

Legislative Council

Tuesday, 12 March 1985

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

BILLS (2): ASSENT

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

1. Acts Amendment (Consumer Affairs) Bill.
2. Bread Amendment Bill.

ATTORNEY GENERAL: O'CONNOR CASE

Personal Explanation

HON. I. G. MEDCALF (Metropolitan) [4.33 p.m.]: I seek leave of the House to make a personal explanation concerning certain comments made about me in the Legislative Assembly last Thursday.

Leave granted.

Hon. I. G. MEDCALF: Mr. President, in the Legislative Assembly on Thursday last the Premier made the comment that I had not entered the debate on the censure motion against the Attorney General because of the respect which the Attorney General commanded. Without reflecting on the Attorney General's professional integrity I want to make it clear that the Premier was not correct in ascribing to me the reason he did. I did not enter the particular debate referred to for the following reasons—

1. I had already made a public statement in a Press release on 1 March in which I indicated in unequivocal terms that I did not agree with the Attorney General's decision.
2. A statement containing additional comments by me and to similar effect appeared in a two-column report on page 9 of the *The West Australian* newspaper of 2 March with my name in headlines.
3. There were ample speakers covering all aspects of the matter in the debate without the necessity of further comment by me.

I seek leave to table a copy of the Press release and the report of my comments in *The West Australian* newspaper and to incorporate these papers in *Hansard*.

Incorporation of Material

By leave of the House, the following material was incorporated—

News Release Parliament House, Perth
from the Opposition. Telephone 322 1344
PR141/85

1st March, 1985 **JOHN O'CONNOR**

The John O'Connor case was a clear case where the Court should have been allowed to make the decision, said former Attorney-General, Ian Medcalf.

The Crown Prosecutor should have been allowed to sign the indictment but the Attorney-General intervened by calling for a report and he made the decision to withdraw the charge.

An Attorney-General's duty would normally be to allow the law to take its course, except in the most extraordinary circumstances.

Intervention by the Attorney-General would normally only occur on the direct advice of senior Crown law officers telling him that there was a case for him to intervene.

A decision not to prosecute is invariably based on their advice.

There was no such advice in this case.

The decision must inevitably be regarded as defeating the ends of justice.

This was a clear case where the Court should have been allowed to make the decision.

"If the case was really as weak as the Attorney-General seems to be suggesting, then the Courts would have decided that," said Mr. Medcalf. "I do not know of a similar case," Mr. Medcalf added.

Release ends

Contact Reference:

Carol Watts—322 1344 or
384 4375

Ian Medcalf—322 1344

The West Australian

2/3/85

Charge should
stay—Medcalf

The extortion charge against Mr John O'Connor should not have been dropped without specific recommendations from senior law officers, a former Attorney-General, Mr Ian Medcalf, said yesterday.

He said that during more than seven years in the post he had never made such a decision

without strong recommendations to do so from senior Crown law officers.

However, in the O'Connor case it had been Mr Berinson who had sought the views of the Solicitor-General and he had received an inconclusive reply.

Mr Medcalf said that had Mr Berinson not requested the advice of the Solicitor-General the crown prosecutor would have made a decision himself.

The crown prosecutor was entitled to sign the indictment and normally the Attorney-General did not come into the process unless there was a recommendation to him that there be no prosecution.

"But in this case the Attorney called for a report which said it was within his power and he has exercised that power," Mr Medcalf said.

"I do not know of a similar case . . . you would have to go well back into history to find a precedent."

The papers were tabled (see paper No. 495).

ABORIGINAL AFFAIRS: LAND RIGHTS

Equal: Petition

The following petition bearing the signatures of 22 576 persons was presented by Hon. N. F. Moore—

To: The Honourable the President and Honourable Members of the Legislative Council of the Parliament of Western Australia in Parliament Assembled.

WE, THE UNDERSIGNED, firmly believe all Australians should have equal rights to acquire and to own land. We express our opposition to any special land rights for Aborigines. We are concerned that special land rights granted to Aborigines in Western Australia will—

- (1) SEGREGATE WESTERN AUSTRALIA into black and white territories and communities.
- (2) CREATE DIVISIONS in society through the granting of special land rights on racial grounds to one racial group.
- (3) BE DESTRUCTIVE of the Australian tradition that each Australian shall be equal before the law.
- (4) DAMAGE THE ECONOMY of Western Australia.

YOUR PETITIONERS therefore humbly pray that you will give this mat-

ter your earnest consideration and your Petitioners in duty bound will pray.

(See paper No. 496.)

PARKS AND RESERVES AMENDMENT BILL

Second Reading

Debate resumed from 5 March.

HON. V. J. FERRY (South-West) [4.37 p.m.]: The Opposition supports the Bill, which proposes to seek consent of both Houses of Parliament in this matter, as is customary.

I appreciate that both Houses need to review this type of legislation and should consent or otherwise to it because it is of extreme importance to the control of reserves in Western Australia, particularly in respect of Kings Park. Therefore, it is appropriate for the matter to be discussed in this place.

With regard to Kings Park it is proposed that the area known as the Lawrence Pavilion and surrounds should be modified and redeveloped. On a personal note, I have had many very pleasant games of bowls on the bowling green in this area, but time marches on and the area will be redeveloped for other purposes. I applaud the uses to which the area will now be put; that is, for the disabled and for the general public. It is very sensible that this facility should be made available in Kings Park for the enjoyment of the community. After all, Kings Park is a public place. It is there for posterity for people to enjoy as are the restaurant and other playground facilities in the park. It is appropriate that the area should be modified in this way. I could not imagine Kings Park being locked up as a bush wilderness with people unable to enjoy it. Therefore, the legislation meets with my approval.

In respect of the proposed amendment to control animals on Rottnest Island, I concur with the proposal to strengthen the control exercised by the Rottnest Island Board, particularly in regard to the movement of cats and birds. We all know that both domestic and feral cats cause untold harm to birdlife and small marsupials. They are the scourge of the Australian bush and it is appropriate that they should be controlled on this unique island off the Western Australian coast. The same position applies in respect of birds, which must also be controlled, especially to avoid the introduction of disease.

I understand that the Rottnest Island Board has the power already to control dogs. Not only does this Bill deal with Rottnest Island, but it deals also with other parks and reserves in Western Australia. I make the passing reference that dogs are one of the most notorious animals in respect of

polluting the territory in which our community lives, whether it be Rottnest Island or any other reserve.

One of my pet hates is that people exercise their dogs in public places, on footpaths and road verges, and allow them to urinate and defecate. We have very stringent health laws; therefore, it is passing strange and perplexes me that people allow their animals to roam under their control and supervision while polluting public places. It speaks unwell of people in their regard for the health of the community when they allow that to happen. However, it is a fact of life. One sees this occurring every night of the week and it is deplorable.

One final small part of the Bill refers to penalties to be imposed as a result of infringement notices issued for speeding offences in Kings Park. Provision is made to increase the maximum fine to \$200 for the appropriate offence, which will bring the penalty into line with the penalty for similar offences under the Local Government Act.

I may stand corrected, but I understand that in the case of fines which are imposed in Kings Park, the money is retained by the board, less, of course, any legal costs involved. That money is used to offset the cost of policing the area.

I do not know the answer to the traffic problems in Kings Park. All too frequently accidents occur there as a result of drivers travelling too fast or through the actions of a careless driver. I do not know whether the speed limit should be reduced or whether speed humps should be constructed. It is a vexed problem. It appears that the fines for speeding in Kings Park are appropriate, but in themselves fines will not deter wrongdoers, because a driver seldom offends on more than one occasion, but other drivers offend from time to time in a similar way. This is a problem for the Kings Park Board.

Kings Park is a public place and I am saddened to think that the public using this recreational area should be subjected from time to time to careless and irresponsible driving which, in some cases, causes death and, in other cases, causes injury.

With those remarks I support the Bill.

HON. D. J. WORDSWORTH (South) [4.45 p.m.]: I support the Bill. I was the Minister responsible for this matter when members of the Kings Park Board Bowling Club found they were no longer able to maintain their green and an alternative use had to be found for the area. At that time many members of Parliament and organisations suggested alternative uses for the building. Submissions were made by numerous

clubs and organisations which sought to use the site for their own purposes.

The correct decision was made to extend Kings Park, if I may put it that way, to include the extra land which was kept previously for recreational use by a select group of people. It is very fitting that this area should be used by the disabled and the younger section of the community.

There is a problem in respect of the Act as to whether parliamentary approval should be required for the sale of goods from a national park. However, I believe the position should remain as it is. This is the third time a matter of this nature has come before the House. I brought a similar Bill to the Parliament which proposed to allow alcohol to be sold by the restaurant in Kings Park. Some years ago it would have been very difficult to obtain parliamentary approval for such a move, but when that Bill was brought to the Parliament it received the full approval of members, and I am sure this Bill will also.

The other matters referred to by Hon. Vic Ferry do not need elaboration. It is essential that feral animals be controlled in our national parks. It is much easier to do this on Rottnest Island, and that is one of the reasons pheasants and quokkas continue to live there.

Previously the board felt it could control feral animals without the support of legislation. However, if the board sees a need for these provisions, it certainly has my support.

The issue of the use of radar in Kings Park was dealt with previously when I was Minister. At one time the control of traffic and the like was left to the police within Kings Park, but gradually it was found necessary to employ special staff to control vandalism. It was even found necessary to have two people rather than one in a vehicle policing the park in the evenings to avoid being bashed up when they tried to prevent vandalism, etc., in the park. Therefore, extra staff were employed and it was felt that, as well as controlling vandalism, they could control the speed at which motorists travel.

Many would argue it is the role of the police to control traffic, and we have only just removed the ability of the staff of shire councils to use radar, so that the police now have complete responsibility in this area. Under this legislation we are allowing another group of untrained people to use radar.

However, I do not think great skill is required to use a radar gun. I am sure the staff of the Kings Park Board are able to use this equipment and that they will use it sensibly. I would have to say I do not believe the police have a very good record in respect of using radar sensibly. They seem to

hide behind billboards and expect one, when faced with a sign which requires one to reduce one's speed to 90 kilometres an hour, to do so immediately before one reaches the sign itself.

Hon. D. K. Dans: They are very efficient between Bridgetown and Donnybrook.

Hon. D. J. WORDSWORTH: That is right. I have no compunction about giving this job to the staff of the Kings Park Board. I am sure they will carry it out as well as, if not better than, the police.

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. D. K. Dans (Leader of the House), and passed.

DENTAL PROSTHETISTS BILL

Assembly's Further Message

Message from the Assembly received and read notifying that it had agreed to the time and place for the conference managers' meeting.

TOWN PLANNING AND DEVELOPMENT AMENDMENT BILL

Second Reading

Debate resumed from 5 March.

HON. I. G. PRATT (Lower West) [4.52 p.m.]: The Opposition supports this Bill. We understand the fact that the chairman and members of the tribunal are very busy people and, unless they and their deputies have other deputies available to stand in their stead, the operations will be held up. That is something we would not wish to be a party to, so we will wish the Bill speedy progress.

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. Peter Dowding (Minister for Employment and Training), and passed.

COAL MINES REGULATION AMENDMENT BILL

Second Reading

Debate resumed from 7 March.

HON. A. A. LEWIS (Lower Central) [4.55 p.m.]: About the only thing that commends this Bill to the House is the fact that it is in line with national and State Labor Party policy.

I am of Welsh descent and my forebears fought for years to get women and children out of the mines, but this Government has put them back in mines.

Hon. D. J. Wordsworth: Horses too.

Hon. A. A. LEWIS: Mr Jones in another place will be able to talk about the big horse, Red, when he makes Collie number one speech.

It seems that both this and the following Bill are in line with the ALP policy of equal opportunity. I spent last night at an equal opportunity meeting and the State manager of Esso pointed out the fact that the problems with equal opportunity will be manifest in this Bill.

The Minister handling the Bill and the Minister for Minerals and Energy know what the Collie coal workers think of the Bill. They do not want it; they believe that work in mines is still too arduous for women. They believe, as the Minister admits in his second reading speech, that the situation in mines has improved a little, but not a great deal.

It seems passing strange that this Government, in all of its dealings with Collie—the Leader of the House last week did not want Collie people to play two-up—has gone against the opinion of the miners union. I do not think any proportion of the community is really interested in the provisions of this legislation. I do not think the women of this State are interested in equal opportunity in order to go down the Collie mines.

Hon. Fred McKenzie: Provide the opportunity, but they won't go.

Hon. A. A. LEWIS: It is interesting to hear Mr McKenzie's comment. I suppose we will have women as guards on the trains, except we will not have many trains left soon.

In Collie, where the women know of the work in the mines, there is no interest in going down the pits.

Hon. Fred McKenzie: What are you worried about?

Hon. A. A. LEWIS: Why waste the time of draftsmen and legislate for such a provision if the women are not interested? This is typical of this Government; it is blinded by dogma and continues

to follow, step by step, what outsiders suggest. The Government does not listen to the experts.

Day after day this Government is wasting the time of this House with nonsensical Bills such as this, when it could be doing something constructive for this State. That is my argument.

The Government has its experts and has people who are allegedly on its side in politics. However, the seat of Collie will show at the next election that those people are not on the side of the Government, and they have had enough of the Government, because of the treatment the unions are receiving. However, the Ministers of this Government think they are above the unions and that they know more than the unions about this work. I will not oppose the Bill, but I think it is nonsensical and the House should treat it with the contempt it deserves.

I will not speak on the next Bill because it deals with exactly the same matter. I just wanted to place in perspective what the people of Collie and the Collie Miners Union think. Firstly, mining is too arduous a job for women and, secondly, this Government will never get anywhere unless it leaves its dogma behind and starts doing for this State what it requires, not what some party platform decrees—most of which is nonsense and has been proved to be so.

HON. PETER DOWDING (North—Minister for Employment and Training) [5.00 p.m.]: Other members of the member's own party have indicated their support for the broad principles of non-discrimination in legislation. That principle is not only supported by my party and the Government but it is also supported by a number of political organisations at the State and national levels. This legislation is in line with the principle, and we ask for the support of the House for it.

Question put and passed.

Bill read a second time.

[Questions taken.]

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. Peter Dowding (Minister for Employment and Training), and passed.

MINES REGULATION AMENDMENT BILL

Second Reading

Order of the day read for the resumption of the debate from 7 March.

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. Peter Dowding (Minister for Employment and Training), and passed.

NATIONAL CRIME AUTHORITY (STATE PROVISIONS) BILL

Debate resumed from 20 February.

HON. I. G. MEDCALF (Metropolitan) [5.25 p.m.]: This Bill provides an interesting example of history repeating itself. Of course history repeats itself all the time, but one does not often see a situation such as the one we have seen in this matter where history has repeated itself with Governments of opposite political persuasions.

We have had two examples of the Commonwealth Government charging off on its own, and on both occasions being restrained. The Fraser Government first of all introduced a National Crimes Commission Bill way back in 1982. That Bill had some curious features. One was that it provided that the national crimes commission should have an investigative role and also a prosecuting role so that the prosecutors employed by the national crimes commission would conduct the prosecutions based on the investigations which the same body made. It also had a role to collect evidence for the prosecution, but not to make too many reports to the Parliament or to the Government. Its purpose was not to report to the Government but simply to act as an investigating and prosecuting body.

It did, however, provide for certain safeguards in relation to civil liberties. For example the commission was not to be permitted to name people who were under investigation. There was to be immunity from incrimination by the suspects themselves; that is, the suspects did not have to incriminate themselves. Hearings would be in private. Finally, the commission would have a five-year term and it would expire at the end of that period.

There were, however, some very serious difficulties in the Fraser Government's proposal. The first was that the Commonwealth Government alone was involved and the States and Territories were not. The commission was purely restricted to the national Government, which was clothed with certain powers. The Government virtually said, "We will legislate; we are not interested in the States; you can come along later if you want to". There was a duplication of investigating activities, and also police and prosecuting activities.

The Federal Liberals did not understand at that time that to have an effective National Crime Authority one must involve the States and Territories. The extraordinary thing is that they still do not seem to appreciate that, and they are still continuing to advocate this unilateral national body.

I suppose in approaching the question of a National Crime Authority the first question to decide is whether there is any need for it. At one stage I took the view there was no need for it because I did not really think there was sufficient crime on a national scale to warrant it. I believed that the State Police Forces could sufficiently contain whatever there was. In fact until a few years ago I had no idea of the extent of the criminal network throughout Australia. My view was really a negative one, that we did not need it. I was however convinced by the views of people in New South Wales particularly, including the New South Wales Attorney General at the time, Frank Walker, who informed the members of the various committees in no uncertain terms that New South Wales was riddled with crime and corruption, and clearly it was very necessary to have a body which could go across State borders and operate on a national basis.

Strange to say, he became one of the greatest opponents of the National Crime Authority which was later put forward. Nevertheless I became convinced of the need and I am still convinced, particularly in view of the evidence we have had in recent years of the extent of crime on a national scale.

For example, we have had three major inquiries. Obviously the largest and the most important has been the Costigan inquiry. We should never forget that Costigan was commissioned to inquire into the Ship Painters and Dockers Union, and his inquiries spread from that quarter into any number of different areas, using modern technology in the form of computers and other tools. He was ably assisted by Mr Denis Meagher, who followed up many of these leads.

Then we had the Williams Royal Commission into drugs under Mr Justice Williams of Queensland. There was also the Stewart Royal Commission into drugs with particular emphasis on the Mr Asia affair.

All these Royal Commissions and inquiries proved quite conclusively that there was a vast underworld of organised crime in Australia presided over, in many cases, by very rich crooks. Clearly something had to be done about it.

The chief areas of crime were in drugs—particularly heroin importation and the growing of drugs such as marijuana—pornography, prostitution, and the exploitation of sex such as in massage parlours, leading to prostitution and other similar activities.

Mr Costigan himself made an estimate of the profits being made from organised crime in Australia, and suggested a figure between \$5 billion and \$10 billion a year, a very broad estimate; but clearly what he was saying was that the profits being made from organised crime in Australia each year were enormous. When we consider those figures and contemplate that very little has been done in this country to overcome organised crime, we realise the need for greater efforts to be made in the area of criminal investigation.

I was actually opposed to the Fraser Government's proposals. I still am. At a conference of Attorneys General in August 1982 I put forward alternative proposals designed to take action against organised crime, but on a co-operative basis between the Commonwealth and the States. On 29 August I set out in some detail my proposals for a national criminal intelligence commission.

On 24 September 1982 a joint conference of Attorneys General and Police Ministers was held in Melbourne, which I attended. The views put forward by this State at that time are set out in a ministerial statement by me made to the House on 28 September 1982 and recorded in *Hansard*, volume 3, page 3202.

I believed that there was a need for specific inquiries into particular subject matters or areas of criminal activity and that when these were investigated, recommendations could be made to a ministerial council for investigations and the ministerial council could decide whether to pursue the investigations. There were to be safeguards for civil liberties and basic freedoms—to put it in a general phrase—but the commission would have the power to issue subpoenas and search warrants. In all circumstances we had to avoid duplicating the work of existing investigation and prosecution

agencies, if for no other reason than on economic grounds. If it did not work there was time enough to make it work or institute another system. The Australian Bureau of Criminal Intelligence was to be upgraded.

Nothing came of that except that the Victorian Government took up those proposals, which virtually became the Victorian proposals, but they were identical with those put forward by the Western Australian Government.

History repeated itself in mid-1983 when the Hawke Government charged off on its own and attempted to bring in another national crimes authority, a new one with a slightly different name but also centralised and a Commonwealth authority only. History again repeated itself because it was stopped by its own members. The ALP members in Caucus in Canberra and the State Governments, both Liberal and Labor, acted exactly as they had before and brought the then Commonwealth Attorney General, Senator Evans, to book and he was stopped in his tracks.

A new proposal came forward which was the Victorian proposal based entirely on the one we put up in August-September 1982. If there is any doubt about this I suggest a study be made of the detail of those proposals put forward in 1982 by the WA Government of the day and the Victorian Government of the day.

Generally speaking the present proposals which have now been put forward in this Bill, which incorporates the Commonwealth legislation, are based on the Victorian proposals, which as I have said originated from our proposals. But this legislation is still defective in a number of areas. The Commonwealth legislation incorporated in our Bill contains a definition of "relevant offences". Although that definition does not appear in our Bill it is nevertheless incorporated in it. It is indeed a legal definition and it is a very exact definition which provides the opportunity for loopholes to be found by unscrupulous people.

It provides that a relevant offence is one punishable by imprisonment for not less than three years, but many offences are punishable by imprisonment for less than three years. These lesser offences lead into the area of organised crime, offences such as prostitution, gambling, and other similar offences which may easily lead along a trail which opens up a field of corruption in an area of nationally organised crime which merits investigation. But those offences are excluded from the definition, and that is a serious matter. It would have been better had the definition been much broader and included the kind of item to which I referred earlier so as to be able to investi-

gate particular subject matters or areas of criminal activity.

The second defect in the present legislation is that the authority's powers are to be circumscribed. For example, if a person is required to produce documents or to answer questions and supply information, that person can lodge objections on the ground that he should not be required to produce documents or answer questions because the request is not justified. He can go to the Federal Court, and presumably by leave he can go to the High Court if it grants him leave to do so, and he can hold up the investigation for a very, very long time. There is no limit to the amount of funds available to these often very rich crooks involved in corruption and other criminal activities. I repeat: The powers of the authority are too circumscribed.

Thirdly, new mechanisms are needed to fight organised crime. Telephonic interception is a very elementary one and it should be available even to the State police. Other forms of electronic interception and computers are also needed. The Costigan experience has shown how modern technology is essential in combating the activities of these big-time criminals.

Fourthly, I am very concerned at the exemption which appears in the legislation for trade unions. They are to be exempt where there is what is described as a genuine industrial dispute. The painters and dockers would have loved that excuse. They would have loved to say to Mr Costigan, "The matter you are inquiring into relates to a genuine industrial dispute". They could have taken him to the Federal Court and possibly the High Court to argue that point. It would have suited their case admirably.

If Costigan had been fettered by that kind of prospect he would never have made the progress he did; he would never have made his successful inquiries and never have achieved the results he did. One can never tell where a trail will end in relation to criminal activities on a big scale. It may start on a small scale, and that has been the experience of Costigan and Meagher—it starts in a small way with a bit of petty crime and that leads to all sorts of other places and ends. One can never tell where the end of the trail is, and if the trail cannot start one is severely hampered.

That is a serious difficulty; I do not believe this authority has enough power. If trade unions are to be excluded in relation to what is called a "genuine industrial dispute", why not exclude companies in relation to a "genuine commercial dispute"? It would be laughable to exclude corporations involved in a genuine commercial dispute,

because who knows what that is? For the same reason, who knows what a "genuine industrial dispute" is? People have various ideas, but when one is investigating organised crime which one knows is worth between \$5 billion and \$10 billion a year, surely one must leave no stone unturned. They should all be accountable in my view.

There is also some very cumbersome procedures in the Commonwealth Act which are incorporated in this Bill. For example, members of the authority require approval to interview suspects. That seems to me to be extraordinary and to mean the end of confidentiality and secrecy. If an authority has to get approval before it can interview a suspect it is not likely, in view of the ramifications of corruption and organised crime, that someone will be tipped off along the way?

Finally, I do not approve of the form of our Bill. It refers to another Bill and I have always understood one of the elementary matters in relation to drafting to be that a document, including a Bill, should stand on its own. When one refers to another Bill and says that what appears there will be incorporated in this legislation, and the Bill is not included, one is liable to criticism. I do not know how the general public can understand this Bill. It is very difficult to understand because it refers to the Commonwealth Bill and it contains phrases which are not defined; they are not defined in our Bill because they are defined in the Commonwealth Bill.

One has to refer to the Commonwealth legislation all the time. For example, our Bill contains a reference to an inter-governmental committee. That is no doubt defined in the Commonwealth Bill but it is not in ours. It is of course the ministerial council I have been talking about. It would not be difficult to work that out, but the Bill also refers to a "relevant criminal activity" and to a "relevant offence", neither of which is defined in our legislation. All of these phrases and many others have been taken out of the Commonwealth legislation and used in ours.

I am disappointed that a government which indicated how much clearer the law would be when it was in charge of drafting has presented a Bill in this form to Parliament. The Bill leaves a great deal to be desired. However, in view of the principle of uniformity, such as it is, and the fact that so much of the principles of the legislation is similar to the views we put forward ourselves, we are clearly in favour of it. In these circumstances, subject to the reservations I have indicated, the Opposition will support the legislation.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [5.45 p.m.]: I

thank the member for his support of the Bill and also for his helpful and interesting summary of the background to it. It would not be hard to find particular difficulties with the Bill and indeed with the Commonwealth measure with which it is associated. We are guided by the need to follow both the Commonwealth legislation and the pattern of legislation in other States. I do not say that uniformity is always the overriding consideration but this is a situation where it has to be pretty well pursued. I believe some time must be given to allow experience to develop in the operation both of the Commonwealth and the relevant State Bills, and it will be the position in this State that we should co-operate as far as possible in that endeavour.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (Hon. P. H. Lockyer) in the Chair; Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 1: Short title—

HON. D. J. WORDSWORTH: I am disappointed that the Attorney General has not addressed the issues raised by Mr Medcalf who indicated that the Opposition supported the Bill. The Attorney General apparently felt he was secure in the support for the Bill and need not speak to the points raised. He should not take such matters for granted. I would almost advocate that members rise in their places to do otherwise.

The question of unions being excluded should be addressed, particularly in the light of the findings of the Costigan Royal Commission in relation to the painters and dockers. It shows that unions can become involved in crime, and although the leaders may not necessarily come from that sector, they could well seek the aid of a union to get protection under this legislation. I would like to hear the Attorney General outline the reasons a union should be excluded. I would also like to hear him deal with one of the other matters raised by Mr Medcalf; that is, while I agree there should not be duplication of prosecuting bodies at the State and Federal levels some allowance must be made when a State is unco-operative. One could well see that happening in New South Wales where perhaps the Federal Government would require that State to take action and the State did not. There must be some way in which the Federal Government can take action should there be a need and it does not get the co-operation of the State.

HON. J. M. BERINSON: Hon. David Wordsworth would know I would be the last mem-

ber of this Chamber to take anything for granted. I was not doing that in my short reply to the second reading debate. The problem is that almost all of the substantive matters raised by Mr Medcalf are beyond our control and are matters which do not come within the framework of the Bill before the House.

For example, Mr Medcalf expressed some reservations about the definition of a "relevant offence". He also expressed a view that the power of the authority was too circumscribed. These and other matters are not ours to cure even if one were to agree that his reservations were well placed. They are in another Act, the Commonwealth Act, and the purpose of this legislation is to provide a facility whereby the resources of the State should assist the National Crime Authority and also ensure that the interests of the State, which it is thought would be served by the activities of the authority, should be capable of being put to it.

It is only in that sense that this Bill is essentially beyond us and it really does come down to a question of our facilitating its work and co-operating, to the best of our capacity, with it.

Hon. Ian Medcalf raised a matter which is within our control and it related to the nature of the drafting of this Bill. It is true that, rather than incorporate provisions of the Commonwealth legislation as extensively as this Bill does, we could have had a great deal of repetition. We did not follow that course in the interest of uniformity with other States which are engaged in a similar exercise. As I tried to explain before, this is one of those occasions where the interest of uniformity is of a nature which should be accommodated.

Hon. D. J. WORDSWORTH: I thank the Attorney General for making some comments, but I feel he is sheltering a little behind the royal "We". He is saying, "We cannot do anything about it", but in fact we as members can not, but he as the Attorney General is well able to.

Hon. J. M. Berinson: May I explain to you that the Minister for Police and Emergency Services has the responsibility in the area of the National Crime Authority.

Hon. D. J. WORDSWORTH: That is an interesting point, but, when we had the Attorney General—

Hon. J. M. Berinson: Is that the royal "We"?

Hon. D. J. WORDSWORTH: I am using the correct terminology. I believe that the State has a part to play whether it be the Attorney General or the Minister for Police and Emergency Services.

While we generally agree with this legislation I might add that this is because we have little ability

to generally disagree with the Commonwealth Bill. However, there is still a place for more force and more power in this legislation.

Both the Fraser and Hawke Governments wanted to include more powers, in the legislation but were put in their place by the State Ministers. The legislation should be strengthened and I hope this Government will be the first State Government to say so.

Clause put and passed.

Clauses 2 to 14 put and passed.

Clause 15: Order for delivery to Authority of passport of witness—

Hon. I. G. MEDCALF: In reading this Bill I was intrigued to see that a judge of the Federal Court had to make an order for delivery to the authority of the passport of a witness. This struck me as extraordinary because judges of State courts, magistrates and other judicial authorities make this kind of order frequently in order to prevent people from leaving the country in regard to taxation offences. To find it necessary to go to a judge of the Federal Court is astonishing.

I am sure the Attorney General will say, "That is how the people who drafted the Bill want it". However, it is in this legislation and I would have thought that a judge of a Supreme Court would have had sufficient capability to make an order in relation to delivering a passport.

Hon. J. M. BERINSON: Of course, I would not disagree with the proposition that a judge of the Supreme Court would be well equipped to make judgments of this kind. However, that is not the point at issue. As I understand it the provision for appearing in chambers of the Federal Court is one of the decisions which was taken in the course of the Commonwealth-State consultations. So far as I am aware we are simply following the course agreed on.

Clause put and passed.

Clauses 16 to 34 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. J. M. Berinson (Attorney General), and passed.

House adjourned at 5.58 p.m.

QUESTIONS ON NOTICE

HEALTH: TOXIC PLANT

Angel's Trumpet

598. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Health:

With regard to the toxic plant "angel's trumpet"—

- (1) Has the Minister received a report from the National Safety Council on the dangers of this plant, prepared by a Mrs Parry?
- (2) What action, if any, has the Minister taken on the NSC report?
- (3) Will the Minister consider having a brochure prepared showing the names, the dangers and the symptoms to be expected from exposure to such common plants as angel's trumpet, rhus and oleander?

Hon. D. K. DANS replied:

(1) Yes.

(2) Two situations reported by the National Safety Council as involving groups of people who had experienced ill-effects due to indirect exposure to angel's trumpet were subjected to further investigation and critical appraisal by Health Department officers.

In both instances the subjective impressions reported to the National Safety Council were not substantiated when additional information was collected and evaluated.

(3) There is already a publication available on the dangers of ingesting such plants, produced by the National Safety Council in co-operation with my department.

HEALTH: CANCER COUNCIL OF WESTERN AUSTRALIA

Fundraising: Research

599. Hon. W. N. STRETCH, to the Leader of the House representing the Minister for Health:

How much of the money raised by the Cancer Council of WA is spent on research actually carried out in Western Australia?

Hon. D. K. DANS replied:

As the Cancer Foundation is an incorporated non-Government organisation

not under the control of the Health portfolio, I would suggest that the member contact it directly for any information he requires.

HEALTH: HOSPITAL

Wanneroo: Jackie Highlands

604. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Health:

- (1) Did the report requested by the Minister into the recent incident involving Jackie Highlands at Wanneroo Hospital reveal any deficiencies in the hospital system and staffing at the hospital?
- (2) What were those revelations?
- (3) Are additional medical and professional staff to be allocated to the hospital?
- (4) If so, in what areas and how many?

Hon. D. K. DANS replied:

(1) and (2) The report showed that the patient was admitted at 6.30 a.m. by the resident doctor at Wanneroo Hospital, and the surgeon was contacted straight-away. The surgeon did not come to the hospital until around 4.30 p.m. The delay was due to his other commitments and theatre availability. By the time he arrived Jackie Highlands had left the hospital because, Mrs Highlands had contacted her general practitioner who arranged for Jackie to be seen at his surgery. Jackie was admitted to Osborne Park Hospital where another surgeon performed the operation at 9.30 p.m.

The hospital has instituted a formal procedure whereby if the specialist of choice is unable to come in an agreed period of time to examine a patient referred to him, another surgeon may be contacted.

No staffing deficiencies were revealed.

(3) No.

(4) Not applicable.

STOCK: SHEEP

Exports: Fremantle

611. Hon. W. N. STRETCH, to the Minister for Employment and Training representing the Minister for Transport:

Regarding Fremantle Port Authority amendment regulation (No 2) of 1984, regulation 140, gazetted on 21 September 1984—

- (1) How many live sheep have been shipped out through the Port of Fremantle since the new rates were introduced by the aforesaid regulation?
- (2) How much extra revenue has the new rate raised on live sheep shipped out through Fremantle?
- (3) How many live sheep have been shipped out through the Port of Albany since the new rates were imposed at Fremantle?
- (4) How much revenue has been raised by the shipping out of live sheep through Albany since the above regulation was introduced?
- (5) How many live sheep were shipped out of Albany in the 12 months previous to the introduction of the above regulation?

Hon. PETER DOWDING replied:

- (1) Over the period 1 October 1984 to 28 February 1985, a total of 792 675 sheep.
- (2) \$39 633.75.
- (3) None, although 32 404 live sheep have been shipped through the Port of Esperance since the policy was introduced.
- (4) None.
- (5) None.

ARTS: AMERICA'S CUP ART STUDY

Establishment

612. Hon. TOM KNIGHT, to the Attorney General representing the Minister for the Arts:

- (1) Is it correct that the Government has or intends to set up a group called America's Cup Art Study?
- (2) Is this group to incorporate the Fremantle Arts Study-America's Cup, or will the group operate independently?
- (3) Is it correct that Mrs Jenny Beahan, wife of ALP State Secretary Michael Beahan, has been chosen by the Government as the Study Group leader?

Hon. J. M. BERINSON replied:

- (1) to (3) The State Government, in conjunction with the Commonwealth Government and the Fremantle City Council, has commissioned a study on the impact of the America's Cup on the arts in Fremantle.

The intention is to ensure that the State's artists receive the maximum short-term and long-term benefits from this major activity.

The job was advertised in the Press and there were 10 applicants. They were carefully considered by a committee representing the City of Fremantle and State and Federal Governments. Jan Carter and Jenny Beahan were chosen as the people to conduct the study, which will be completed by the end of June.

Ms Beahan will act as project leader and administrator. The other principal investigator, Ms Carter, is a writer and researcher.

AGRICULTURE: RURAL SECTOR HARDSHIP

Select Committee: Recommendations

613. Hon. TOM McNEIL, to the Leader of the House representing the Minister for Agriculture:

- (1) How many recommendations were made by the Rural Hardship Select Committee?
- (2) Which recommendations did the Government act upon?
- (3) Which recommendations has the Government under consideration?
- (4) Which recommendations has the Government rejected.

Hon. D. K. DANS replied:

- (1) 16.
- (2) Recommendations of the Rural Hardship Select Committee that have been acted upon by the Government relate to—
 subsidies on superphosphate;
 removal of tariffs on headers;
 multi-risk crop insurance;
 continuation of the drought loan facility;
 income equalisation deposits;
 compatible application forms for finance;
 Rural Adjustment Authority lending;
 maintenance of the Special Assistance facility under the Rural Adjustment Scheme;
 deferral of large-scale land releases;
 research into alternative farming systems for the drier margins of the wheatbelt;

formation of a panel to monitor the progress of the 1984-85 season.

- (3) Recommendations of the Rural Hardship Select Committee that are currently under consideration relate to—

formulation of policies to protect existing new land farming areas from further degradation and the provision of public funds and/or taxation incentives for conservation and rehabilitation within these areas;
financial assistance to rural businesses;
a review of the social aspects of rural hardship;
subsidies for farm business management training;
assistance to farmers to enable the adoption of less exploitative farming systems.

- (4) None of the recommendations of the Rural Hardship Select Committee has been rejected by the Government.

614 and 615. *Postponed.*

HOUSING

Design and Build Programme

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

- (1) Does the State Housing Commission continue to operate a design and build programme?
- (2) If so, how many tenders were called since 30 June 1984?
- (3) What was the value of each tender?
- (4) Who was the successful tenderer to each contract?

Hon. PETER DOWDING replied:

- (1) Yes. The State Housing Commission operates a select and construct programme.
- (2) Tenders are not called but builders were invited to lodge registration of interest for four projects—Mirrabooka stages 1 and 2A; Miscellaneous Metro., Bunbury and Mandurah—since 30 June 1984. Of these four projects Bunbury and Miscellaneous Metro., are still at the negotiation stage. The total housing units, including rental and public and private

purchase in the four projects, is approximately 635.

- (3) The commission prefers not to present individual prices in consideration to marketing strategies but to date the accepted negotiated quotes for rental homes amount to \$1 855 335. The cost of the purchase homes is a matter between builder and client but generally commission finance is based on a \$40 000 housing and land package in the metropolitan area.
- (4) Participating builders in the fully negotiated Mirrabooka project are—

Artisan Homes (WA)

Dale Deeks Homes Pty. Ltd.

Landline Pty. Ltd. Trading as Pacesetter Homes

Heritage Homes Divisions of Taylor Woodrow

Plunkett Homes (WA) Pty. Ltd.

J—Corp Pty. Ltd. Trading as Perceptions The Home Builders

Bovis Homes Australia Pty. Ltd.

In the projects currently under negotiation, builders appointed, to date, are—

Doncaster Homes (WA)

Plunkett Homes (WA) Pty. Ltd.

617. *Postponed.*

PORTS AND HARBOURS: MARINA

Sorrento: Road Changes

618. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Planning:

Does the proposed Sorrento Marina and associated works and road changes comply with the current MRPA plan for the area?

Hon. PETER DOWDING replied:

Yes, the proposed marina and associated works accord with the provisions of the metropolitan region scheme. The suggestion that West Coast Highway be deviated to the east will, if proceeded with, necessitate an amendment to the scheme.

COMMUNITY SERVICES

Regional Office: Joondalup

619. Hon. P. H. WELLS, to the Minister for Employment and Training representing the Minister for Planning:

Further to question 566 of Wednesday, 6 March 1985—

- (1) How many personnel are expected to be positioned at the Joondalup Community Services Regional Office in the 1985-86 financial year?
- (2) How many personnel are expected to be positioned at Joondalup Police/Crown Law Department Regional Office in the 1986-87 financial year?

Hon. PETER DOWDING replied:

- (1) It is anticipated that six people will be positioned at the Joondalup Community Services Regional Office which will include a director and support staff during the 1985-86 financial year.
- (2) The Joondalup Courthouse is included within the Crown Law Department's capital works programme for the forthcoming triannual periods. The timing will depend upon the availability of funds and accordingly no details of the personnel likely to be positioned there are available.

QUESTIONS WITHOUT NOTICE

MR J. J. O'CONNOR: CHARGE

Opinions: Attorney General

591. Hon. G. E. MASTERS, to the Attorney General:

- (1) Is there in existence, to Mr Berinson's knowledge, any written advice or memoranda, other than that disclosed already, to the Crown Prosecutor or the Solicitor General, from Crown Counsel, any officer of the Crown Law Department or any outside counsel in relation to the proceedings against Transport Workers Union secretary, John O'Connor?
- (2) If so, what opinions or advice are in existence?

Hon. J. M. BERINSON replied:

- (1) and (2) I take it that the member is referring to advice to me. As far as I am

aware, there is no advice additional to that which I have indicated already.

MINERALS: DIAMONDS

Dispute: Parties

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

- (1) Has the Minister been advised of the details of the industrial dispute at the Argyle diamond venture?
- (2) If so, what are the causes of that dispute?
- (3) Who are involved?

Hon. PETER DOWDING replied:

- (1) to (3) I take it the member is referring to a matter which is before the Industrial Commission at the present time. The member ought to know that the matter concerns a jurisdictional issue. In the first place, it is a matter before the commission and involves the operators of the Argyle mine in a dispute. The protagonists are the Australian Workers Union, I think, the ASE, the Transport Workers Union, and other participants.

MINERALS: DIAMONDS

Dispute: Stand-downs

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

- (1) Does the Minister know, or has he been advised, that stand-downs are about to occur if the dispute is not resolved?
- (2) Will he make representations to Mr J. J. O'Connor to lift the ban knowing, of course, that he has some means of talking to the man and applying some pressure or persuasion on him to lift the bans to overcome the very serious situation in which the stand-downs will affect a large number of people?

Hon. PETER DOWDING replied:

- (1) and (2) The Opposition ought to really get its act together on this issue. The Leader of the Opposition is banging the table and suggesting that the Government should leap into a telephone box, change into its Superman outfit, leap out, and solve a whole set of issues.

Mr Jones, whose role in this issue is normally inflammatory, but never more inflammatory than the Leader of the Opposition in this House, acknowledges

that there is no role for the Government to play until the matter has been dealt with by the Commission. If the Leader of the Opposition in this House is suggesting that I should intervene in a matter which is before the Industrial Commission before it hands down its judgment, that displays his contempt for the organisation, which is not shared by me.

MINERALS: DIAMONDS

Dispute: Violence

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

I refer the Minister to that weak response and ask him:

- (1) Is he aware that violence has occurred and that a rock was thrown through a truck window to prevent the truck from entering the mine site when the truck-driver was accompanied by his wife?
- (2) Is the Minister aware of reports that, unless something is done urgently and commonsense prevails, there will be increased violence at the site?
- (3) If he is aware, does the Minister consider that sort of action of throwing a rock through a truck window to be a legitimate industrial activity in the course of an industrial dispute?

Hon. PETER DOWDING replied:

- (1) to (3) The simple answer to the second part of the question is "no". I have read the newspapers and noted Hon. Gordon Masters' attempt to create as much hostility as he could on this issue. I do not intend to be a party to that sort of industrial irresponsibility.

MINERALS: DIAMONDS

Dispute: Charges

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

In addressing this question to the Minister, I must say that I made no comments about this dispute at all. If the Minister would like to produce the papers I would be interested to read them. I ask the Minister—

- (1) Does he know whether any charges have been laid?
- (2) Will the Minister anticipate advising Mr Berinson if charges are laid so that the Attorney General has ample time to prepare a *nolle prosequi* in view of the fact that Mr Berinson announced last week—

The PRESIDENT: Order! That is out of order. Ask your question.

Hon. G. E. MASTERS: I ask—

- (1) Has the Minister any knowledge of the possibility of charges being laid?
- (2) If so, is it the Minister's intention to advise the Attorney General so that he can take appropriate action?

Hon. PETER DOWDING replied:

- (1) and (2) I did not think it was April Fools' Day. I should assume that any day is April Fools' Day when the member asks questions. Whether or not charges have been laid is a matter for the police, not for me. I do not have any role in advising the Attorney General. The Attorney General has already given the member an indication of the proper procedure which is followed every day of the week in relation to the Attorney's responsibility for the issuing of indictments.

Personal Explanation

Hon. J. M. BERINSON (Attorney General):

I believe that I have been grossly misrepresented in the course of Mr Masters' asking his last question. I seek leave to make a personal explanation.

Leave granted.

Hon. J. M. BERINSON: Explicitly in the first part of his question, before he was called to order, and then by inference when he rephrased the question, Hon. Gordon Masters sought to give the impression that it was my position that acts of physical violence such as that to which he referred should not be subject to prosecution under criminal law. I am surprised that he should have taken that tack because you, Mr President, will no doubt recall, even if he does not, that I referred to this question specifically as recently as last Thursday. I believe it only fair to allow me to refer again to my comments on that point. I then quoted a statement of 13 October 1982 which represents a position from which I have

never moved. I quoted *Hansard* to this effect—

I do not deny that examples can be brought of conduct by unionists which is improper and intolerable by any standard. Threats to workers' physical safety or employers' physical safety would come within that example and so does malicious destruction of property. We already have legislation outside the industrial arena which is directed at punishing that sort of conduct. We have that in the criminal law. If the existing provisions are inadequate to deter the conduct complained of, we should amend that legislation.

Last week I added to that comment by saying—

That is, and as will be crystal clear, what I was talking about at that time were acts or threats of physical violence and deliberate destruction of property.

Those sorts of acts have always attracted the criminal law, and so they should, and so they will continue to do while I have anything to do with it.

Mr Masters' inferences in the course of his question are directly contrary to my explicit statements, and he ought to withdraw.

Hon. Peter Dowding: Hear, hear!

Questions (without notice) Resumed

CRIME: EXTORTION

Charges: Criminal Code

596. Hon. G. E. MASTERS, to the Attorney General:

In normal circumstances, would he consider that a charge of extortion should be dealt with under the Criminal Code?

The PRESIDENT: That question is out of order.

TOURISM COMMISSION

Chairman: Removal

597. Hon. JOHN WILLIAMS, to the Minister for Tourism:

(1) Does the Price Waterhouse report recommend that Len Hitchen be re-

moved as Chairman of the Western Australian Tourism Commission?

(2) Is it also correct that the recommendation is about to be implemented?

(3) Is it correct that Mr Brett Goodridge will be the new chairman of the commission?

Hon. D.K. DANS replied:

(1) As I understand the Price Waterhouse report, which was presented before I was the Minister, it recommended that both Mr Hitchen (the chairman) and the manager be removed. However, that recommendation was not acted upon.

(2) and (3) No, to the best of my knowledge. Mr Hitchen informed me today that he was going on long service leave. It is true that he is not very happy in his job, but he will have three months off and think things over.

HOUSING: LAND

Rockingham Golf Course

598. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister for Housing:

(1) Is it correct that the old Rockingham golf course had been transferred to the State Housing Commission?

(2) If so, what plans has the commission for the land?

The PRESIDENT: Has notice been given of this question?

Hon. N. F. MOORE: Yes.

Hon. PETER DOWDING replied:

(1) and (2) I have received notice and the answer is "No".

FURNITURE: ANTIQUE

TWU Ban

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

I refer to my questions last week warning the Government of the proposed export of the antique Western Australian furniture. Since then, the Secretary of the Transport Workers Union has put a black ban on the movement of certain furniture from the State. Would the Attorney General tell the House whether that meets with his approval or whether,

since then, the Government has reconsidered the suggestions that the State take some action to keep the Foulkes-Taylor furniture in Western Australia?

Hon. J. M. BERINSON replied:

To the first part of the question, "No". To the second part, I again refer Mr Wordsworth to my advice last week; namely, that this matter does not come within my ministerial authority, and he should put his question to the appropriate Minister.

WESTERN AUSTRALIAN FLORAL ENTERPRISES LTD.

Baldivis Site

600. Hon. N. F. MOORE, to the Leader of the House representing the Premier:

It has been reported that Western Australian Floral Enterprises Ltd. will develop a 200 hectare site at Baldivis. If that is so, what is the correct location of the site?

The PRESIDENT: Has notice been given of this question?

Hon. N. F. MOORE: Yes.

Hon. D. K. DANS replied:

I thank the member for notice of the question. It is a commercial matter for the company, and the member should direct his question to the company.

SUPERANNUATION: BUS SCHEME

Pressure: Employers

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

(1) Is he aware of increased pressure being applied to some employers and employees to force them to join the building unions superannuation scheme?

(2) Is the scheme compulsory?

Hon. PETER DOWDING replied:

(1) and (2) I am aware that there are a number of areas in which discussion is going on, and I am aware that it is the wish of many people that there should be one scheme rather than a proliferation of schemes.

SUPERANNUATION: BUS SCHEME

Pressure: Employers

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

(1) Is the Minister aware of increased pressure; has he received any complaints verbally, and particularly in writing; and in responding to those complaints has the Minister advised the people complaining that they should join the scheme?

(2) Is he aware that the BUS scheme is designed only to apply to site workers and not the workshop situation?

Hon. PETER DOWDING replied:

(1) and (2) I have received some communications on this issue. I am not sure whether it would be the wish of the people concerned to be identified, and I therefore do not intend at this stage to identify them. If the member puts his question on notice, I will consider an answer.

SUPERANNUATION: BUS SCHEME

Pressure: Employers

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

Is it correct that the Minister personally advised the employers who complained that they should join the scheme, even though the scheme in which they are already involved with their employees may be a better scheme, and therefore the BUS scheme is to the detriment of the employees particularly?

Hon. PETER DOWDING replied:

I gave the member an answer to his previous question, and I do not believe that, without reflecting on it, I could necessarily identify or disclose the nature of communications between me and parties who may not wish to have that information disclosed. If the member puts the question on notice, I will give it some consideration.

SUPERANNUATION: BUS SCHEME

Pressure: Employers

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

The Minister, as I understand it, said—this is just a point of clarification—

The PRESIDENT: Order! The Minister said to put the question on notice. That is the answer to the question.

Hon. G. E. MASTERS: I will name the company concerned. In view of the fact that I am able to make available to this House the name of the company whose employees are involved—Total Corrosion Control Ltd.—will the Minister again respond to the question? I am assured that those people have no worries about being named in this House. Has the Minister personally advised Total Corrosion Control Ltd. that it should join the BUS scheme, even though it could be to the detriment of the employees?

Hon. PETER DOWDING replied:

The member is inviting me to reveal matters which could well have been raised in confidence with me by any number of people.

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

Hon. PETER DOWDING: Whether it is just this one or another one, I do not assume that everyone who corresponds with my office wants his name paraded around the public arena.

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

Hon. PETER DOWDING: That may be the understanding of the member, or more likely he does not care; but I have a responsibility as a Minister of the Crown, and I do not intend to breach that responsibility.

Hon. G. E. Masters: Dodging the question!

FURNITURE: ANTIQUE

TWU Ban

605. Hon. P. H. WELLS, to the Attorney General:

This follows a question that Mr Wordsworth asked earlier relating to the TWU's involvement with the jarrah furniture. In view of the fact that Mr O'Connor, the TWU secretary, has issued a *nolle* against the transport of the jarrah furniture, will the Attorney General say whether Mr O'Connor's *nolle* will prevent its removal or if there is any legal process available to the Attorney General to issue an order to support Mr O'Connor, and also will the Attorney General be prepared to consult his Cabinet colleagues on this occasion?

Hon. J. M. BERINSON replied:

I am sure that question is clear to others, but it is totally obscure to me and I am simply unable to answer it.