Force and issued in December 1984. The section relating to how contagious AIDS is reads as follows—

No cases have been found to date where AIDS has been transmitted by casual contact with AIDS patients or persons in the high risk groups. For instance, family members other than sex partners of AIDS victims are very unlikely to develop AIDS. There is no evidence to suggest that AIDS can be transmitted through sharing of plates, cups, cutlery and the like. The possibility of spread through intimate kissing cannot be completely ruled out, but it appears that such cases must be very rare. Condoms are likely to greatly reduce or eliminate the risk of spreading AIDS through heterosexual intercourse. There is no evidence that AIDS can be passed on by mosquitoes. Ambulance drivers, police and firemen who have offered emergency assistance to AIDS patients have not fallen ill but need to use sensible precautions . . .

I will not go into it in greater detail. Of all the information available it is interesting that there is not a high emphasis put on condoms. I have already quoted the only mention of condoms in two finely typed pages in that pamphlet.

What is important is what the article has to say under the heading "Can AIDS be prevented?", and I will quote this section because it is a vital one—

The AIDS Task Force has recommended that the following steps be taken to prevent the spread of this disease:

Sexual contact should be avoided with persons known or suspected of having AIDS or carrying the virus.

Sexual promiscuity is a major risk factor, particularly for male homosexuals. Avoid having multiple sexual partners and avoid sexual contact with others who do.

Sharing of needles for intravenous and other injections is common among users of drugs of addiction and carries the risk of transmission of a variety of diseases, including AIDS. Needles must NOT be used more than once.

Members of high risk groups MUST NOT DONATE BLOOD. These include male homosexuals and bisexuals (any man who has engaged in a male-to-male sexual act in the last five years), users of intravenous drugs, the sexual partners of all of these and any person who has received a blood transfusion in the last five years.

It is very interesting that in the list of recommendations of how AIDS can be prevented there is no mention of condoms. One really wonders whether condoms will be the answer to the spreading of this disease. I very much doubt that they will play a very major part. It is interesting to see statistics for those who have had contact with AIDS up until now. I quote once again from a pamphlet put out by the Health Department of Western Australia in January 1985 called AIDS. It says—

In the USA and Europe, where most patients with this disease are to be found, they fall into various high risk groups. These are:

Homosexuals and bisexuals	70-75%
Intravenous drug abusers	15-20%
Haemophiliacs	1%
Blood transfusion related	1%
In the USA, specific ethnic groups	4%
Risk unknown group	5%

It does appear at this stage that the disease is very much still within the homosexual and bisexual group. As I stated earlier, there is general



concern within the community, and quite rightly so, about the spread of the disease. I believe we have to do more to tell the general public about the need to take preventative action.

I was rather interested to see in the *Daily News* an article on 2 September by Jim Magnus entitled, "AIDS stepping out with caution" which says—

And while drug users are a worry, it is the bisexual males that may be providing the principal entry of AIDS into the heterosexual society.

These people are not admitting to their sexuality, she said. "It's very difficult to get through to someone who is denying their sexuality."

It appears that the problem is not really the availability of condoms but rather the encouraging of that high risk group of people to use them.

I am somewhat concerned that the Government intends hiding behind this Bill rather than going out and fighting this disease. With respect to the matter from which I have just quoted, people are not admitting they are bisexual.

On a slightly different subject, it is rather interesting to find that of the young women who become pregnant out of marriage, those at university are probably one of the largest groups. So it is not lack of intelligence that can be blamed for bringing this about. One wonders in the same way whether, just because condoms are to become more available, we will see any improvement in the controlling of this disease.

I think that perhaps it has been a policy of the Labor Party to make condoms more freely available for some time, and this Bill probably reflects that, more than the prevention of AIDS. I think AIDS is being used as little more than an excuse.

Interest has been expressed by groups of people such as the Australian Family Planning Association which expresses great concern about the breakdown in the family unit, and feels strongly that more freely available condoms will only help to break down standards in our society generally.

I will not oppose the Bill, but I do very seriously question the way the Government is going about changing the law and the manner in which it is setting up a committee which is to

go about the licensing of retail outlets for the sale of condoms. It seems utterly and completely ridiculous.

**HON. V. J. FERRY** (South-West) [8.36 p.m.]: I do not wish to canvass a whole range of provisions in the Bill but there is one provision which I wish to refer to, and that is the provision to establish a Contraceptives Advisory Committee. I also notice that there is circulated on a separate Notice Paper notice of an amendment which is proposed to be moved during the Committee stage; and here again, that refers to the committee.

There is a mechanism in this Parliament for looking at legislation. I refer to the tabling of a report of a Select Committee on a different system for the Legislative Council, which was tabled in the House only last week. The recommendations of that report have yet to be discussed by this House, and in the fullness of time there could be some innovation to provide for legislation to be examined by a Standing Committee which may be set up flowing from that report. In the meantime, this House does have a Standing Committee of the Parliament called the Standing Committee on Government Agencies, and in view of the fact that this Bill proposes another QANGO it would seem appropriate to me that the Bill should be referred to that Standing Committee for its perusal and examination, and ultimately it should come back to this House for further consideration.

I notice that it is intended that there will be a review of the Act and that review is proposed as soon as practicable after 1 January 1991. That is the intention. One of the provisions of the review is the effectiveness of the operations of the committee. I take the firm view that this House would do well to take advantage of the operations of the Standing Committee on Government Agencies as a Standing Committee of this House to examine this measure. The question now before the Chair is that the Bill be now read a second time.

#### *Referral to Standing Committee on Government Agencies*

I move an amendment—

To delete all words after the word "That" and substitute the following words—

the Bill be referred to the Standing Committee on Government Agencies.

Debate adjourned, on motion by Hon. Fred McKenzie.

## ADJOURNMENT OF THE HOUSE

**HON. D. K. DANS** (South Metropolitan—Leader of the House) [8.41 p.m.]: I move—

That the House do now adjourn.

### *Commercial Education Society of Australia: Award*

**HON. JOHN WILLIAMS** (Metropolitan) [8.42 p.m.]: I wish to correct an error which I made from ignorance on my part last night when I commended Miss Cheryl Sanderson, a member of the *Hansard* staff, for winning the Sir James Pitman Challenge Shield for being the best writer of Pitman shorthand at a speed of 220 words a minute.

It was remiss of me not to have mentioned that Miss Lorraine Butler, also a member of the *Hansard* staff, sat for the examination at the same time and passed at a speed of 220 words a minute. As Miss Butler uses a stenotype machine, a different system of shorthand from that used by Miss Sanderson, she was not eligible to win an award in that section. I understand that Miss Butler was placed in third position in this national examination and, in fact, the highest speed of 280 words a minute was reached by a remarkable stenotype operator, Miss Phoebe Stoney of Canberra.

Having corrected that error, I wish to congratulate most sincerely Miss Lorraine Butler, who was rated third in merit throughout Australia.

### *Land: Mandurah*

**HON. I. G. PRATT** (Lower West) [8.43 p.m.]: I wish to correct a mistake included in my recent Address-in-Reply speech.

I referred to some land in Mandurah belonging to the Marshall family. In conversation, the original figures I was given relating to the valuation of the property were \$50 000, reduced to \$35 000. I spoke to Mrs Marshall on the telephone to confirm the details and she agreed with the figures I had been given. However, it has been brought to my attention that the figures were not accurate. In fact, the figures involved were \$35 000 and \$15 000. I have checked these figures with Mrs Marshall and, after speaking to her husband and checking their records, she has confirmed that the revised figures are correct. It was an honest mistake on their part and I was relaying the figures I had been given and which I thought had been confirmed.

I make the point that although the amount is different the principle is the same; the Lands and Surveys Department had a windfall gain of \$15 000 at the expense of the landholders.

Question put and passed.

*House adjourned at 8.45 p.m.*

## QUESTIONS ON NOTICE

109. *Postponed.*

## ENERGY: STATE ENERGY COMMISSION

*Wagin: Transport*

169. Hon. W. N. STRETCH, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

- (1) Is it a fact that the majority of stores and equipment for work in the Wagin State Energy Commission area are transported south from Perth to Albany, then transported north again to Wagin?
- (2) Is the bulk of the SEC's stores transported by road or by rail?
- (3) What tonnage was carried last year by—
  - (a) rail;
  - (b) road transport?
- (4) With regard to road transport, what proportion is carried by—
  - (a) the SEC's own trucks;
  - (b) private road transporters?
- (5) How many trucks over 1½ tonnes capacity are operated by the SEC?
- (6) If "Yes" to (1), is the commission looking at a more efficient method of distributing its stores and equipment to Great Southern work depots?

Hon. PETER DOWDING replied:

- (1) Generally, yes. Albany is the regional store and deliveries are made in bulk. The small quantities required at Wagin are distributed from the regional store together with supplies for other districts and projects. On some occasions direct deliveries are made to Wagin.
- (2) Road.
- (3) (a) Negligible;  
(b) approximately 1 400 tonnes.
- (4) (a) 100 per cent;  
(b) only poles are delivered by a pole contractor.
- (5) 619 throughout the State.
- (6) No. The present system is considered to be the most efficient method of distribution of stores.

## TRADE: EXPORTS

*Live Sheep: Fremantle*

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

- (1) Has the Minister or his department commissioned a public health inquiry into the live sheep shipments through the Port of Fremantle and the associated effects on the Fremantle area?
- (2) If so, when will the report be released?

Hon. PETER DOWDING replied:

- (1) No. However the Fremantle Port Authority was represented on a committee established by the occupational health, clean air and noise abatement branch of the Health Department to investigate matters associated with the export of live sheep.
- (2) A report submitted by a working party is yet to be considered by the full committee, which comprises representatives of Government agencies, local government, and the live sheep industry.

## MINERALS

*Telfer: Government Facilities*

174. Hon. TOM STEPHENS, to the Minister for Employment and Training representing the Minister for Minerals and Energy:

- (1) What State Government facilities are provided to the township of Telfer?
- (2) What is the cost of these facilities to the State per annum and what contribution is provided by the mining company operating at Telfer to cover these costs?

Hon. PETER DOWDING replied:

- (1) and (2) The State Government provides only equipment for the school and medical centre together with teaching and medical personnel. Telfer is a company town, and there are no State Government facilities.

184. *Postponed.*

# EDUCATION: HIGH SCHOOL

## *Pemberton District: Relocation*

185. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Education:

With regard to Pemberton District High School—

- (1) Has a decision been made to relocate the school?
- (2) If so, where is the new site?
- (3) Has the Minister been made aware of the unsatisfactory conditions of the following rooms at the school—
  - (a) science room;
  - (b) home economics room;
  - (c) English room;
  - (d) manual arts centre;
  - (e) general classrooms; and
  - (f) resource centre?
- (4) If so, what does the department intend to do about each case?
- (5) Will the Minister, as a matter of urgency and before the end of the school year, visit the school?

Hon. PETER DOWDING replied:

- (1) No.
- (2) Not applicable.
- (3) The Minister is aware of the conditions at Pemberton District High School.
- (4) Any decision on the rooms mentioned is dependent on decisions about the relocation of the school.
- (5) I have already arranged to visit the school on 25 October.

# EDUCATION: PRIMARY SCHOOLS

## *Covered Areas*

186. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Education:

- (1) Has the department a programme of providing covered areas for primary schools?
- (2) If so, will the south-west schools in the heaviest rainfall areas be provided with these covered areas first?

Hon. PETER DOWDING replied:

- (1) Yes.

- (2) Priority is given to those schools which have large enrolments and little verandah space. New cluster schools are provided with a covered area as a part of the building programme.

187. *Postponed.*

# EDUCATION: HIGH SCHOOL

## *Bridgetown: Canteen*

188. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Education:

- (1) Have tenders been called for the canteen at Bridgetown High School?
- (2) If so, have the P. & C. at that school seen the plans?

Hon. PETER DOWDING replied:

- (1) Yes; closes on 1 October.
- (2) Yes.

# EDUCATION: PRIMARY SCHOOL

## *Manjimup: Painting*

189. Hon. A. A. LEWIS, to the Minister for Employment and Training representing the Minister for Education:

With regard to the Manjimup primary school—

- (1) Is it intended to complete the painting of the school, which was started with CEP funds?
- (2) If not, why not?
- (3) If so, when will the work be carried out?
- (4) Is it intended to paint the old Nyamup school buildings erected in the grounds?
- (5) If so, when?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) Not applicable.
- (3) The work is to be undertaken during the current school term.
- (4) Yes.
- (5) Structural work is needed as well, and finance is being sought for this. Painting will be undertaken when that work is done.

## SEWERAGE

*Leonora: Details*

190. Hon. N. F. MOORE, to the Leader of the House representing the Minister for Water Resources:

I refer the Minister to the proposed sewerage scheme in Leonora, and ask—

- (1) What is the expected capital cost of the scheme?
- (2) Who will provide the capital?
- (3) What is the expected annual operating cost?
- (4) How will the operating cost be financed?
- (5) What is the expected sewerage rate for each resident converted to the scheme?
- (6) Will this rate be payable by the tenants or the State Government with respect to GEHA, Homeswest, and other State Government-owned houses in Leonora?
- (7) Will residents whose properties are included in the area to be sewered, who choose not to connect to the scheme, be required to pay the rate?
- (8) What is the expected average cost to a householder to connect his residence to the scheme?
- (9) Will all residents in Leonora be included in the scheme?
- (10) If not, why not?
- (11) Will the Minister table a map of the town showing the area to be sewered and the location of the sewerage mains?
- (12) If not, why not?

Hon. D. K. DANS replied:

- (1) Several aspects of the design of the scheme are at present being reappraised. These will affect the capital cost.
- (2) The Water Authority of Western Australia, from within its capital works programme.

- (3) The operating cost will be reassessed when the design reappraisal has been completed.
- (4) The operating cost will be funded from within the budget of the Water Authority of Western Australia.
- (5) The amount of annual sewerage rate will vary according to the gross rental value of the property concerned and the actual rate in the dollar adopted by the Water Authority, and may range between \$100 and \$400 or higher.
- (6) The respective State Government departments will be required to pay the annual sewerage rate.
- (7) Yes. All residential properties capable of connection to the sewer are rateable and will be required to pay an annual rate.
- (8) The average cost of connection is expected to be in the order of \$1 250. As no two properties are alike, the cost will vary from property to property.
- (9) No.
- (10) The scheme will be limited to the more densely developed sections of Leonora.
- (11) No.
- (12) A plan will be forwarded to the member when amendments to the design following the current reappraisal are completed.

191 and 192. *Postponed.*

## LAND: URBAN LANDS COUNCIL

*Capitalisation*

193. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Housing:

Have interest charges and other expenses been capitalised on land stock held by the Urban Lands Council for the financial year ended 30 June 1985?

Hon. PETER DOWDING replied:

Interest charges and administration costs incurred during the year ended 30 June 1985 have not been capitalised.

## LAND: URBAN LANDS COUNCIL

*Covenants*

194. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Housing:

What covenants and endorsements are applied to titles for land sold by the Urban Lands Council?

Hon. PETER DOWDING replied:

On Urban Lands Council's own sales a caveat is lodged to ensure compliance with selling conditions.

For sales on behalf of other departments, no restrictions apply. However in relation to a particular parcel of land in Churchlands restrictive covenants have been applied to—

- (i) protect a brick wall at the corner of Pearson and Hale Roads; and
- (ii) to restrict the number of duplex units in the suburb.

## LAND: URBAN LANDS COUNCIL

*Allotments*

195. Hon. NEIL OLIVER, to the Minister for Employment and Training representing the Minister for Housing:

- (1) How many residential allotments were created by the Urban Lands Council in the financial year ended 30 June 1985?
- (2) What is the budgeted target of lots to be created in the current financial year?
- (3) How many lots have been created, to date, in the current year?

Hon. PETER DOWDING replied:

(1) Urban Lands Council's own production	626
Urban Lands Council's production on behalf of the State	203
	<hr/>
	829

- (2) The member will appreciate that production of land is undertaken having regard to demand. Because of the vagaries associated with forecasting the level of demand it is not sensible to be precise as to what land will actually be produced in a twelve month period. Indeed to endeavour to do so would be misleading.

Having regard to the foregoing—and I ask the member to be quite conscious of the qualifications indicated above—the council is basing its budget on some 920 lots on its own account and 79 lots on behalf of the departments.

- (3) Urban Lands Council's own programme, 51.

## TRANSPORT: RAILWAYS

*Electrification: Details*

196. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Transport:

With regard to the Government's announced intention to electrify the suburban rail system—

- (1) By whom was the financial feasibility of the proposal undertaken?
- (2) What was the financial loss estimate per passenger kilometre produced by the financial feasibility study?
- (3) What percentage rate of interest was assumed for the capital borrowings involved in the proposal?
- (4) What terms of repayment of capital borrowings was assumed in assessing the proposal?
- (5) What was the assumed cost of electricity used in the study?

Hon. PETER DOWDING replied:

- (1) W. D. Scott and Co Pty Ltd in conjunction with the lead consultants John Connell-Mott, Hay and Anderson.
- (2) Cost per passenger kilometre was similar for a diesel or an electrified system.
- (3) The prevailing rate of interest from the Central Borrowing Authority at the time of the study, namely 13.3 per cent.
- (4) Capital repayment is not a cost of a project and as such it was not considered.
- (5) State Energy Commission's published tariff "U1".

## QUESTIONS WITHOUT NOTICE

### PORTS AND HARBOURS: BUNBURY

#### *Dispute: Redeployment*

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

- (1) Has the Minister read the article in today's *The West Australian* under the heading "Hearing on port dispute boycotted" wherein there appears the following comment—

In an unusual move, the State Government intervened yesterday and offered to retrain and reemploy the sacked workers.

- (2) If so, is the report correct and was the offer made on the Minister's authority?

Hon. PETER DOWDING replied:

- (1) and (2) Since there appears to be an impasse in the negotiations to attain a return to work, and without recognising with any approbation at all the role that certain people have played in bringing on this dispute, the Government nevertheless took the dispute so seriously as to look at the possibility of it performing that role if it were the commissioner's view that that was an appropriate way of overcoming problems leading to a settlement. At this stage the dispute has not been resolved. The Government's position remains; it will do the bidding of the commissioner if the commissioner believes that that is an appropriate mechanism for resolving the dispute.

### PORTS AND HARBOURS: BUNBURY

#### *Dispute: Redeployment*

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

I take it from the Minister's comment that he has read that newspaper article and that it was made with his authority. I ask him how he equates that answer with the answer he gave me yesterday. I will refresh his memory. I asked this question of the Minister at 5.00 p.m. yesterday—

Has the Government indicated to the Maritime Workers Union and to those men who have been dismissed that if all else fails they will be found Government jobs?

The Minister's reply was as follows—

That has not been indicated to any parties to the dispute.

Later in the answer the Minister said—

...there has been no resolution, nor any offer of resolution, of the dispute.

Did he have knowledge of that offer? I suggest that it appears that the statement deliberately misled this House.

Hon. PETER DOWDING replied:

Those answers are not in conflict at all. The Leader of the Opposition should understand that the Government made it clear to the commissioner that it would be prepared to assist him in resolving this matter. It did not make an offer to anybody in the terms that the Leader of the Opposition asked me about yesterday. My answer of yesterday stands. If the Leader of the Opposition had asked me what statements had been discussed with the advocate who was appearing for the Government and what he would tell the commissioner, I would have answered the question. However, he did not ask me that.

### PORTS AND HARBOURS: BUNBURY

#### *Dispute: Law-breaking*

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

Are the Maritime Workers Union members involved in the Bunbury Port Authority dispute breaking the law by refusing to obey the orders of the Industrial Commission?

Hon. PETER DOWDING replied:

The Leader of the Opposition asked me for a legal opinion and I am not in a position to give a legal opinion. I make it clear that the Government has supported the Bunbury Port Authority in its present position. I also make it clear that we are using our good offices to assist the Bunbury Port

Authority and the Federal commission to bring about a resolution of this very serious dispute. May I say that if the Leader of the Opposition were to have applied his energies in a similar direction I am sure we would all be very grateful.

Hon. A. A. Lewis: You caused it all.

The PRESIDENT: Order! Before I call for the next question I remind the Leader of the Opposition that the Minister is perfectly correct and he cannot ask for a legal opinion.

## PORTS AND HARBOURS: BUNBURY

### *Dispute: Commission Order*

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

Perhaps I could rephrase my question. Is an order of the commission an order which has the force of law? An answer of "Yes" or "No" will suffice.

Hon. PETER DOWDING replied:

It remains a legal question.

Hon. G. E. Masters: Come on. You know whether it is a lawful order or not, don't you? It is not a legal question.

Hon. PETER DOWDING: I could express an opinion about legal matters, but it happens to be contrary to the Standing Orders, and it is a legal opinion.

Hon. G. E. Masters: Is it a lawful order? All right. I will not pursue the question.

The PRESIDENT: The Standing Orders clearly indicate the realms of the terms in which a question can be couched. A legal opinion is a legal opinion and questions are out of order if they traverse that area.

## EMPLOYMENT

### *Bunbury: Government Offers*

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

In view of the Minister's earlier statement that there was an indication by the Government before the industrial commission that there may be an opportunity for those people who have been sacked during the dispute to be given Government jobs, I ask the Minister to explain to the House and to

the unemployed people of Bunbury, including those many young unemployed people—Bunbury has the highest rate in this category in WA of 25 per cent—why they too are not being offered Government jobs, and if all the job offers are not taken up by the sacked MWU members will those jobs be made available to the law-abiding unemployed people of Bunbury?

Hon. PETER DOWDING replied:

That comment illustrates the real stimulus of the Leader of the Opposition's questions. He is not interested in this dispute being settled. Let me pose rhetorically and hypothetically a question. If it were the case that—

Hon. N. F. Moore: Hypothetical questions are out of order. You should know the rules by now.

Hon. PETER DOWDING: —the Government were able to create a situation wherein there was a complete lifting of bans and a return to work on the basis that the Bunbury Port Authority accepted it, subject to the continuation of those bans for a variety of reasons, would the Leader of the Opposition expect the Government to examine closely those additional reasons and whether some of those reasons might be within the ability of the Government to deal with them? I am not committing the Government to employing four, 10, 11, 15, or 20 people. I simply make it clear that we will use our good offices in accordance with the requests of the Bunbury Port Authority and the Federal commissioner to bring this very serious dispute to an end.

I will not permit my answers to be hung up on the fear that the Leader of the Opposition might ask a question in the House to try to prevent a settlement of the dispute. The Government is dedicated to supporting the Bunbury Port Authority in bringing that dispute to an end. There is no way that that simple mouthing of platitudes will bring the dispute to an end. I make it clear that the Government will assist the Bunbury Port



Authority and the Federal commissioner in every way it can until the dispute is resolved.

## INDUSTRIAL RELATIONS: DISPUTES

### *Strikers: Employment*

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

I preface my question by saying that if the Minister had made the remark he just made two weeks ago there would not be a dispute today.

Hon. Peter Dowding: That is nonsense. That is pathetic.

Hon. G. E. MASTERS: It is interesting how day after day the Minister refused to answer this question two weeks ago.

Has the Government on any previous occasion offered employment to strikers during an industrial dispute?

Hon. PETER DOWDING replied:

Hon. Gordon Masters has a most inflated view of the importance of his utterances in this House if he thinks that making an utterance will have a major impact outside of this House.

The Government, Hon. Julian Grill (the Minister for Transport), and I have been involved in doing what can be done to bring an end to this dispute. We have expressed in the strongest possible terms to parties to the dispute the position that we occupy and our support for the Bunbury Port Authority. It has not been a successful mechanism to run those discussions in public while there were prospects of settling the dispute.

As the dispute has gone on, the position has changed and the Government's role has altered in that it has formally sought to intervene before the industrial commission. To suggest that if the Government had done that two weeks ago or that I had made some statements here two weeks ago, when the Bunbury Port Authority has had the carriage of the action, is a vote of no-confidence in the authority. The Government has given the authority support. We have not been running the dispute publicly because we believe that is not the way to resolve industrial conflict. That is still the position.

I do not think Hon. Gordon Masters is, as I said before, interested in the settlement of the dispute, otherwise he would not go around peddling the sort of criticisms during the course of very sensitive discussions as he has purported to do in his questions.

## QUESTIONS

### *Guidelines*

The PRESIDENT: Order! I again remind all members about the very important session in any Parliament of our kind called question time, and that the purpose of it is to seek and to receive information. Some guidelines as to the way in which questions can be asked are laid down quite clearly and distinctly in our Standing Orders. There is an equal responsibility on the person answering the question to conform with the same requirements. However, there is also a requirement that, in answering a question, it is out of order to debate the substance of the question. I suggest to those members asking the questions that they abide by the provisions of Standing Order No. 154 and that the members answering the questions abide by the provisions of Standing Order No. 155.

## UNION: MARITIME WORKERS UNION

### *Deregistration: Government Involvement*

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

Mr President, I am seeking information and replies, hard as it may seem at the moment for me to get those replies. There is great interest in the questions and answers in this House. I recognise, more than anyone, the importance of this matter as does the Bunbury Port Authority and the Australian Workers Union.

- (1) Will the Minister seek leave to intervene in the public interest to support the Bunbury Port Authority's application to deregister the MWU?

- (2) If not, why not?

Hon. PETER DOWDING replied:

- (1) and (2) That matter has not been regarded, at this stage, as a necessary step for the Government to take.

# UNION: MARITIME WORKERS UNION

## *Deregistration: Government Involvement*

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

In view of the fact the Government saw fit to intervene in the redundancy case in the Eastern States by sending, at great public expense, people to represent the Government, does he now say that he does not consider this matter of sufficient importance for the Government to take an active part in the public interest?

Hon. PETER DOWDING replied:

No, I do not assert that.

# PORTS AND HARBOURS: BUNBURY

## *Dispute: Demarcation*

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

Does the Minister regard the Bunbury Port Authority dispute as a demarcation dispute?

Hon. PETER DOWDING replied:

That really calls for an expression of opinion from me. In fact, it is not a demarcation dispute. It began as a jurisdictional dispute and there have been all sorts of things since. One can give it all sorts of tags. I would not characterise it as a demarcation dispute in its original form.

# PORTS AND HARBOURS: BUNBURY

## *Dispute: Ministerial Information*

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

Does the Minister keep his fellow Ministers who are likely to be affected by the dispute fully informed of what is happening and the circumstances of the dispute?

Hon. PETER DOWDING replied:

There is a great deal of co-ordination and discussion between various Ministers. We all collect information from different sources and form opinions from time to time about the dispute. We might have different opinions but we discuss them.

I have made it clear that I think there is a good liaison between me and my friend, Julian Grill, the Minister for Transport, and no formal consultative process has been set up.

Hon. P. H. Lockyer: What about your argument with Julian?

Hon. PETER DOWDING: The member is a liar.

## *Withdrawal of Remark*

Hon. P. H. LOCKYER: The Minister has referred to me as a liar. I demand that he withdraw.

The PRESIDENT: The Minister will withdraw.

Hon. PETER DOWDING: I withdraw. I ask, also, for the withdrawal of the assertion by Hon. Philip Lockyer, which was a pathetic perversion of the truth, that there was some dispute between me and Hon. Julian Grill. He asserts that there has been a fight. I seek the withdrawal of that interjection.

The PRESIDENT: The Minister knows better than anybody else, because of his professional training, that the Standing Orders state that if a member takes offence at something that has been said, he rises at the time to take a point of order. He did not. Apart from that, I do not consider that the comments were unparliamentary.

Hon. Peter Dowding: Oh, come on!

The PRESIDENT: Look, the Minister also knows better than most people that there is a provision in the Standing Orders for him to now take appropriation action to publicly say what he just endeavoured to whisper to himself, that my ruling is wrong. I suggest that he take that action. He knows what it is. If he does not, I take it that he knows that he is wrong.

## *Questions without Notice Resumed*

# PORTS AND HARBOURS: BUNBURY

## *Dispute: Demarcation*

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

In view of the previous two questions dealing with the demarcation dispute and consultations with his ministerial colleagues, does the Minister know

that the Minister for Agriculture advised the annual general meeting of the Western Australian Fruitgrowers Association this morning that the dispute is a demarcation dispute and that he also declined publicly—

Hon. Fred McKenzie: How would he know that?

The PRESIDENT: Order! I suggest that members cease their interjections. I repeat, for the umpteenth time, that questions without notice should be concise so that if a member is seeking information, the member from whom he is seeking that information has a fighting chance of knowing what the question is. Question time is difficult enough for members to comprehend what questions are about without a multitude of interjections going backwards and forwards across the Chamber at the same time. I suggest to the member that he get on with asking the question.

Hon. G. E. MASTERS: Does the Minister know that the Minister for Agriculture advised the annual general meeting of the Western Australian Fruitgrowers Association today that the dispute at the Bunbury port was a demarcation dispute and that he declined publicly to state his support for the Bunbury Port Authority?

Hon. PETER DOWDING replied:

No, and I make it clear, as I have done before, that the question of how one characterises this dispute is a matter of opinion. The real issue is what are the effects of the disputes and those effects are known both to me and the Bunbury Port Authority.

#### ABATTOIRS: MEAT COMMISSION

##### *Brand-changing Scheme*

167. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Agriculture:

- (1) Have any CIB investigations been instituted concerning meat or cattle purchases made by the Western Australian Meat Commission?
- (2) If so, do these investigations involve allegations of a large-scale brand-changing scheme?

(3) If "Yes" to part (1) or (2), will he outline the nature of the allegations and the progress of the investigations?

Hon. D. K. DANS replied:

(1) to (3) I thank the member for notice of the question. Unfortunately, I received the answer only five minutes before I was due in this House.

The answer I have before me is that these matters are within the portfolio responsibility of the Minister for Police and Emergency Services.

Had I noticed the Minister for Agriculture's answer to Hon. P. G. Pendal's question earlier today, I would have directed his question to the Minister for Police and Emergency Services. I advise him that I will obtain the answer to his question tomorrow.

#### ABATTOIRS: MEAT COMMISSION

##### *Brand-changing Scheme*

168. Hon. P. G. PENDAL, to the Attorney General representing the Minister for Police and Emergency Services:

I thank the Minister for his answer and ask you, Mr President, for your guidance because I have a second question without notice which is addressed to the Attorney General in his capacity as the Minister in this House representing the Minister for Police and Emergency Services. I am aware that the Attorney General is not present.

The PRESIDENT: Order! The member should direct his question to the Leader of the House.

#### ABATTOIRS: MEAT COMMISSION

##### *Brand-changing Scheme*

169. Hon. P. G. PENDAL, to the Leader of the House:

- (1) Have investigations been instituted by the CIB into allegations of a large-scale brand-changing operation?
- (2) If so, do the allegations relate to cattle brought down from the Kimberley?
- (3) If so, has the recipient of the cattle been the Western Australian Meat Commission at Robb Jetty?

- (4) If so, are estimates of \$30 million as being the magnitude of allegations accurate?

Hon. D. K. DANS replied:

I advise the House that because the Attorney General is not present I will have to answer the question on his behalf or I can decline to answer it.

Hon. P. G. Pandal: I appreciate that.

Hon. D. K. DANS: The answer is as follows—

- (1) No. However the CIB is investigating large-scale cattle thefts in the Kimberley.
- (2) Yes.
- (3) Yes in some instances, in a bona fide capacity.
- (4) No.

#### PORTS AND HARBOURS: BUNBURY

##### *Dispute: Cost*

170. Hon. D. J. WORDSWORTH, to the Minister for Industrial Relations:

With regard to the dispute at the Bunbury Port Authority I advise that in the debate in this House I read in the submission to the commission that it would cost approximately \$427 000 annually for a change in the union to which the 12 staff belonged. The Minister has interjected that that amount was not correct and I ask if he could inform the House of the correct figure?

Hon. PETER DOWDING replied:

No, I cannot give a precise figure. However, I am informed by my officers that a variety of proposals were considered. It was estimated initially that the cost of one proposal would be over \$400 000 and a subsequent costing revealed that the figure would be in the vicinity of \$100 000. However, none of that information has been relevant as far as the discussions in which I have participated are concerned, and I have not followed up the matter.

#### UNION

##### *Australasian Meat Industry Employees Union: Industrial Action*

171. Hon. TOM KNIGHT, to the Minister for Industrial Relations:

- (1) Is the Minister aware of a Press announcement today in which the Meat Industry Employees Union has threatened employers with increased industrial action if a fine of \$250 000 against that union is not dropped?
- (2) Is he also aware that the union has called for strikes in Queensland, Northern Territory, and New South Wales on Thursday and in Victoria, South Australia, and Western Australia on Friday in retaliation against employers and their stand in regard to the Mudginberri dispute?

Hon. PETER DOWDING replied:

- (1) and (2) I have been out of my office for the best part of the afternoon and I have not had any contact with it.

#### UNION

##### *Australasian Meat Industry Employees Union: Industrial Action*

172. Hon. TOM KNIGHT, to the Minister for Industrial Relations:

Further to my previous question and assuming that the information will be given to the Minister tomorrow, what steps will the Government take to avert this strike and associated action?

Hon. PETER DOWDING replied:

I cannot make any comment on material I have not seen.

#### GAMBLING: TWO-UP

##### *Member's Comments*

173. Hon. JOHN WILLIAMS, to the Leader of the House:

In view of the fact that the Attorney General is obligated to be elsewhere today, will the Leader of the House draw to the attention of the Attorney General my remarks in regard to two-up in the Address-in-Reply debate?

**Hon. D. K. DANS** replied:

All remarks made in this House are referred to the appropriate Ministers, and this applies to remarks made in the Address-in-Reply speech or any other speech.

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