Legislative Council

Tuesday, 27 April 1982

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

EDUCATION: HIGH SCHOOL AND SCHOOL

Mt. Magnet: Petition

On motions by the Hon. N. F. Moore, the following petition bearing the signatures of 304 persons was received, read, and ordered to lie upon the Table of the House—

> To the Honourable the President and Honourable Members of the Legislative Council in Parliament assembled.
>
> We the undersigned residents of Mt. Magnet, Western Australia, pray that the Government of Western Australia will acknowledge that the growth in the number of school children in Mt. Magnet due to the re-opening of the Hill 50 Mine has resulted in inadequate education facilities in the town.
>
> We your petitioners therefore pray that your Honourable House will give earnest consideration to ensuring that steps are taken to either immediately upgrade the existing buildings at the Mt. Magnet School or to proceed with the establishment of a new District High School in the town.
>
> And your petitioners, as in duty bound, will ever pray . . .

(*See paper No. 175.*)

QUESTIONS

Questions were taken at this stage.

The PRESIDENT: Are there any further questions without notice? Are there any motions without notice?

Point of Order

The Hon. PETER DOWDING: On a point of order, Sir: Are you calling questions without notice?

The PRESIDENT: I did, and nobody replied.

The Hon. PETER DOWDING: I am sorry. I did not hear you call it.

The PRESIDENT: Honourable members cannot have it both ways. If honourable members want to carry on in a rowdy way, thus ensuring that they do not hear the questions that I put from the Chair, unfortunately they will miss the call. I have already called for further questions without notice and for motions without notice; and when I called for further questions without notice, nobody rose. I am now onto motions without notice.

I ask again: Are there any motions without notice? If not, I call on orders of the day.

BREAD BILL

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [5.10 p.m.]: I move—

That the Bill be now read a second time.

This Bill is introduced to repeal the existing Bread Act and replace it with new legislation to take account of changes which have occurred within the industry and by the introduction of other legislation since the Act was first introduced in 1903.

In moving the second reading, I would remind members that a similar Bill was introduced in another place during the 1981 parliamentary session. That Bill was not proceeded with following representations by the bread industry concerning hours of baking and delivery. The respective representatives of both the employers and the employees engaged in the industry have been consulted; and, in the main, the legislation reflects the recommendations of both groups. As a consequence, major changes are proposed which I will now explain.

References to bread standards have been removed. The standards are adequately covered in the food and drug regulations under the Health Act, and it is unnecessary to repeat those standards in this Bill.

The appointment of inspectors to police the Act is to be confined to the Department of Labour and Industry. At present, approval to prosecute is open, and inspectors may be appointed under the Local Government Act, the Health Act, and the Factories and Shops Act. The proposal will not preclude health inspectors from local authorities or the Public Health Department from exercising their functions.

I referred a short while ago to baking hours. Those hours are now controlled by the provisions of an industrial award. This award was made prior to an Industrial Arbitration Act amendment prohibiting the Industrial Commission from controlling the operating hours of industry, except in certain circumstances. Within a 45-kilometre radius from the Perth General Post Office, bread may be baked only within specified hours between Monday and Friday. These hours are seen as

being restrictive to enterprising business, and not in the best interests of consumers. It is proposed, therefore, that the baking hours will be extended to provide that bread may be baked at any time between the hours of one minute past midnight on Monday morning to 12 noon on the succeeding Saturday. No baking will be permitted on Sundays.

In other areas—that is, those outside the 45-kilometre radius previously referred to—bread may be baked at any time between the hours of one minute past midnight on Monday morning to 12 noon on Saturday, and between 5.00 a.m. and 12 noon on Sundays.

The provision is to be retained whereby in unforeseen or exceptional circumstances the Minister may vary baking hours.

Varying provisions apply to the delivery of bread. In the metropolitan area and in Kalgoorlie, bread is not permitted to be delivered before 6.00 a.m. on Mondays and Fridays; before 7. a.m. on Tuesdays, Wednesdays, or Thursdays; before 5.00 a.m. on Saturdays; or on any Sunday or bakers' holiday. In other areas, delivery is not permitted before 5.00 a.m. on any day or on any Sunday or bakers' holiday.

The restrictions appear to have been introduced, on health grounds, to prevent bread being left on door steps. This being the case, there is now sufficient control under the health by-laws to cover this aspect. Changes have occurred also in that it has been estimated that approximately 80 per cent of deliveries are now made by manufacturers to retailers. As a consequence, it is proposed to ease the delivery restriction. Hours during which bread may be delivered by manufacturers will be—

> Within a 45-kilometre radius of the Perth General Post Office, at any time between one minute past midnight on Monday morning to 12 noon on the succeeding Saturday;
>
> outside the 45-kilometre radius referred to, at any time between one minute past midnight on Monday morning to 8.00 p.m. on the succeeding Saturday.

There is obviously a close relationship between baking and delivery hours, although no deliveries will be permitted on Sundays.

The present Act refers to deliveries on a "bakers' holiday". That reference has been deleted, as these holidays are subject to industrial awards. The hours of delivery outlined will not prohibit any person, including a shopkeeper, from picking up bread at a bakehouse on any day.

Attention has been drawn to the unsatisfactory situation which developed within the industry regarding return of bread by retailers to manufacturers. That situation appears to have been resolved. The provision whereby bread cannot be returned therefore is to be retained.

Loaf sizes are included in the present Act. It is proposed that, under the new Act, loaf sizes and descriptions will be prescribed in the regulations. The existing sizes are—

> Ordinary bread weighing 450 grams, 900 grams, 1 800 grams;
> Milk bread weighing 680 grams;
> Vienna bread weighing 340 grams;
> Dietetic bread weighing 225 grams.

The major change proposed is to allow bread to be baked in all the aforementioned sizes. However, milk bread will be restricted to the 680 gram size to ensure that consumers can readily identify this type of bread. The inclusion of loaf sizes in regulations will allow for more flexibility to determine sizes, should the need arise.

The existing Act makes provision for polls to be conducted among bakers in country areas to determine baking hours. The provisions are no longer used and therefore have not been included in the Bill.

The requirement for the licensing of bakehouses is retained. No licensing fee—presently it is $1.20 per annum—will be charged as bakehouses are required to be registered under the Factories and Shops Act.

Penalties under the existing Act were last increased in 1966. Provision has been made in the Bill for substantial increases in penalties, and these range from a general penalty of $400 to a maximum of $1 000 for offences against some sections of the Act.

As mentioned in my opening remarks, this Bill reflects, in the main, changes sought by the industry. It removes provisions which are no longer required and will improve the administration of the Act. In keeping with previous undertakings given, the legislation will be reviewed after it has been in operation for a period of twelve months.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. D. K. Dans (Leader of the Opposition).

OFF-SHORE (APPLICATION OF LAWS) BILL

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Attorney General) [5.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill forms part of the off-shore constitutional settlement. Its purpose is to apply the laws of the State—other than criminal laws—in the "coastal waters" adjacent to the State.

Those "coastal waters" include the three-mile territorial sea and any waters to landward of the territorial sea which are not within State limits.

This Bill replaces the existing Off-shore (Application of Laws) Act 1977-1979, which was passed before any part of the off-shore constitutional settlement had been implemented. The Commonwealth's Coastal Waters (State Powers) Act 1980 came into force on 1 January 1982, confirming and putting beyond legal doubt the legislative powers of the State with respect to our adjacent coastal waters.

It is now proposed that we enact this Off-shore (Application of Laws) Bill 1982 and repeal the earlier Act.

The Bill makes certain changes from the earlier Act in describing coastal waters consistently with the Coastal Waters (State Powers) Act. Also, the Bill contains in clause 4, a regulation-making power which is similar to that found in the Crimes (Offences at Sea) Act so that the general application of laws can be modified where specific circumstances so require.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. J. M. Berinson.

ACTS AMENDMENT (CRIMINAL PENALTIES AND PROCEDURE) BILL

Second Reading

Debate resumed from 7 April.

THE HON. J. M. BERINSON (North-East Metropolitan) [5.18 p.m.]: It would be difficult to exaggerate the importance of the Criminal Code in the legislative scheme of this State. By creating offences, defining procedures and specifying penalties, the Code goes to the heart of our standards of law and order. These standards must be maintained at the highest possible level, but at the same time we must be equally concerned to maintain our standards of justice. Inevitably, there are times when a certain tension will develop in respect of those parallel aims, because the proper balance between them is not always easy to find.

For that reason, any significant amendment of the Criminal Code must be approached with more than ordinary consideration and caution. The Bill now before the House involves about 10 significant amendments to the code. Roughly half would be acceptable to the Opposition in their present form, and more would be acceptable with some fairly modest amendment. Nonetheless, the Opposition opposes altogether the enactment of this Bill now. Our reason goes to the nature of the forthcoming Murray report and the anticipated method of dealing with it.

Almost four years ago, Mr Michael Murray was commissioned to undertake a comprehensive review of the Criminal Code. That was a welcome initiative, and certainly not before its time. Also welcome have been the consistent assurances by the Government that when the Murray report becomes available it will be left for a reasonable period of public consideration and submission, in advance of legislation. It is, of course, a shame that the report has been delayed for so long, but the reasons for that are well understood and are not controversial.

The point is, however, that nothing in the present Bill appears to be so urgent as to disturb the general and desirable approach the Government has taken previously. Certainly there is nothing in the Minister's second reading speech that would justify the piecemeal and fragmented consideration of the code which these present proceedings involve.

As an example, the first matter referred to by the Attorney General in his second reading speech is the proposal that the present maximum fine of $1 000 should be increased to $50 000. As the Attorney points out, the present maximum penalty has not been amended since the code was first enacted in 1902. In those circumstances it must be self-evident that an updated provision is called for. On the other hand, it is equally certain that any comprehensive review of the code, such as Mr Murray is engaged in, would have to give attention to this very matter—not only to the particular amount of the maximum fine, but also to whether the blanket provision in this Bill ought to be maintained.

It may be preferable, for example, to provide clearer guidelines to the courts by a range of maximum penalties for more closely defined categories of offences. I make it clear that I am not attempting to argue for that proposition in any dogmatic way. I simply put it to the House that this is a matter which would have to be dealt

with in the Murray report. As we have already waited 80 years to amend this provision, it is impossible to believe that we cannot afford to wait another two or three months for the benefit of the report and the public submissions which will undoubtedly follow from it.

The question of public and professional input is more than ordinarily important in the case of this sort of legislation. The Government, after all, has the benefit of a well experienced and highly professional department to advise it. In saying that, I do not ignore the Attorney General's personal capacity to contribute to decisions as to the form a Bill of this type should take.

However, as I think the Attorney General might concede, with the general pressures and commitments of his office, his department's advice is crucial. As for the rest of us, I think it has to be acknowledged, and I do acknowledge it for my own part, that few if any of us will have had the sort of experience in criminal law and its administration as might give us any confidence of being able to bring a proper personal judgment to the sorts of issues raised by this Bill. For that we must have adequate professional advice from outside.

This Bill was presented three weeks ago. For the normal run of legislation that is ample but given the importance of the code and the important and in some cases technical considerations applying to this Bill, three weeks is not enough. For that matter, four or five weeks would not be enough even if the Government were prepared to leave this Bill to the last week of the present sitting. Over and above that factor there is the additional basic objection that, with the imminence of the Murray report, we should not depart from the Government's own declared preference for a comprehensive rather than a piecemeal review. For all these reasons the Opposition urges the Attorney General to agree to an indefinite adjournment of the Bill, and preferably to its withdrawal.

In support of that course I now turn to some reservations the Opposition has about particular provisions of this Bill. I have referred already to the proposed increase in the maximum penalty from $1 000 to $50 000 and have suggested one possible line of reservation about that. That is not to suggest that the need for a substantial increase in the general maximum penalty is not acknowledged. It is acknowledged. Indeed a substantial increase is not only justifiable as some sort of statistical exercise, but it has the potential for other important advantages as well. In particular, if courts can impose much heavier fines than at present, this might well encourage a move away from imprisonment in a number of situations, especially those involving serious property offences. Again, there is nothing so urgent in any of these considerations as to justify amendments now in advance of the Murray recommendations.

The second matter dealt with by the Attorney General relates to the ability of the courts to impose prison terms for a State offence so as to be cumulative on a sentence for a Commonwealth offence. This seems eminently reasonable and nothing further needs to be said about it.

The third matter raised by the Attorney General is much more serious and contentious. He put the matter this way—

> The Commissioner of Police has drawn attention to the fact that the recent amendments which reduced the penalties for some offences from life imprisonment to a maximum of 20 years' imprisonment have the effect of limiting the power of the police to use a degree of force which is commensurate with the seriousness of the offence in effecting an arrest, as that power is limited to offences punishable by death or life imprisonment.

It becomes clear by reference to section 233 of the code that the degree of force being dealt with is force which is intended or likely to cause death or grievous bodily harm. Grievous bodily harm is defined by section 1 of the code as—

> . . . any bodily injury of such a nature as to endanger, or be likely to endanger life, or to cause, or be likely to cause, permanent injury to health;

This Bill proposes that force of this extreme, perhaps fatal, degree may be applied beyond offences punishable by death or life imprisonment, so as to include offences which are punishable by 20 years' imprisonment.

The first and fundamental objection to this proposal is that no case has been made out for it. Indeed, no case for it has even been attempted. In particular, no evidence has been presented by the Attorney General which might indicate that current restrictions on the authorised degree of force are impeding the efficiency of the police in any way. All that is said is that the Commissioner of Police has drawn attention to the fact that certain recent amendments to penalties have had a consequential effect on the range of offences justifying grievous bodily harm in the course of arrest. That is not an argument for change. It is a statement of fact as to the current position.

When the number of offences punishable by life imprisonment was substantially reduced last year,

that clearly reflected a view that existing maximum penalties were excessive for the nature of the offence involved. Surely it follows from that, that the degree of force for effecting arrests in such cases was also excessive. I invite the House to consider some examples.

Section 511 of the code provides that—

> any person who falsely or deceitfully personates any owner of any share . . . or any share certificate . . . relating to companies . . for certain purposes is liable to imprisonment with hard labour for 20 years.

No doubt the personation of an owner of shares is a serious offence, but can it justify the shooting of a person about to be arrested on a charge of that offence if he seeks to avoid or escape arrest? I would have thought not.

To take a more serious case, section 185 of the code deals with unlawful carnal knowledge of a girl under the age of 13 years and makes a person guilty of that offence liable to a term of imprisonment for 20 years. The same applies to the crime of incest pursuant to section 197 of the code. There is no denying the seriousness of either unlawful carnal knowledge of a girl under 13 years, or of incest with a female of any age. Nonetheless, can it be argued seriously that the typical schoolboy offender or the incestuous father is normally of such a dangerous type of character as to justify his being shot should he attempt to avoid or resist arrest?

Another aspect of the same question arises in this way: Section 233 of the code as it now stands limits the power of the police to use the utmost degree of force to offences created by the code. Clause 5 of this Bill deletes this limitation so as to expand the list of relevant offences to include offences carrying not less than 20 years' imprisonment where imposed under other Acts. The Attorney General directed our attention in this respect to the Misuse of Drugs Act 1981. Again there can be no question about the seriousness of some of the offences created by that Act, but that is not to say that they can comfortably fit into the same category as offences like murder or wilful murder. There is a much greater scope in the drug offences for what might be regarded as a range of culpability.

In recent weeks, for example, there was a widely reported decision in which a young man found guilty of a drug offence rendering him liable to imprisonment for 20 years or more, was in fact released on two years' probation. The judge clearly came to the view that, whatever the maximum punishment available, the actual offence in the circumstances involved justified a quite minor penalty being imposed. Under this Bill, however, the person found by the judge to justify this lenience would have been liable to be shot had he tried to avoid arrest. Again I ask members: Is that really what we want to allow? Is it what we ought to allow?

I recognise there are certain protective provisions in section 233, such as the requirement that the use of force likely to cause death or grievous bodily harm shall not be exerted until the person sought to be arrested has been called upon to surrender. I do not need to be assured either that policemen as a force are not gun happy, and are not anxious or even interested in the use of excessive force. I accept that, but it does not mean the use of extreme force should be open legally to them except in the most extreme cases. Especially with recent reductions in the range of offences carrying life imprisonment, it can be said reasonably that such extreme cases can be defined by the penalties of death or life imprisonment applicable to them, and these are covered already by the existing provisions of section 233.

A different aspect of the Bill is raised by clauses 7 and 12 as these affect sections 582 and 656 of the code. In June of last year the High Court held in the case of De Simoni that if a circumstance of aggravation is not pleaded in an indictment, regard cannot be had to it for purposes of sentencing. The case is reported in volume 55, *Australian Law Journal Reports*, page 469, and the Attorney General says that the decision completely changed the law as it had previously applied in Western Australia. The purpose of the amendment is to negate the effect of the High Court decision so that the law should accord in this State with the understanding that had prevailed previously.

There is an interesting omission from the Attorney General's statement of support in respect of this amendment. As members might note, he did not advance any argument at all to support the view that the law as applied previously in this State is preferable to the way in which the High Court now says it should have been applied. The Attorney General's second reading speech proceeds on the assumption that that is self-evident, but it is not self-evident to the Opposition and it was not self-evident to the High Court either. On the contrary, as the High Court has pointed out, the common law supports the view that the position as established by De Simoni is not only correct legally, but also preferable as a matter of principle.

At page 472 of the report the Chief Justice says—

> . . . the general principle that the sentence imposed on an offender should take account of all the circumstances of the offence is subject to a more fundamental and important principle that no one should be punished for an offence of which he has not been convicted . . . at Common Law the principle that circumstances of aggravation not alleged in the indictment could not be relied upon for purposes of sentence if those circumstances could have been made the subject of a distinct charge appears to have been recognised as early as the 18th Century . . .

The Chief Justice then refers to the modern authorities which support the same view. Against this background, the least that can be said is that no basis has been established for the attempt to negate the effect of the case of De Simoni. The Opposition opposes it. The Opposition opposes also clause 11 of the Bill which seeks to delete that part of section 585 of the code which prevents the joinder of the charge of wilful murder, murder or manslaughter, with a charge of any other offence. All other offences may be joined in an indictment subject to a discretion in the court to prevent such joinder where prejudice to the accused might result. The Attorney General suggests in his second reading speech—

> It is difficult logically to see why homicides should be so singled out and exempted from those rules.

He then proceeds by means of clause 11 to do away with that exemption. With due respect to him, the difficulty to which he refers is not all that great. The fact is that crimes like wilful murder and murder, and especially the penalties applicable to them, are sufficiently serious to warrant the greatest protection against the possibility of undue prejudice to the defendant. Such a prejudicial effect can arise from a joinder of charges, and such joinders therefore should not be protected.

Relying on the advice and experience of a number of members of the Criminal Bar, the Opposition does not accept that the discretionary powers in section 585 are sufficient to meet this problem, apart from which, it must be said, this is another respect in which no adequate case has been made out by the Government. The nearest the Attorney General approaches to that is at page 15 of his printed speech, but his comments at that point really go no further than the question of convenience in disposing of potential multiple charges. Even what he refers to as the "classic example" is not all that persuasive.

His so-called "classic example" is the reported English decision where the accused was said to have murdered seven people by setting fire to the premises occupied by them. The indictment presented against the accused contained seven counts of murder and one of arson. A joinder of that kind would not have been permitted in this State. However, I would have thought a single conviction for murder caused by arson would give the sentencing judge ample scope to protect the community against the convict, without the need for further convictions for either arson or other murders.

It puts me somewhat in mind of some correspondence I once saw between Mr Dick Klugman, the Federal member for Prospect, and one of his constituents. The constituent, in a state of high dudgeon at a stand which Mr Klugman had taken on a certain Bill, wrote a rather long and bitter letter which ended with her comment, "You should be hanged, drawn and quartered." Mr Klugman replied, "Dear Madam, wouldn't one be enough?"

The Hon. I. G. Medcalf: We could join all the punishments.

The Hon. J. M. BERINSON: Neither the joinder of the punishments nor the joinder of the charges are really matters which justify this quite significant change from past practice.

For the same reason as explains our objection to clause 7 of the Bill, we oppose clause 11 also. This clause seeks to amend section 639 of the code so as to allow juries to be separated in the course of a trial of a capital offence, as is already the case with all other charges. Again we would say that the seriousness of the charges and penalties applicable in these cases calls for a more restrictive attitude. The potential penalty, in particular, is too severe to allow risks to be taken.

Presumably it was to avoid such risks that the present provision was included in the code, and nothing in my opinion has changed to alter the need for it. If anything, the need for this sort of protection against potential prejudice is even greater today than in earlier years, due to the nature and extent of media reporting. It is not at all difficult to think of situations where a juror could be influenced during the course of a trial by an unfavourable reference on television to the person under trial. This is not possible under present procedures in the capital cases as these procedures do not permit jurors to see television, and also censor from jurors' newspapers any reference to the trial on which they are sitting.

The Opposition has no objection to most of the remainder of this Bill; in particular, we support

the proposed new requirement that notice be given of an alibi in criminal cases trialable by jury. We support also the proposed amendments to the Child Welfare Act and the proposed amendment to section 586 (1) of the code.

In summary, it should be apparent that the Opposition does not approach this Bill with a negative attitude or without recognising the basic need for reform and updating of the Criminal Code. On the contrary, it is precisely because of the importance we attach to this project, that we believe this Bill should be set aside in favour of the anticipated complete review. We urge the Government to take that suggestion seriously, and I commend it to the House.

Debate adjourned, on motion by the Hon. Margaret McAleer.

House adjourned at 5.45 p.m.

QUESTIONS ON NOTICE

TRAFFIC: MOTOR VEHICLE DEALERS

Licences: Renewal Notices

190. The Hon. TOM McNEIL, to the Minister representing the Minister for Police and Prisons:

(1) Is the Minister aware that one country vehicle dealer who did not receive a renewal notice from the Motor Vehicle Dealers Licensing Board was arbitrarily removed from the Road Traffic Authority computer which then made him liable for thousands of dollars worth of stamp duty on transactions that took place following the expiry of his previous licence?

(2) If "No" to (1), would the Minister investigate the reasons the RTA decided to delete names from the computer controlling motor vehicle dealers' licences, and the effect that such removal has had on companies which may not have received a renewal notice from the Motor Vehicle Dealers Licensing Board?

(3) If "Yes" to (1), why did not the Police Department have a reminder notice sent out to the companies concerned which had not renewed their licences?

(4) Is any consideration to be given to the company referred to, as they have stated quite categorically that they received no renewal notice, and that as those notices are forwarded from the licensing department, it is quite possible for the relicensing to be overlooked?

The Hon. G. E. MASTERS replied:

(1) to (4) The Minister for Consumer Affairs advises that renewal notices were sent to all licensed dealers. Dealers who do not renew their licences are, by law, unlicensed and must be removed from the Police Department computer listing. The Police Department does not decide to remove the name.

The Minister for Consumer Affairs further advises that the list is a list of licensed dealers and therefore any person who is not licensed must be removed from the list.

There is no requirement for reminders to be sent to dealers. There is a strict liability on dealers to obtain and maintain licenses. However, I am advised that the Minister for Consumer Affairs is currently considering a direction to the Motor Vehicle Dealers Licensing Board to require that reminders be sent to dealers who fail to renew by the due date.

The Ministers are unable to comment on the question of stamp duty liability.

206. *This question was postponed.*

HEALTH: DENTAL THERAPY CENTRES

Condingup School

211. The Hon. D. J. WORDSWORTH, to the Minister representing the Minister for Health:

Further to my question 172 of 21 April 1982 regarding dental services at Condingup School—

(1) How many children are enrolled at the school?

(2) How many required treatment?

(3) How far away from a qualified dentist is the school?

(4) Is this dentist in a centre visited at least monthly by the parents of these children?

(5) Would this dentist be able to undertake such work on a similar no-cost basis to parents?

(6) If not, would his work be subsidised, and to what extent?

The Hon. R. G. PIKE replied:

(1) Eighty-two.

(2) Twenty-two attend the school clinic in Esperance. Sixty others were treated at Condingup where examination and any necessary preventive and restorative procedures take place.

(3) Sixty-four kilometres, at Esperance.

(4) It is not known if the parents visit Esperance monthly.

(5) No.

(6) Pensioners, unemployed persons and persons in receipt of social security benefits and their dependants could apply for subsidised treatment. The amount of subsidy varies according to family size and family income. In general, a pensioner with no other income would have 80 per cent of costs paid by the Government.

QUESTIONS WITHOUT NOTICE

TOWN PLANNING: BASSENDEAN

Sea Scouts Group

53. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Urban Development and Town Planning:

(1) Is the Minister aware of the proposal of the 1st Bassendean Sea Scout Group to build a new hall on their existing site on the river at Bassendean?

(2) Did the MRPA originally advise the organisation that there would be no objections to the erection of such a building on that site?

(3) Are there now any reasons that the project should not proceed?

(4) If so, what are they?

The Hon. R. G. PIKE replied:

(1) I am advised that the Metropolitan Region Planning Authority received a draft proposal for a new hall on the sea scouts' site at Pickering Park in February 1981.

(2) The authority advised it had no objections in principle, but the sea scouts would be required to submit a formal application showing details of the proposed development.

(3) The project cannot proceed until such time as the MRPA has determined a current development application. Consultation with the Public Works Department is now taking place.

(4) Answered by (2) and (3).

FAMILY COURT

Paternity Suits

54. The Hon. PETER DOWDING, to the Attorney General:

I refer to a recent letter he wrote to me indicating that the question of making provision for the taking of blood tests in paternity suits is under consideration, along with certain other proposals relating to possible amendments to the Family Court Act. I ask him by whom are these matters being considered, and when can we expect a further statement in relation to the consideration of amendments to the Family Court Act?

The Hon. I. G. MEDCALF replied:

At my request, these matters are being considered by officers of the Crown Law Department, who will report to me. I hope that the question of blood tests for paternity suits will be resolved fairly soon.

MINISTER FOR RECREATION

Newspaper Advertisement: Photograph

55. The Hon. PETER DOWDING, to the Minister for Recreation:

I preface my question by noting that the Minister's photograph has appeared in newspaper advertisements on behalf of his department on at least two separate occasions. I ask him—

(1) Did the photograph appear at his authorisation, instruction, or request?

(2) Did he instruct his Press secretary or his department to achieve the maximum publicity for himself by including a photograph of himself?

(3) Does he regard the circulation of his photograph at the taxpayers' expense as a responsible act in times of economic stringency?

The Hon. R. G. PIKE replied:

(1) to (3) I thank the Hon. Peter Dowding for his question without notice. As always, the honourable gentleman is predictable. In answering his question without notice, I draw to the attention of the House a copy of the *Sunday Telegraph*, a Sydney paper, dated 28 February, which includes a picture of the Hon. Michael Cleary, the New South Wales Labor Minister for Sport and Recreation, in which he draws to the attention of pool owners in that State the safety requirements of school children. I further draw the honourable member's attention to *The Sydney Morning Herald* dated 12 March in which appears a picture of the Hon. Terry Sheahan, the Labor Minister for Co-operative-Societies and Minister Assisting the Premier, wherein he tells the public that a house and solar village are open for inspection. I further draw the honourable member's attention to the Tasmanian paper in which the Labor Premier made a statement in regard to the State's Public Service retirement benefits. Each of those papers bears the picture of the respective Labor Ministers in those States.

The Hon. D. K. Dans interjected.

The Hon. R. G. PIKE: I conclude, if I can interrupt the parrots opposite, by drawing attention to no less a person than the President of the Australian Labor Party and the Premier of New South Wales (Mr Wran) when he took a full page in the *Sunday Telegraph* on 6 September 1981 in order to take a partisan political attitude asking the people with public money to vote for the referendum in regard to the Constitution Act, which took place in New South Wales recently. I have dropped one of my cuttings. However, since I have more than enough, we will leave it at that for the time being.

The Hon. D. K. Dans: I thought for a moment you might be going to answer the question.

The Hon. R. G. PIKE: I conclude by indicating to the honourable member opposite that it is my opinion, as the Minister for Recreation, that the Department of Youth, Sport and Recreation has, in the past, suffered to the degree that its identity has been, in the main, swallowed by local government in this State, notwithstanding the fact that local government is doing an excellent job, in co-operation with the department. I point out further that the advertisements to which the honourable member made reference, including that of today, deal with facilities and programmes provided by the Liberal-National Country Party O'Connor humanitarian Government. The elderly, and recreation for the elderly, are important for this State. The advertisement was drawing the attention of the people to the fact that the State Government of Western Australia is properly paying attention to the needs of this very important section of the community.

I indicate that these advertisements have been paid for by the department. It was, it is, and it shall be my intention in the future to continue with this policy of identifying properly the Minister with his department. It is a matter of regret that I have not used this identification of the Minister with his department enough in the past. It is one of the few things that I acknowledge Labor Governments, in the States to which I have referred, have been doing before us.

MINISTER FOR RECREATION

Newspaper Advertisement: Photograph

56. The Hon. PETER DOWDING, to the Minister for Recreation:

As the Minister has indicated his slavish devotion to following Labor Party precedent, did he instruct his Press secretary and/or his department to achieve the maximum publicity for himself in all the activities and advertisements of his department?

The Hon. R. G. PIKE replied:

I think it is essential, in order to preserve the sovereign rights of the State of Western Australia in regard to the assault that is being made upon it by the centralist socialist party in this State—

The Hon. Peter Dowding: That is about as relevant as you are.

[Laughter.]

The Hon. R. G. PIKE: Laughter will not eliminate the facts.

The Hon. J. M. Berinson: Would you care to have the question repeated?

The PRESIDENT: Order! If honourable members want questions without notice, we have to hear the answers.

The Hon. D. K. Dans: That is what we are waiting for.

The PRESIDENT: Order! The honourable Minister will resume.

The Hon. R. G. PIKE: The answer to the honourable member's question is that I, as Minister, will continue to identify with the departments with which I am associated.

The Hon. Peter Dowding: That is not an answer.

Opposition members interjected.