

Legislative Council

Tuesday, 16 June 1987

THE PRESIDENT (Hon. Clive Griffiths) took the Chair at 3.30 pm, and read prayers.

BILLS (3): ASSENT

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

1. Great Southern Development Authority Bill.
2. Declarations and Attestations Amendment Bill.
3. Local Courts Amendment Bill.

HOMOSEXUAL ACTIVITIES: LEGALISATION

Opposition: Petitions

The following petition bearing the signatures of 16 persons was presented by Hon. P. H. Lockyer—

To the Honourable the President and members of the Legislative Council of the Parliament of Western Australia in Parliament assembled:

The humble petition of the undersigned citizens of Western Australia respectfully sheweth that:

1. We oppose the legalisation of homosexual behaviour under any circumstance for any reason.
2. We regret that the Labor Party (albeit through a private member's Bill) is attempting to legalise homosexual behaviour for the fourth time in Western Australia since 1973.
3. We note with alarm reports by Professor David Pennington, head of the Federal Government's AIDS Task Force, that (a) AIDS is spread primarily through homosexual practices and (b) of 17,500 diagnosed cases of AIDS in Australia to date, only 20 persons have contracted the disease through heterosexual acts (*The Australian*, May 14, 1987, pp.3,13).

4. We reject the false argument that the way to combat AIDS is to legalise the unhygienic behaviour which is primarily responsible for the transmission of the disease.

Your petitioners therefore humbly pray:

That all members of the Legislative Council vote against the **CRIMINAL CODE AMENDMENT BILL 1987**.

And your petitioners, as in duty bound, will ever pray.

Similar petitions were presented by Hon. P. G. Pandal (902 persons), Hon. Max Evans (72 persons), Hon. A. A. Lewis (205 persons) and Hon. Kay Hallahan (116 persons).

(See papers Nos 222 to 226.)

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL WESTERN AUSTRALIAN MARINE AMENDMENT BILL

Cognate Debate

HON. GRAHAM EDWARDS (North Metropolitan—Minister for Sport and Recreation) [3.36 pm]: I seek leave of the House for these Bills to be discussed concurrently at the second reading stage in accordance with Standing Order No. 256.

Leave granted.

CRIMINAL CODE AMENDMENT BILL

Second Reading

Debate resumed from 11 June.

HON. P. H. LOCKYER (Lower North) [3.37 pm]: From the outset of this debate I have made it clear to my colleagues, and to other people who have asked me, that I am keeping a very open mind in relation to this Bill.

Of all the members of the Legislative Council whom I have met during my seven years in this House, one that I hold in high esteem is Hon. Robert Hetherington. Even though there have been issues on which we have been at odds at different times, I have no doubt about his sincerity, particularly his sincerity regarding this subject.

To date, I have not been convinced that I should support Hon. Robert Hetherington's Bill. However, I will not say outright that I will not support it. After listening carefully to the comments made by Hon. Margaret McAleer on the last sitting day of this House, I will definitely keep an open mind.

I am disappointed that the Government did not introduce this Bill via one of its Ministers in this House. Instead, it has used a member, in this instance Hon. Robert Hetherington, to take that action. I am sure that the Bill would have held more weight if the ALP had solidly supported it as is its wish. I have no doubt that sooner or later this House will hear from one of the Government's frontbench members who will outline the Government's actual stance on the legislation. After all, it is written into the ALP's platform and sooner or later a Government frontbench member will have to say something.

One matter that has come to my attention is that since my time in this Parliament, I have never been bombarded with more correspondence on one subject as I have on this legislation. Apart from that, I have never heard so many petitions introduced into this Parliament on the one subject with so many people strongly objecting to the Bill.

This afternoon several members from both sides of the House presented petitions on this very subject. I am well aware that if a member of Parliament presents a petition to the House it does not necessarily mean it is that member's personal view on the matter. A good member of Parliament must present to this House petitions that are presented to him.

It is obvious that this legislation has caused a great deal of comment in the community. One area that is causing people considerable concern is the relationship of this Bill to the problem of AIDS. Various groups have come to see me about this legislation and I have listened with patience and courtesy to each group. The general opinion is that if this House agrees to this Bill it will virtually be giving a licence to certain sections of the community to spread AIDS.

I have listened to those people who say that the homosexual community is able to control itself within its own community. It is a complex situation to decide. I am not personally against the decriminalisation of homosexuality. It is desirable. However, I have some reservations about the problem down the line. Whether it should become a subject to be taught in our schools, or something which should be deemed acceptable to the general community, I do not know.

In all honesty, I am committed to listening to further debate on the subject. I do so because of the courtesy extended to me by Hon. Robert Hetherington, who has made available to me

any information I required. He has always made it quite clear that he is not exerting any undue pressure. I am impressed with the way that he personally feels. With my colleague, Hon. Margaret McAleer, I have seen the sincerity with which a delicate subject like this has come to the fore. For that reason I am prepared to listen to the end of the debate before making my own personal decision on the matter.

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [3.41 pm]: I propose to enter this debate very briefly for the purpose of responding to specific issues which Hon. Margaret McAleer raised in the course of her address. Before dealing with those matters, though, I should respond to the question Hon. Philip Lockyer has now asked as to the position of the Government on this Bill.

There is no question about the Government's position; it supports the Bill, as it supported Mr Hetherington's earlier Bill in 1984. Nothing has changed in the meantime to vary that position, except in relation to the emergence of the AIDS problem as a major factor. That, if anything, operates to fortify the view of the Government that this Bill should be enacted.

Miss McAleer suggested, in particular, that the limited amendment proposed in Hon. Robert Hetherington's Bill could lead to teaching in schools that homosexuality is an acceptable lifestyle, homosexual couples being treated as families for legal purposes, and homosexual couples being permitted to adopt children.

I have also noted in the Press that the member for Cottesloe has suggested that the Government may move to amend the Equal Opportunity Act to cover discrimination on the grounds of sexual preference. On behalf of the Government I indicate to the House that the Government's support for this Bill is not intended to suggest support for, nor does the Government intend to act on, any of the above four matters.

The Minister for Education has authorised me to advise the House that he does not propose, nor does he support, teaching in schools of the nature which Hon. Margaret McAleer has referred to.

Hon. P. G. Pendal: Rubbish!

Hon. J. M. BERINSON: The Minister for Community Services has also authorised me to say that she has no proposals, nor does she support action on the two other matters mentioned by Hon. Margaret McAleer.

Hon. P. G. Pendal: Rubbish! It is in your platform.

Hon. J. M. BERINSON: The Premier, who is responsible as Minister for Women's Interests, has also indicated that he does not propose, nor does he support the amendment of the Equal Opportunity Act to deal with discrimination on the grounds of sexual preference.

Hon. P. G. Pental: Rubbish!

Hon. Kay Hallahan: You keep saying "Rubbish". Have you anything else to contribute?

Hon. P. G. Pental: That is what this Bill is.

The PRESIDENT: Order! I ask honourable members to stop interjecting.

Hon. J. M. BERINSON: It should therefore be clear that while the Government supports the amendment to the Criminal Code as proposed by Hon. Robert Hetherington, it does not propose to move further in any of these areas. Nor does the Government believe that the decriminalisation measure will of itself have any effect.

Hon. P. G. Pental: Rubbish!

Hon. J. M. BERINSON: I commend the Bill to the House.

Debate adjourned, on motion by Hon. W. N. Stretch.

MARKETING OF EGGS AMENDMENT BILL

Third Reading

Bill read a third time, on motion by Hon. Graham Edwards (Minister for Sport and Recreation), and returned to the Assembly with amendments.

SALARIES AND ALLOWANCES AMENDMENT BILL

Second Reading

Debate resumed from 9 June.

HON. MAX EVANS (Metropolitan) [3.46 pm]: I support the Bill, which will give the tribunal jurisdiction to inquire into the entitlements of and benefits to be provided for former Premiers of the State and former members of the Legislative Assembly and Legislative Council of the State.

This is a move in the right direction to put this matter into independent hands to make these decisions. In Parliament most Governments will bend over backwards to do the reverse; they will not be overgenerous. This has

been a big mistake in the past. Governments and Oppositions should recognise the contributions of members, and this Bill takes the matter out of the hands of the Parliament.

There is an advantage in achieving a degree of neutrality regarding entitlements and benefits of former members. These will require more and more scrutiny as time goes on to keep them in line with the outside community. These things must be reviewed from time to time.

The tribunal is still short of one member and I would like to see the Government fix that. This Bill is consistent with the 1986 amendment which gave the tribunal jurisdiction to inquire into and determine certain matters related to parliamentary superannuation.

When we were discussing this matter with former Government employees, some Government employees seemed to think that the members' superannuation fund is funded by the Government. I pointed out that the original concept was that the fund would be fully funded by members and the Government. Actuarially it is not possible to calculate the life of a member in Parliament because no-one has any control over it.

Hon. P. G. Pental: Short!

Hon. MAX EVANS: The calculations are done on normal life spans of people in the work force. In our case people leave after shorter periods of time. It has been necessary in the past for the Government to put in further funds. Members should not be embarrassed by this factor; it is a fact of life. The superannuation aspect should be properly looked into and I support this Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by Hon. J. M. Berinson (Leader of the House), and passed.

**POLLUTION OF WATERS BY OIL AND
NOXIOUS SUBSTANCES BILL
WESTERN AUSTRALIAN MARINE
AMENDMENT BILL**

Second Readings

Debate resumed from 10 June.

HON. NEIL OLIVER (West) [3.50 pm]: It is obvious that this Bill should be debated cognately with the Bill that follows on the Notice Paper; that is, the Bill to amend the Western Australian Marine Act 1982.

This Bill is supported by the Opposition; in fact, it is complementary legislation to that which was first introduced by an international convention about 1973. It has taken some time for its passage through the various Parliaments throughout the world from the time it was adopted as an international convention. I understand that complementary legislation has also been passed in some other States of Australia up to this time.

What did surprise me a little was that on page 3 of the Bill, in relation to definitions, it refers to "place on land" and says that includes "anything afloat (other than a ship)". That description seems to indicate that it includes platforms other than ships, such as the North West Shelf platform, and I presume this legislation also incorporates that activity which is occurring in Western Australia.

I understand that the Bill also repeals a Bill introduced into the Western Australia Parliament in 1960 known as the Prevention of Pollution of Waters by Oil Act.

In regard to the second item of legislation, the Western Australian Marine Amendment Bill, specifically is directed at that area of activity which is the responsibility of the State of Western Australia; that is, our territorial waters in relation to Commonwealth and international waters.

That really is all I need to say. Our society is aware of the dangers that can occur with pollution. We have seen some very major disasters throughout the world and the risks associated with them, both to fish and other marine life and to those industries associated with the sea.

I support the Bill.

HON. H. W. GAYFER (Central) [3.54 pm]: As the previous speaker said, the Bill before us follows on from worldwide legislation that has taken place, particularly in relation to pollution by oil; but it also follows recent legislation that has passed through the Federal Parliament.

In his second reading speech the Minister informed us that the Bill is based on a model Bill which has now been drafted to enable all Australian States to give effect to the convention. My question to the Minister is: Which States have already given effect to the convention? Just as a matter of interest, are we the first? I have noted, and I agree, that we must be very observant of this problem that seems to be ever-increasing. It is a very costly exercise and we must minimise the problem.

However, what concerns me about both this Bill and the consequential Bill—the Western Australian Marine Amendment Bill—is the very large figures that are mentioned in the maximum penalty clauses. The Bill talks of an unauthorised discharge by a body corporate, where the maximum penalty will be around \$250 000. Having said that we support the Bill and the intention of the Bill, we wish to point out to the Minister that we are equally sensitive to the problem we have in Australia, which is reliant on exports, of the pricing out of business not only of our shipping but also of the shipping that comes to our ports. Having had a good deal to do with shipping in my lifetime—shipping coming to the ports of Western Australia in particular—I know that every cost and every provision of every insurance on every ship that is added to a charter come back to the person who is shipping the product or produce; there is no doubt about it.

That looks very good from the point of view of the people who are conscious of this style of thing. However, I believe that the willy-nilly acceptance of this type of Bill—it is a good Bill—is opening Pandora's box for more and more to come, with no ceiling to be placed on the maximum penalties that can be imposed, all of which will be insured against by the shipper. It will not cost him anything. It will not make any recalcitrant corporate body responsible. All it will do is to pass the cost on to Lloyd's or some other insurer. But when the ship is chartered and that ship comes to our port to pick up goods or discharge them, guess who will be paying? It will be the people who ship goods out of Western Australia or the people who are importing goods into this State.

So while we believe we should have perfectly clean surroundings, and wish to protect our beaches, we do not want that to happen at a cost that is passed on to somebody else by the terms of this Bill. We do not intend that at all. All we are doing is picking up in this and subsequent Bills the authority to appoint committees and to specify penalties and charges on

ships that break the laws that we impose. We are not going to allow that cost to be passed on to some other person, because that some other person will be us; there is nothing surer than that. We are the producers who use the shipping, and already we have some of the highest possible charges levied against the ships leaving our shores.

For example, the freight charge of wheat going to Indonesia from Australia can be higher than the freight on wheat coming from the west coast of America. It should be cheaper to ship it from our shores—part of Australia is only 250 miles from Indonesia. It is very close in terms of shipping the wheat from here to a mill close to Djakarta.

While the National Party agrees with the intent and purpose of this Bill, it does not want Parliament to think that, merely by passing this Bill, it has made an arrangement to fix this matter up for all time. All the Parliament has done is to pass a Bill to make it possible to tighten up what prevails at present—to tighten up on companies by passing their responsibilities and commitments on to inspection committees, which will be laid down in subsequent Bills and which will take place periodically. The cost of these inspection committees will be passed on to shipping companies or corporate companies that will, in turn, insure against such costs. In the end the people who charter the shipping will have to pay the piper.

There is no such thing as a free meal in this country. The Government might think it will get away with this free meal by bringing in a nice sounding Bill, and the National Party will agree to it, but the Government is only bringing in extra costs. We Australians will suffer those costs and we will not like it very much at all. Costs will go up and will continue to do so. We are apt to allow people to make suggestions which are perhaps unnecessary and we allow them to go ahead with those propositions without any idea of who is going to pay for them.

The National Party accepts the Bill but notes that it will be an added cost to industries which use shipping in this country.

HON. GRAHAM EDWARDS (North Metropolitan—Minister for Sport and Recreation) [4.02 pm]: I thank members opposite for their support, not only of the Bills but in allowing the House to debate them cogently because they are very much Bills that need to be debated together.

I take the point raised by Hon. H. W. Gayfer. On the face of it a penalty in the vicinity of \$250 000 could make one shudder, but I suppose one should shudder when one thinks about the potential for damage through an illegal discharge of oil at sea. As Hon. Neil Oliver pointed out in his contribution to this debate, we have seen in different parts of the world the tremendous amount of damage that can be done in such a circumstance. One cannot separate the massive damage that can occur as a result of these discharges from the large penalties we need to apply to make it less likely that those things occur.

Australia is not alone in this whole thrust and it is not alone in trying to become involved in what the Bill seeks to achieve. We are party to an international agreement and we are party to an Australian agreement. This Bill brings Western Australia into line with the other States. I will find out which other States are involved. The Bill brings us into line also with what is happening with the Commonwealth. As I understand it, even if we were not to proceed with this Bill, those penalties would apply in waters controlled by the Commonwealth. These two Bills give us greater control over what is happening in State waters. One Bill follows on from the other. The second Bill gives us the ability to ensure that certain classes of shipping carrying oil and noxious liquid substances are inspected according to standards which have been laid down. There is no doubt that there will be some costs involved in that but I understand it will not affect any shipping operating in Western Australian waters at the moment.

I commend the Bill to the House and in so doing say that it is appropriate that Australia is part of this international action which seeks to minimise the massive problems we have seen in other parts of the world and which hopefully we shall not see in this part of the world.

I commend the Bill to the House.

Questions put and passed.

Bills read a second time.

POLLUTION OF WATERS BY OIL AND NOXIOUS SUBSTANCES BILL

In Committee

The Deputy Chairman of Committees (Hon. Garry Kelly) in the Chair; Hon. Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

Clause 1: Short title—

Hon. H. W. GAYFER: I trust you, Mr Deputy Chairman, will allow me to make mention of the Western Australian Marine Amendment Bill as I want to make sure that my words follow the speech just made by the Minister handling the Bill. You may have to rule me out of order because I have not touched on this subject matter previously.

The Minister said in relation to the first Bill, when he referred to my problem with the high costs associated with these Bills being offloaded, that I had to realise that this is a universal type of Bill. It is something that every country is looking at, so the problem will be universally spread. I think the Minister missed the point of my argument. The first Bill deals with the universal problem—that is, pollution of waters—and it will generally be recognised by MARPOL and will cover the cost of shipping and so on. It is a draft Bill which is being looked at internationally; but the second Bill, the Western Australian Marine Amendment Bill, is the machinery by which the inspections and everything else will be carried out. If I can still deal with these Bills jointly, that raises argument about the Bills providing for periodic surveys on shipping and the making of regulations which set out the requirements and so on within the field of the second Bill.

This is a Western Australian Bill which affects Western Australia, and if we are not careful the costs will get away from us. It would be a lot cheaper to look after the general intent of the Bill on a universal scale and its implementation by some of the Asian countries.

The DEPUTY CHAIRMAN (Hon. Garry Kelly): Order! If the honourable member wishes to speak on this topic I think he would be better leaving it to clause 1 of the second Bill.

Hon. H. W. GAYFER: I have not transgressed in relation to the first Bill.

The DEPUTY CHAIRMAN: You are dealing with material contained primarily in the Western Australian Marine Amendment Bill.

Hon. H. W. GAYFER: But that Bill does not allow me to talk about the overseas application of this matter. That is what this Bill deals with. That is exactly what I was doing, and *Hansard* will prove I was right.

The DEPUTY CHAIRMAN: If you confine yourself and do not refer to the second Bill you may continue.

Hon. H. W. GAYFER: The point I wish to make is that in respect of the Bill dealing with general pollution—the universal problem which is recognised—it will be a lot cheaper to apply the local regimentation in some international ports than it will be in Western Australia. I think the Minister now has the thrust of what I am driving at. While we have no complaint about the thrust of the Bill universally we have some concern about how we can set up competitively in Australia, and Western Australia in particular, the same sort of structure which will apply in some other countries which will be able to do their inspections more cheaply than we can.

Hon. GRAHAM EDWARDS: I take the point the member has raised. As I understand it, he is looking at costs which may need to be absorbed by local industry or the taxpayer as a result of the need for inspection. It seems to me that this is inescapable, but that prevention and cost now, if there is a cost to be applied, will help prevent in future years a massive oil spillage which will cost an enormous amount to clean up. That cost would still need to be borne by the taxpayers of this State. However, implementation of measures which may help to prevent such an occurrence will also save those potentially tremendous costs. I hope I have centred in on the argument the member is putting.

This is a tremendous problem and one with great monetary costs attached, and costs in terms of the damage done to the ocean environment. There is also the need to clean up spillages; one cannot let them be. If there is to be a massive cost perhaps it is better that it be applied at a stage which will help to prevent the likelihood of those things taking place. I understand that at the moment there is no massive cost confronting industry, but it will certainly need eventually to take on the provisions of this Bill and meet the standards provided in the subsequent Bill.

Clause put and passed.

Clauses 2 to 38 put and passed.

Schedules 1 to 5 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. Graham Edwards (Minister for Sport and Recreation), and passed.

WESTERN AUSTRALIAN MARINE AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (Hon. Garry Kelly) in the Chair; Hon. Graham Edwards (Minister for Sport and Recreation) in charge of the Bill.

Clause 1: Short title—

Hon. H. W. GAYFER: I do not wish to weary the Chamber on this, but I have to make the point that the Minister for Agriculture, when he was Minister for Transport, told the port authorities that they must recover all costs associated with the running of the ports. The charges associated with this Bill will be part of the cost of surveillance and running of the ports. It will be offloaded in one of two ways—in either the berthage or the wharfage charges. This is the point I am making. While we agree with the thrust of the Bill I point out that it is not the taxpayer who picks up the tab because the Minister said things will no longer operate that way. That is what Cabinet decided. The tab will be picked up by the people who are using the port.

We are very cognisant of that fact, and we will take every opportunity to speak against any charge that may be levied against the users of the port, whether they be concerned with the product coming in or the produce going out. Whether it be a charge levied against ships or the port, it all ultimately becomes a charge which goes back to the shipper or the producer, and more often than not—in fact I would say in all cases—it finishes up with the producer or the exporter. We have to watch the situation otherwise it will go on and on and somebody back on the land with a supposedly bottomless pocket will be paying for it.

Clause put and passed.

Clauses 2 to 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

Third Reading

Bill read a third time, on motion by Hon. Graham Edwards (Minister for Sport and Recreation), and passed.

ACTS AMENDMENT (WATER AUTHORITY RATES AND CHARGES) BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Graham Edwards (Minister for Sport and Recreation), read a first time.

SUPERANNUATION AND FAMILY BENEFITS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Leader of the House), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) {4.22 pm}: I move—

That the Bill be now read a second time.

This Bill amends the Superannuation and Family Benefits Act 1938, and is introduced in conjunction with the Government Employees Superannuation Bill 1987.

The introduction of new superannuation arrangements for Government employees, by the latter piece of legislation, requires a number of amendments to the existing legislation. In addition, the opportunity has been taken to correct a glaring anomaly in the design of the old State pension scheme.

The primary purpose of this Bill is to give legal effect to the Government's administrative decision to close the State pension scheme.

In addition, the Bill—

transfers the assets, liabilities and records of the State Superannuation Board to the Government Employees Superannuation Board established under the Government Employees Superannuation Bill 1987;

provides transitional arrangements to ensure continuity of staffing, agreements and so on, in establishing the new superannuation scheme;

protects the rights of subscribers to the Provident Account and the Hospitals Superannuation Scheme to transfer to the

old State scheme, although only for a six-month period after the commencement of this Act;

protects the rights of contributors to the Provident Account, who are unable to join the pension scheme because of medical reasons, to be able to join the scheme at any time in the future provided they meet the medical standards; and finally,

requires contributors of the pension scheme to purchase their primary unit entitlement or 5 per cent of salary, whichever is the lesser cost, or for ever forgo the opportunity.

In respect of this last amendment, under the existing arrangements an employee can elect to subscribe to a minimum number of units in the pension scheme until approaching retirement, then become fully subscribed. This is an anomaly in that it effectively deprives the State of the employee's contributions until he or she approaches retirement, and this is contrary to the practice of good financial management and planning. So as to alleviate any potential adverse impact, it is proposed to phase in this arrangement over a 12-month period commencing 1 January 1988. Notably, this particular amendment has been endorsed by the Civil Service Association.

Importantly, the rights of members of the old scheme who have limited benefits due to ill health or other reasons will be fully protected. These members will still be allowed to purchase their unit entitlement in accordance with existing provisions.

This Bill also provides for the interest component of the transitional offer to members of the old scheme to the new scheme which is established by the Government Employees Superannuation Bill 1987 to be funded from the indexation account. This effectively returns some of the surpluses earned on the old fund to the transferring members.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Max Evans.

GOVERNMENT EMPLOYEES SUPERANNUATION BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Leader of the House), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [4.26 pm]: I move—

That the Bill be now read a second time

This Bill establishes a new superannuation scheme for Government employees and is introduced in conjunction with the Superannuation and Family Benefits Amendment Bill 1987.

Members will recall that the Premier, in his economic statement of 24 June 1986, announced the closure of the State pension scheme, the reason being that the potential unfunded liability of the scheme was \$5 billion, an amount beyond the capacity of the State's taxpayers. In addition, it has long been recognised that the State pension scheme—which was designed in the 1930s—is inappropriate for today's workplace. This is made evident by considering that prior to the closure of the scheme only about 35 per cent of Government employees elected to join the scheme. Reasons for this include—

the scheme was a complex, unit-based scheme not readily understood by potential members;

the scheme discriminated in favour of higher income earners; in particular, because there was no opportunity to convert the majority of the pension to a lump sum, the scheme was unattractive to those who would otherwise be entitled to a social security pension;

the scheme was discriminatory between the sexes;

the scheme denied access to part-time employees;

the scheme had no vesting or preservation provisions, so that an employee would be entitled to a benefit only if he or she retired while in Government service after having at least seven years' service; for this reason, women, in particular, were disadvantaged and discriminated against.

These characteristics illustrate and highlight the deficiencies in the State pension scheme and support the introduction of completely new superannuation arrangements.

Indeed the previous Government had undertaken initiatives to reform the scheme.

This Bill and the new arrangements are a landmark which will stand the test of time as one of the Government's most lasting and

substantial achievements. The design of the new scheme meets the dual requirement to control and diminish a legacy of a massive unfunded liability on the taxpayer, and the need of the work force for a more flexible, modern and relevant superannuation scheme.

In essence, there are five major aspects to this Bill. These are—

the establishment of a new Superannuation Board;

the establishment of a new public sector superannuation scheme;

a transitional offer to members of the old State pension scheme;

the settlement of the three per cent productivity claim;

the provision for certain Government departments and agencies to concurrently fund their employees' membership in the new scheme.

The Bill provides for the establishment of a new seven-member board to oversee the new fund. The board will comprise an independent chairman appointed by the Governor on the recommendation of the Treasurer after consulting with the unions, three employer representatives and three elected employee representatives. This new board will supersede the old State Superannuation Board and undertake responsibility for the management of both the new and old funds.

Membership of the new superannuation scheme continues to be voluntary. The scheme provides for lump sum benefits which are guaranteed by the State. An employee can elect to contribute three per cent to seven per cent of salary, with a maximum average of five per cent—that is, where an employee contributes three per cent or four per cent, the contribution rate can later be increased to six per cent or seven per cent to make an average maximum of five per cent. In respect of six per cent benefits, for a five per cent contribution rate an employee will receive an end benefit of 20 per cent of final average salary for each year of contributory service; in other words, one year's salary for every five years' membership.

Significant features of the new scheme are the vesting and preservation provisions. After two years' membership of the scheme an employee will be able to preserve the accrued benefit on resignation. This benefit will then be indexed at CPI plus one per cent and paid at age 55 or earlier death or disability.

For the Government, the new scheme is less expensive than the one it replaces. The maximum cost per employee is about 12 per cent of salary compared to a maximum cost of 25 per cent of salary under the old pension scheme. Reform of the old State pension scheme has also been an integral part of the Government's policy in respect to introducing more flexible working conditions in the public sector.

For the employee, the new scheme offers a number of advantages. It is simple and easy to understand, compared with its predecessor which was a complex, unit-based scheme not readily understood. The lump sum is also an attraction. Female employees are particularly advantaged. Very few women actually received a benefit under the old scheme as they had to retire in Government service. Under the new arrangements women, and men, are able to preserve a benefit after two years. In addition, part-time employees, a significant percentage of whom are women, will also be eligible for membership in the new scheme. Because of its attractiveness, it is envisaged that employee participation in superannuation will increase significantly.

Included in the Bill is a transitional offer to members of the old pension scheme. The offer has been made for two reasons—

firstly, to provide members of the old scheme access to the benefits of the new scheme;

secondly, there are significant savings to Government in transferring employees out of the old pension scheme to the new scheme.

The offer is—

credit of past contributions in the old scheme indexed at 10 per cent per annum for each year of past contributory service; plus

a defined benefit of 12 per cent of salary for each year of past employment service (this benefit being based on a five per cent contribution rate in the new scheme).

The transitional offer is open only for six months after the commencement of this Act.

As stated when introducing the Superannuation and Family Benefits Amendment Bill 1987, it is proposed to meet the cost of the 10 per cent interest component from the Indexation Account. Because the transitional offer will allow retiring employees in the old scheme to transfer and cash out in the new scheme, the transitional offer will have a sig-

nificant cash cost to Government. To illustrate the magnitude of this cost, assuming 50 per cent of members of the pension scheme transfer, the additional cash cost to Government is estimated to be in the order of \$15 million per year in real terms for the first seven years. However, it is intended to meet this cost initially from the fund itself. CRF will repay this commitment, together with interest, at a later time.

After the first seven years the additional cash cost of the new arrangements is estimated to wind down and, by the year 2000, net savings should begin to appear, which will become substantial in the following years.

Importantly, the average liability of the State for each employee transferring to the new scheme will be less than one-half of the existing liability accrued under the old scheme. For this reason, the outstanding superannuation liability of the State should be significantly reduced by the transfer offer. In addition, the future service liability of transferring members will accrue at only one-half the rate that it would have accrued under the pension scheme for full contributing members.

Within the context of introducing the new scheme the Government has taken advantage of a unique opportunity to settle the three per cent productivity claim. If the Government were to settle the three per cent productivity claim by paying cash into a separate superannuation fund, as has occurred in the private sector, the additional cash cost would be \$72 million per annum, of which \$60 million would impact on the CRF.

The agreed outcome represents significant cash and salary savings to the Government. This is because the three per cent benefit is to be paid only as a defined benefit on retirement. It is estimated that the cash cost to Government will only be of the order of \$8 million in the first five years.

The Bill provides for the three per cent benefit by distinguishing between contributing and non-contributing employees. For contributing employees who resign and do not elect to preserve their accrued benefits, the three per cent benefit will be set aside for each year of contributory service and paid on age 55, and indexed at CPI plus one per cent. If the employees remain in the scheme they will receive just the normal benefit of 20 per cent of salary per year for five per cent contribution rate.

Non-contributing members—that is, employees who choose not to pay into the fund—are able to apply to the fund from 1 January 1988 for the three per cent benefit. For these people, a defined benefit of 0.033 of final average salary for each year of membership will be paid on age 55 or early retirement. It has been accepted by the union movement that employees who remain in the old scheme will receive no additional benefits and will not be able to apply for the three per cent benefit in the new scheme. The only concession the Government has made in settling the three per cent claim has been to pay the benefit to non-contributing members from 1 January 1988 rather than in two lots of 1.5 per cent spread over two years.

Because of the affordability of the new scheme it is proposed that a number of departments and agencies concurrently fund their employees' membership in the new scheme. These departments are listed in schedule 1, part B, of the Bill. This list can be added to or subtracted from by regulation. I am sure members will applaud this significant step taken towards concurrently funding the superannuation liability of the State as it accrues. This would not have been practicable had the old pension scheme remained in place.

In addition to these five major aspects, I would like to comment on the investment powers provided for by the Bill. The Bill empowers the new Superannuation Board with investment powers similar to those prevailing in other public sector funds recently established. Legislation governing the old scheme imposed restricted investment powers on the board. However, these restrictions were effectively circumvented by the decision taken in 1982 for the superannuation fund to purchase a wholly-owned investment trust through which to diversify its investment portfolio. The investment powers provided for in this Bill reflect the investment powers that have, in recent times, been extended to a number of public sector superannuation schemes, most notably the Commonwealth scheme.

The Bill requires the board to obtain the approval of the Treasurer in undertaking its investment powers. In this respect, provision has also been made for the board to be able to appoint external investment managers, again subject to the Treasurer's approval. It is a common practice in the superannuation industry for professional and expert investment managers to be appointed to manage superannuation funds. In the public sector this

already takes place in other funds and the Government believes the option should be available to this fund. The operations of the board, including its investment performance, will be reported upon to Parliament as required under the Financial Administration and Audit Act.

In conclusion, this Bill contains fundamental measures aimed at alleviating the long-term burden on the State's taxpayers imposed by the State pension scheme. It is essential to maintain the health of the State's finances for future generations. The Bill also provides for a long overdue reform of public sector superannuation arrangements. The proposed reform measures offer significant benefits to the Government work force. Indeed, this Bill is the result of extensive negotiations between the Government and the public sector unions and the proposals have their endorsement.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Max Evans.

AGRICULTURAL EDUCATION

Select Committee: Motion

Debate resumed from 30 April.

HON. W. N. STRETCH (Lower Central) [4.38 pm]: I fully support the motion put forward by my colleague, Hon. Colin Bell, and since it is some time since this motion was debated, I draw the attention of honourable members to the motion on the Notice Paper. I will read just the first clause, which says—

1. That a Select Committee of three members be appointed to inquire into and report on agricultural education in State educational institutions in Western Australia.

Members will note there are also some amendments on the Notice Paper which will be moved later by another colleague, and I gather they have the concurrence of the Government.

I believe that the importance to this State of agricultural education does not need to be further expressed. Hon. David Wordsworth and Hon. Colin Bell, who moved the motion, drew attention to the serious state of agricultural education, not only in Western Australia but right across Australia. The comparative figures which were read out of Western Australia vis-a-vis New Zealand left us in no doubt that it is an area which has been neglected in many ways in the past. I attach no blame to the Government or Opposition for that; it is probably a reflection of the changes within

agriculture and the other horticultural, pastoral and associated industries in the past 20 years. Up until then, I think the school of hard knocks taught farmers a lot of what they needed to know about agriculture, and I do not denigrate that in any way because that system has provided us with highly adaptable and particularly competent farmers right throughout the State of Western Australia.

Because of that adaptability they are certainly the best farmers I have ever seen anywhere. Their ability to produce crops and animals under what are regarded in the rest of Australia as drought conditions can only be applauded. When one visits the Eastern States and people there ask how long we have been without rain, we might have to answer seven months. They ask whether we are going through another drought, but we have to tell them that this situation is just a fact of life in many parts of Western Australia and that farmers must simply cater for this lack of rain and must take the necessary steps to protect their livestock and operations. Many people in other areas of Australia do not realise how we can farm this very hostile climate with such success.

That is the sort of education passed on in the past from father to son, together with an amount of reasonably superficial education. Now, with the change in agricultural methods, we need to change our method of educating our next generation of farmers as well as educating a lot of our present farmers. The recent experience in the wheatbelt underlines the problems farmers are having in coping with the rapidly changing management of farm operations, particularly the financial management.

During our inquiry into these matters we found that farmer after farmer did not have the skills to cope with the rapidly changing financial scene and that many of them got into trouble through accepting finance that on the surface looked very good but, on digging deeper, was found to be throwing them in a heap more trouble.

The educational scene needs looking at right across the State so that our farmers of the future have properly honed management skills, particularly in the area of financial management.

There is little I can add to the enlightened comments made by my colleague in moving this motion. I urge the Government to support this call for a Select Committee because there are major problems out there. There are also

some very exciting developments taking place in the field of agricultural education. More and more country high schools are attaching farm schools and agricultural units to their institutions. We have seen developments such as the Rylington Park project at Boyup Brook getting under way.

Many areas need to be looked at and integrated into a meaningful system if we are to improve the education of members of our farming industries. We will muddle along without it, of course; but unfortunately our industries will become less profitable and more dependent on Government handouts. That is not the way to go.

I commend Hon. Colin Bell for introducing his motion because if a Select Committee is established it will go a long way towards bringing up a generation of farmers who will not have to rely on Government handouts and crisis assistance. I support the motion.

HON. H. W. GAYFER (Central) [4.43 pm]: The motion moved by Hon. C. J. Bell is an extremely interesting one and, as previous speakers have said, its intent must be noted and acted on.

The progress made in the field of agricultural education by the previous Government was quite remarkable. If one were to visit some of the agricultural colleges such as those at Narrogin and Cunderdin as well as Muresk—which has progressed in leaps and bounds beyond what it was originally set up to do—one would be very impressed at the work they are doing. We cannot say that nothing has been done in this area, because these colleges do a good job.

However, we are now at the stage where another step forward must be taken; we must take note of what has taken place in this field of endeavour in other parts of the world. We need to consider the relationship that might exist between the various educational phases in agriculture in such establishments as the University of Western Australia, the Curtin University of Technology, and Murdoch University. We must then consider what is happening in agricultural schools in Denmark, Harvey, Narrogin, Cunderdin, and Morawa. We need to establish what degree of uniformity exists in agricultural education. We must do this in conjunction with officers from the Department of Agriculture and other industry advisers. We must see whether agricultural education is able to keep up with the future demands of research stations throughout this State.

The motion indicates that the Select Committee should be able to digress into such other matters that may come to its notice. It is essential that this should be possible.

The establishment of the Select Committee called for in the motion would do a lot of good for future generations of farmers in this State. As Hon. W. N. Stretch said, in these days of computers and increasing scientific developments, our young agricultural students need a broader application of technical teaching as it affects farming. Although the general application of teaching in this area at the various agricultural colleges is very good—we should make no error about that and I compliment everyone concerned—this Select Committee would be able to add to the knowledge of many people and be of great assistance. It certainly will not be a hindrance to agricultural education.

I support the motion.

HON. P. H. LOCKYER (Lower North) [4.48 pm]: I have listened very carefully to the previous two speakers, but much more closely to the contribution made by my colleague, Hon. Colin Bell, who moved this motion. I congratulate him for bringing the matter to the House. There is no-one in the Legislative Council more qualified to comment on these matters than Hon. Colin Bell, because he is not only a man of integrity but also a man who has a personal commitment to farming and who has not only practical experience but also technical experience through his association with the Western Australian Farmers Federation. It can be seen therefore that he has the practical experience and the technical experience to have moved this motion. After all, members of Parliament are expected to use their experience when they are elected to the Parliament.

There is no doubt in my mind that this matter should be investigated very carefully. We heard Hon. W. N. Stretch this afternoon telling us that New Zealand has a much different system from ours and that it is years in front of what we are doing. I know from my experience that in both Canada and America they have systems of rural education second to none. Should a Select Committee be formed, I would urge the House to allow it to investigate not only the system in New Zealand but also the systems in the United States and Canada.

Hon. Kay Hallahan: By reading about it, I hope.

Hon. P. H. LOCKYER: No. After all, the Parliament sent three members of a Select Committee around the world to look at forest management. While I respect the work done by those members, the seriousness of this matter cannot be overstated. I know the Minister is a city member and does not understand a great deal about rural education.

Hon. Kay Hallahan: I do indeed.

Hon. P. H. LOCKYER: Hon. Doug Wenn tells me that the Minister has a wide vision on these matters. Despite the smiles I see, this is a serious subject, and most members should be aware that this State and Australia generally get their wealth in the main from our country areas. For the benefit of members hissing across the Chamber, I point out that it is important we maintain the areas from which the wealth is coming.

Like most members, I have very carefully considered the terms of reference Hon. Colin Bell has brought to the attention of the House. They should not be agreed to without some small amendments, and I have carefully drawn up some. The honourable member has moved—

That a Select Committee of three members be appointed to inquire into a report on agricultural education in State educational institutions in Western Australia . . .

It is my view that this committee should be expanded to include four members. As Hon. Bill Stretch explained very carefully, this is not a political item. It is an item that should be carefully weighed by this House of Review and expanded to take account of this issue.

I have taken the opportunity to discuss the amendments with Hon. Colin Bell—he is an honourable member who has no secrets from members who sit next to him—and he agrees there should be four members on the committee.

Amendment to Motion

I move—

Paragraph 1—to delete the expression “3” and substitute the expression “4”.

To insert after paragraph 3—

4. A quorum for the conduct of business is three members.

My amendment seeks to expand the committee to four members and to insert a new paragraph to say that a quorum of this committee will

consist of three members instead of the appropriate two members, as stated in our Standing Orders on Select Committees.

Amendment put and passed.

Motion, as Amended

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [4.55 pm]: The Government strongly opposes this motion. While it may be that the mover of the motion has a genuine desire to improve the quality of agricultural education in this State, the speech he made proposing to set up a Select Committee had some serious inaccuracies and demonstrated a lack of information on a subject members would regard him to be well informed about. That gives me serious doubts about the legitimacy of the Select Committee.

It is quite ironic that we have members of the so-called rural based party now saying that agricultural education is in a very unsatisfactory state of affairs. I refer to the *Western Farmer* of 11 June in which Hon. Colin Bell was reported as saying that the push for the inquiry was a result of his total dissatisfaction with agricultural education in Western Australia. If he is totally dissatisfied with that system, I can only say it must have got into that state over a long period of time.

Hon. P. H. Lockyer: He has never denied that.

Hon. KAY HALLAHAN: If members do not like what they are hearing, it may be that it is because it is the truth. Hon. Bob Pearce, the Minister for Education, has established an Agricultural Education and Training Council. In December 1981 the McDowell report—

Hon. D. J. Wordsworth interjected.

Hon. KAY HALLAHAN: I have acquainted myself with the facts. The report is about agricultural education in Western Australia. It was presented, as one of the members rightly said, to Hon. Jim Clarko in his role as Minister for Education at that time. No action resulted from that report.

Hon. P. H. Lockyer: He was a very good Minister for Education.

Hon. KAY HALLAHAN: He might have been but he did nothing about agricultural education. If he had done something, we would not have Hon. Colin Bell getting into the bind he is in and proposing this Select Committee. The council met in 1985 and has been working for two years. It has done a very good job. The problem with the proposed Select Committee is

this: I have had feedback from the southwest and wheat belt areas from people saying they do not want Select Committees, they want improvements. Everyone says there are good things yet to be done. Hon. Mick Gayfer said there were still things to be achieved. People are of the view that the Select Committee will achieve nothing and the work of the council should be supported because of its achievements so far. We should assist that council in the contentious resource issues to help it to bring about changes that will be most beneficial to that industry. That council advises the Minister on the coordination of agricultural education in this State.

At this point, I pay tribute to the Primary Industry Association, as it was then, for the assistance and support it provided in the setting up of that council, which is composed of nine farmers and six other people. Three of those members have visited New Zealand in the last two years to study agricultural education.

Hon. P. H. Lockyer: Which members are you talking about? We have not even moved to see who the members will be.

Hon. KAY HALLAHAN: If the member would listen to my speech he would have no trouble following me. I am talking about the members of the Agricultural Education and Training Council.

Hon. P. H. Lockyer: They are not members of Parliament.

Hon. KAY HALLAHAN: They are people involved with agricultural education in the State.

[Questions taken.]

Hon. KAY HALLAHAN: It worries me that there is an opinion that no-one is looking at this whole field.

Under the Minister for Education, Hon. Bob Pearce, education has taken enormous strides in the last two years. The Council has proposed further improvements for discussion with the Minister, and negotiations are going on.

Hon. W. N. Stretch: The training committee is looking only at the short term. We are looking at the longer term.

Hon. KAY HALLAHAN: With things being tight for the farming community, there is a great deal of cynicism about the setting up of a committee.

Hon. P. H. Lockyer: Nonsense! Have you been to the bush?

Hon. KAY HALLAHAN: I have been to the bush.

Hon. P. H. Lockyer: Where?

Hon. KAY HALLAHAN: I have also spoken to people in Parliament House.

The PRESIDENT: Order!

Hon. P. H. Lockyer: You have not been to the bush at all.

The PRESIDENT: Order! When I direct members to come to order, I expect them to come to order. I hope the Minister is addressing the Chair and ignoring all of the interjections. It therefore seems to me to be superfluous for members to interject when the Minister is taking no notice of them.

Hon. KAY HALLAHAN: I also draw members' attention to the fact that the Primary Industry Association, prior to becoming the Western Australian Farmers Federation, drew up an education training policy which it then adopted. It is now working to implement that policy in consultation with officers of the Education Department. Much good work and co-operation is going on in this area. It is therefore the Government's view that a Select Committee to inquire into this matter would be superfluous. I believe it would not attract any good publicity because there is a feeling that, when we want something to do, we appoint a Select Committee to trot around and fill in time while other more substantial bodies are dealing with the matter.

Hon. Neil Oliver: Does the Western Australian Farmers Federation support what you have said?

Hon. KAY HALLAHAN: I understand some of its members do.

Hon. P. H. Lockyer: Do the WAFF or the Pastoralists and Graziers Association officially support your proposal?

Hon. KAY HALLAHAN: As I said, some of their members do.

I want to go through some of the points made about the McDowell report. I agree that it is a matter for concern that the University of Western Australia had 41 positions available for agricultural degrees this year and only 19 positions were filled. The education council is looking at that. I want members of the Opposition to tell me how a Select Committee will fix that. The Opposition is deluding itself about what a Select Committee can achieve.

Hon. P. H. Lockyer: Who wrote this for you?

Hon. KAY HALLAHAN: I think Mr Wordsworth's speech was a little confused. He and Hon. Colin Bell indicated that people in the industry have been trained in New Zealand. Quite frankly, that information is 20 years out of date.

Hon. D. J. Wordsworth: You are a joke.

Hon. KAY HALLAHAN: I think the member is a huge joke. When I began going into the subject, I discovered what a joke the member is. He has not contributed much at all. It seems, from the interjections, that I am spot on because nothing of value has been said.

I accept Hon. Colin Bell's point of view. He is concerned about this issue and I think he has every reason to be. Having looked at some of the circumstances, I am also concerned. However, I sheet home the blame to the previous Government. In fact, it was Hon. David Wordsworth, that very clever fellow, who said that there has been a long-felt need for improvements in this area. I challenge that. He was a Minister in the previous Government and a rural representative. Why did he not see that the Government did something about this problem? In my view, it was a matter of scandalous neglect. The fact is that we should be pleased that it is now being addressed. I understand there are needs. I am told an area of particular need is that three or four substantial courses are not accessible to farmers, not necessarily only at Muresk, but at other locations also. I believe those matters can be discussed with the Minister.

I believe we should all oppose the setting up of a Select Committee. The council has already visited all of the agricultural schools and the TAFE colleges. It will be returning to Muresk and will be visiting the UWA and Murdoch University before the end of the year. It has taken its charter seriously and is looking at the whole matter. Opposition members do not seem to understand the depth of work involved in surveying the education opportunities that are available—and many are available. If they think they can do something in the short term by appointing a Select Committee, they are wrong.

Members are not aware that the Federal Minister for Primary Industry has set up a task force to consider this whole matter of rural education in Australia. In fact, the task force will be in Perth on 1 and 2 July. I believe that, if we appoint a Select Committee, we will duplicate the work of that task force. I wonder

whether Hon. Colin Bell was aware of the work that committee is performing when he proposed setting up the Select Committee.

There is plenty of evidence of the great neglect of agricultural education; but the matter is being addressed and a Select Committee will not further progress the matter at all.

The PRESIDENT: The question is that the motion be agreed to.

Order! Order! Hon. Doug Wenn should note that when the President is speaking, he should come to order without my having to ask him to come to order; he should automatically do so. It is quite rude of him to carry on a conversation with Hon. Philip Lockyer while I am endeavouring to put the question.

HON. A. A. LEWIS (Lower Central) [5.11 pm]: I would like to correct some of Hon. Kay Hallahan's assertions. I have had a certain amount of interest in agricultural education for a number of years, for various reasons.

Hon. Kay Hallahan referred to the McDowell report; that report was sponsored by Hon. Jim Clarko when he was Minister for Education. I submitted a five-page report to Mr Clarko disagreeing with parts of that report in an area I knew something about—agricultural machinery—because in my opinion the McDowell committee did not take evidence from the right people in that area. The committee went to the colleges and dealt with school curriculums; it did not ask practising farmers and people who were handling machinery what should be done in the way of education. The Minister will be able to find a copy of my submission to the previous Minister for Education in which I stated that these important matters for the economics of the rural industry had been overlooked.

The Minister said that TAFE education was very important in handling a lot of things. Some of us know of David Chappell who went to Wagin and adopted an attitude to TAFE education which was totally different from that which had been adopted previously. Mr Chappell took the view that if there was a need for a course, he would provide it. He did not try to ram courses down people's throats. One year he had 2 500 persons enrolled in his courses, compared with the 870 people enrolled in courses for the nine people working for TAFE in Albany who had set the courses that they wanted to teach.

Hon. W. N. Stretch: He was a top man with a top approach.

Hon. A. A. LEWIS: He was and, unfortunately, since he has been moved the TAFE organisation has gone back to pointing agricultural education in the direction that all the others have gone; that is, giving instructions from on high and telling people that they need to learn certain things. The average country businessman, farmer, farmer's wife, or businessman's wife knows what he or she wants to learn and these people are far better at telling people what they want than the Education Department is at telling them what they need.

I would like to go one step further, wearing my other hat as national and State secretary of the Farm Machinery Dealers' Association. I went to a fairly high-powered meeting on agricultural education; it was attended by Mr Gargett, the executive director of the Western Australian Farmers Federation, Mr Savell of the Pastoralists and Graziers Association, and representatives of livestock groups and woolbrokers—in all, about 30 people were sitting around a table. I sometimes wonder about task forces set up by Federal or State Governments or councils because for the first two hours the committee was lectured on what agricultural education should be.

Then the person lecturing us—who was there to ask our advice—made a slip. He said, "Mr Lewis, you know about Wagin, would you like to comment about that?" I told him I would like to comment on far more than that and particularly on the waste of time—he had these high-powered people around the table and he was instructing them rather than listening to what they had to say. The whole meeting applauded me and we then started to get somewhere. Needless to say, that was the last meeting of that group. No other meetings were held because the members of that group started saying that they needed this, that or the other and they did not need such-and-such a course. The Education Department wiped us off like a dirty shirt. That is its business except that it relates to our people's livelihood.

This Select Committee is a good idea and obviously Hon. Kay Hallahan does not know how a decent Select Committee operates. Such a committee looks at ideas and puts forward ideas.

Hon. Mark Nevill interjected.

Hon. A. A. LEWIS: I do not know of any Select Committee that has been around the world. Perhaps the member could tell me of one. I am not dealing with Honorary Royal Commissions but I remind the member that

such commissions have been set up by his Premier. Is he doubting the Premier's sincerity in setting them up?

Hon. Mark Nevill interjected.

Hon. A. A. LEWIS: I suggest that the member should keep his interjections quite firmly in check.

It seems to me that the Government has missed the whole point. Despite the fact that I was not in favour of Hon. Phil Lockyer's suggestion that there should be four members on the committee, the Opposition has bent over backwards trying to accommodate the Government's wishes. A Select Committee into this matter could be of great value. No-one outside has opposed the appointment of a Select Committee to inquire into agricultural education; in fact, many people have said that we need a proper inquiry into it. A Select Committee of this House could carry out a proper inquiry. This House has no other course but to support the motion.

HON. MARK NEVILL (South East) [5.20 pm]: I heard Hon. Kay Hallahan being attacked during the course of the debate and thought I would say a few words on this motion. Hon. David Wordsworth and Hon. Colin Bell spoke to the motion earlier in the session and in neither speech was any reference whatsoever made to the Agricultural Education and Training Council which has been operating for two or three years.

This council has been doing a lot of work, and I know the general area it has been looking into but I am not aware of the actual progress it has made. It seems strange that both speakers opposite today could rise to their feet and speak to this motion, yet not mention the work done by that council.

There was criticism of the McDowell report in the speeches of either or both members, but my recollection of the report was that the terms of reference of that inquiry were fairly narrow and did not cover the whole area of agricultural education. I am not against the appointment of this Select Committee, but I think the mover of the motion should find out exactly what the Agricultural Education and Training Council has done over the last two or three years. From what I have been told, most of the problems in this area are recognised, and it is a question of how they can be overcome. Before we embark on this Select Committee, I would like to see the members opposite find out exactly what work has been done up to date and determine the particular areas that need to be covered. The

whole area is certainly worthy of study, but I would be disappointed to see the resources and energies of the committee go into something which already has been redressed to some degree. My inquiries reveal that the council will be meeting on either 1 July or 2 July, and it would be appropriate for those who support this proposed inquiry to be briefed by the council before they proceed with the motion.

HON. C. J. BELL (Lower West) {5.23 pm}: I am disappointed that the Minister is opposed to the appointment of a Select Committee. I had heard the Government's position was different from that. However, be that as it may, I guess we can live with it. The Minister made several important points about some of the aspects which have been raised. The Minister quoted me when I said I was totally dissatisfied with the present system. That comment was based on personal experience, and I was and am still disappointed with the system as it applied to a member of my family involved in agricultural education. I do not believe that situation has been redressed.

I do not believe the McDowell report addressed a sufficiently broad area. As Hon. Mark Nevill indicated, one of the problems of that inquiry was the fairly narrow brief that it had to operate within, one term of reference being that it applied only to secondary school education. I do not necessarily agree with all the recommendations of the report, but the point I made in moving the motion that a Select Committee be appointed was that we need to address the broader aspects of the future of agricultural education in Western Australia. There is no doubt that the various agricultural institutions do an excellent job in introducing the multi-skills required for practical farm operations. However, agriculture is a much broader field than that, and it includes the full range of skills of both farm operators and those in associated industries. It is in the area of associated industries that I have heard expressions of total disappointment and dissatisfaction.

The Agricultural and Veterinary Chemicals Association is one body which has come to me on several occasions and said it is concerned that it has nothing with which to train personnel to operate within its industry. I am not suggesting, unlike Hon. Phil Lockyer, that we visit North America, but we might read about some of the systems which apply in other countries. In Canada, for example, before any person can sell an agricultural or veterinary chemical in a retail situation, they must have

completed a course to ensure that they understand what the product is and how it should be administered or applied. That is very different from the situation we have today, where anyone could turn up in a retail establishment in a country area and sell many thousands of dollars worth of product to farmers in that area, many of whom have no understanding of the properties of the chemicals that they may be using. There is potential for a disaster in that area.

I was pleased to hear Hon. Sandy Lewis mention the problems faced by the Farm Machinery Dealers Association in regard to the teaching of the skills and the theories involved in the farm machinery industry.

The point I made in my initial speech was that the lack of coordination is a very relevant concern. Hon. Kay Hallahan mentioned that the Minister's council is doing a good job. I accept that, but some of its members are concerned and have approached me and said they believe a Select Committee would add substantially to the work that it has done. So it is not worthwhile pursuing the claim that this body can do the job totally by itself, because the reality is that it cannot, and even the members of the council confirm that.

I find the claim that there is opposition from producers in Western Australia astounding, because I have had no indication of anything but total support and relief that parliamentarians are at last showing an interest in the matter as distinct from giving someone else the responsibility to write a report which may or may not receive reaction from the bureaucracy. The Minister's council will be a very valuable source of information for the Select Committee because it has done much of the work that might otherwise have to be done by that committee. I would imagine that should the committee be approved by the Chamber, that would be the first body we would seek to interview. I understand the council is fairly close to making recommendations to the Minister. I also have made several approaches to the Minister, but on each occasion he was too busy to discuss the matter with me. I do not suggest the Minister has said that in a negative way, but he is naturally busy with his associated portfolios, and could not find time to discuss the matter with me.

The point has been made about graduates supplying agricultural advice. The Minister is perhaps not aware of a particular group of people in the State called farm management consultants. Almost without fail, these people

are New Zealanders, and they have a very important place in agriculture and the practice of farming in Western Australia. These consultants either operate individually or as a group, almost like doctors operating within one practice. Each consultant normally operates with 50 or 60 clients. That indicates how close their contact is with the management practices of farmers.

We can compare the Massey University in New Zealand with our own Curtin University of Technology's Muresk Agricultural College where only 30 or 40 students graduate each year. These graduates are as close as we come to producing farm consultants. However, they are certainly not educated to the level we expect of the graduates from the Massey campus, which has 6 000 full-time students against Muresk's 100. Around 12 000 other students pass through the Massey campus undertaking various other courses and skills training. The situation can be seen to be very different, while the farming operations are not all that dissimilar. The New Zealanders give great consideration to agricultural education.

The future of our agricultural industries should be of vital concern to this Parliament; if it is not, the well-being of the State is in jeopardy. I stress that point because agriculture is the second largest industry in Western Australia. Many people fail to understand just how important agriculture is to our economy.

We cannot go at this in a piecemeal fashion; we cannot leave things to chance. As parliamentarians we must accept our responsibilities and not leave this matter to ad hoc committees. It is our duty to identify the needs in this area and to be informed. The only way we will do that properly is to establish a Select Committee to investigate agricultural education. That committee could then write a report and make recommendations so that we could all be better informed and better aware of the needs of agriculture in this State.

Question (motion, as amended) put and a division taken with the following result—

Ayes 13	
Hon. C. J. Bell	Hon. Tom McNeil
Hon. E. J. Charlton	Hon. N. F. Moore
Hon. Max Evans	Hon. Neil Oliver
Hon. H. W. Gayfer	Hon. W. N. Stretch
Hon. A. A. Lewis	Hon. D. J. Wordsworth
Hon. P. H. Lockyer	Hon. Margaret McAleer
Hon. G. E. Masters	(Teller)

Noes 12

Hon. J. M. Berinson	Hon. Robert Hetherington
Hon. T. G. Butler	Hon. B. L. Jones
Hon. Graham Edwards	Hon. Mark Nevill
Hon. John Halden	Hon. S. M. Piantadosi
Hon. Kay Hallahan	Hon. Doug Wenn
Hon. Tom Helm	Hon. Fred McKenzie (Teller)

Pairs

Ayes	Noes
Hon. John Williams	Hon. D. K. Dans
Hon. V. J. Ferry	Hon. Tom Stephens
Hon. P. G. Pental	Hon. J. M. Brown
Hon. J. N. Caldwell	Hon. Garry Kelly

Question (motion, as amended) thus passed.

Appointment of Select Committee

HON. C. J. BELL (Lower West) [5.36 pm]: I move—

That Honourables Robert Hetherington, S. M. Piantadosi, J. N. Caldwell and C. J. Bell be appointed members of the Select Committee on Agricultural Education.

Amendment to Motion

HON. G. E. MASTERS (West—Leader of the Opposition) [5.37 pm]: I move an amendment—

To add the words—

and that Hon. C. J. Bell be Chairman of the Select Committee

HON. ROBERT HETHERINGTON (South East Metropolitan) [5.38 pm]: I oppose the amendment. It is normal practice for committees to elect their own chairman.

Hon. N. F. Moore: That's not what you said the other night. You agreed to let the Premier appoint them.

Hon. ROBERT HETHERINGTON: Not so. The other night we decided which party would chair the committee in question; we did not decide whom the chairman would be.

It had been my intention, were I to be appointed to the Select Committee, to move that Hon. Colin Bell be its chairman. I believe he should be and I think he knows that.

I oppose the amendment because it would be a pity to change the custom that a committee elects its own chairman.

Amendment put and negatived.

Motion Resumed

Question put and passed.

GOVERNMENT RAILWAYS AMENDMENT BILL

Second Reading

Debate resumed from 9 June.

HON. D. J. WORDSWORTH (South) [5.40 pm]: This Bill enables the Government of the day to allocate to a body or a person a disused or closed railway line, so that it can be used for tourism purposes.

That is a sentiment with which the Opposition would not disagree. Indeed there is a very successful tourist railway in this State—the Hotham Valley Tourist Railway—which is a great attraction not only to the people of this State but also to people from overseas. It enables not only visitors but the people of Western Australia to enjoy some old time railway travel. It was my pleasure, when I was the Minister for Railways, to stand on the footplate of a train and stoke the fire. I was amazed at the number of people who watched that train go by. I suppose there was a railway buff with a camera behind every tree. It has proven to be a very successful venture.

In that case Westrail kept responsibility for the line, for the train crew, and for the safety practices involved. That obviously entails a great deal of responsibility and cost to Westrail. The idea is that the driver may now be a member of the society rather than a Westrail employee. I presume that regulations will lay down standards for that driver. It is certain that he will most likely be an ex-Westrail driver because a lot of railway buffs and members of such societies are Westrail employees.

One of the difficulties will be to maintain the standard of the lines involved. The Government will make an order "to the effect that safe and satisfactory work systems have been adopted for the operation of the service". I presume that means that someone will have to inspect the line just as if it were a Westrail line. I assume that Westrail will accept responsibility for doing such inspections, although other bodies in this State may have the necessary power and expertise to do so.

We could well have a railway line such as that in Luna Park or in Disneyland where an inspector would be required to inspect a private line. I do not wish to read too much into this. Half the Bill is to change the short title of the Government Railways Act. One gets into the guts of the Bill when one reads proposed section 66A (1) (b) which deals with an order to grant to any person the right to occupy that railway or portion of a railway for a tourist

railway, and to manage, operate and maintain a tourist railway service thereon. I note that such an order can be varied with the consent of the person whose rights under the order are affected. In other words, if the order has been granted in my name, for instance, the Governor, by publishing it in the Government Gazette, can vary that order. If I do not agree that this should apply, the order can be revoked. I guess that is the threat: If one does not agree with what the Governor—really the Government—wishes, all the Government has to do is revoke the order.

The rest of the Bill allows for regulations which are to do with some of the lesser conditions. They relate to level crossings and other matters concerning the safety operations of the line, and also there is a point under the Interpretation Act in respect of tourist railways. I think that gives Westrail a vehicle by which it can allow organisations such as the Hotham Valley Tourist Railway to rent a line and actually do some of the maintenance themselves, to drive the trains, and to be responsible for the upkeep of the trains. I am sure they would be able to do a lot of that in a voluntary manner and thereby will do it more cheaply.

In his second reading speech the Minister drew attention to the fact that other lines could be used in such a manner—that is, that Nannup, Capel, Alumina Junction-Dwellingup and the Pemberton-Northcliffe lines. The Minister drew attention to the fact that the cost of bringing the tracks on the latter up to standard and keeping the operation safe might be prohibitive because of the steep gradings and high bridges. He went on to say that—

A much lighter form of rail transport, of an amusement device nature as distinct from a train, offers opportunities.

I do not know how much the Government has thought this one out because in the Minister's second reading speech he also outlines how a railway is closed. The second reading speech reads in part as follows—

... that is, the Commissioner of Railways has undertaken studies on their operations and recommended closure, as their results no longer contribute to the financial benefit of Westrail.

The Director General of Transport, acting under the provisions of section 18A of the Transport Co-ordination Act, has also undertaken a study of the social and economic consequences of closing the lines and recommended they be discontinued.

In other words, that is what is involved in closing a railway line. I am one of the few men in this State who has ever closed a railway line, so I am aware of the problems in doing so. Having closed the railway line, the land is no longer required and one could well find that a farmer who owns land on both sides of the track might apply to buy the land so that he can join up his property. The Government, not requiring the land for a railway, has to consider to what other uses that land should be put. As members will realise, when the Government resumes land and the need for that resumption no longer applies, the original landowner has the right to repurchase that land.

I ask the Minister: At what stage does this order have to be given? If we decide to close the railway line and the Commissioner of Railways makes his report and says, "No, it is no longer viable, I wish to close it", the Director General of Transport must decide whether it will affect the local community in any social or economic way; but when does it come to that stage when the order can be given to a person or to a body to run a tourist line? What happens if no-one at that stage comes along and wishes to keep the line open? Does the offer have to wait until someone comes along who wishes to run a tourist line?

Under normal circumstances, the closure of a railway line means that other people can apply for use of the land.

Hon. H. W. Gayfer: Not always.

Hon. D. J. WORDSWORTH: Not always, but as a Minister for Lands I had to handle that.

Hon. H. W. Gayfer: Many people in this community would prefer you not to say anything about that.

Hon. D. J. WORDSWORTH: That illustrates my point. How would members feel if that land was suddenly granted for an amusement train when that land had not been used for the particular purpose for which it was set aside? This is one of the problems. How long should this land be kept intact for someone to come along and say they wish to use it as a tourist line? The Nornalup line is a fine example. It is nowhere near the agricultural area so it will not embarrass Hon. H. W. Gayfer. The Pemberton-Northcliffe section runs mainly through Crown land. How long will the Government maintain that as a strip of land? It has to be careful of fires. The bridges

will burn down if someone does not continue to do some protection work. The situation is not quite as easy as this Bill makes out.

A light rail may be years off. It is a very costly process, yet the land has been set aside and there is a need to keep it intact. Who will maintain the land? Will it be kept in Westrail's name or will someone be responsible for fire protection, weed control and all the other things that go with running a railway line?

If we revoke an order—that is in the Bill—there provision for compensation for someone who has invested a lot of money in the railway? I am thinking of the situation of a light railway line on the Northcliffe line. One could well put a lot of money into it, cross swords with the Government, and have the revoked, yet there is no mention of compensation. If the Government does revoke it, can it then make another order for someone else to have it? It is a difficult area. These are complicated questions which I feel should be answered before the House accepts this Bill.

HON. H. W. GAYFER (Central) (5.54 pm): I would like the opportunity to answer some of the questions raised by Hon. D. J. Wordsworth. I would have liked to answer him before he raised them in this House, because he raised a very delicate subject.

We support this Bill with great pleasure. The Hotham Valley Tourist Railway is a body that does not necessarily emanate from the south west but has many members from all over the countryside. We acknowledge the work they have done. A neighbour of mine is a staunch member of that body. I am fully aware of the work they do, and I know what they want in the long term out of this huge enterprise. They wish not only to satisfy a hobby but also to benefit the tourist industry in Western Australia as a whole.

It is interesting to look at their activities. I refer to the Hotham train that recently went from Perth to Beverley. It had to be fired up on the Saturday night and the boilers stoked up by volunteers who enjoy their work. They had to get up early on Sunday morning, hand the train over to a Westrail crew who nursed their baby all the way up to Beverley. They then turned it around and came back to Perth about 9.00 or 10.00 pm. The engine was then handed over to the voluntary crew—the members of the committee—who then put it in its stable, gradually eased the box out, put the fire out and worked until the

early hours of Monday morning until she was put to bed, as it were.

This committee is a terrific enterprise. Its members work for the love of it. They are good old Westrail drivers who do the work voluntarily after they have retired. Perhaps we may see Mr McIver in a voluntarily capacity emptying the fire box. He used to charge it himself years ago before he became a driver for Westrail.

Hon. Fred McKenzie: I wonder if he could still do it after being a member of Parliament.

Hon. H. W. GAYFER: I think he could. I wish to give credit to the Government for trying to get around the problem that the Hotham railway has. It is an economic problem because they could never use the machinery, but they will be able to on these closed railway lines. When they travel on the main road lines, they will not be able to use the machinery. Nevertheless, they will be able to use the engine on several lines as indicated in the Bill much to their pleasure and certainly to the pleasure of thousands of tourists who want to see it operating.

The railway was in danger of closing down. It was virtually being priced out of business because of the wages that had to be paid so people could operate those trains on railway lines that were part of Westrail. They now will not be. There is every indication that they will progress further along the line to make themselves a bigger and more enticing organisation that is working, after all is said and done, for the benefit of tourism in Western Australia.

We support the Bill.

HON. W. N. STRETCH (Lower Central) [5.59 pm]: I support the general thrust of this Bill. It is a great move forward for tourism in our area. A lot was made by Hon. David Wordsworth of the Pemberton-Northcliffe railway. I had the pleasure of sitting in on a tourism seminar in Pemberton a couple of weeks ago. The people down there are very excited about the prospect of getting a similar operation to the Hotham Valley train working on that line.

As the Minister's second reading speech points out, it is a beautiful part of the country. Some of the railway lines that pass through the heavily timbered country and over those very old trestled bridges make it a unique and special tourist line.

If this Bill is able to give the district the assistance it needs to develop such a facility for that area, it will be greatly welcomed by the people in my electorate. It could be a great boost to tourism in that area.

Sitting suspended from 6.00 to 7.30 pm

Hon. W. N. STRETCH: There is considerable pressure on the timber industry in the Manjimup and Pemberton areas, which looks like losing a considerable part of its timber resources, which could scale down some of the operations in that area, with severe threats to the employment prospects of many people in the Pemberton and Manjimup areas.

We have been told consistently by the Government that this loss of jobs will be picked up by the tourism industry. The local people regard that as a fairly borderline hope. They will welcome this indication that the Government is trying to put machinery in place for this sort of tourist operation to get off the ground. In that regard we hope that rail tours of this sort will continue through that very picturesque country, utilising some of those particularly attractive railway routes going through the heavy timber and over the old trestle bridges.

I support this legislation.

HON. P. G. PENDAL (South Central Metropolitan) [7.34 pm]: I want to spend a couple of minutes on this Bill, and in particular to commend the Government for taking the action that it has insofar as a number of important tourist facilities in Western Australia are concerned. Anyone who has had any dealings at all with the Hotham Valley Tourist Railway would know that this is a good example of the adage that from little acorns do mighty oak trees grow.

I guess the Bill will have a twofold effect. In the first place it institutionalises those tourist railways in a way which has not been possible before. Secondly—and I think equally importantly—it gives the State and the taxpayers an opportunity of making better or more economic use of facilities which might otherwise fall into a state of disrepair, or be pulled up altogether.

I do not know that the question of long-term maintenance has been resolved in this respect, but I suspect it will be a problem for Governments in the future some time down the track. It may even become a fairly costly one.

Another element which bears mention in a brief debate of this kind concerns the costs being loaded onto the people who run those tourist volunteer railway networks by way of extra

personnel which they must have on board each time a train pulls out of a station. I do not know if all members are aware of the fact, but the Hotham Valley Tourist Railway operates, as its name implies, with voluntary labour. In all cases where qualified staff are needed, the volunteers have those qualifications; but a great deal of duplication takes place. For example, it is not just a question of having qualified volunteer personnel conducting these volunteer railways. Under the agreement with the State, Westrail personnel are required to be employed on these tourist ventures. This means a fairly costly process of duplication, because it is the volunteer railway which must bear the cost of the Westrail staff and other personnel who are appointed.

I do not know whether this arrangement has grown out of the union situation; I rather suspect it has. I cannot imagine there is any sense in it so far as the management is concerned, given that the people who conduct the tourist side of the venture are in themselves qualified. That is something I would draw to the attention of the Government in the hope that something can be done to address that problem in the not too distant future.

Members will be aware of the difficulties encountered in the railway networks around Australia as a result of the over-generous staffing complements which have been handed out over the years. In particular the New South Wales railways were notorious for that feather-bedding of their employees. Here we have a similar situation where, for no good reason other than perhaps to accommodate union demands, there seems to be not only a duplication of personnel but a doubling of payments which need to be made to these people.

Apart from that comment, I draw the attention of members to the fact, in case it is not already known, that in the annual Sir David Brand tourism awards for Western Australia, which are highly regarded across the business spectrum as prestigious awards for tourism in this State, the Hotham Valley Tourist Railway has again distinguished itself by taking one of the major awards announced at Observation City only a few days ago.

The capacity of the volunteer railway groups to send tourists away from Western Australia with a good impression of the facilities and attractions here really is unlimited, and if members have not taken an opportunity to go out and see what these people are doing for tourism in Western Australia I for one would urge them to do so. I have had a number of

opportunities to go on these railway tours, and in particular one called the "grand city circle", which in many cases introduced young Western Australians to steam power, probably for the first time and maybe for the only time in their lives.

These people really do deserve a lot of encouragement and I can see that they are getting that encouragement to this extent from the Government in this Bill; but I do suggest that the Government must go a fair bit further, given the huge sums of money that are paid over to Westrail out of the funds of the volunteer railways.

For what they do I congratulate them, and I support the Bill.

Debate adjourned, on motion by Hon. Fred McKenzie.

VIDEO TAPES CLASSIFICATION AND CONTROL BILL

Second Reading

Debate resumed from 11 June.

HON. P. G. PENDAL (South Central Metropolitan) [7.42 pm]: The Bill seeks to bring Western Australia into the national network created by the Commonwealth and the States to allow for the compulsory classification of videotapes for private sale and hire.

At the outset I signify that the Parliamentary Liberal Party supports the Bill, but we do see some deficiencies in the legislation now before us and I want to attempt to spell out some of those and to give some indication of at least one amendment that the Opposition will move at a later stage.

It is now four years since the Commonwealth and State Ministers came to an agreement about the need for a system to monitor and control the use of video films, and I make the observation in passing that it is hard to see any reason why it has taken so long for the Burke Labor Government to act in this matter. One is left with no alternative explanation other than that it was a long way down the priority list of the Government.

In simple terms the Bill will do for the video industry what the Censorship of Films Act of Western Australia has for many years attempted to do for the cinema industry; that is, it provides four categories of video—"G" for general exhibition, "PG" for parental guidance, "M" for mature audiences, and "R" for restricted viewing. The question of censorship has engaged the minds of people for hundreds of years, and over the centuries it has come to

mean many different things to many different people. Very often censorship can be seen to be a dangerous thing in itself, especially when it has often been used to deny fact or reality. Indeed, once upon a time in the Middle Ages the Christian church actually banned all books which maintained that the earth moved and the sun did not.

I happen to believe that in the main the real role of censorship is to protect the young. Conversely, I have the general view that mature adults ought to be able in the main to see or hear what they choose to see and hear. The problem is how we allow an adult to see and hear what he wants without young children being introduced or exposed to what otherwise is offensive material. Indeed, that is one of the matters the Parliament attempts to address in this Bill.

One of the genuine puzzles I have is the reference by the Leader of the House to the Australian Capital Territory Classification of Publications Ordinance which we are told was drafted in consultation with State and Territory Governments. The Minister went on to say in his second reading speech that this—

... was accepted as suitable for use as model legislation in the implementation of the uniform classification scheme.

Some months ago I took up with the Minister for The Arts a complaint I had received to the effect that *People* magazine was running an advertisement for "X"-rated videos dealing with incest and child pornography to be supplied to any part of Australia from an ACT mailbox address. It was pointed out to me that since "X"-rated material is banned by all the States, the law was being flouted by this mail-order business in Canberra. It was a loophole that I drew to the attention of the Minister in charge of the Act, Hon. David Parker, and indeed I offered him my support as the Opposition spokesman in these matters in a bipartisan approach to Canberra to see if that loophole could be closed.

I link that situation with the proposal to model the legislation of all of the States on the ACT legislation, and that is the first question I ask the Leader of the House. Am I wrong in believing that Western Australia and the other States are in fact using the very model in Australia that has been found wanting—that is, the ACT law?

Hon. J. M. Berinson: I do not want to be too confident about this, but my understanding is that the ACT model is followed in respect of

the classification of films, and the New South Wales Act is followed in terms of administrative arrangements.

Hon. P. G. PENDAL: I thank the Leader of the House for that, but unfortunately it does not answer my question. If the Leader of the House does not have that information now, perhaps he can pursue it. I am aware that the Bill we have before us is modelled on the New South Wales Act which is now in place, but that its inspiration comes from the ACT Ordinance. My point is that if we in Western Australia had that situation last year which I drew to Mr Parker's attention, whereby a loophole existed to allow "X"-rated—and pretty drastic "X"-rated—material to be sent from the ACT to other parts of Australia which had currently banned that material, it lessens my confidence in our using in any way the ACT Ordinance as the inspiration for the legislation before us. I appreciate that the Leader of the House may not have that answer immediately to hand, but I am certainly interested in knowing it before the passage of this Bill.

There have been some suggestions in another place that we should disband the current process whereby the Commonwealth actually becomes the agent for the States in censorship matters. As much as my own pro-State prejudices are attracted to that idea, in the present economic climate I personally cannot suggest that we duplicate a very specific Commonwealth procedure and bureaucracy. I do add, however, that if the video legislation now before us—which really is a different ball game from that of cinema legislation which has been on the Statutes for many years—is found in any way to be wanting in the six or 12 months after the proclamation of this Act, that may well be an option that we should seriously suggest; that is, the abandonment of the use of the Commonwealth censor and the creation of a full-time position in Western Australia to take its place.

In any case, and in fairness to the Government, members can be comforted in the knowledge that clause 17 will give the Minister for The Arts in WA total power to overturn any decisions of the Commonwealth censor. If I am correct in this, that is a comforting situation for me at least.

I, like other members, have been lobbied by various community pressure groups, and I commend them on their vigilance, in particular the National Viewers and Listeners Association. One of the deficiencies that association uncovered is the lack of any facility for ordi-

nary citizens to object to the classification of a video. That deficiency is not new; indeed it came to light last year during the controversy over the film *Hail Mary*. I will refer in some detail now to a newspaper article from *The West Australian* of 25 August 1986 which dealt with this matter and is of some particular relevance to the subject we are discussing today. I quote as follows—

Loopholes in Australia's censorship laws have been highlighted by the controversial film "Hail Mary", according to a State MP.

The Opposition spokesman on the arts, Mr Pandal, has asked the Minister for Arts, Mr Parker, if private citizens can lodge objections against decisions of the Commonwealth Censorship Board.

Earlier this month a Federal Court in Sydney ruled that two priests had no legal standing to challenge a ruling of the censorship board which had approved "Hail Mary".

The two were told that the Customs Act regulations entrusted the censorship of films to the Chief Censor and the board.

If a member of the public felt injured by what he saw as a breach of the law by the Chief Censor or the board,—

Note this—

—his only option was to persuade the Federal Attorney-General to bring a court action.

The story goes on—

The two priests—one Anglican and the other Catholic—said that, as ministers of religion charged with teaching and fostering Christian beliefs according to the Scriptures, they found the film blasphemous.

However, that concern did not permit them to resort to the court.

Yesterday Mr Pandal said it was appalling that ordinary citizens had no rights.

It was absurd that an ordinary citizen could not lodge a complaint against the censorship board or Chief Censor, he said.

The story then went on to quote the Western Australian authority on this matter in the form of the Executive Officer of the WA Censorship Office, Mr Lindsay Stephens. He was reported in indirect comments as saying that the only person who could change the film's classifi-

cation or withdraw a film was the Minister for The Arts. Later in that story we find the following—

Mr Pandal said that a lot more films were in need of the censor's pen than "Hail Mary" but it was quite wrong that people could not lodge personal objections about various material.

"People should be entitled to object to something," he said.

"It shouldn't simply be left to a bureaucrat or a minister."

As a result of that the Minister for The Arts did discuss the matter with me, and that is germane to parts of the Bill which we will deal with later. He replied to me in a letter dated 10 September and said in part—

Under the Western Australian Censorship of Films Act,—

And here we are dealing with essentially the same thing. To continue—

—individuals cannot take direct action against decisions of the Commonwealth Film Censorship Board but can object to the Minister—

The State Minister. To continue—

—who has the power to make a classification ineffective in the State.

A little later in the letter he said—

It is acknowledged that material will be released from time to time which may offend individuals and sectional groups in the community.

I ask members to note the following. To continue—

However, a system whereby every offended citizen had the opportunity to lodge a formal appeal against every decision of the Film Censorship Board would create numerous difficulties . . .

I intend during the Committee stage to move an amendment concerning this matter and I ask members to note that the right of appeal on the part of private citizens against the actions of Governments of whatever kind is pretty well now accepted to be one of those fundamental rights available to all of us. All sorts of legislation on the Statute books which we deal with every day of the week give the ordinary citizen recourse to an appeal. Members will be aware that I have signalled my intention by circulating an amendment to clause 4 to accommodate that.

I am aware that it is possible that people frivolously using that appeal mechanism could make the whole appeal system or indeed the whole classification system grind to a halt. I guess it is possible for someone to go out and frivolously say he objects to 1 650 videos, in which case the system would simply grind to a halt. I am not in the business of encouraging people to take that sort of frivolous or mischievous approach to this question, but I am yet to be convinced by anyone that an ordinary human being, an ordinary citizen, an ordinary taxpayer of WA should not have a direct right of appeal to have video material reviewed. I challenge anyone to put forward any cogent or strong reason to suggest that that right ought not to exist in WA.

If in a year or 18 months it is found that such an appeal is unsatisfactory, if any loopholes are in that sort of appeal mechanism, it would be up to the Minister and the Government of the day to bring the matter back to the Parliament and say, "It is not working" or, "It could be working better if certain changes were made to the Act." That would for the first time give Western Australians a right that is about as fundamental a right as one could get.

On another subject, again a matter that should exercise the minds even of the most conscientious censor, members might be aware that this Bill will ban any video material that incites or encourages terrorism. I raise this matter not because we are a community especially prone to acts of terrorism but only because in recent times I had the chance from my local video shop to purchase and watch what I thought was an excellent video film, based on a true life situation, called *Hennessey*. That film was banned in the United Kingdom under a similar provision we are envisaging here because it was a story about a member of the IRA who sought to avenge the death of his wife and daughter by flying to London and passing himself off as a member of Parliament and then attending the State opening of the Parliament with the intention of exploding a bomb within a few feet of the Queen of England.

That film was banned in the UK because it was feared it would "incite or encourage people to acts of terrorism". Therein lies the difficulty of attempting to draw a line. I know that this debate has been going on since time immemorial, and I guess we will not solve the problems in this debate tonight. However, on the other side of the coin, I think we should be aware of the extreme difficulty that censors and legislators have in trying to come to grips with this

problem. While I have some sympathy for legislators and censors in making decisions on these matters of judgment, when it comes to a difficult area such as the inciting of a person to an act of terrorism, I cannot accept and will never accept that that fine line exists where some of the movies and some of the videos that are already available will continue to be in circulation even after the proclamation of this Bill.

During the dinner break, Hon. John Caldwell and I were invited to watch a video which had excerpts from a variety of videos which are available in Perth, and all of which I understand are "R"-rated. All of the videos dealt, not with sex, but with violence. While I watched that video, I wrote down a brief description of the sort of material that I would make a special appeal to the Government to do something about. I would like someone to suggest to me that there is a socially redeeming feature about allowing violence of this kind to circulate. The scenes included someone axing his mother, with the axe biting into the mother's scalp, and someone else sawing through a torso.

Hon. Tom Helm: I have just had my tea.

Hon. P. G. PENDAL: I did not have any tea after I saw these things. Another scene depicted a knife being driven through a human head, and a chain saw cutting through a woman's flesh. These are not comedy films; they are not Monty Python-type bloodless approaches to humour. They are intended to be depictions of violence. Another scene was of a woman's hand being placed in a vice and being sawn off, and a drill being put through someone's head.

Hon. Tom Helm: We've got the picture.

Hon. P. G. PENDAL: I am sure the member does have the picture. I think it is a pity, in some ways, that we cannot bring these excerpts into the Chamber to show to members because the people who showed those scenes to Hon. John Caldwell and me made the point that we do not understand what is on the shelves of the video outlets in this community. Not only did we see those ultra-violent degrading scenes, but we also saw on the screen someone copulating with a severed head. These films are not banned; they are freely available in the video shops.

I said at the beginning of my comments that I subscribe to the view that, in the main, adults have the right to choose what they see and hear. I said also that those adults have to balance that right with the illegal or illicit circulation of that material to young and impressionable

people. I was told that many people, for God knows what reason, take those things to their homes and, when they are not watching them, allow their children to watch them.

I wonder how in touch the censors are with community attitudes. Every time a member of Parliament seeks to refer to this matter or to complain to the appropriate authorities about these sorts of films, we are reminded that we live in a civilised society and that the censors are merely reflecting legislation by saying that it is the community's opinion that they are seeking to address. However, I ask anyone to tell me how people, other than demented people, would want to see that material. It is not even titillating. People can understand others wanting to see material of a sexually titillating nature, but this type of video to which I have referred has no redeeming feature at all. I have been told that, in allowing the sale and distribution of these films, the censors are merely trying to establish the community standards in this area.

Last year, in a genuine attempt to come to grips with that problem, I suggested—I repeat it here tonight—that the Government should invite a polling organisation to gather at random 100 people and put them in a room for a day or two days and show them a selection of videos ranging from the best through to the worst. I think it would be interesting to see how those 100 randomly and scientifically-selected people classified the films they had just seen. Would it not be also interesting to hear the discrepancy in views expressed by those 100 randomly-selected Western Australians and the film censors?

Members will be aware that, not long after this Labor Government came to office, a person of very strong left-wing and libertarian views was appointed by the Government to the Western Australian indecent publications committee. I think it is called, and, within a few months, handed his resignation to Hon. Des Dans or Hon. David Parker because she could not take any more. She said that the stuff she was being asked to watch as a censor was revolting. I think there is a message there. I think that message should be linked with my suggestion that we attempt to do something along the lines I have outlined to determine how far or near the mark the official censors of this country are on these matters.

In the main, I have concentrated, and I make no apologies for it, on what I see as the negative aspects of the legislation.

I repeat that I intend above all else to move an amendment to clause 4 that would give ordinary people in Western Australia the direct right of appeal. At this stage, I also signify that I understand the National Party has a number of amendment to the legislation which I would certainly be inclined to support.

Those points aside, the Opposition supports the Bill.

HON. J. N. CALDWELL (South) [8.11 pm]: The National Party supports this Bill with reservations. During the Committee stage it will move amendments to the legislation.

I do not own a video recorder and after seeing some of the videos that were shown to members tonight, I am glad I do not have the opportunity to watch such horrific movies.

The video which was viewed by myself and other members this evening was probably the most gruesome, hideous and horrifying movie I have ever seen. Hon. Phil Pandal did miss out on one scene and I would like to describe it to the House because it is probably the most horrifying thing I have ever seen.

The scene showed a young lady who, in front of many people, had been scalped. A close shot was shown of an electric drill boring into her skull. If that was not bad enough, after the electric drill had been withdrawn a straw was placed through the top of her head and a person proceeded to draw out the contents of the skull.

I point out to the House that these types of video films were available to people under the "R"-rated classification. I do not know whether Hon. Joe Berinson has ever seen anything like this. I only wish he could have joined us this evening to witness these horrifying scenes. The point is that all these types of videos are available through video outlets.

I ask members whether we really need cannibalism via videos or whether we need scenes of dismemberment, beheading, disembowelling, decapitation, rape and drug promotion by the same means. I also ask members whether we need weird fetishes and sadomasochism. Those words in themselves are horrifying and I almost cannot pronounce them properly. I have never been associated with this type of thing in my life and I found it very distasteful.

I understand that this legislation has been introduced in an endeavour to clean up this particular area. I only hope it does.

I have noticed during my visits to video shops that "R"-rated video material is not displayed in the back of the shop, but it is displayed where it can be seen by people as they walk past the shop. The glossy covered videos with explicit scenes displayed on them can be seen by all.

I refer to a news release from the Department of the Premier and Cabinet in 1984. It stated—

The display of R-rated material is also to be confined to restricted areas in videotape outlets.

I wonder what happened regarding that news release. It certainly has not been policed. I refer also to a letter from the Office of the Premier which stated—

Video material is currently subject to a rating system which includes the (R) restricted category. Such material cannot be openly displayed or sold to children.

Once again, that has not been carried out. I only hope that this legislation rectifies that point.

The National Party's amendments are not designed to weaken this Bill and, indeed, they will incorporate a tough stand especially in regard to children, who must be protected.

Hon. J. M. Berinson: Have the amendments been circulated? I do not think I have seen them.

Hon. J. N. CALDWELL: I am not sure whether they have been circulated.

The National Party's amendments provide the means for action to be taken by parents against people who expose their children to "R"-rated videos without their approval. A number of people are concerned about the possibility of their children being shown "R"-rated videos or a film shown on television and classified "AO". The National Party's amendments require that parental permission be sought before such videos are shown to children.

The National Party is proposing that parents be given a means by which they can take action against people who expose their children to unclassified videos.

I understand that in the other place an amendment was moved which proposed a numerical range from nought to nine which would identify violence, sex and bad language in video films. The National Party supports this proposal. I am of the view that a video with a particular name can have parts of it extracted or parts of other videos incorporated in it and

it alters the actual classification of the video. If a classification using these numbers which indicated the level of sex, violence and bad language were incorporated, it would help to clarify the contents of the video.

I am not sure that the Minister for the The Arts should have the final say about video classifications. After all there are Ministers and Ministers. It has been seen in past legislation that Ministers are being given more power. I understand that they must have some say, but I feel that a committee system to deal with this sort of thing is much better.

The National Party is in favour of legislation to cover horrifying videos. As far as children are concerned some of the "G"-rated videos are not suitable for them to view. I wonder if another classification, perhaps known as "C", could be introduced to indicate that the videos were purely for viewing by children and could be shown in the home and in kindergartens.

The National Party supports the Bill.

HON. H. W. GAYFER (Central) [8.19 pm]: I apologise to the Leader of the House for not circulating the amendments. I thought that they had been circulated, but, regrettably, they were not. They should be circulated in a few moments. I join with my colleague and suggest that some form of control over videos is absolutely essential.

I go to a video shop now and again not far from Hon. Phillip Pandal's home. It is not far from the President's home, either. While I look at the classics and educational type of videos, on the broad screen can be seen the type of material which makes one wonder what it can be doing to the minds of those who happen to be watching. On Sundays and at weekends—and indeed on any evening—this can be seen. It is not as though I am a habitual customer of this video shop, but the point is that some of the stuff shown on the screen is absolutely abhorrent.

One is very aware of the impact this material must have. When we heard from our colleagues in this place who had been viewing those videos tonight, we saw the effect it had on the President. He left his chair in the middle of the explanation of one of the gruesome scenes.

Hon. P. G. Pandal: He did not look too good at all.

Hon. H. W. GAYFER: I do not know what effect it had on the minds of Hon. Phil Pandal or Hon. John Caldwell, but it was repugnant as far as the President was concerned.

We join with other members in supporting the Bill. Something must be done. We support the approach to the legislation instituted by Hon. John Caldwell and others.

HON. E. J. CHARLTON (Central) [8.22 pm]: I add my support to the comments made by both my colleagues in support of the action to be taken to gain some control over this disgraceful and demoralising effect on our society which is taking place through this medium. Of all the things we have wrong with our society, there is no question in my mind that the video machine has been put in place for the gain of a few irresponsible and greedy individuals in this nation, to the great detriment of our society as we know it.

While no-one is ever 100 per cent clean from all points of view—we all fall short in some way or other—there is no doubt what is taking place through the video set-up. The other night I asked a question about the importation of videos into Western Australia from the ACT. The situation is absolutely unbelievable. One needs only to think for a moment about the people involved in watching these sorts of videos. What must their minds be like to contemplate it?

Secondly, and more importantly, what happens to these people after viewing and witnessing those videos? What emotions must be stirred up in their minds?

Hon. G. E. Masters: This newspaper illustrates what happens!

Hon. E. J. CHARLTON: Whether it is a headline in a daily newspaper or anything else, it is enough.

I want to make a point about the video shops themselves. No-one is in the market to sell something except for profit. The bigger the turnover the more money one will make. I saw for myself in a video shop last week a number of these "R"-rated videos showing violence, sex and everything else which must be part and parcel of this rubbish right up front. It was very hard to find something which I considered suitable for public viewing. I can give the reason for this: It does not have the up-front market some of the other disgraceful stuff has.

Whatever we can do in this Parliament we should. I congratulate everyone doing something to try to put a curb on this stuff. But until we as a society are prepared to take a tougher stand than we are about to take here and get rid

of it across the nation, get society to reject it as a totally unacceptable part of our lifestyle, we are contributing to the downfall of this nation.

In this day and age, as I have said on other occasions, what we should be doing as responsible members of Parliament is trying to perpetuate the values on which this nation was built. We must put aside the irresponsible, denigrating means by which some people are going to bring this nation down.

Whether we like it or not, regardless of our politics, regardless of what we believe society should be and how it should live or operate, anything done by people for monetary gain to introduce and promote this disgraceful rubbish which is being put before children in particular—particularly those who do not have any parental guidance at any time of the day or night when obviously it should be there—should be stamped upon.

It does not matter who we are. If we had the opportunity as young people to be confronted with some of this material, we would not be in the position we are in today; able to tell what is right and what is wrong as we have learnt those values in our life as part of our society.

I too support the legislation and apologise for the late amendments put forward by the National Party. I hope members will bear with us when the time comes.

HON. N. F. MOORE (Lower North) [8.28 pm]: In 1981 I represented the then State Government at a ministerial conference to discuss this whole matter. At that time videos were not freely available in Australia. Most of the Commonwealth film censor's activities revolved around the censorship of films. At that time videos were becoming more popular, and the question of seeking classification for them was on the agenda for that ministerial conference.

During the afternoon of the conference, as a group we visited the offices of the Commonwealth Film Censor. At the time she showed us a selection of videos and films to which she had refused to give a classification because they were so extreme. I was, to say the least, shocked and horrified to think that people had the mentality to produce films with that extraordinary content.

It makes one wonder what sort of people would have the imagination to produce the sort of material they do produce. Having listened to Hon. Phillip Pendal and Hon. John Caldwell tonight, it would seem that some of the scenes which were depicted in those films in 1981 are

now being classified as "R"-rated material. In fact Mr Pendal may have seen some material which bears a strong resemblance to what I saw in 1981, and which was refused classification.

I wonder whether this legislation goes far enough. It is a step in the right direction. We are providing classification on a uniform basis across Australia, which I applaud, but I wonder whether, by allowing certain material to be classified, we are not in a sense condoning the production of material that in my view is unacceptable. The sort of material we have heard about tonight which has an "R"-rating is interesting in the sense that the Bill talks about a video not being classified if it offends a "reasonable adult". I wonder what "reasonable adult" would be prepared to accept that sort of material even if it were classified with an "R"-rating. I think we have to do something about this in a very serious way. If Australia is to go ahead and to provide an environment for young people in which they can grow and develop as wholesome human beings, we have to do something about stopping this garbage which is being leased, sold and rented to people through the production of videos.

The problem with videos, as opposed to films, is that they are much more accessible to people. Whereas one needs to go to a cinema to view a film, one can hire a video, watch it in one's home, and send it back the next day. They are much more available, not just to adults but to children, so they represent a much more insidious problem. There was a certain restriction that could be applied to young people when showing films in a cinema. One could stop children going into a cinema and could restrict the audience to people who were entitled to view the film. Videos are a whole new ball game and they are a serious threat to and concern for our society.

One problem which was mentioned in 1981 at the ministerial conference—perhaps the Attorney General can tell me whether this problem has been resolved—was the illegal importation of video material into Australia. Since videos are easy to tape one from the other, a person coming into this country from overseas can bring in one video tape which contains unacceptable material, smuggle it through customs without it being checked, and can make copies of that one video. One video becomes 100 and 100 videos soon become 1 000. Very soon copies of obscene videos are spread throughout the community. The suggestion was made at the time that this created an enormous problem for the customs department. I suppose

the only way customs officers can determine whether or not a video is obscene is to watch it. Everyone knows how impractical that would be. It would virtually be impossible for the customs department to deal with every video that overseas travellers bring into this country. I wonder whether there has been any beefing up of the customs service to try to prevent the importation by travellers of the videos we are seeking to control in this country.

The problem did not exist with films to that extent because films are much more difficult to copy than videos. One cannot simply play a film and copy it easily, but one can duplicate videos on a machine and soon have dozens of copies of one particular video. I wonder whether the Attorney General knows whether the other States have worked out some way to overcome what was in 1981 a significant problem faced by that ministerial conference.

Some videos and some material seen on television these days are in my view contributing to a moral decline in this country. Too often, unfortunately, people blame the education system and neglect to blame the rest of society for the problems young people are facing. I read somewhere that children in the United States watch television for eight hours a day on average. I guess a fair amount of that would be spent watching videos. They must therefore have an enormous influence on the thinking and attitudes of young people. If children are getting their hands on some of the videos one sees in video shops these days—videos which are or will be classified under this system—it worries me where we are going.

It does not surprise me to see in the newspapers stories of horrific murders, torture and crimes of great violence taking place in our society when young people from a very early age are subjected to just this sort of violence on their television screens. It is a serious matter and one which we must address. I think this legislation goes some way towards doing that by saying, "You must classify these videos and restrict their sale." Videos, by their very nature, have an insidious way of promoting certain views and attitudes towards violence and sex. I do not really know what all the answers are.

I commend the Government on taking this step but I hope somewhere down the line we can do something about the sort of sex and violence, and the combination of the two, that we find on videos which are readily available to

our young people. Unless we do something about this matter there will be serious problems for the future.

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [8.37 pm]: Any dividing line involving questions of personal judgment is necessarily hard to draw. Censorship raises these problems in a particularly acute form and the whole area has to be acknowledged as very vexing, difficult to properly get to grips with and frustrating in terms of the likely results of whatever action is taken.

The comments made in the course of this debate have to be taken seriously, and I assure members that they will be taken seriously. At the same time we have to acknowledge, I believe, the limitations of the particular Bill with which we are dealing. This Bill has a restricted purpose, which is to create a framework of regulation rather than a system or a definition, if one likes, of the way in which particular cases should be dealt with.

Standards have changed over the years. In recent times they have become more liberal than in earlier days and it is clear from the comments that have been made in this debate that Opposition members believe we have gone too far in that direction. It might well be that the pendulum will swing again although, with my limited experience in this field, I must say I am certainly in no position to judge how likely that is in any short term. The important thing to understand is that it is not the role of this Bill to set up a system of standards which will satisfactorily meet the concerns which have been expressed about particular films or particular segments of films.

It is to set up a system with some national application and with a degree of uniformity which will at least overcome existing difficulties arising from the fact that films acceptable in one place may not be acceptable in another, and vice versa.

I had intended earlier to try a reasonably comprehensive response to particular matters which have been raised, but I am inclined to leave further discussion to the Committee stage. As members will know, Hon. John Caldwell has only tonight circulated a very substantial list of amendments. I have not counted them, but there seem to be at least 20 or more, and I am obviously not in a position to move into the Committee stage tonight and deal with all the matters he wishes to raise with the advice and the background necessary. I therefore propose that discussion in the Committee

stage, together with any further references to matters I have not responded to now, be left to another day. I propose that we proceed with the second reading now on the understanding that the Committee stage of this Bill will be listed for consideration at a future sitting.

Question put and passed.

Bill read a second time.

STANDING COMMITTEE ON DELEGATED LEGISLATION

Appointment: Assembly's Message

Message from the Assembly received and read notifying that—

- (1) It had agreed to the resolution contained in the Legislative Council's message No 19 relating to the Standing Committee on Delegated Legislation, subject to the amendments contained in the schedule annexed, in which amendments the Legislative Assembly desired the concurrence of the Legislative Council, and
- (2) proposing that the resolution, as amended, should be included in the "Joint Standing Rules and Orders of the Legislative Council and Legislative Assembly" as "2A" of those rules and orders, and will so resolve provided the Legislative Council will do likewise.

Schedule indicating the amendments in which the Legislative Assembly desires the concurrence of the Legislative Council—

Rule 2

Delete sub-paragraph (1) and substitute—

- (1) The Assembly members of the Standing Committee shall be chosen as the House may determine but, where there is a party in the Assembly of not less than 5 members, other than a party whose leader is either the Premier or the Leader of the Opposition, one of the Assembly members of the Standing Committee shall be a member of that party.

Insert new sub-paragraphs (2) and (3) as follows—

- (2) The term of office of each committee member extends from the time of election to the committee

until the expiration of that Parliament during which he was elected.

- (3) When a vacancy occurs on the committee during a recess or a period of adjournment in excess of two weeks the President or the Speaker, as the case may be, may appoint a Member to fill the vacancy until an appointment can be made by Council or Assembly, as the case may be.

Re-number sub-paragraph (2) to read (4)

Rule 9

Insert after "during" the following—

a recess or.

Rule 10

Add "of whom not less than 2 shall be members of the Assembly".

WATERFRONT WORKERS (COMPENSATION FOR ASBESTOS RELATED DISEASES) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Leader of the House), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [8.44 pm]: I move—

That the Bill be now read a second time.

The Bill before the House repairs an omission from the Waterfront Workers (Compensation for Asbestos Related Diseases) Act which was passed during the last session of Parliament and came into operation in December 1986. It was always intended that this Act would provide compensation for waterfront workers on the same basis as other workers with industrial diseases. The Workers' Compensation and Assistance Act 1981 provides entitlement to workers who have contracted lung cancer through heavy exposure to asbestos dust, and the proposed amendment will enable waterfront workers to claim in the event of the same disease being contracted.

Honourable members will appreciate the proposed amendment simply corrects an oversight in the original legislation and is designed to ensure consistency of treatment of all workers.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. J. M. Berinson (Leader of the House), read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [8.46 pm]: I move—

That the Bill be now read a second time.

The Bill before the House comprises three urgent amendments designed to speed up the delivery of workers' compensation in this State and improve the administration of the scheme.

The first measure provides for the appointment of a deputy chairman of the Workers' Compensation Board who will be empowered to hear cases simultaneously with the chairman. The deputy chairman and two nominee members will be appointed on a part-time or full-time basis for specified periods of up to one year whenever the workload of the board appears likely to generate a backlog of hearings. The legislation will provide that the persons appointed will have similar qualifications to the existing board members, and moreover will have to satisfy the Government that they have no other involvement in workers' compensation during their terms of office.

I repeat that these appointments will be on a part-time or full-time basis for periods of up to one year, depending upon the workload of the board. Honourable members will agree that this measure represents an appropriate and economical response to the Government's obligation to ensure a speedy resolution for both employers and workers of disputes in the workers' compensation system.

The second measure concerns the powers of inspectors appointed by the Workers' Compensation and Rehabilitation Commission. The Government has increased the size of the commission's inspectorate and members will be concerned to learn that the inspectorate is cur-

rently identifying an average of 100 employers per month who have failed to obtain insurance as required by the Act. This situation represents an unfair charge on the vast majority of employers who have met their obligations in this regard.

If this problem is to be minimised, the commission must be in a position to conduct random, on the spot inspections of persons believed to be employers in order to ascertain whether or not they are insured. The commission also needs from time to time to visit premises for other purposes, including the offices of insurers and self-insurers to assist them in preparing information and returns for use by the commission. The Government has recently received legal advice which indicates that the commission may not have the power to perform these functions. The proposed amendment is therefore intended to establish beyond doubt the commission's right to appoint persons to carry out inspections for any purpose consistent with its role under the Act. I am sure that, having regard to the urgent need to continue measures to reduce premium evasion, all members will support this amendment.

The third and final aspect of the Bill provides for medical practitioners and the executive director of the commission to notify the Department of Occupational Health, Safety and Welfare of any worker who has contracted a specified disease. At present the Act requires such cases to be notified to the Health Department, and this requirement is clearly no longer appropriate in view of the transfer of occupational health responsibilities.

The Bill contains three urgent amendments designed to improve compensation and prevention measures in this State.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. G. E. Masters (Leader of the Opposition).

PREVENTION OF CRUELTY TO ANIMALS AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by Hon. Kay Hallahan (Minister for Community Services), read a first time.

Second Reading

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [8.50 pm]: I move—

That the Bill be now read a second time.

The Prevention of Cruelty to Animals Act was enacted in 1920 and penalties for offences under the Act were last increased in 1970.

In the last two years similar legislation in South Australia, Victoria and New South Wales has been totally revised resulting in new Acts having a different approach to animal protection issues. In particular, greater emphasis is given to exercising controls over animal research experiments.

The Government is mindful of the need to thoroughly overhaul the legislation in this State so that it better reflects present day public concerns for the welfare of animals.

Without wishing to pre-empt the form of any new legislation in this area it is felt the experiences of the other States in their recent reviews will be a considerable benefit to our intentions to produce a more relevant Act providing adequate animal protection controls. However, a separate issue from that general overhaul of the Act is the need for immediate attention to be given to updating the maximum penalty for the offence of cruelty to an animal.

Members will be aware of recent public criticism of inadequate penalties being imposed for cruelty offences and the current maximum of \$200 or six months' imprisonment is clearly in need of a significant increase. By way of comparison, provision is made in the new South Australian legislation for a maximum penalty of \$10 000 or one year's imprisonment.

The RSPCA and many individuals have made representations for increased penalty levels and the Government is satisfied there is adequate justification for now seeking, through this Bill, to increase the maximum to \$5 000 or one year's imprisonment as a means of providing a meaningful deterrent against cruelty offences.

The Bill also provides for increased penalties for a number of other minor offences under the Act.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. C. J. Bell.

**STATE GOVERNMENT INSURANCE
COMMISSION: PUBLIC ACCOUNTS AND
EXPENDITURE REVIEW COMMITTEE**

*Terms of Reference: Motion to Concur with
Assembly's Message*

HON. J. M. BERINSON (North Central
Metropolitan—Leader of the House)
[8.51 pm]: I move—

That the Legislative Council concurs
with the Assembly's resolution.

This motion is intended to achieve the intent of section 48. The terms of reference contained within the motion have been agreed to unanimously by the Public Accounts and Expenditure Review Committee.

The motion also provides for the calling of evidence and advice in relation to other matters contained in the terms of reference. There is also a provision to ensure that the privacy of an individual's business affairs is protected.

Finally, there is a provision to ensure that if the committee finds there is any improper or unfair advantage to the State Government Insurance Commission it can report that to the Parliament and some statutory amendment can be made to ensure that that improper or unfair advantage is removed.

I commend the motion to the House.

HON. G. E. MASTERS (West—Leader of the Opposition) [8.52 pm]: The Opposition supports the motion, but it would like to make a few comments.

Honourable members will recall that some 12 months ago there was a great deal of debate in this House when the State Government Insurance Commission Bill was introduced. During that debate all sorts of comments were made about the possible unfair advantage that the commission may have unless there was a proper policing of its activities and an overview of its operations.

Members will recall that it took a big effort on the part of the Opposition at that time—the National Party supported the Liberal Party—and there was a great deal of persuasion and we reached the stage where a division was called in respect of the inclusion of the then proposed section 48 in the legislation. I am very pleased that we have reached the stage where the Opposition's objectives have been achieved.

Perhaps the Minister will advise in his reply why there has been a long delay in setting up this committee. Again members may recall that only a week or two ago I raised a question in this House asking when the terms of reference

would be brought forward as required by the legislation and when the arrangements that are also required by the legislation would be proceeded with. As a result of the pressure put on the Government it has finally come forward with this motion.

The Opposition was deeply concerned during the debate on the State Government Insurance Commission Bill that under the Government's arrangements, prior to some amendments made here, the commission, in its business operations, would have an unfair advantage over the private sector. Such was the concern from the private sector that members will recall that a number of representatives from the private sector were in the gallery during the debate and I think that all parties received correspondence and telephone calls, and there was pressure all around to make sure that included in the legislation would be a provision for a watchdog operation.

The Liberal Party did not succeed in its first move to incorporate in the legislation an overseeing committee and I guess that it was only as a result of the Premier's suggestion that the Public Accounts and Expenditure Review Committee would have this overview. Such was the Opposition's suspicion of the Government's intention in this respect and the question of the Premier's sincerity that the Opposition insisted that a provision for a watchdog operation be incorporated in the legislation. It was incorporated and the Government had no alternative but to proceed with the motion that is now before the House.

The Opposition has made some inquiries to ascertain whether the terms of reference are suitable to the industry and to those people who have an interest in the SGIC's operation and the insurance industry. Having received their assurance that it adequately covers their needs, the Opposition will support the motion and perhaps the Leader of the House may be able to answer the queries I have raised.

HON. H. W. GAYFER (Central) [8.58 pm]: Members in the House will remember the debate that took place almost 12 months ago. The National Party, together with the Liberal Party, was very keen to include a watchdog clause in the legislation. Indeed, the clause was, in the first place, suggested by the Premier to persuade us to expand the role of the State Government Insurance Office. We argued for many hours in this place and I will not forget the debate for a long time. We were trying to get the House to agree to a setting up of a committee of Parliament comprising three

members of Parliament, one to be appointed by the Premier, one to be appointed by the Leader of the Opposition and one to be appointed by the Leader of the National Party of Australia.

I will not deal at great length with that debate, suffice it to say that the motion dealing with the functions and powers of the committee as I put forward in my amendment on page 2465 of *Hansard* on Thursday 24 July was not acceded to. However, a new clause 48, to which we have referred tonight, was moved by my colleague, Hon. E. J. Charlton and it forms section 48 which is the subject matter of this schedule to Assembly's message No. 26.

The final outcome of Hon. E. J. Charlton's amendment was that the Public Accounts and Expenditure Review Committee of the Legislative Assembly would, for the time being, oversee the conduct and management of the affairs of the commission and the corporation to the extent necessary to determine and report whether the commission and the corporation receive any improper or unfair advantage over their competitors in the insurance industry. The amendment also said that the terms of reference of the Public Accounts and Expenditure Review Committee shall be as agreed to by both Houses of Parliament.

Accordingly, we have had presented to us the schedule referred to. I wonder how far we could go if we wanted to make an amendment to this schedule, knowing that the Public Accounts and Expenditure Review Committee for the time being is made up of Legislative Assembly members. Knowing that the Legislative Assembly has passed the schedule in the form they wished it to be executed, I am wondering what powers we would have to amend the schedule, or whether that would virtually kill the schedule completely. What would happen if we were to make some alterations? We have had a look at the schedule. We believe it does suffice and covers the situation alluded to in section 48 but it is an entirely different committee to that we imagined would have been set up in the first place.

Nevertheless, the Act being what it is, we can only look at the schedule and agree to the terms within the Act. The terms of reference contained in the schedule should suffice.

The schedule says—

In accordance with Section 48 (2) of the State Government Insurance Commission Act 1986, the Terms of Reference of the Public Accounts and Expenditure Review Committee in determining and reporting

on whether the Commission and the Corporation receive any improper or unfair advantage or preference over their competitors in the insurance industry are as follows:

The Public Accounts and Expenditure Review Committee is to examine the financial accounts, records and business conduct of the State Government Insurance Corporation and report to Parliament every twelve months as to whether it believes that the State Government Insurance Corporation has received any improper or unfair advantage or preference over its competitors in the insurance industry. For this purpose, the Public Accounts and Expenditure Review Committee is to examine and consider:

all Commonwealth and State taxes and charges, or payments in lieu thereof, paid or payable;

the use of any public sector service or facility and associated charges and fees paid or payable;

the relationship between the State Government Insurance Commission and the State Government Insurance Corporation and the use of the Commission's services and facilities and any associated fees and charges; and

compliance with Commonwealth solvency and ratio requirements.

In the course of this examination, and for this purpose, the Public Accounts and Expenditure Review Committee can receive or solicit advice and evidence from interested members of the public and business community.

In fulfilling these functions, the Committee is to ensure that the privacy of individuals and their business affairs are protected and remain confidential to the Committee, and the Committee shall not disclose such information for any reason.

In the event that the Committee believes that the State Government Insurance Corporation has received any unfair or improper competitive advantage over its competitors, such evidence is to be presented to Parliament together with recommendations for any legislative amendments which the

Committee considers are necessary to ensure the competitive neutrality of the State Government Insurance Corporation.

We believe that is what is required under the terms of section 48. We support Assembly message No 26 and the schedule contained thereto.

HON. J. M. BERINSON (North Central Metropolitan—Leader of the House) [9.05 pm]: I thank members for supporting this motion. So far as I can recall, there was only one question raised and that was from Hon. Gordon Masters.

Hon. H. W. Gayfer: I was interested to know whether we can amend it to any degree in this House.

Hon. J. M. BERINSON: I thought the member was directing that question to the President. So far as I am concerned, the answer is no.

Hon. Gordon Masters asked why this motion should be moved now and not at some earlier time. The honest answer to that question is I do not know but I can add that the implied suggestion that there has been some delay with the process is really misplaced. As the honourable member will be aware this Bill was passed less than a year ago and the commission itself has only been functioning for a relatively short time. If we are to have a committee reviewing the functions of the commission the least that has to be provided is some reasonable period of operation so that a system can be properly in place for the review to operate on.

I can only say that the establishment of this review at this stage seems to me to be perfectly timely. The committee is to report at 12-monthly periods and this will roughly coincide with the end of each financial year of the corporation. In any event, it is clear that the motion does have the support of all sides of the House and I welcome it.

Question put and passed.

DOG AMENDMENT BILL

Second Reading

Debate adjourned from 9 June.

HON. W. N. STRETCH (Lower Central) [9.08 pm]: This is the first time I have had the pleasure of taking part in legislation to amend the Dog Act. I am told on the highest authority that this legislation always gives rise to long and acrimonious debate. I will certainly not be adding to that in any great way.

The difficulty with legislation such as this is that all individuals who own dogs believe theirs are perfectly behaved, always totally in control, never urinate or excrete and never stray from their homes.

My only credentials for dealing with this Bill are that I live 35 miles from the nearest townsite. I have been attacked on the face by an Alsatian dog, bitten on the leg by a blue heeler and chased up a windmill by a Jersey bull.

Hon. P. G. Pandal: You do not sound as though you will have an unbiased opinion on this.

Hon. W. N. STRETCH: I suppose I must declare a vested interest! I wish to quote from an article in the *Great Southern Herald* of 3 June 1987 headed "Dogs attack sheep". It says—

LOCAL cartage contractor Terry Poett arrived at work last Friday morning to be greeted by a grisly sight.

Eleven weaners which he had bought the day before at the Katanning trade sale and put in his truck yard in Harris Street had all been attacked by dogs.

Two were already dead and another seven were so badly mauled they were later destroyed by the shire ranger Max Lewis.

The two dead sheep had about one kilogram of flesh stripped from their hindquarters exposing the bones and lower intestines of both animals.

"They would have died in agony," Mr Poett said.

The other sheep also had been badly attacked in the hindquarters region.

But there was no sign of injury to their necks or throats.

Mr Poett said the dogs appeared to be attacking for food rather than to kill.

He pointed out that he had bought the sheep to eat the grass in his truck yard. . .

I think that underlines the difficulty we face with this sort of legislation, and I guess it is inevitable that every few years Governments of whatever persuasion have to review this Act, and that is what the present Government has done.

To give an idea of the intensity of interest in this particular issue, one only has to read the Minister's second reading speech in this House—which I might add differed considerably from the speech in the lower House—

where he pointed out that 800 submissions were received by the review committee on the Dog Act. I think that is probably matched by the amount of correspondence that members of this House have received on the same Act! However, this time we have probably made some steps forward. I know that every time we make a decision, we will probably please one person and antagonise another, but that is the very nature of this type of legislation.

I believe the committee and the Government have done a lot of agonising over the question of "control", which is a vexed question. The Alsatian that I referred to which attacked me in the face was a dog which the owner assured me was totally "under control". I pulled up at a service station for petrol, and this dog, which was totally under control, just jumped out and attempted to take a piece of me. I know it was an unfortunate and isolated incident and has never happened before and will never happen again, and I take the owner's word for it, but that is what happened. However, I think that underlines the question. "Control" is an infinite thing, and as a person whose main association has been with working sheepdogs, I believe from experience that 90 per cent of the time they do what they are meant to do, and 10 per cent of the time they do what they want to do. There are many funny stories about who controls the dog and who is working around sheep yards and paddocks, but I will leave that for another day.

I do urge members to think seriously about this question of control. I know it causes great difficulties. For instance, if one is jogging with a dog, how does one keep it on a leash and avoid it diving between one's legs, and all coming down in a screaming, tangled heap? That has happened to me, and no doubt it has happened to other members. I believe that some amendments which were passed in the lower House, where the local government authority now has to set aside areas for the exercising of dogs, may help to alleviate that problem. I have also had representations from people in areas up in the hills, who believe that people who like to run long distances with their dogs should be able to go around the boundaries of national parks sticking to the firebreaks. That brings into question a lot of other things which I think are best handled by local government. The beauty of this Bill is that it leaves the people who are closer to the problem to deal with those particular aspects of it.

Under this Act the power provided of entry to premises caused a lot of difficulties, because naturally a man's home is his castle, and I think the committee has come up with a sensible compromise there where an authorised person can enter onto premises in pursuit of an unruly hound, but cannot go into the dwelling itself without taking other steps. I think that is a reasonable protection.

The provision that the owner of a dog is required to provide premises where the dog is registered which are capable of containing the dog, is interesting. I do not know whether anyone has ever tried to contain a staghound-greyhound cross, but I have seen such a dog contained behind a seven foot fence, and being somewhat stimulated by the presence of an attractive female dog, that dog got out of that fence. One does not know how, but I gather the dog just jumped as far as he could and scrambled over the rest of the fence, and in actual fact ended up on a lounge room chair the next morning. So there again we have an infinite judgment of what is capable of containing a dog.

I suppose the only thing we can relate to in the human race is the old saying, "If they are randy enough, they will get over anything." However, I think that does underline a lot of the difficulties, and the Government is obviously doing the best it can about a very serious situation. I believe that this Act will be reviewed again, and it is a reasonable attempt to control this difficult problem of unprovoked attack, and also of the spread of disease.

I do not know how many members are aware of some of the diseases that dogs can carry if they are not carefully looked after and groomed, and it gets back again to where I started my remarks, by saying that everyone's dog is well groomed and cared for and totally dosed. In fact, the disease toxocara is carried by dogs—it could be bacteria—but it is easily transmitted to humans, and in many cases it causes blindness, and can also cause other blood disorders. So there are lots of very serious aspects of this. I believe it is incumbent upon people who own dogs to keep them controlled, dosed, and free of disease.

While the regulation that a dog must be kept on a leash unless it is in a recognised exercise area is going to cause difficulties to some people, it is also going to be a great source of peace of mind to older people, particularly, and to postmen and doorknocking politicians.

Generally speaking, I welcome most of the provisions of the Bill. I have reservations about some areas of the Bill, but I know there are other speakers who are only too anxious to enter this debate, and I shall not delay them any longer but shall let their energies and speeches be unleashed on the House.

I support the Bill.

HON. H. W. GAYFER (Central) [9.18 pm]: At one stage of amendment in the lower House, the Dog Amendment Bill took 18 hours of debate on and off, and yet I think there was a Bill dealing with the North West Shelf which took only about 18 minutes, or some comparative figure like that. I certainly hope, and I know members will agree with me, that it will not take as long to deal with this Bill in the House tonight. I think most of us have had some association with dogs, and those of us who use dogs as a workhorse, as it were, and expect the dog to be gainfully employed and earn its tucker, have a certain responsibility and kinship to dogs, and certainly appreciate them very much. However, we also know what a menace dogs can be if they get out of hand.

I was extremely interested to receive on my desk today a memo from the Wundowie District High School. It is the newsletter of the Parents and Citizens Association, and one of the articles said—

Dog nuisance. A number of problems have arisen recently with dogs interfering with students eating lunch, fouling the areas where the students eat and spreading rubbish from bins around the grounds. It is important for the wellbeing of these students that dogs are not allowed to roam the school grounds. Please do not let your dog follow children to School.

That is an indication of the many protests that members receive from shire councils, schools, and many other places, that dogs are indeed on the up and up in numbers, and they are certainly causing quite a nuisance, particularly in the country towns that I represent, and also in the city.

The dogs that infiltrate State Forest No 13 and the borders of the city area, and mate and increase in numbers, cause the doggers quite a bit of trouble in the bush; and this should be brought under control. This Bill attempts to do just that—to bring the dog nuisance under control.

The National Party is most sympathetic, however, and does not agree that dogs should be placed on a leash at all times in order to be

under control. We believe that the responsibility for a dog being under control should rest with the owner of the dog. As I said before, those of us from country areas who have sheepdogs, for example, have the responsibility of looking after those dogs while they are off the leash. During the day a dog is with its master and does not return to the kennel or to the dog pound on a farm or station until such time as the day's work is finished. But the dog is not on a leash at all times. It is in the open, or it may be in a public place with its master. A dog may be working down a road behind a mob of sheep, but it is under the control of its master. I believe there are many trained dogs that can be classed as being under the care and control of a person who is capable of controlling those dogs without their being on a leash.

Hon. A. A. Lewis: Many good dogs look after their masters.

Hon. H. W. GAYFER: That is true. That was not said lightly; it was said by someone with experience and I know it is very true. We do not believe that a dog being exercised by a person riding a bike or a dog running alongside a person who is jogging is not under control. While it is in the control of that person we do not believe it necessarily should be on a leash in order to be under the perfect control of that person. Someone might say, "What about if the dog gets away and bites somebody?" Well, if it does that it is no longer under the control of that person and therefore that person is the one who is responsible for the control of the dog. The dog is not responsible for not being on the leash.

That brings me to the case where a dog is on a leash and its owner ties the leash to something and the dog gets away. I know the dog is then not on the leash, but neither is it under the control of anybody; so what applies in one case can apply in another. We firmly believe that, and that is the reason we propose an amendment to clause 31 of the Bill, to include the words, "to be accompanied by a person who is capable of controlling the dog". It is as simple as that. When this Bill reaches the Committee stage we will further argue this point, as indeed we argued it in the other place, because we firmly believe that a dog is under control if it is looked after properly by its master, and it does not necessarily have to be on a leash to be in a person's control.

The National Party would appreciate the House's taking cognisance of our views and we ask members to look closely at our amendment when it is raised in the Committee stage.

HON. NEIL OLIVER (West) [9.24 pm]: I was very interested to hear the comments of Hon. Mick Gayfer on what appears to me to be a very sensible approach. I had understood that in another place there was a proposal somewhat different from the amendment which has now been proposed and I viewed it in a different light. I wish to make a few comments on the Bill but I do not intend to contribute to a 38-hour debate.

Frankly, I was inclined to oppose the Bill outright because there has been a statement by all Governments that they believe there should be smaller government, less bureaucracy, and more freedom for people to act in responsible ways. I believe this country is now being subjected to far too much law-making and members of the community do not have enough individual responsibility. For that reason I saw this Bill as one of the first opportunities to highlight this, because the Bill in its present form is impractical and will fail on the ground that it is quite impossible to eradicate the type of dog just described by my colleague, Hon. Mick Gayfer. Those dogs are out of control and we all know that is so, but that is no reason for us to penalise responsible owners.

The majority of dog owners are responsible in the manner in which they control their dogs, and they take an interest in their dogs. For example, the dogs are used in a working capacity in country areas but at the same time they bring pleasure to many of their owners. Not only are they a pleasure to have for children, but also for elderly people who sometimes live by themselves. Teenage children are offered great protection if there is a dog around the home. My family certainly falls into that category, and if I am in any way biased it is because of that. Because of my parliamentary role my wife and I sometimes leave our children out of communication range when we attend various functions. The children are four or five miles from the nearest homestead and, incidentally, we are near Wooroloo where many inmates spend more time outside than inside the Wooroloo Prison Farm. However, I will say one thing about the inmates at Wooroloo—when they get out they seem to travel fast through my area and do not hang around. I must admit that my wife and I have a secure feeling when we leave our children at home because we have two dogs; so I know the circumstances that Hon. Mick Gayfer described regarding the rural community and the attitude of people towards what we might call domestic animals.

However, I feel that this legislation is impractical, for the very reason that it sets out to bring animals under control. For those animals that are wandering the Bill in fact provides nothing. In the areas of government and bureaucracy we are creating more inspectors and more signposts to say where people can take their dogs. Of course, the signposts will probably be used, although not necessarily for the purpose for which they were intended. In addition, parks will have to be set aside and administered to enable the proposals in this legislation to be implemented.

If ever there was a time, and I suppose we have chosen the Dog Amendment Bill to make this appeal, now is the time we should be looking to curb all these unnecessary laws. We seem to be looking for more and more regulations rather than for responsibility within the community itself.

To highlight this further, the Minister in his second reading speech said that in 1981 the previous Liberal Government had instigated the setting up of a Dog Act review committee which included representatives of the Canine Association, local government associations, and a host of other bodies. I cannot believe that this committee had to consider the Act for six years before coming up with its recommendations. I do not know how many times it met or what expenses its members incurred in order to produce recommendations which became this Bill. Certainly the whole procedure has included the expense of having a Bill drafted, printed, passed through one House, and then having to come to this House for consideration. What the whole procedure has cost the public I would not like to hazard a guess.

The Minister's speech went on to indicate that the committee had reached a balance of community attitudes in determining the extent to which support should be given to its recommendations. In my experience and from my knowledge, this Bill does not represent a balance of community attitudes. The community associations represented on the review committee may well have made contributions to the committee's deliberations, but from what I see of the legislation it is all to do with bureaucracy, clause by clause.

The general thrust of the Bill does not have community support. I have not received one phone call or one letter asking me to support the Bill. I have received telephone calls and letters from responsible people unemotionally putting their case for the Bill to be amended in

order to improve it. No person has put forward the proposal that the Bill should be opposed. I do put forward that proposal because I think it is an overkill.

Earlier this year, when I spoke to the Address-in-Reply, I said that the only significant piece of legislation mentioned in the Governor's Speech—which was written for him by the Government—for discussion this session was an amendment to the Dog Act. The Leader of the House interjected and said, "What about electoral reform?" Of course at that stage I did not know that the electoral reform legislation would be reinstated to the Notice Paper.

During the next few months a considerable number of members will be travelling overseas. When they visit the continent of Europe, including England, Wales, Scotland, and Ireland, and when they visit cities like Paris, Brussels, Bonn, and Hamburg, should they stay at a five-star hotel on the Champs Elysees, they should look at the directories in their rooms. They will find on the tariff of those five-star hotels the cost of keeping a dog in their hotel room. With our great open spaces in Western Australia, I cannot see why we should be so preoccupied with amendments to the Dog Act. These amendments have required the efforts of Parliamentary Counsel and, if they are accepted, they will require the efforts of a whole range of people to implement them merely to harass responsible dog owners. Therefore I see no good reason to support this legislation.

I understand the problems of wild dogs outlined by Mr Gayfer, and the problems of having to get rid of the carcasses of sheep. Even I have been accused by neighbours a few miles from my home of owning the dogs that killed their sheep on some night. I can accept that Hon. Bill Stretch considers that some of these dogs are ferocious animals, but this is generally the result of their having been ill-treated by their owners and not having been properly exercised under proper control.

While I will not oppose the second reading, I look forward to speaking in support of Mr Gayfer's amendment during the Committee stage.

HON. P. G. PENDAL (South Central Metropolitan) [9.37 pm]: I want to say one or two things in view of concerns expressed by people in my electorate, an inner suburban electorate where many people feel that their

activities as dog owners will be restricted as a result of the alleged reforms contained in this Bill.

I am aware, as other members would be, that substantial amendments have been made to the original Bill introduced in another place. Many people would say, however, that those amendments have not gone anywhere near far enough. If the aim of this Bill is to eventually bring about a negative population growth amongst the dog population of WA, the Bill is likely to succeed.

Almost exclusively the complaints I have received as a city member have centred around that very sensitive area which I understand is now the subject of a proposed amendment by Hon. H. W. Gayfer, namely, whether a dog is under the control of someone only when it is at the end of a leash.

Perhaps the greatest weakness of the Bill is that it deals indiscriminately with all of the State dog population as though all dogs, like people, can be lumped into one category. For example, it has been brought to my attention by some of my constituents that the Bill does not differentiate, on the one hand, between large, aggressive, and dangerous dogs and, on the other hand, between cuddly little toy poodles that would be unlikely to cause alarm to anyone. They are all treated as canines under this Bill, and that in itself is an indiscriminate use of legislative power.

It has been pointed out to me that no owner of any sort of pet, particularly something as active as a dog, is able to guarantee that the dog will always be kept under control in the backyard of a home. Elderly people, particularly, are concerned about the legislation. This sort of legislation, if it does nothing else, enlightens us to the quaint and affectionate activities that people and their dogs engage in. In one case a woman asked me how she prevented her dog from going next door to be patted and fondled by the children in the manner that it had been used to for years. Under this Bill, the owner of that dog would be breaking the law.

The Bill does not discriminate between the large, aggressive dog to which I referred and the 18-year-old dog that may have no teeth and be a threat to absolutely no-one. I believe the Bill will fail on the grounds mentioned already by Hon. Neil Oliver. It will be a policing nightmare for local government authorities which will be charged with administering it. I believe

that local government will need to employ more staff to police the Bill's provisions and that, in the final analysis, it will benefit no-one.

In my seven years in this place, I have not received one complaint from any of my constituents about the behaviour of dogs or their owners. I imagine, from that, that these provisions have been produced by office workers who have had very little experience in real life.

Hon. Kay Hallahan: Oh!

Hon. P. G. PENDAL: The Minister, whose electorate joins mine, may have received a large number of complaints in her relatively short time in Parliament. I repeat the point that seemed to displease her, that no-one, in the years I have been in this place, has troubled to complain to me about any dog or its owner. After all, the Parliament is nothing if not a reflection of the things happening in the community. Other people may receive all sorts of complaints and I get none. However, I find it hard to justify the introduction of this Bill. It increases penalties excessively, in some cases up to \$2 000.

No doubt the Bill will be passed. I believe it should not be passed because people from my province have approached me in droves suggesting that, in the words of Hon. Neil Oliver, it is a gross overkill response by the Government to a perceived problem.

HON. MAX EVANS (Metropolitan) [9.45 pm]: I was elected to this House just over 12 months ago. I did not think I would ever speak on a Bill of such great import as this; but on behalf of my dog, Josh, I felt a need to say something. I believe that this sort of legislation should be the responsibility of local government. There are about 140 local government areas in Western Australia, each with its own problems. To try to implement legislation in an attempt to cover 140 local government areas is absurd. Each local government area has a different ratio of dogs per person, because of the nature of the people and how they live. There are more guard dogs in some areas than in others.

I believe that local government should be accountable to the ratepayers for this type of legislation. It may be an easy way out for it to have the State legislate in this regard so that local government can say that it was not its responsibility. If its decision were wrong local government would not have to face the wrath of its ratepayers at the next council elections.

Until recently, the Mosman Park Town Council provided a dog beach for ratepayers. Signs have now gone up on the beach forbidding people taking their dogs onto the beach. I presume that the council no longer wants that beach used as an exercise area for dogs. I believe that all local government councils should make their own arrangements on this matter and be accountable to the ratepayers for the facilities they provide. I can imagine that Sunday frolic with dogs getting into fights, running across roads, and chasing each other. We would then have the problem of having to fence these areas at a further cost to the taxpayer.

As Hon. Phil Pendal said, this is probably the end of dogs in our community. I am not saying whether that is a good or bad thing. However, I think it is sad. Many of us who doorknock run the risk of being bitten. People keep dogs for many different reasons, but mainly for company and security. We only have to see the number of security doors on homes in our areas to understand that people are scared. Dogs therefore are very useful for security reasons. Very few people can afford a seven-foot fence to keep a dog in. I think my small dog would even find a way to climb a seven-foot fence if there was a good bitch behind it. We have always had trouble with it roaming. We have lived next to a golf course for years and we expect it. He is a drifter.

I believe this Bill is an overreaction. I believe also that it will be an extra burden on the community. I believe it will do nothing to overcome the problems that presently exist. As with sunset clauses, I believe this Bill should contain a clause ensuring that it is brought back to this House in 12 months' time for us to see what good it has done for the community. We should ask ourselves whether much of the legislation we pass does any good at all. If it does not, we should get rid of it.

Hon. Neil Oliver spoke about sheep being killed by dogs. I have had the same experience. A couple of guard dogs at the Chalet Rigi killed a number of sheep a few years ago. There were many complaints about the dead bodies, but I do not believe this Bill will do anything to stop that. No legislation will stop wild dogs causing damage to property unless the dogs are eliminated. However, that solution existed before today.

I believe we should support this legislation. The Canine Association of Western Australia has agreed to it. However, I believe we are enacting more and more legislation at a greater

cost to the community. I believe we should get a bonus for throwing out legislation rather than creating more of it.

HON. D. J. WORDSWORTH (South) [9.50 pm]: At times I get very annoyed about the effectiveness of the provisions of the Dog Act in controlling dogs, particularly because they are continually killing the sheep on my property at Esperance. Nevertheless, I have sympathy with dog owners. I was brought up with dogs, we always had dogs in and about the house and I was allowed to own a dog at the age of six or seven years. My mother, a widow, is in her mid-eighties and she could not live without her dog. The dog's behaviour is well within the provisions of the proposed amendments, because she has a poodle and it never leaves the yard.

Because my wife is married to a member of Parliament, she relies very heavily upon our dog. It is a reflection on today's society that people are frightened of being alone. As a member of Parliament, I am away from home for at least half the week and, obviously, people are aware of that. We have a burglar alarm fitted to our home which goes off at least once a month when people try to enter the house. I do not know whether the burglar alarm or the dog frightens them away but I think it is the dog. It is not a very vicious dog and I do not know whether it is keeping the burglars away but, as long as my wife thinks it is, she is satisfied.

The dog is with my wife every evening when I am not; I do not know whether it is better company than I but it is certainly more obedient and it serves a useful purpose for a member of Parliament. The dog is taken for a walk every day but I must admit that it is not necessarily on a lead all the time. It is taken on a lead across the road and once in open space by the river and away from houses it is allowed to roam. I do not believe it causes a lot of trouble.

This is my great concern with the Bill; it is an overkill. We have not really managed to carry out the provisions in the Dog Act 1976. It is a very explicit and comprehensive Act. I am somewhat taken aback because the first page of the Act that I opened as I speak states that the occupier of land or a person under his authority may lay poison on that land in baits likely to be taken by dogs wandering at large if the poison is not laid within 20 metres of any road, reserve or public place. People may have seen a photograph of my wife in the *Daily News* a year ago and read her complaint that her dog had

been poisoned. Indeed, the dog was poisoned by someone who had put down baits which were within 20 metres of a public road.

That is an example of how detailed the current Act is. It contains explicit regulations about the control of dogs by an owner, when dogs can be destroyed and when it can be decided that a person is not in control of a dog. It is laid down fairly explicitly that any person liable for the control of a dog who permits that dog to go into any shop, school, grounds of a school, etc. commits an offence punishable by a fine of \$100. The provisions are very strict and cover the problems just raised, but shire councils have not been able to administer that Act. Their chances of making these amendments work are nil. We are passing the buck to local government with a Bill that does not have a hope of being administered and, once the law is not administered, people will relax completely.

I have a great deal of sympathy for rangers and other people who try to administer the existing Act. The ranger at Esperance told me that he was interested in the amendments to the Act and he asked what had been done about the word "permitted". The Esperance Shire Council had taken a person to court over the control of his dog and lost the case because of the interpretation of the word "permitted". The case cost that council \$1 600. The prosecution related to section 25(2) which states—

Where in any proceedings under this Act a person is alleged to have permitted any act or thing it shall be a defence to any prosecution that the contravention or non-compliance occurred without his knowledge, consent or connivance only if it is also shown that he exercised all due diligence to prevent it.

Although the wording in that section has been proved in court as ineffective, no amendment to it is included in this Bill. Local government will have as many problems with this Bill as it has with the Act. The Government has not covered the existing loopholes in the Act. That surprises me because I would have expected anyone preparing this amending Bill to look at the cases which had been lost by the authorities attempting to administer the Act.

I support Hon. H. W. Gayfer's proposed amendment if for no other reason than I had a call from a concerned dog owner in Albany who said he could live within the proposed amendments provided we could do something about the requirement for dogs to be on a leash all the time. Like most people, he wants to be

able to walk with a dog and not have it tied to him all the time. It will be very difficult to find a suitable dog exercise area, particularly if the shires do not cooperate. We could amend that clause very easily.

Perhaps I should raise this matter in the Committee stage but, with your indulgence, Mr President, I raise it now because I could be in the Chair during the Committee stage. Hon. H. W. Gayfer has indicated he will move an amendment to proposed section 31(1) which presently reads that—

A dog shall not be in a public place unless it is—

(a) held by a person who is capable of controlling the dog; or

The amendment would add the words "accompanied by a person". The proposed section continues—

(b) securely tethered for a temporary purpose,

by means of a chain, cord, leash or harness...

It seems to me that it would still be necessary for the dog to be tethered. That question could be debated in Committee. I believe wholeheartedly in Hon. H. W. Gayfer's proposal and I think it would solve at least one of the difficulties in this Bill. It will not cut out all the harshness but at least it deals with one aspect and I will support that amendment.

HON. G. E. MASTERS (West—Leader of the Opposition) [9.59 pm]: I had no intention of speaking on the second reading debate but as we shall not proceed to the Committee stage tonight, it should be recorded that I support the proposal foreshadowed by Hon. Mick Gayfer. I shall also express my concerns in some other areas so that the Minister can at least be prepared to answer the questions I raise.

I live in an area of the hills where there is a very active organisation called the Kalamunda Dog Obedience Club. I have received a number of telephone calls and messages from members of that club. It has organised a public meeting and gained a great deal of support for what it is trying to do. One of its areas of concern is reflected in the amendment proposed by Hon. Mick Gayfer. That amendment deals with clause 31, page 18, line 15 and proposes that it shall include—

A dog shall not be in a public place unless it is—

accompanied by a person who is capable of controlling the dog; or

It goes on to state—

(b) securely tethered for a temporary purpose.

I agree that most people who take dogs for walks and exercise are capable of controlling those dogs. It is a tragedy that in so much of the legislation introduced in this place many people have to suffer for the misdeeds of a few. All too often we over-regulate in our society and try to counter the misdeeds of the few by penalising the vast majority. It is not necessary with regard to this legislation or with a whole range of Bills with which we deal in this Parliament week after week and month after month.

I really do believe that with all the arguments put forward in another place, Hon. Mick Gayfer should be supported in his amendment, and we should proceed with the legislation incorporating this amendment. If in fact it does not work, it can easily be brought back and some more amendments made. It is no good going too far down the line because it is one hell of a job to turn the legislation around and to free up this sort of clause. I indicate here that I will support Hon. Mick Gayfer, and I hope he enjoys the support not just of members on both his side and my side of the House, but also that the Government members might be able to exercise an independent vote on something that is not of any great consequence so far as their political party is concerned. Surely members, who either own dogs or have relatives who own dogs, should express concern over this proposition. I urge the members of the Labor Party to come forward and vote for this amendment, and for once in their lives show some independence.

There is another area which is often raised in this Chamber, and that is the right of entry onto properties. I have raised that argument in the environmental legislation and in the tobacco franchise legislation, and now we see in this Bill, as I read it, the right of entry onto properties, albeit with some limitations. I ask the responsible Minister, who will respond to this debate at a later stage, to take note of my query on clause 11, where as I understand it, the registration officer—and I guess that means a local officer who is responsible for the licensing and registration of dogs—is now not able under this legislation—to enter premises without the authority of the owner or the occupier of that property. So a registration officer will simply have no alternative but to knock at the door and say, "Look, I want to inspect your premises." If the owner or occupier says, "No, you cannot," then the registration officer has

no authority to go in without a search warrant from a justice of the peace. That is not an easy thing to secure in the case of inspecting a property under this legislation. So if it is the case that a registration officer will certainly not be able to barge into a property, but will need a search warrant, I think that is okay, but if one looks at clause 26 of the legislation, it says—

A police officer, or a person authorised for the purpose by the council—

I assume that an authorised person could be a registration officer who is authorised to do other things by the local authority, so really they can overcome this problem of not being able to enter—

—may exercise any power conferred on an authorised person by this section.

The clause then goes on to say—

(3) Where it appears to an authorised person that a dog is in a place in apparent contravention of section 31, 32 or 33A,—

- (a) he may seize and detain it; and
- (b) if he is in pursuit of the dog for the purpose of seizing it, he may enter any premises, other than a building or part of a building that is used for residential purpose if he has reasonable grounds to believe that it is necessary to do so for that purpose.

In other words, he cannot enter the home but he will certainly be able to enter the garden or the precincts of a house in pursuit of a dog. Clause 26 then goes on to say—

(d) by inserting after subsection (5) the following subsections—

(5a) If he is satisfied that a dog has or may have bitten a person without provocation or reasonable cause, a Justice of the Peace may issue a warrant authorising any authorised person to seize the dog and detain it pending the determination of an application for an order for the destruction of the dog.

I cannot quite tie these two provisions in. Does it say in clause 26 that a police officer or an authorised person may pursue a dog onto premises, or seize a dog on premises, but only

with the authorisation of a justice of the peace? I am not sure where it finishes. I believe from my reading that a police officer or an authorised person can pursue a dog onto a private property, enter that private property without a warrant, and seize the dog or search the property. However, the clause says at a later stage that there needs to be a warrant issued by a justice of the peace. Now, this may be under different circumstances, but if it is, that should be pointed out. However, if there is authority for a person to go onto the property without a warrant, then I would be hard pressed to support that proposition without some good argument.

I record those comments mainly because the legislation is not going to be continued in the Committee stages tonight and I think they need to be on the record, particularly in view of the vast number of letters and telephone calls that I have received and the great interest shown by the various organisations, particularly the Kalamunda Dog Obedience Club, for the responsible way in which it has approached this whole debate and for the sensible propositions it has put forward.

HON. KAY HALLAHAN (South East Metropolitan—Minister for Community Services) [10.08 pm]: I thank members for their contribution to the debate on this Bill. It is a controversial Bill because our canine friends are indeed an integral part of the lives of many families, and it has been a difficult job to bring about amendments which do fairly arrive at a balance in the attitudes and expectations of people in the community about the freedom to have dogs with them in their recreational time, both in and outside their homes, and the protection of other people who find the activities of dogs somewhat of a nuisance.

I take note of what has been said, and will pass on to the Minister handling the Bill in the Committee stage the matters members have brought to the attention of the House tonight. I feel that many of those items would be well dealt with in the Committee stage. I therefore commend the Bill to the House.

Question put and passed.

Bill read a second time.

House adjourned at 10.10 pm

QUESTIONS ON NOTICE

INSPECTORS

Entering Premises without Warrants

184. Hon. D. J. WORDSWORTH, to the Attorney General:

Under which Acts of Parliament is an inspector or investigator allowed to enter without a warrant—

- (a) business premises;
- (b) private premises;
- (c) private residences?

Hon. J. M. BERINSON replied:

An answer to this question would require examination of all State Acts. I am unable to allocate limited resources to such a task. If the member has any concern about a particular Act, he should provide details and I will consider the question further.

SPORT AND RECREATION

Swimming Pool Subsidies

195. Hon. H. W. GAYFER, to the Minister for Budget Management:

- (1) On the question of swimming pool subsidies, what are the parameters of the means test proposal which was foreshadowed by the Minister in reply to a question on opening day?
- (2) If these parameters are not available, when will they be, noting that shire councils are currently preparing their budgets for the next financial year?
- (3) What is being done about the \$3 000 councils allowed on their budgets for 1986-87?

Hon. J. M. BERINSON replied:

- (1) to (3) The Government has previously announced that the subsidy has been reinstated in its original form.

RIVER SWAN

Boat Moorings

241. Hon. P. G. PENDAL, to the Minister for Sport and Recreation representing the Minister for Transport:

- (1) How many boat moorings are on the Swan River?
- (2) Are the licences for these moorings renewed annually?

(3) Is it possible that some of these moorings are unused?

(4) Will he arrange to have the mooring situation surveyed with the aim of establishing how many are used and how many are not?

Hon. GRAHAM EDWARDS replied:

- (1) There are approximately 1 250 moorings in the Swan and Canning Rivers, of which some 150 are within the riverbed lease areas allocated to yacht clubs.
- (2) There is no requirement for owners to licence their moorings.
- (3) and (4) Some of these moorings are not used on a continuous basis, but are nevertheless maintained by their owners while vessels are undergoing maintenance or are temporarily operating from another area. It is estimated that of the total number of moorings in the river, some 150 are not used and may have been abandoned. This number is being progressively reduced by the removal of such moorings where they are found to be in a state of disrepair or can be confirmed to have been abandoned. The Department of Marine and Harbours is in fact currently engaged in the task of rationalising the moorings in the Swan and Canning Rivers and is actively identifying the owners of all moorings.

WILDLIFE

Subterranean Orchid

242. Hon. MARK NEVILL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) In how many separate localities has the subterranean orchid been discovered?
- (2) Have any of the known occurrences of subterranean orchid been covered by flora reserves?
- (3) Have any new species of subterranean orchid been discovered in recent years?
- (4) Has any research been undertaken in WA to understand the ecology and regeneration of the subterranean orchid?

- (5) If so, would the Minister provide some basic details?

Hon. KAY HALLAHAN replied:

- (1) Eleven, currently known to occur at only five localities.
- (2) Yes, known to occur on three nature reserves.
- (3) No.
- (4) Yes.
- (5) The underground orchid occurs in association with broom bush, *Melaleuca uncinata*, but while the latter is very common the underground orchid is extremely rare. The underground orchid is known to reproduce vegetatively; the current year's flower and tuber develop alongside the previous year's tuber, which then dies. Nothing is known about pollination or about regeneration from seed. Attempts to germinate seed under laboratory conditions have failed. CALM is currently monitoring known populations and conducting ecological and genetic studies.

WILDLIFE

Purple Crowned Wren

243. Hon. MARK NEVILL, to the Minister for Community Services representing the Minister for Conservation and Land Management:

- (1) Is the purple crowned wren known to be still present in the Geike Gorge National Park?

- (2) Are there any known colonies on river systems in—

- (a) the Kimberley;
- (b) Kimberley national parks;
- (c) other Kimberley reserves?

Hon. KAY HALLAHAN replied:

- (1) Yes.
- (2) (a) Yes;
- (b) yes, Drysdale River National Park;
- (c) not on other reserves administered by CALM.

QUESTION WITHOUT NOTICE

PERTH INNER CITY YOUTH SERVICE

Homeless Youth: Street Workers

82. Hon. N. F. MOORE, to the Minister for Community Services:

- (1) Is it correct that the Department for Community Services allocated \$200 000 to the Perth Inner City Youth Service earlier this year to enable the service to employ eight street workers to assist with homeless youth?
- (2) If so, how many of these workers are currently employed by the service and how many are working on the street?

Hon. KAY HALLAHAN replied:

- (1) and (2) It is true that the Government gives substantial financial support to the street work team so it can operate. I would have to get the details about definite figures with respect to who is working at present.