Legislative Council

Thursday, 30 September 1982

THE PRESIDENT (the Hon. Clive Griffiths) took the Chair at 2.30 p.m., and read prayers.

APPROPRIATION (CONSOLIDATED REVENUE FUND) BILL

Consideration of Tabled Paper

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [2.34 p.m.]: I move, without notice—

> That pursuant to Standing Order No. 152 the Council take note of Tabled Paper No. 420—Estimates of Revenue and Expenditure and related papers for the financial year 1982-1983—laid upon the Table of the House on 30 September 1982.

By means of that motion members have the opportunity to debate the Consolidated Revenue Fund Budget in this Chamber prior to receipt of the actual Appropriation Bill. Naturally this does not restrict in any way the right of members to debate the Bill itself when it is received.

In his Budget Speech, the Premier and Treasurer mentioned a number of developments, particularly those on the economic front and in the area of Commonwealth/State financial relations which have had, and will continue to have, an adverse impact on our financial position. Rather than cover that ground again in detail I would refer members to the printed speech as contained in the 1982-83 financial statement which accompanies the Estimates.

At the same time, however, and before turning to a short discussion of the Budget proposals, it would be helpful to summarise briefly the more important developments and financing problems which confronted the Government in framing the Budget.

In particular our strategy was shaped by decisions taken by the Commonwealth Government. These led to—

(1) An effective appropriation by the Commonwealth in 1982-83 of $770 million from the States' tax sharing pool as a result of unilateral changes to the tax sharing arrangements.

(2) Phasing in over three years of the Grants Commission's recommendations despite demonstrated anomalies in the assessments and strenuous objections by the Western Australian Government. The Commonwealth Government decided to follow this course at the expense of the three less populous States rather than to top up the grants to New South Wales, Victoria, and Queensland from its own reserves which had been boosted by changes to the tax sharing arrangements. As a result, Western Australia is expected to receive $32.5 million less this financial year under the tax sharing arrangements than we would have received had no adjustment been made.

(3) The 1981-82 changes to the health funding arrangements and the unsuitable way these arrangements have been implemented. In our view this has led to the payments to Western Australia being reduced on account of expected revenue by some $14 million more than is indicated by a reasonable assessment of our revenue raising capacity.

In addition the Commonwealth Government's budgetary initiatives in respect of fuel excise impacted across the entire range of Government activities and made our budgeting task even more difficult.

As a result of these moves our budgetary capacity has been restricted and revenue is expected to increase by $273.6 million or 13.3 per cent on the amount actually collected in 1981-82. Of this increase, Commonwealth payments, including specific purpose grants, contribute $103.1 million, an increase of only 9.9 per cent or significantly less than the rate of inflation.

Moreover, our flexibility has been reduced further by escalating wage costs and continued pressure for further wage increases. The full year cost of wage increases granted in 1981-82 alone amounted to $83 million and on top of this must be added the cost of the significant increases already granted and in prospect for 1982-83.

On the basis of some moderation in wage demands over the course of the year we have provided a further $80 million for the cost of wage increases on pay-rolls of all departments and authorities financed from the Consolidated Revenue Fund.

Despite the adverse developments I have just outlined and escalating wage costs we are committed to meet, the Government has been able to bring forward a well balanced and constructive

expenditure programme which must be seen as most satisfactory and appropriate to the current economic situation. Our aim has been—in conjunction with the capital works programme—to provide the strongest possible support for job creating activities and to generate maximum additional orders for the private sector.

While not overlooking the need to expand and upgrade Government services where a need was apparent and priority warranted in the current economic climate, we have taken the view that recurrent expenditure should be tightly held so as to enable the channelling of funds to employment generating activities and to provide some capacity for relief from taxes which can inhibit employment or restrict activity.

In the area of pay-roll tax the basic annual pay-roll tax exemption level of $102 000 is to be lifted by 22.5 per cent to $124 992. The increase of approximately twice the inflation rate will result in 600 small businesses which are currently liable for payment of the tax becoming exempt.

In line with the present arrangement, the exemption level will reduce by $2 for every $3 that the annual pay-roll exceeds $124 992 up to a maximum annual payroll of $255 780. Employers with pay-rolls in excess of this level will be able to deduct $37 800 in calculating their tax liability, compared with $36 000 at present. The concessions will apply from 1 January 1983, and they are expected to cost the Government $1.3 million this year and $3.2 million in a full year.

The Government intends also to introduce legislative amendments designed to overcome emerging pay-roll tax avoidance practices. Details of the proposals will be provided when the legislation to give them effect is introduced.

Stamp duty concessions are also to be introduced to encourage the progressive development of Perth as a major Australian financial centre. In order to assist the development of a secondary market for mortgages, it is proposed to replace the existing *ad valorem* duty on mortgage transfers with a flat duty of $10 per transfer. It is proposed also that discount transactions in mortgages will be exempt from normal duty.

In addition, to encourage a more active securities market in Perth, it is proposed to replace the existing duty applying to transfers of company debentures and notes with less than two years to maturity with a duty of 0.025 per cent per month of the remaining currency of the security. The new rates of duty are to operate from 1 January 1983, and further details will be provided when the enabling legislation is introduced.

It is against the background of an increase of only 13.3 per cent in our revenue that the expenditure proposals contained in the Budget need to be assessed. On this point, our revenue has been significantly boosted by $31 million of interest earned in 1981-82 on the investment of Treasury cash balances. This represents the whole of the balance carried forward from 1981-82 investment earnings in line with established procedure; and it is fortunate that we have such a substantial sum available from this source as a result of the high short-term interest rates prevailing last year. Indeed it has been the availability of this revenue which has made it possible for the Government to bring forward a satisfactory expenditure programme this year, notwithstanding the severe difficulties imposed on us by the reduction in real terms of Commonwealth funding which constitutes nearly 49 per cent of our revenue.

Total expenditure in 1982-83 is estimated at $2 335.5 million compared with actual expenditure of $2 061.9 million last year. The proposed increase of $273.6 million or 13.3 per cent provides for a balanced Budget and, unlike some other States, has been achieved without any increases in taxation.

Turning to individual items of expenditure, I do not have sufficient time to do more than mention some special features of the allocations. Further details are outlined in the printed Budget speech which is available to members; and Ministers will provide additional information when the appropriations are dealt with in Committee in another place. Highlights include—

An increase of $69.1 million or 14.4 per cent in funds for the Education Department, including provision for the employment of an additional 255 teachers; total allocations relating to education represent over one-quarter of our total expenditure programme, which is indicative of the priority the Government places on education.

A proposed allocation of $59.4 million for public health, which represents an increase of 14.4 per cent on expenditure last year; capacity has been found within the allocation for a significant increase of $152 000 in support of women's refuges, and a total of $863 000 has been allocated for subsidies of refuges, including assistance for a new refuge at Karratha.

A proposed allocation of $74.9 million for Mental Health Services, which is $11.6 million or 18.4 per cent higher than expenditure last year; the substantial increase in funding in this area is consistent with our

policy of providing better accommodation and improved teaching and training facilities for the intellectually handicapped.

A proposed allocation for the restructured Police Department of $103.7 million—an increase of 17.5 per cent; the allocation includes provision for the appointment of an additional 100 police officers in keeping with an undertaking given by the Government to substantially augment police strength over a three-year period; the large real increase in funding reflects the Government's awareness of the need to increase police strength to combat crime and at the same time maintain a high level of traffic law enforcement.

An increase of $6 million in the proposed allocation to the Department for Community Welfare.

Other features include—

Provision of $450 000 for two intakes of 100 young persons under the special youth employment training programme and incentives relating to group apprentice training schemes totalling $78 000.

$73 000 for the establishment of the first bail hostel in Western Australia.

Allocations totalling $454 000 to assist in the provision of care and accommodation for homeless young people, and for a programme to return children in institutions to a more permanent and secure family environment.

An increase in subsidies for children in both private and institutional care.

An allocation of $500 000 under a matching arrangement with the Commonwealth for the provision of international sporting facilities.

Grants and subsidies amounting to $2.6 million for the encouragement of sport, especially through projects which will lead to an increase in construction activity.

An allocation of $500 000 to help alleviate the threat of locusts to farm production.

Continued emphasis on the development of computer-based systems to improve the quality of Government services and to lower the delivery cost of those services.

Provision of $255 000 within the $2.8 million allocation to the Department of Conservation and Environment for the second stage of the Peel-Harvey estuarine system study aimed at controlling the critical algae problem.

An allocation of $8.8 million for salinity control measures in the south-west catchment districts.

Provision within the allocation of the $27.1 million to the Forests Department to enable a major karri regeneration programme and plantings of pine to reduce pressure on the State's hardwood timber resource.

Substantially increased expenditure amounting to more than $56 million on maintenance of public assets and minor works in order to generate orders and employment.

A 33.3 per cent increase in the allocation to the Small Business Advisory Service Ltd. to assist in improving management skills in this important employment-creating sector of the economy.

An increase of $311 000 or 83 per cent in the allocation to the Academy of Performing Arts.

A significantly increased allocation to fund the upgrading of the Zoo's animal enclosure facilities.

As members would be aware, the presentation of the Estimates followed a slightly different format this year with the Consolidated Revenue Fund Budget and the capital works programme being brought down on the same day. I believe this enables both the public and the Parliament to obtain a clearer assessment of the Government expenditure proposals in view of the interlocking nature of both programmes.

In conclusion, I would like to say that despite the problems which confronted the Government, the Budget provides some welcome tax concessions as well as being a positive response to the economic problems facing the State. It is a balanced Budget which directs expenditure to job-creating activities and provides for a number of worth-while advances in the standard of services to the community.

Debate adjourned, on motion by the Hon. Fred McKenzie.

LIQUOR AMENDMENT BILL (No. 3)

Introduction and First Reading

Bill introduced, on motion by the Hon. I. G. Medcalf (Leader of the House), and read a first time.

JUSTICES AMENDMENT BILL

Report

Report of Committee adopted.

LEGAL AID COMMISSION AMENDMENT BILL

In Committee

The Deputy Chairman of Committees (the Hon. I. G. Pratt) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clauses 1 to 8 put and passed.

Clause 9: Section 37 amended—

The Hon. I. G. MEDCALF: My proposed amendment appearing on the notice paper better expresses the meaning intended to be placed on this clause. The proposed amendment differs very slightly from the Bill before the Chamber. The slight difference is due to the fact that when we look at the Bill we see in clause 9(c) that a new subsection (4a) is to be inserted. In that we see a reference to "matters of a class specified". Later there is a reference to "a class specified". Another reference to "matters" occurs in subsection (4).

When we really study the provision we see that the word "matters" is used in two different senses. In the first sense it is used to mean things which should be taken into consideration and in the second sense it is used as a matter, or case, or as a matter for trial; in other words, an actual proceding which should go before the courts.

Although it is quite possible to interpret the clause, in order to make it clearer I will ask the Chamber to delete the word "matters" where it first appears and to substitute the word "factors" so that in dealing with the various things which should be taken into consideration in deciding whether to grant legal aid, these things will not be referred to as "matters" but referred to as "factors" which should be borne in mind by the legal aid committee and others who make the decision on legal aid.

The only other change made by this amendment from what is before members in the Bill is to refer to the phrase "a class specified", a phrase which is used twice in the clause. In the first sense it is used in the context that the commission shall have regard to "matters of a class specified". Subsequently, in order to decide whether it will provide legal aid to a person, there is a reference to a case of "a class specified", so the phrase "class specified" which appears twice is used in relation to two different situations.

It has been suggested that this would be better expressed by saying that the commission may direct that a legal aid authority shall not, under subsection (4), have regard to any factor in that direction in deciding whether it is reasonable in the circumstances to provide legal aid to a person in a matter of a class specified.

The actual meaning of this will now be easier to decipher for those prepared who examine the subsection. It will mean that the Legal Aid Commission may be able to ignore some of the guidelines which are laid down when it decides on legal aid for a certain class of case, such as a criminal case, a murder case, a rape case or any other class of case specified by the commission.

I move an amendment—

Page 5, lines 18 to 38—Delete paragraphs (b) and (c) and substitute the following—

"(b) in subsection (4) by deleting—

(i) "committee or an officer of the Commission shall" and substituting the following—

"authority shall, subject to any direction given and in force under subsection (4a),"; and

(ii) "all relevant matters" and substituting the following—

"all relevant factors";

(c) by inserting, after subsection (4), the following subsection—

"(4a) The Commission may, having regard to the amount of the moneys in the Fund available for the provision of legal assistance and to the financial commitments of the Commission from time to time, direct that a legal aid authority shall not under subsection (4) have regard to any factor specified in that direction in deciding whether it is reasonable in all the circumstances to provide legal aid to a person in a matter of a class specified in that direction."; and".

Amendment put and passed.

Clause, as amended, put and passed.

Clause 10 put and passed.

Clause 11: Section 39 amended—

The Hon. I. G. MEDCALF: I have had the opportunity of discussing this clause with the Deputy Director of the Legal Aid Commission and Parliamentary Counsel this morning in regard to the second reading debate comment that the commission would have power to refuse, terminate or vary legal aid. I have to confess that in the short time at my disposal since last night I was unable

to put my finger on the relevant provision; however, I have now been able to do that.

I refer members to clause 11(b) (iii)(g). It says, "in any case—by the Commission." Section 39, which is amended by this clause, says—

> (1) Where a legal aid authority or an officer of the Commission decides that legal aid should be provided to an applicant—
>
> (a) the nature and extent of the legal aid to be provided shall also be decided by the committee; and
>
> (b) the committee may, having regard to the matters mentioned in subsection (3) of section 37, decide that the legal aid shall be provided free of charge or that it shall be provided subject to either or both of the following conditions,

Subsection (2) of section 39 says—

> (2) A decision to provide legal aid to a person under this Act may be varied at any time so as to—
>
> (a) terminate the provision of that legal aid;
>
> (b) alter the nature or extent of that legal aid;
>
> (c) impose a condition mentioned in paragraph (b) of subsection (1) on the provision of that legal aid or vary such a condition previously imposed on the provision of legal aid;
>
> and may be so varied—
>
> (d) in a case when the decision was made by a legal aid committee by that committee;
>
> (e) in a case where the decision was made by an officer of the commission, by a director or a member of the staff by such persons.

We are inserting under the Bill new clause (f)—

> (f) in a case where a decision was made under section 49A by the legal aid authority which made the original decision; or
>
> (g) in any case by the commission.

Clearly, the commission has the power to vary or terminate legal aid. I regret that I was unable to turn it up at short notice.

Clause put and passed.

Clause 12: Section 40 amended—

The Hon. P. H. WELLS: During the discussion on clause 12, I raised the question that the Bill provides no means by which a person might be able to select a practitioner of his choice because it refers to a panel of names prepared under section 40. I was remiss in not realising that the panel of names is arrived at by the commission and is allowed under the Act to provide practitioners to advise the commission. It has provided practitioners who are willing to act in the categories. Having reread the Act and the provisions for practitioners to submit their names to the commission—and the provision that should the commission remove his name a practitioner can appeal against that decision—I am now satisfied that the panel of names prepared under this section and referred to in the Legal Aid Commission report is an adequate one and I no longer question it.

Clause put and passed.

Clauses 13 to 20 put and passed.

Clause 21: Section 63 amended—

The DEPUTY CHAIRMAN (the Hon. I. G. Pratt): Honourable members, in order for the Attorney General to move his amendment it will be necessary for this clause to be put and defeated.

Clause put and negatived.

New clause 21—

The Hon. I. G. MEDCALF: This amendment is to put absolutely beyond doubt that the commission will be liable for the negligent acts of a private practitioner employed or used by the Legal Aid Commission. The commission itself did not think it was necessary to have that inserted when the original Bill was drawn because it believed it was liable at common law. To put quite beyond doubt the point, raised by the Hon. Mr Wells last night, this will make it clear to members of the public that an additional item has been inserted. The only additional provision in this amendment is new subsection (2)(b) which says that the commission is liable for any negligent act or omission not only by the director—he was there before—but also by a private practitioner in the course of performance of services in providing legal advice or acting as duty counsel.

I move an amendment—

> Insert the following new clause to stand as clause 21—

Section 63 repealed and substituted

" 21. Section 63 of the principal Act is repealed and the following section is substituted—

Liability and immunity

" 63. (1) The Commission shall indemnify—

> (a) the Director or a member of the staff against any liability incurred by him

for any negligent act or omission by him in the course of the performance of his duties or in good faith in the purported performance of his duties; or

(b) a private practitioner who performs services by way of legal assistance under Division 2 of Part V of this Act against any liability incurred by him for any negligent act or omission by him in the course of the performance of those services or in good faith in the purported performance of those services.

(2) The Commission is liable for any act or omission by—

(a) the Director or a member of the staff in the course of the performance of his duties; or

(b) a private practitioner in the course of the performance by him of services by way of legal assistance under Division 2 of Part V of this Act.

(3) No liability shall attach to a member, or the deputy of a member, of the Commission, or a member of a legal aid committee, or a member or substitute member of a review committee, for any act or omission by him, or by the Commission or committee, in good faith and in the exercise or purported exercise of his or its powers or functions, or in the discharge or purported discharge of his or its duties under this Act. ". ".

New clause put and passed.

Clause 22 put and passed.

Title put and passed.

Bill reported with amendments.

ROAD TRAFFIC AMENDMENT BILL (No. 2)

Second Reading

Debate resumed from 29 September.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [3.12 p.m.]: A great deal of discussion took place during the second reading debate on this Bill, and members made important contributions and raised many questions. I hope members will forgive me if I take a little time in dealing with some of the matters raised.

The Government, and I am sure everyone in this House, takes very seriously the injury and carnage that occurs on our roads, particularly when it involves younger people. It happens day after day and week after week, and the Police Force is faced with some dreadful situations. Many of the problems undoubtedly are caused by the use of alcohol. The Hon. Robert Hetherington raised the point yesterday that more facts and figures should be presented to the House. We have considerable evidence in front of us already. Although some amusement was gained from some of the matters we talked about—perhaps rightly so—the overall problem is most serious. This Government, and any Government must take whatever measures it thinks necessary based on the information at hand.

I want to quote from a document entitled "1982 Reform" which gives some statistics. The document says—

> The grim statistics and patterns of death and injury are listed:
>
> total cost to the Australian community of road accidents is estimated at more than 3 000 million dollars annually;
>
> two thirds of persons killed and injured were drivers of motor vehicles and their passengers;
>
> three quarters of those killed and two thirds injured were male;
>
> forty per cent of pedestrians killed were aged 60 or more, yet this age group comprises only 13% of the population. Old pedestrians are vulnerable.
>
> the 17-25 age group accounts for 62% of all deaths occurring in the midnight hours.
>
> Most sobering statistic of all is the one which shows that one in every two drivers killed on the road had a blood alcohol level of more than .05 at the time.

The document is referring to a statistic which is lower than 0.08. Half of those killed on the roads had a blood alcohol reading of more than 0.05. We should take note of this report and many other facts that have been, and are being, brought before us each day.

The Hon. Fred McKenzie: What document are you quoting from?

The Hon. G. E. MASTERS: It is titled "1982 Reform". It deals with drink and drugs and I will provide the member with a copy. The police gave it to me this morning.

The matter of probationary licences was raised during the debate, and a number of members asked whether the 0.02 per cent blood alcohol limit was reasonable or fair to probationary drivers. The Hon. Robert Hetherington raised the question of some commodities being available in the community, and in particular cough mixtures, which were likely to contain a certain level of alcohol. I took the trouble to get some information from the figures that are available and I will give the details now. There was no way we could test a lot of drugs like cough mixtures, but we selected some, and one in particular which is known to have a higher alcohol content is called Brondecon. It has a 17 per cent alcohol content, which is very high. The information I have is that it is believed to be the strongest cough mixture available on the market. It was given to a person who was prepared to undergo tests and the prescribed dose of 20 millilitres four times daily was doubled. The breathalyser showed a nil result. Taking four double doses did present other problems, and the gentleman concerned spent most of his time in the toilet; he was not able to drive.

The Hon. Neil McNeill: This will make it a best seller.

The Hon. G. E. MASTERS: It seems clear from the test that it is not likely any problems would arise in relation to the alco test or the breathalyser test. It is true that immediately after taking the medicine alcohol was recorded in the man's blood, but it was only 10 minutes after he had taken it. The alco test can only be undertaken 20 minutes after the person has consumed his last drink. It seems unlikely, therefore, that cough mixtures would cause any real problem. Coca-Cola, which has no alcohol, also was tested, as was ginger beer, and one would have to drink 10 glasses of ginger beer to give the same reading as drinking one glass of beer.

The Hon. J. M. Berinson: What is the quantity involved?

The Hon. G. E. MASTERS: I think it is five middies of beer, so one would have to drink 50 glasses of ginger beer; it would be difficult.

The Hon. Fred McKenzie: That relates to the 0.08 level. Aren't we discussing 0.02 matters?

The Hon. G. E. MASTERS: We are talking about 0.02 which is an amount of alcohol able to be detected by the machine. I think that is probably the equivalent of one glass of beer.

I do not think a problem exists in this area, but I have asked the Minister in another place or his officers to make further inquiries and, if a problem exists, I shall refer to this matter again in the Committee stage.

The level of 0.02 is a measurable quantity and it is fair to say something must be recorded in the legislation, otherwise we would not hav a measure to go by. This is the lowest level at which we could reasonably expect to take a measurement.

Questions were raised about the education processes and the deterrents contained in the Bill. By imposing certain conditions on probationary licence holders, in effect, we are teaching them a lesson or educating them. However, further education programmes are being developed by the Minister for Police and Prisons and I understand he is in the process of examining a number of them. No doubt programmes of this nature will be presented to the Government in the near future.

In the meantime, a strong need exists for a deterrent to be placed on young people. We can recite to them all the facts and figures we like, but unless we penalise them when they transgress the law, clearly our advice may be neglected.

The Government is working towards the goal of improving education in relation to road safety. Probationary drivers have been referred to, but we should be looking more at driving experience than at age. In other words, whether a probationary driver is 18 years of age or 60 years of age, if he holds a probationary licence, it is fair to assume he is not an experienced driver.

The Hon. Des Dans suggested probationary drivers were discriminated against. I hasten to point out discrimination occurs anyway, because a probationary driver is on a year's trial. He or she carries a "P"-plate and must drive to a certain standard or lose the probationary licence or be penalised heavily. People who have driven a vehicle for longer than a year are in a different category. However, probationary drivers are certainly discriminated against and quite properly so.

The Hon. Ian Pratt raised a very good point when he said that, to a certain extent, times had changed, because young people today are able to drink at an earlier age than a few years ago. Previously young people were not able legally to drink in hotels and the like until they were 21 years of age, but now they are legally able to drink almost as soon as they obtain a driver's licence. Clearly a problem exists here and that is one of the reasons we must look at the control of alcohol as it affects probationary drivers.

The Hon. Win Piesse expressed concern about testing probationary drivers after they had driven for 12 months. She suggested that perhaps an advanced course or a more detailed test be administered. That suggestion has some merit. The argument against that would be that a probationary driver is on a year's trial and, if he drives for that period without having any accidents or if he survives that test, he has proved he is a good driver; therefore, why should he not be subjected to a more detailed test? A problem exists in this area and it would be more appropriate if the standards of testing were improved at the early stage and that is what the Government is trying to do.

The Hon. W. M. Piesse: An improvement should be made in the practical testing rather than in the theoretical side.

The Hon. G. E. MASTERS: I agree with the comment made by the Hon. Win Piesse to the effect that advanced training courses would be advantageous. Indeed, one is conducted at the moment and it would be beneficial if a greater number of such courses were available. If they were offered at a reasonable cost, people could choose to undertake them. They would not be compelled to do so, but if a person decided to undertake an advanced training course perhaps a higher category of licence, or something similar, could be issued in recognition of the fact that he was an able or competent driver.

We should try to develop the areas to which I have just referred. I understand the Minister for Police and Prisons is looking at this matter and progress can be expected.

The Hon. John Williams and the Hon. Des Dans referred to the severity of the penalties contained in the Bill. It is arguable whether penalties achieve the purpose laid down, but, bearing in mind the figures produced by some other countries where stronger penalties apply—for example, Japan—it is clear remarkable results can be realised. I do not know whether those results can be attributed to the threat of harsher penalties or the fact that people are hounded a little more, but it appears people drive more carefully. Many other countries have more severe penalties than those which exist in this State and they appear to be achieving some success in reducing the road toll.

I am endeavouring to obtain statistics in this regard, particularly for the benefit of the Hon. Bob Hetherington. However, many countries not only impose much stronger penalties than we do, but also they conduct very progressive, educational programmes. It is clear we must look at those two concepts together.

The Hon. John Williams referred to rehabilitation and I am aware of his great knowledge of the subject. Perhaps it can be said the Government should direct a greater amount of finance to the areas of rehabilitation, education, and penalties, particularly bearing in mind that these three matters should be dealt with together in an effort to reduce the road toll. Hopefully in the future we shall reach the stage where we can reduce penalties, because the educative and rehabilitative processes will have done the job they were established to do. However, in the interim we must do whatever we can to come to grips with the present carnage on our roads.

The Hon. John Williams and the Hon. Mick Gayfer referred to the fact that public concern exists in some areas about the way the police operate. Let us face the fact that no member of this House would want to do the job that police officers are called on to perform. When one bears in mind the sights they see and the problems with which they must cope it is clear that, at times, they must become very bitter about the driving habits of some people.

I am sure members will recall that when we debated this Act some months ago I produced some photographs depicting the injuries and damage caused in traffic accidents. I did not want to repeat that, because the President turned a bit green when I showed those photographs.

The Hon. Norman Baxter and other members referred to speed and alcohol. The Hon. Norman Baxter said that he considered speed was more dangerous than alcohol. Probably both speed and alcohol are equally to blame for the carnage on the roads and perhaps, to some degree, speed is caused by overindulgence in alcohol. However, I am not sure about that. I do not believe figures exist which indicate the main cause of traffic accidents, but they do suggest alcohol plays a tremendous part in them.

The Hon. Ian Pratt mentioned licensing methods and referred to a person who sat the test for a motorcycle licence, a year later sat the test for a motorcar licence, and then another 12

months later sat for a truck licence. He referred to the fact that, in many cases, such people would be required to do the same written test. When one sits the written test for a motorcycle or motorcar licence it is possible the same test could be administered, but a person who sits for a truck driver's licence would be required to complete a different test. As I understand the situation, at least 100 combinations of questions appear on the cards which are picked at random and given to people who sit these tests. Therefore, it is remotely possible a person could draw the same card on both occasions when sitting motorcycle and motorcar driver's tests. That would be unusual, but I suppose it could happen, although my understanding is it is unlikely.

The Hon. I. G. Pratt: They are both the same.

The Hon. G. E. MASTERS: As I understand it at the moment, the written tests for a motorcycle and a motorcar licence are the same; in other words, the test would be one of those 100 combinations.

The Hon. I. G. Pratt: It is pointless to do it again.

The Hon. G. E. MASTERS: It is not pointless. If a person does not pass his second test it may be he was lucky when he sat his first test or perhaps he did not read his code for the second test.

I know it seems unreasonable that a person holding a motor cycle licence, a person able to go on the road in dangerous situations—I agree it is very dangerous driving motor cycles on the road—may not be able to obtain a motorcar licence if he fails that second written test. We must face the fact that we seek safe drivers on our roads, and that is what this written test is all about. We seek the safety of the people on our roads.

The Hon. I. G. Pratt: If he fails on the second one, should he be put off the road?

The Hon. G. E. MASTERS: I suppose one could argue that point. Difficulties can be found in this situation. People applying for a motor cycle or car licence are required to answer a set of questions, a set selected from 100 different combinations of the test. If the applicant gets four or more questions wrong he is not able to obtain the licence. If a person applies for a wagon or truck licence and is not able to answer correctly two or more questions, he will not obtain that licence. In respect of taxi and coach drivers' licences, I understand applicants are subjected to an oral test, and must get eight out of 10 questions correct.

The Hon. I. G. Pratt: Isn't it the same test for a truck as it is for a car?

The Hon. G. E. MASTERS: The test is selected from the same 100 combinations, but the applicant in order to succeed must not get two or more questions wrong.

The Hon. I. G. Pratt: So he has to know more about the driving speeds in Kings Park to drive a truck than he would to drive a car?

The Hon. G. E. MASTERS: That could be said. However, the standard will be lifted. The Hon. Peter Wells raised strongly the question of lifting standards. It is fair to say these written tests will be reviewed in the near future. As a result of the Hon. Peter Wells' warning yesterday, I am sure he has strong evidence of the need to lift these standards. The matter has been brought to the notice of the Traffic Board, and standards and conditions will be lifted. I know the member feels strongly abut this matter.

He said also that the Government must increase the number of staff and must come to grips with the problems it faces, and that we cannot allow this carnage to continue. He made a strong speech on this matter. However, the Government has to match its wishes with the finance available. We realise problems exist, and we are progressing slowly in order to ensure the job is carried out. The Attorney General spoke today about the provision in the Budget for the appointment of more policemen.

The Hon. P. H. Wells: But that isn't for this area.

The Hon. G. E. MASTERS: Perhaps this provision will release more staff for the area in question.

The Hon. Mick Gayfer raised the question of community service projects, as did the Hon. Peter Wells and other members. I realise community service projects are of immense value, and that in some areas it may be that unless help is obtained from local authorities and community groups the projects will not be available to the people who wish to utilise them. It is the responsibility of local authorities and community groups to work together to ensure these projects are available. They are of tremendous advantage to the community and the people involved. I point out to the Hon. Mick Gayfer, who seemed to express that a local dignitary might be caught for driving under the influence—

The Hon. H. W. Gayfer: It could be you, if you came up to our area.

The Hon. G. E. MASTERS: That is absolutely correct, except I do not drink before I drive.

The Hon. H. W. Gayfer: You don't drive.

The Hon. Lyla Elliott: You have a driver.

The Hon. G. E. MASTERS: Sometimes I do drive, but certainly I do not drive if I have been drinking. If a convicted person does not wish to involve himself in a community service project he does not have to—it is voluntary. He may decide to pay the fine. If the Hon. Mick Gayfer and I were for one reason or another mixing together and found guilty of a certain offence, a community service project could be made available to us, but we might say, "We are not going to clean up the park; we are not going to do this community service work." We would have to pay the fine—the project work is voluntary. This was an important principle in legislation brought to this House a few years ago by the Hon. Neil McNeill. Instead of a fine or a prison sentence being imposed a convicted person has the opportunity to carry out a community service project. I believe this move to be amongst the most progressive brought into this House for many years. The Hon. Neil McNeill did not receive an accolade for his introduction of this concept, but it was accepted.

The Hon. H. W. Gayfer: What is the alternative? Is it pay up or work?

The Hon. G. E. MASTERS: If a person is found guilty of an offence he cannot just walk away from it.

The Hon. H. W. Gayfer: So someone can't be ordered by the judge to do the work?

The Hon. G. E. MASTERS: No, he definitely cannot be ordered to do the work. It is a voluntary system. Obviously in some cases the person convicted would prefer to pay the fine rather than carry out a community service project. Perhaps he might wish to avoid embarrassment.

The Hon. H. W. Gayfer: They might not be able to pay the fine, although the fine might be only trivial.

The Hon. G. E. MASTERS: It must be taken into account that a convicted person must be penalised for breaking the law. Someone may be penalised for being a threat to others on the road, others who may be the Hon. Mick Gayfer's children or my children. We must recognise that a penalty must be paid. The person breaking the law must accept that the penalty imposed must be paid whichever way the person can pay it.

The question was raised by the Hon. Mick Gayfer of a person required to take an enlightenment course—if one cares to refer to it in that way—to enable him to understand fully the problems associated with drink-driving, its effects, or its danger to the public. The course would need to be policed or run by some competent person. I recognise that in the metropolitan area plenty of people are available to ensure such a programme runs correctly.

The member raised the point of what on earth would happen in country towns where people were not able to get easily to the metropolitan area. It is unlikely that people will be available in country towns to conduct these lectures. My guess is that all country towns have a probation service; the State is split into various regions for this service, and officers are appointed to each region. These officers are competent to lecture in small country towns. In fact, they believe they can service all country towns.

The Hon. H. W. Gayfer: What about the very small country towns? Surely the officers are not in every country town?

The Hon. G. E. MASTERS: The officers believe they can cope with the job.

The Hon. H. W. Gayfer: Will they be able to cope with these five lectures of two hours' duration?

The Hon. G. E. MASTERS: I have been assured they will be able to conduct and supervise these lectures. I do not expect lectures in country towns to be conducted for only one person at a time unless that is absolutely necessary; the officers would wait until a group could undertake the course. I am not suggesting that at one time there would be three or four, or five or six people in a country town who have been penalised for drink-driving, but the officers will do their best to get groups together.

The Hon. Neil Oliver: What about lecture notes?

The Hon. G. E. MASTERS: I have the notes available. I can make them available to the member, and I am quite happy to table them if it is so desired. The course is comprehensive, and we believe the probation service in country towns in the main will cope with the problem, and the problem will be overcome.

The Hon. Joe Berinson, in starting the debate, raised some technical points. I will dwell on these for a moment. As I understand his remarks, he raised the point that if a person refused on the side of the road to take an alco test, and was taken to a police station where he refused to take a breathalyser test, he could be charged with both offences. That is correct; he can be. However, it is most unlikely that he would be. In fact, the situation could go a stage further. In extreme circumstances the driver could be charged with a third offence, that of driving under the influence of alcohol.

The Hon. J. M. Berinson: We may be at cross purposes. When you said two offences, which two offences did you mean?

The Hon. G. E. MASTERS: The driver can be charged with refusing on the side of the road to take an alco test, with refusing to take a breathalyser test at a police station and, if further proof was obtained, with driving under the influence of alcohol.

The Hon. J. M. Berinson: My question related to the two offences of refusing the breathalyser test and driving under the influence. Do you confirm that it is fact?

The Hon. G. E. MASTERS: Let me say it is possible—

The Hon. J. M. Berinson: It is more than possible; I understand it is a commonly engaged in practice.

The Hon. G. E. MASTERS: I am told that is rather rare. It may happen but the police do not pursue it. It is difficult to prove that a person has been driving under the influence when there is no technical back up. People are required to breathe into a breathalyser or have a blood test, or some other test. If those tests are not carried out it is difficult to prove, before a magistrate, that a person has been driving under the influence.

The Hon. J. M. Berinson: If in fact it is the administrative intention to make these double charges, why is the Minister amending the Bill only so as to prevent that happening where the charged person has eventually consented to the breathalyser?

The Hon. G. E. MASTERS: I suppose the Minister in another place has considered the reports and the situation as it is now and feels that it is okay. I do not object if a person is penalised twice.

The Hon. Garry Kelly: Double jeopardy!

The Hon. G. E. MASTERS: I do not think there is anything wrong with that. Let us consider what we are attempting to do with this legislation.

The Hon. J. M. Berinson: He is drunk only once and you are suggesting two charges be recorded against him.

The Hon. G. E. MASTERS: That is not true. If a person has two charges against him, that counts as a first offence—not two offences.

If the honourable member has any doubts, I will read from a document which will most certainly enlighten him, as it did me. The document indicates that if a person is charged with two or three offences on the one day, that will count as a first offence and one offence, as far as this legislation is concerned. The document states—

> 79.3 A previous conviction means an offence committed after a conviction for the first offence. Where an offender is brought up on a number of charges at one time and he has not previously been convicted before a Court, all the convictions are deemed to be convictions for a first offence. Christie v Britnell (1895) 21 V.L.R. 71.

My understanding is that if a person is charged with refusing a breathalyser test, an on the side of the road test, or a blood test, those three charges will count as one offence.

The Hon. J. M. Berinson: That again was not the point I raised. I was not suggesting that on the day when he was first convicted of both charges, the second charge would carry the penalty of a second offence.

The Hon. G. E. MASTERS: I think we should raise that matter during the Committee stage.

The Hon. J. M. Berinson: If the Minister does not understand the question, we will not receive a reply.

The Hon. G. E. MASTERS: I am sure I can reply.

Sitting suspended from 3.45 to 4.00 p.m.

The Hon. G. E. MASTERS: I referred earlier to what someone called a "double banger"; that is, a person could be charged for refusing to take a breathalyser test, and then be charged with driving under the influence, if that could be proved. I admit that this is possible, but they are separate offences. People should be prepared to undergo a breathalyser test. If they do not take the test they should be penalised for it. Two offences are involved—a refusal to take the test, which carries a penalty, and, secondly, if it can be proved, which is very difficult indeed, driving under the influence. That is difficult to prove because one has to have the result of a blood or breathalyser test, or some other good reason. It is difficult to prove before a magistrate without that detail. If it did happen, I would expect a person to face two charges.

The Hon. Joe Berinson raised the question of a person who was penalised for driving under the influence of alcohol, and within five years was penalised again for an offence involving drugs. I believe the Hon. Robert Hetherington said it was unreasonable to suggest that a person could be addicted to either alcohol or drugs because he was charged with those offences over a period of five years. Both offences are serious and amount to a serious threat to members of the public. It is

reasonable to suggest that people convicted of alcohol and drug offences within five years should be required to produce a medical certificate to assure the board they are not addicted to either of those substances. They must surely have a problem if they did commit two offences. I emphasise that we are looking at protecting the public. If a person is driving, or is in control of a vehicle, while alcohol or drugs are present in his body, he or she should be well and truly penalised.

The Hon. D. J. Wordsworth: Do you agree with Mr William's assertion that a person who drinks four beers a day is an addict?

The Hon. G. E. MASTERS: Not really. I accept that he has a considerable knowledge of the matter, but I would take issue with him on that point.

In dealing with the question of taking away a person's driver's licence for being in charge of a vehicle while under the influence of drugs and alcohol, I refer to section 48 of the Road Traffic Act. It gives the board the authority to take away a person's licence for a number of reasons. He or she may not be of good character. The board may consider that by reason of the number or nature of his convictions for offences under this Act, or the regulations, that person should not hold a driver's licence. The board may consider the person is undesirable. A number of subsections in that section clearly give the board the authority to take away a person's licence, or to refuse one. It is reasonable that careful consideration should be given to issuing a further licence to people convicted within five years of two offences relating to being under the influence of alcohol and drugs.

The Hon. Norm Baxter raised a question relating to section 67. In fact, I think he was referring to section 67A, and as he is not able to verify that at the moment, I will leave discussion of it until the Committee stage. I understand that he queries what would happen in relation to a urine test for a person who elected to have either a breathalyser test or a blood test. A person has a choice of taking a breathalyser test or a blood test, but if he chooses to take the former he should not be required to have a urine test. The urine test is mainly to ascertain whether a person has drugs in his body. A urine test would be required only where the alcohol reading in a breathalyser test was not indicative of a person's condition.

The Hon. Mick Gayfer and the Hon. Win Piesse asked how these samples would be obtained. The Public Health Department issues an approved urine testing kit which is designed to make that requirement of the law possible with the least inconvenience.

The Hon. H. W. Gayfer: Without having to turn a tap on.

The Hon. G. E. MASTERS: That is right. I want to make it clear that the sample must be obtained by a medical practitioner; the Bill states that clearly. A policeman or anyone else would not seek to take the sample.

The Hon. H. W. Gayfer: Say that again.

The Hon. G. E. MASTERS: A policeman would not take a urine sample any more than he would take a blood sample. If a person underwent a breathalyser test which gave no indication of alcohol, but that person was staggering and tottering around—

The Hon. H. W. Gayfer: They would be reasonable grounds.

The Hon. G. E. MASTERS: The policeman could say he wanted to take a blood and urine test. The urine test is to locate drugs in the blood.

The Hon. H. W. Gayfer: Who takes the urine test?

The Hon. G. E. MASTERS: A medical practitioner takes both the blood and the urine test. No blood or urine tests are taken if a person chooses to undergo a breathalyser test, unless it appears that he has drugs in his body.

The Hon. H. W. Gayfer: When a person goes to the station he can take a blood test if he does not want to take a breathalyser test. If no doctor is available, he must take the breathalyser test. Who will take the urine test if the doctor is not available?

The Hon. G. E. MASTERS: A person who elects to take a breathalyser test does not have to take a urine test. However, if a policeman has reason to believe after looking at the breathalyser test which shows there is no alcohol in the body, that a person is under the influence of drugs, he would arrange a urine test and a blood test.

I agree with Mr Gayfer. If there were no medical practitioner available—

The Hon. H. W. Gayfer: Who conducts the urine test?

The Hon. G. E. MASTERS: Certainly the policeman cannot.

The Hon. H. W. Gayfer: So in country towns, this is a furphy. You don't have to take a urine test.

The Hon. G. E. MASTERS: If the person in charge of a police station can locate a medical practitioner—yes, the test can be conducted. If the person cannot find a medical practitioner no urine test can be conducted. Just as a policeman

cannot conduct a blood test without a doctor, he cannot conduct a urine test.

The Hon. H. W. Gayfer: In that case he makes him take a breathalyser test.

The Hon. G. E. MASTERS: I assure the member that a urine test cannot be conducted unless a medical practitioner is present.

The Hon. H. W. Gayfer: No-one can poke anything into the cells?

The Hon. G. E. MASTERS: No. Difficulties will arise and the proper equipment must be available. I understand the equipment is being issued. A medical practitioner will have to take the sample.

The Hon. P. H. Wells: Or a nurse.

The Hon. G. E. MASTERS: Certainly it was thought inappropriate that a policeman or someone else unqualified should conduct a test.

The Hon. H. W. Gayfer: We have clarified the point that if a medical practitioner is not available the urine sample cannot be taken.

The Hon. D. J. Wordsworth: Will the same equipment be used for males and females?

The Hon. G. E. MASTERS: I really do not know whether separate equipment is necessary. I think I have explained the matter clearly and I do not think any member would be in any doubt as to what would happen.

The Hon. H. W. Gayfer: It is stupid.

The Hon. G. E. MASTERS: It is not stupid. This is a very serious matter. Quite clearly more and more drugs are being taken by members of our community, perhaps more so in the metropolitan area than in country areas. Under certain circumstances a urine test is a major way of locating the presence of drugs in a person's body.

The Hon. H. W. Gayfer: In 90 per cent of the State it cannot be applied.

The Hon. G. E. MASTERS: I did not say that; Mr Gayfer did. I do not believe that is so. We are trying to combat a serious problem in our community—the increasing problem of drug-taking. Certainly in the metropolitan area and in some country areas a urine test could be conducted in certain circumstances.

The Hon. H. W. Gayfer: But in others it won't.

The Hon. G. E. MASTERS: If no doctor is available the test cannot be conducted. That seems reasonable and I am sure members would not want it any other way. This matter has to be supervised so that a conviction may be obtained for a very serious matter.

Mr Gayfer raised the subject of a person who refuses an alco test by the side of the road. If that person were to decide that he would not take the alco test on the side of the road because he was in a country town and to take the test where he could be seen would prove embarrassing, he could tell the policeman that he would take a breathalyser test at the station. Should that happen the person would not be charged with refusing to take an alco test by the side of the road.

The Hon. H. W. Gayfer: Can we make that law retrospective?

The Hon. G. E. MASTERS: No, we cannot. This amendment was made in another place while the Bill was being debated. I make it clear to members who are interested that this is one of the changes made to the legislation. It is a very significant change to proposed section 67A.

The Hon. Des Dans raised a query about the penalties to be provided. He also asked why more action has not been taken against drivers of heavy vehicles. Penalties apply to drivers of heavy vehicles in the same way as they apply to any other driver. If a driver of a heavy vehicle were caught speeding or driving in a manner causing danger to other road users he could be fined in the same way as the driver of a car. If a person continues to drive badly and to display bad driving habits, whether he drives a heavy vehicle or a car, section 41 (8) of the Act would apply. The board can make a decision that such a driver is not a fit and proper person to hold a driver's licence and in extreme circumstances could move to take his licence from him. But all drivers on the road are treated equally under the Act. The demerits and other penalties that apply to the driver of a motorcar apply to the driver of a heavy vehicle.

The Hon. Neil McNeill raised the question of the new measuring equipment to be introduced to apprehend speeders. I must admit that initially I had the same thoughts as he did; I thought the equipment would be used in aircraft to project a beam downwards to measure the distance a vehicle had travelled. During the debate it was explained that the lines on the road were very important to people driving in country areas. A driver can see the yellow lines and can automatically take his foot off the accelerator because the lines are a reminder that someone on the ground might be checking his speed rather than someone flying 2 000 feet above in an aircraft and out of sight.

The equipment to be purchased will not be used in an aircraft. At present, the Main Roads Department draws the lines on the country roads after taking the required measurement. The equipment can be used in the police cars. It is efficient and accurate to a degree that will allow the

police to go to country areas, put a mark on the road, drive the vehicle along some distance, and then put another mark on the road. The device in the car will measure accurately the distance between the two marks.

I make it absolutely clear that the marks will be easy to see. They will be clearly defined so that they can be seen from the air should a police aircraft be operating. I believe the police may use yellow ribbon of some sort so that it can be shifted when they leave one area for another area. Clearly, these marks will be defined so that they are easily seen and are constant reminders for both Mrs Piesse and I that we should be taking it easy.

The Hon. W. M. Piesse: What is the cost?

The Hon. G. E. MASTERS: That information is being obtained for me now and hopefully it will be available when the Bill is debated in Committee. I understand the equipment is not all that expensive.

The Hon. D. J. Wordsworth: They will need to be movable, otherwise a residue will be left on the road.

The Hon. G. E. MASTERS: The police will use some sort of material that can be moved. Of course, the equipment will be thoroughly tested before it is accepted by the board so that convictions can be gained. Should someone take the trouble to measure the distance between the marks or to use some other equipment to test this arrangement, he could appeal against any conviction. The equipment will not be used if there is any doubt about its accuracy. Members should have no doubt about the thoroughness of the checks to be made on the equipment.

The Hon. Phil Lockyer mentioned that he would hate to see the situation where the Police Force or the board obtained a large number of aircraft and had its own private air force. My understanding is that this is not the intention, but there is a necessity to have some aircraft available, not just for surveillance purposes but for the many other jobs required to be undertaken. I understand the aircraft are under the direction of the police transport squad and are used for the purpose of detecting speeders and transporting members of the force when necessary. Sometimes policemen need to be moved quickly from one spot to another. It is not the intention to increase unnecessarily the number of aircraft held by the Police Force.

The question of random testing was raised by the Hon. Mr Gayfer, who made his thoughts on the matter very clear. The Government does not believe that the present operation gives rise to the accusation that random testing is occurring. If members were to see the operation in other States or countries where random testing is applied, they would see the difference. There is a need to check vehicles and drivers to make sure they are behaving in a proper fashion. This opportunity must be used carefully. Spot checks are needed at times and my information is that when these checks occur on numerous occasions people are found to be driving while under suspension. In many cases when checking vehicles it is found that they are unsafe, and so one thing must be judged against another. I know people feel very strongly about this issue. I resent some of the things that happen and feel it is an infringement on my liberties when they occur.

The Hon. H. W. Gayfer: The block is set up to catch the drink-drivers; you know it and I know it.

The Hon. G. E. MASTERS: That is one of the reasons. In all sincerity, if any of us were to go out with a police patrol on a Saturday night in the country or city and attend some accidents with those policemen, we would quickly change our minds.

The Hon. H. W. Gayfer: We know that.

The Hon. A. A. Lewis: What about tow trucks?

The Hon. G. E. MASTERS: If some of our liberties are going to be infringed upon and if we feel strongly about it, we should be prepared to put up with this.

The Hon. H. W. Gayfer: What about with random testing?

The Hon. G. E. MASTERS: I do not believe we have random testing. I sincerely say that there are reasons that the police should pull up people, but I do not believe we have random testing as such.

The Hon. A. A. Lewis: Wasn't it you who altered the Liquor Act?

The Hon. G. E. MASTERS: We are not talking about the Liquor Act at this time.

The Hon. A. A. Lewis: You were the one who was clearly outspoken as a back-bencher on that issue.

The Hon. G. E. MASTERS: I have nearly finished, but I felt I should go into some detail. I apologise for taking so long, but I have endeavoured to obtain a deal of information for members. I have a lot more information, but I think we should leave most of that until the Committee stage.

The Hon. H. W. Gayfer: Do you agree with the Hon. Neil McNeill's suggestion about having some tolerance?

The Hon. G. E. MASTERS: Of course. I listened with great interest to the Hon. Neil McNeill. Tolerance is exhibited throughout the Police Force, and it must be. There must be an understanding. They are public servants who do a very difficult job under difficult circumstances and they are tolerant. We also must learn to be tolerant and to understand.

The Hon. H. W. Gayfer: All the things that were put to you yesterday proved fruitless as you haven't agreed with one of them.

The Hon. G. E. MASTERS: I assure the honourable member that all the fears he had about urine testing have been dispelled and that he has no worries; he is not going to be interfered with.

The Hon. A. A. Lewis: You should rephrase that.

The Hon. G. E. MASTERS: Seriously, I understand there will be debate in the Committee stage. I have endeavoured to cover as much ground as possible. I apologise for taking up the time of the House.

Question put and passed.

Bill read a second time.

VETERINARY PREPARATIONS AND ANIMAL FEEDING STUFFS AMENDMENT BILL

Second Reading

Debate resumed from 22 September.

THE HON. R. T. LEESON (South-East)[4.25 p.m.]: This Bill contains five relatively simple but long overdue amendments to the Veterinary Preparations and Animal Feeding Stuffs Act. They clean up the Act and bring it in line with modern-day thinking.

From the Labor Party's point of view, I mention the power that will be given to the Director of Agriculture to do away with a manual register and put the information on a computer. I raise this matter because it is something the Labor Party has been talking about for a number of years. While it is a relatively minor issue in a way, we are authorising a department to use a computer which affects a large amount of work. I realise that we must move with the times, but it means that certain work will be taken out of the hands of people. I hope this will not result in the loss of jobs because people would be better working than at home on the dole. However, in this field computers are taking over manual tasks. Certainly it is a problem which will get greater as the years go by.

I understand that the records of the register currently are open to public scrutiny and will continue to be so. The only exception is certain commercial secrets, and I can understand the reason for that.

Another amendment is to permit a $25 registration fee to be charged before the application is processed because, whether or not it is agreed to, eventually the amount of work that is done in respect of the application will warrant the collection of that $25.

The amendment clears up some anomalies in the Bill and streamlines it. I support the Bill.

THE HON. A. A. LEWIS (Lower Central) [4.28 p.m.]: I see very little wrong with the Bill, except in regard to the subject Mr Leeson mentioned: namely, listing product details on computer. I do not think any of us is naive enough to think this is a foolproof system. Can the Minister tell me how the Department of Agriculture or the Minister for Agriculture will guarantee that the information on computer cannot be obtained by a rival company? As we know, just a percentage or two of a particular chemical can mean the success or failure of a veterinary product and I do not think computers are safe. People can type under the code to retrieve information; they may even do so by mistake, but usually they do it as industrial espionage.

The Department of Agriculture is taking upon its shoulders much more than any commercial enterprise would attempt to take; the department has said it will put certain information on computer, and that information will be safe. I want to hear from the Minister what guarantee he can give to me, or to this House as a whole, that the information to be placed on computer will be completely safe. Probably he can quite rightly say, "All care, but no responsibility." That would be lovely, it would be magnificent, except for the bloke who goes broke because his opposition ascertains from the computer what is in his product. No way exists for the department, the Minister, the Government as a whole, or anybody else, to give the assurance I seek. I would rather see that information maintained in a file for which one officer had responsibility, than placed on a computer, which may allow opposition companies to have access to that information.

At present we are going overboard with computers. They are lovely little toys. Some of us have had a little to do with computers, and some of us realise that computer codes can be broken. Many people laugh at the idea of industrial sabotage and spying, but it is conducted all the time. I am extremely concerned that we as a Govern-

ment will put certain information onto a computer, information which now is recorded in a register which cannot be removed because one officer looks after it. I guess opportunities would exist for that information to be obtained through a dishonest officer giving it, but I suggest the computer leaves wide open the opportunities for opposition companies to obtain the formulas of products retained on the computer.

The Government is taking the wrong action. I believe that for a different reason to that put by the Hon. Ron Leeson, who referred to job opportunities. I refer to industrial sabotage of product formulas. This provision goes too far, and in the wrong direction.

I support the main emphasis of the Bill, but I am extremely worried about computers and that everybody thinks they are so safe that it does not matter what we do. We all know they are not safe; we all know a problem exists with them. So, why by way of a provision like this, in circumstances where people's livelihoods could be at stake, are we as a Government intending to place this information on a computer?

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [4.33 p.m.]: I thank the members for their general support of the Bill. Of course I note the reservations that both speakers have in regard to computers and computer recording, although for different reasons. We must face the fact that we live in an age when computers are important in business and Government operations. I am not absolutely convinced that computers cause the unemployment that is at times suggested they do. In fact, some of the computers installed, and the programmes used, increase employment. I do not know why that occurs, but it does seem to occur.

The Hon. D. K. Dans: Do you want statistics to prove that is wrong? It happens in an enlightened society that we use technology to do certain things. Of course, I will have an opportunity to make my point later.

The Hon. G. E. MASTERS: I thank Mr Dans. We live in a computer age. It is quite clear the Government thinks carefully about the use of computers; in any Government area in which a computer is to be used we obtain the best possible advice. The Government has an advisory committee headed by Mr Dennis Moore. I believe at the university he was a director of computer technology, and I understand he is an effective adviser. He is said to be an expert in this State on computers and computerisation.

The Hon. A. A. Lewis: He may be magnificent, but can you guarantee me that he can say that nobody can get into or get anything out of his computers?

The Hon. G. E. MASTERS: I cannot give that assurance, and I would not think I could give a similar assurance in regard to information held on file in written form. Industrial sabotage is with us, whether it be directed towards written forms of recording information, or computers.

In big enterprises where secret information is of importance computers are used at every stage of operations. Nothing is foolproof. Locks on safes, or computers, are not safe if people know how to break those locks, or get into the computers. All I can say is that the department, the Minister directly responsible, and I, give the assurance that all possible protection will be given, and every effort will be made to ensure that confidential information is secure.

I must admit that the operation of breaking into computer systems is a little beyond my understanding. All I know is that certain information must be held on computers, and, generally speaking, is held with a great deal of security.

The Hon. A. A. Lewis: Oh, come on.

The Hon. G. E. MASTERS: I would think that information stored in an appropriate way on computers would be as safe as if it were written, and locked in a safe or filing room.

The Hon. D. J. Wordsworth: With these formulas, the chemical composition of a product must be written on the outside of its container.

The Hon. G. E. MASTERS: I am receiving a lot of help; I appreciate it all. I recognise that people who have a great deal more experience and knowledge of computers are better able to answer than I. I know the Hon. Sandy Lewis is concerned, with just cause, about the storage of highly confidential information. I can only say again that I understand computers are as safe as anything can be these days, and that I have the assurance from the department that all these records will be kept securely. So, I ask members to support the motion for the second reading.

Question put and passed.

Bill read a second time.

In Committee

The Deputy Chairman of Committees (the Hon. R. J. L. Williams) in the Chair; the Hon. G. E. Masters (Minister for Labour and Industry) in charge of the Bill.

Clauses 1 to 3 put and passed.

Clause 4: Section 36 amended—

The Hon. R. T. LEESON: Can the Minister explain to us the difference between the current system of using the handwritten register and its security, and the new idea of computers and their security? How will the new system be handled? The Bill is fairly open, and certainly the second reading speech did not give much of an indication of what would happen.

The Hon. G. E. MASTERS: The proposed new subsection reads as follows—

> (1a) The information required to be kept under this Act shall be maintained and stored in such manner as is approved by the Director.

If I understand correctly the member's question, if the director decides it is necessary for him to have an understanding of a product by obtaining available information, and he decides that information should be kept in a written form, it would be stored in the manner in which similar information is stored presently, and that is locked away in a secure office. The Hon. Sandy Lewis referred to information stored on computer, but written information would be locked away in the normal way. I have not been to the offices of the department to see how that written information is locked away, or where it is locked away. All I can do is accept the assurance of the department that it is in acceptable storage—locked away in the appropriate storage systems.

My understanding is that the information is fed into the computer and locked in. It can be taken out only under a coding system and only one person can do that. I have not been to the department to find out whether the safe is a large or small one.

The Hon. NEIL McNEILL: After the comments of Mr Leeson and Mr Lewis, perhaps I should make an observation about to my own experience. When I was in the Department of Agriculture, and located within the branch of the department handling the registration of stockfeeds and fertilisers—it was a long time ago and I am not suggesting that the system maintained now is the same as it was then. The question of a possible breach of security had been raised.

In the years 1975 and 1976, I was responsible for the first report relating to privacy. That privacy report related to the use of computers and the maintenance of confidentiality of information fed into the computers in Government services and its various branches.

I would have thought that it would be more simple for the security and confidentiality to be breached under the old manual system than it would be under the new computerised system, but I do not know.

I did not have access to the register, so I do not know the form in which it was kept; I did not see it. The system was a manual one and probably it would not have been too difficult to breach the security and confidentiality of it.

I would have thought that it would be far simpler then than would be the case with the sophistication of the computers and the data processing machines which are used today. One would need to have the same order of sophistication in terms of training to be able to understand the system and to extract the information sought.

I am not suggesting that it would not be possible to breach the confidentiality of computers. That was one of the reasons which prompted me to provide that privacy report during the early years of the first Court Government.

Mr Leeson said he was quite apprehensive about the introduction of a computerised system. The maintenance of a register is a laborious job if done manually. I can only say that, far from being apprehensive, the Labor Party should welcome the system. Although a lesser number of people will be involved, it will alleviate the drudgery and laborious work involved in maintaining a register manually.

The branch with which I was involved in the Department of Agriculture collated other statistical information on grain products in Western Australia. I gained an enormous respect for the meticulous work of the civil officers—they provided a good service. It was an almost foolproof system and if those people could be proved wrong, with the enormous experience they had in keeping the manual registers, I venture the opinion that perhaps the meticulousness may not be the same and the system may not be relied upon as it was in those days.

I am sure the people involved will welcome this amendment because it is long overdue. Such a register will make the information available more easily, in a public sense. The more sophisticated the machines, the more sophisticated the information which can be fed into them.

I am sure there will always be a risk of a breach of confidentiality, with firms obtaining access to the information, but we must always guard against that. The intention of this clause is most praiseworthy and I have no reason to doubt it.

Clause put and passed.

Clauses 5 to 13 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 the Hon. G. E. Masters (Minister for Labour and Industry), and passed.

FISHERIES AMENDMENT BILL

Second Reading

Debate resumed from 29 September.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [4.50 p.m.]: I wish to reply to some of the matters raised by the Hon. Fred McKenzie in his speech last night on this Bill. One of those matters concerned the delegation of powers by the director to the under director. Changes are occurring in the administration of the Department of Fisheries and Wildlife which include the areas of flora and fauna. The idea is to have a director—as there is at the moment—and an under or assistant director for three areas which are administration, flora and fauna, and fisheries. The three under or assistant directors will be responsible to, and report to, the director, but if the director for one reason or another is away, the delegated powers will be given to the under director of each of those separate sections. It will make administration easier.

Another matter raised by the Hon. Fred McKenzie dealt with the membership of the rock lobster industry advisory committee. The committee reports directly to the Minister for Fisheries and Wildlife and it has made clear that it feels a need exists to increase the number of fishermen representatives on the committee. Section 5B of the Act sets out the structure of that committee and its responsibilities. Provision is made in the Act for the committee to have seven members. Membership comprises two officers from the department, two members from the rock lobster and prawning association of Western Australia, who represent the processing sector, and three representatives from the professional fishermen. If this Bill is passed the professional fishermen will have four representatives on the committee.

Provision is made for an additional person to be nominated and that person normally represents the amateur fishermen—he is a person who is competent to represent the amateur fishermen's view on this committee. It is an important role when one considers the conflict that exists between amateur and professional fishermen. It is now proposed that four fishermen will represent the rock lobster industry. Two representatives will come from the north and two from the south. At the moment the committee has two representatives from the south and one representative from the north. The fishing boundaries are split roughly at Jurien Bay—the 30th parallel. The inclusion of this clause is the result of requests from fishermen over a number of years to increase the representation in order to make it even. As far as productivity is concerned, the areas are the same and no argument could be put forward in that respect.

I draw to the honourable member's attention that in relation to clause 11, when the Bill is enacted, the appropriate sections will be numbered 26, 26A, 26B, and 27. I suppose it is fair to say they run one to the other, but they are separate sections. Section 26B could in effect be 27B, but it was thought by the draftsman it would be proper to do it the way he did, and obviously the department has decided to go along with his idea. It is not intended that they be one section—they are different sections. If the honourable member thought the numbering and the placing of that clause in that area was wrong, I think I have explained the reason for it.

The Hon. Fred McKenzie thought it was wrong that people on foreign boats who were taken into custody should have to prove their boats were not foreign boats. Under normal circumstances, when a boat or ship arrives from overseas the inspectors or the customs officers go aboard and ask the skipper to produce the necessary papers. This clearly identifies whether it is an Australian or foreign boat.

However, we have a problem in the north where we have Indonesian fishermen who traditionally over hundreds and thousands of years have been coming to the north coast of Australia. In most cases the skippers of these boats cannot produce any papers and when officers of the department go on board it is very difficult for them to establish whether they have papers—and almost always they have not. Consequently, those people are taken into custody and when the case is before the courts the department has difficulty in producing facts that will satisfy the magistrates that the people are from foreign boats, even though it is obvious they are. The magistrate usually says, "Show me the papers to prove they are". This clause will ensure that prosecutions can proceed and that the skipper and crew from a boat will have to prove it is not a foreign boat. Unless papers are available it is very difficult to persuade the magistrate in instances where people are from foreign boats.

The department is loath to take into custody a boat of any sort because it is then responsible for its security and for any other problems that arise. Recently two or three boats were taken into custody in the Broome area and a policeman was employed to bail water out of the boats because they were sinking. In fact, one did sink and it had to be lifted out of the water for maintenance. It is not a matter that the department takes lightly.

Another area of concern is health because the cattle industry in the north is subjected to the risk of disease, and therefore we must take action to ensure that no foreign boats illegally enter Australian waters.

The Hon. Fred McKenzie: Do you think the reversal of the onus of proof will keep them away?

The Hon. G. E. MASTERS: It is more likely or more possible that a prosecution will be successful; and a successful prosecution will help to keep them away. An unsuccessful prosecution will mean that they could well think they would get away with it altogether. That is the background to the matter.

The honourable member raised a couple of other matters. He asked what would happen if fishing gear or boats were confiscated, and he asked how people could obtain them back, and how long the department could hold the boats and the gear. Of course, the department could hold the boats and the gear as long as was necessary to bring a prosecution. That applies not only to fishing boats and gear; and if goods are confiscated by a department, they are held until the prosecution progresses. If the persons are found not guilty, the goods are returned.

The Hon. Fred McKenzie: Without compensation?

The Hon. G. E. MASTERS: The parties concerned are able to take action to gain compensation; but they would have to take the action against the department, if the prosecution was unsuccessful. That does not mean that the compensation application would be successful. Obviously the department looks very carefully at this type of thing. It does not simply detain, arrest, or seize gear and boats for the fun of it. The department has to have pretty good and solid grounds for doing so.

The honourable member said that it would be unreasonable if it took the department two years to follow through a prosecution. I agree with that, and that situation does not arise very often.

The Hon. Fred McKenzie: They could deprive a person of his livelihood for that period.

The Hon. G. E. MASTERS: The purpose of being able to take action for two years is that most of the prosecutions depend on a period of time and delays, because of the need to obtain proof. Many of the prosecutions relate to quantities of fish that are processed illegally; so the department has to obtain records. Often they go back for two or three years. Perhaps a processor has been breaking the law for two or three years; so a time factor has to be involved in obtaining a successful prosecution. This happens almost entirely in the processing area, not in the fishing area.

The honourable member raised only one other matter that I should mention, and that is when a person is prohibited from a fishing boat. We are talking about the Fisheries Act and fishing boats licensed under the Act—professional fishing boats. The department issues a licence for a professional fishing boat; and we are saying that the department should be able to prohibit from a fishing boat a person who is not desirable. That would apply whether he was an amateur fisherman or a commercial fisherman.

The department could say simply, "You are a person who should not properly be on a fishing boat because you have a bad record." This happens on very few occasions; but people can be prohibited from going on fishing boats. I will not mention the names of any such persons; but one or two members of this House would know of them. We say that people who are habitual offenders, people who are not desirable, or people who do damage to the fishing industry can be told by the department, "You must not be on board that boat." The department can tell the skipper that he is not to allow a person on board. It is as simple as that.

This protection is provided for the benefit of the fishing industry. It should not cause bother to anybody; it is applied very rarely.

I ask for the support of the House for the second reading of the Bill.

Question put and passed.

Bill read a second time.

In Committee, etc.

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

Third Reading

Bill read a third time, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), and passed.

ADJOURNMENT OF THE HOUSE: SPECIAL

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.14 p.m.]: I move—

That the House at its rising adjourn until Tuesday, 12 October.

Question put and passed.

ADJOURNMENT OF THE HOUSE: ORDINARY

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.15 p.m.]: I move—

That the House do now adjourn.

Fremantle Hospital: Mr G. J. Rayson

THE HON. H. W. GAYFER (Central) [5.16 p.m.]: I am sorry to have to detain the House for a short period tonight. I had intended to speak on the adjournment last night; however I needed first to ascertain certain information to allay any doubt which existed in regard to this matter.

An element of doubt exists at least in my mind that I have not received the answers I required to questions I placed on the notice paper yesterday in order to enable me to complete the business aspect of the subject involved.

In order to place the full story before the House, it is necessary for me to recap so that members will realise what this matter is all about.

On 26 July last, an employee on our property, who in fact is almost one of the family, fell off his motor bike when he was rounding up cattle. He twisted his knee and was in some pain. After the cattle had been yarded, the employee was picked up and taken to the local hospital. Anyone who knows anything about the land would realise it is necessary to deal with the cattle first in such circumstances.

This employee, Greg Rayson, who has been with us for many years had both cartileges removed from his knees last year. Consequently, when he twisted his knee, it was thought a reaction might occur because of the operations he had had previously. He was examined by a doctor, X-rayed—the X-rays did not reveal anything was wrong—and put to bed for the night in the Corrigin hospital. Next morning the knee was still swollen so he was placed on the twin-engined aerial ambulance and taken to Jandakot. An ambulance then took him to the Fremantle Hospital where, at approximately 1.00 p.m., he was admitted after signing an "inpatient election form" which I have in front of me. That form reads as follows—

> I, Gregory John Rayson request admission as a "Compensable" patient but recognise that should my claim be rejected then I am personally liable for fees as:
>
> (ii) Private Patient at $105 per day. . .

I want members to remember the figure of $105 a day. To continue—

> . . .and recognize that as a "Private Patient" other accounts for medical services will be issued by doctors involved with the inpatient treatment.

That form was signed on 29 July 1982, and Greg Rayson was admitted to the hospital. At 8.00 p.m., it was decided he should not be detained in the hospital any longer so a phone call was made to Corrigin and we were requested to pick him up from the hospital. Someone had to hop into a vehicle and drive all the way to Perth to do that.

This is a compensation case and a reasonable amount of running around already has been done in relation to it. However, Greg Rayson was discharged from Fremantle Hospital at 8.00 p.m.

A little while later I received an account from the Fremantle Hospital addressed to H. W. Gayfer and Sons, Box 5, Corrigin. I emphasise it was not addressed to G. J. Rayson, but to H. W. Gayfer and Sons.

The words "workers' compensation" are clearly printed at the top right-hand corner. It reads—

Details of Account	Days Leave	Debit	Credit	Balance Owing
29/07/82 TO 29/07/82 1 DYS at $200	0	200.00	0.00	200.00

Accordingly I despatched a cheque for $200 to the Fremantle Hospital and I received a receipt for that amount from the administrator of the hospital, a Mr R. J. Marshall.

On 30 August I wrote as a private citizen—I must always be a member of Parliament but on this occasion I wrote on ordinary paper with my farm address displayed on it—on behalf of H. W. Gayfer & Son. My letter read as follows—

> Accountant,
> Fremantle Hospital,
> Alma Street,
> FREMANTLE, W.A. 6160
>
> Dear Sir,
>
> REFERENCE: I.P. A/C No. LDO 65623
> AMOUNT: $200.00
>
> Could you please supply me with the following details:

1. Time and date G. J. Rayson admitted?
2. Time and date G. J. Rayson discharged?
3. Type of Ward admitted to?
4. Full details of account referred to above?

Thank you in anticipation.

Yours faithfully,
H. W. GAYFER.

On 3 September I received a reply, which read—

H. W. Gayfer & Son,
Coongan Downs,
CORRIGIN. 6375.

Dear Sir,

Reference: I.P. A/c. No. L2065623 /210419.—re Mr. G. J. Rayson.

Mr. Rayson was admitted to Fremantle Hospital on the 29th July, 1982, and stayed in a four bed ward B7S. The charge is a standard one day charge.

The letter did not include any details of the account. All I learned was that no times for admittance and discharge could be supplied. The letter indicated that my employee was admitted to the hospital on a certain date but it did not indicate when he was discharged. The much-wanted details of what happened in those seven hours—the time I knew he had been there—to account for the $200 instead of the $105 as signed for by my employee, were not made available.

I thought that if I could not get the information as a private citizen it was time I asked a question in the House. On 28 September I directed a question to the Chief Secretary representing the Minister for Health as follows—

With reference I.P. Account No. LDO 65623, amount $200, Fremantle Hospital—

(1) Time and date G. J. Rayson admitted?
(2) Time and date G. J. Rayson discharged?
(3) Full details of account referred to above?

I did not ask for the type of ward because that information was supplied in the letter I quoted previously. The Minister's answer was as follows—

The Minister for Health does not provide information regarding the accounts rendered to or clinical information in respect of patients in public hospitals without the authority of the patient. Certainly it would not be provided in a public forum.

If the member wishes to obtain written authority from the patient and submit it to the Minister for Health, he will give him an answer in writing.

I had already written to the hospital, paid the account and received the receipt. The hospital had written to me and supplied me with certain information. Therefore, I thought the Minister's answer was a bit superfluous. The following day, 29 September, I asked a further question of the Chief Secretary representing the Minister for Health, as follows—

I draw the attention of the Minister for Health to question 513 of 28 September 1982 and ask—

(1) Is the Minister aware that account No. L2065623/210419 from the Fremantle Hospital was addressed to H. W. Gayfer & Son, Box 5, Corrigin?
(2) Is the Minister aware that receipt for this account was also forwarded to H. W. Gayfer & Son, Box 5, Corrigin?
(3) Was the Minister made aware that under date 30 August 1982 H. W. Gayfer wrote to the accountant, Fremantle Hospital, reference account No. L8065623 asking—
    (a) time and date G. J. Rayson was admitted;
    (b) time and date G. J. Rayson was discharged;
    (c) type of ward admitted to; and
    (d) full details of account?
(4) Was the Minister advised by Fremantle Hospital that under date 3 September 1982 the administrator of that hospital did divulge to H. W. Gayfer some of the information requested?
(5) In the light of this detail, will the Minister now confirm that—
    (a) G. J. Rayson was admitted to a four bed ward B72 at 1 p.m. on 29 July 1982;
    (b) G. J. Rayson was discharged from the same ward on the same day at 8 p.m. on 29 July 1982; and
    (c) that the charge of $200 is claimed to be a standard one day charge?

The Minister answered "Yes" to the first four questions. To question (5), which really only repeated questions I had asked previously, the Minister replied—

The comments made in an earlier answer were that it is not for the Minister to provide such particular details on a public forum. As the person responsible for the account, the honourable member may obtain the required information by making direct contact with the administrator of the hospital.

I had already written a letter to the administrator, yet this responsible Minister, who knew this, was telling me that I should write to the administrator. His answer went on—

> It should also be stated that the appropriate standard daily bed rate is charged in respect of any patient who is formally admitted to a bed in the hospital for treatment. The minimum charge is the appropriate daily bed rate.

I have no argument with that. To continue—

> In respect of the particular case in question, the patient was admitted as a workers' compensation case for which the current standard daily rate is $200 a day. This charge is reviewed each year and has a relationship to the average daily cost of treatment in a teaching hospital.

Now it really matters not that I get any further answers from the administrator because that part of the Minister's answer is exactly that which I was wanting to know about.

My employee signed for private accommodation at $105 a day. It seems that when a bill is sent out to a compensable patient it immediately assumes the new charge of $200, for a four-bed ward—not a private ward—and that amount is the current standard value rate for workers' compensation cases. It seems that this charge is reviewed each year and has a relationship to the average daily cost of treatment in a teaching hospital.

The Hon. D. K. Dans: The Fremantle Hospital has been milking the shipowners for years.

The Hon. H. W. GAYFER: What I am worried about is the way the Fremantle Hospital handles workers' compensation cases.

The Hon. D. K. Dans: I am talking about the Fremantle Hospital.

The Hon. H. W. GAYFER: I must now submit all these accounts and, believe me, for a twisted knee, a bundle of papers will be involved. When they are sent to my insurance company I understand it will have to pay out on the accounts, as submitted. The accounts are not as would be delivered to any other person and are blatantly jacked-up because they are workers' compensation accounts.

The Hon. D. K. Dans: That is the point I was making.

The Hon. H. W. GAYFER: They evidently want the insurance money to help prop up the hospitals. I am paying extra premiums to insure my workers and at the same time prop up the hospitals. The Minister who answered the questions on behalf of the Minister for Health is the Minister responsible for workers' compensation.

The Hon. G. E. Masters: Workers' compensation is my area.

The Hon. H. W. GAYFER: That is what I am saying. The questions were asked of the Chief Secretary each time.

The Hon. G. E. Masters: I am not the Chief Secretary, that is Mr Pike.

The Hon. H. W. GAYFER: I am sorry. He handed it over to the Leader of the House and that is how he came into this. I understand now. I could not work it out before. If we are to pay amounts far in excess of what anybody else receives, the situation will become as blatant as the car industry. If one takes a car along to the panel beater, the panel beater will jack up the price for the work as soon as he knows that it is an insured car. If it is not an insured car, the work would be done at another price. That is a well-known practice in the industry. It is no skin off my nose, but someone will have to pay this bill. Next year I will have to pay an added premium to counteract the extra costs that have been added under the guise of workers' compensation. It is perhaps only a trivial thing; I was playing around with my questions to try to extract from the administrator a full account of why this happens. I still do not have that full account. I am a fairly responsible legislator and when I ask questions which I believe can be fairly answered, I become suspicious if they are not answered.

I would naturally be suspicious of an account rendered to me for $200 when my employee has signed for $105. I will speak about that matter later. If this practice is going on with workers' compensation cases in every hospital throughout Australia, it is time it was looked at; otherwise the people who must pay premiums to insurance companies even to insure their vehicles are being taken to the cleaners.

Question put and passed.

House adjourned at 5.33 p.m.

QUESTIONS ON NOTICE

EDUCATION: PRIMARY SCHOOLS

Melville and Palmyra

527. The Hon. GARRY KELLY, to the Chief Secretary representing the Minister for Education:

(1) When was the language development centre at the Melville and Palmyra primary schools established?

(2) Is the Minister aware that the services of an occupational therapist at the centre have been funded, until the end of last term, by a Schools Commission grant awarded to the headmistress, and that this grant has now expired?

(3) If "Yes" to (2), is the Minister aware that for the occupational therapist services to be resumed, the parents would have to pay at least $14.50 per half hour session each, or alternatively raise approximately $4 000 to keep the occupational therapy sessions for the rest of this year; and will the Minister take steps to see that this vital aspect of the language development centre work is maintained?

(4) In view of the demand for the services provided by the language development centre, does the Government propose to set up branches in other parts of the metropolitan area?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

(1) February 1982.

(2) Yes.

(3) Occupational therapy was not part of the service provided by the Government. No provision has been made in the 1982 Estimates for the continuance of this service. However, the language development programme has been expanded and will continue.

(4) The Education Department has proposed the setting up of an additional centre in 1983. This proposal is subject to the availability of funds; and this will not be known until the Budget is available.

ABORIGINES: SACRED SITE

Fishermans Bend

536. The Hon. TOM STEPHENS, to the Minister for Cultural Affairs:

(1) Is the Museum aware of any breaches of the Aboriginal Heritage Act in relation to a registered Aboriginal site in an area known as Fishermans Bend near Broome?

(2) When did these breaches occur?

(3) Is the Museum aware of the identity of the person or persons responsible?

(4) Has the Museum taken any action in relation to such breach?

(5) If so, what?

(6) If not, why not?

The Hon. I. G. Medcalf (for the Hon. R. G. PIKE) replied:

(1) to (6) The Minister for Cultural Affairs has been advised that the Museum is aware of allegations of breaches of the Aboriginal Heritage Act in respect of an Aboriginal site in the area known as Fishermans Bend near Broome. These allegations are presently the subject of proceedings in the Supreme Court of Western Australia which commenced on 21 January 1982. The person or persons against whom the allegations are made is a party to the legal proceedings. Legal advice has been sought by the Museum; and the matter is now in the hands of the Crown Law Department.

FUEL AND ENERGY

Wundowie Charcoal, Iron and Steel Industry Board

544. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Fuel and Energy:

(1) On what date or dates during the calendar years 1973 and 1974 did the State Energy Commission enter into commitments with the then Wundowie Charcoal, Iron and Steel Industry Board to provide services to the Wundowie plant?

(2) What was the precise nature of each service provided?

(3) In respect of each service provided—

(a) what was the exact nature of the contract entered into;

(b) when was a contract price finalised; and

(c) when was an account rendered?

The Hon. I. G. MEDCALF replied:

(1) to (3) The information sought requires detailed research; and the Minister for Fuel and Energy will advise the member by letter.

545. *This question was postponed.*

RECREATION: CYCLING

Kalgoorlie-Collie Event

546. The Hon. GARRY KELLY, to the Minister for Labour and Industry representing the Minister for Police and Prisons:

(1) Has the Police Department refused an escort to cyclists returning to Perth from Collie following the Kalgoorlie-Collie cycling event?

(2) If "Yes", why was the escort refused?

The Hon. G. E. MASTERS replied:

(1) and (2) A request was made for a police officer to accompany the competitors in the race. However, this request could not be acceded to, but was relayed to all regional officers on the route, and they were advised of the full itinerary.

In addition, an escort was arranged from Midland to Perth for Thursday, 30 September, and from Perth to Armadale on Friday, 1 October.

No request was made to provide an escort from Collie to Perth for cyclists after the race was terminated.

ROADS

Bi-centennial Programme

547. The Hon. P. G. PENDAL, to the Minister for Labour and Industry representing the Minister for Transport:

I refer to the Federal Government's proposals for the Australian bi-centennial road development programme, and ask—

(1) In view of a South Perth City Council resolution suggesting that the Burswood Island bridge would be a fitting project for funding within the bi-centennial programme, will the Minister favourably consider such a proposition?

(2) If so, what steps, if any, would the City of South Perth and other local authorities need to take to press the matter?

(3) Can the Minister advise the approximate cost of the Burswood bridge project in today's dollars?

The Hon. G. E. MASTERS replied:

(1) Many important metropolitan projects will need to be considered in drawing up the ABRD programme. The Burswood Island bridge will be one of the projects considered.

(2) There is no need for South Perth or other local authorities to press this matter.

(3) The estimated cost of constructing the Burswood Island bridge and approach roads linking it to Plain Street and Great Eastern Highway is $27 million in current prices.

BRIDGE

Burswood

548. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Will the Minister give an approximate date for the completed construction of the Burswood Island road bridge?

The Hon. G. E. MASTERS replied:

No date has been set for the construction of the Burswood Island bridge project. I am unable to give a date for its completion.

549 and 550. *These questions were postponed.*

ROAD

Orrong Road

551. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

When is it expected that Orrong Road will be widened?

The Hon. G. E. MASTERS replied:

This road is under the control of the City of Perth and the City of Belmont. The Main Roads Department is unaware of any firm plans to widen the road pavement, though it is understood investigations by the councils are continuing.

BUSES AND RAILWAYS

Passengers: Number

552. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Transport:

Referring to a statement in the *Sunday Times* of 26 September 1982, page 76, titled "More of us Park and Train to City", wherein the Deputy Premier and Minister for Transport indicated that a number of initiatives including station parking facilities had shown "good signs for public transport in the City", will the Minister advise—

(1) In regard to both bus and rail in each case—

(a) the total passengers carried in the financial year ended June 1982;

(b) the percentage increase on the previous year;
(c) the percentage decrease in each year since 1974;
(d) the fleet numbers in each year since 1974;
(e) the money spent on obtaining vehicles in each year since 1974; and
(f) the percentage increase in fleet strength in each case?

(2) Since 1974, how much money has been spent on—
(a) provision of new bus facilities for—
(i) bus-to-bus interchange;
(ii) bus-to-rail interchange;
(iii) bus terminals;
(iv) bus bays; and
(v) bus shelters; and
(b) rail facilities similar to (a)?

The Hon. G. E. MASTERS replied:

(1) and (2) Considerable research work is required to provide the information requested by the member. This is being obtained; and a reply will be sent to him shortly.

LAW REFORM COMMISSION

Limitation Act

553. The Hon. FRED McKENZIE, to the Attorney-General:

(1) Has the Attorney-General referred the matter of the Limitation Act as it affects workers with asbestos diseases to the Law Reform Commission for review?
(2) Was any recommendation made to the commission in regard to this matter?
(3) When does he expect a reply from the Law Reform Commission concerning this matter?
(4) Did he recommend that the matter be treated as urgent?
(5) If not, will he now do so?

The Hon. I. G. MEDCALF replied:

(1), (2), (4) and (5) The matters raised by the member were covered in a Press statement I issued on 1 September 1982; and a copy of that statement is submitted for tabling.

(3) I have been in touch with the Law Reform Commission and it is anticipated that its final report will be available shortly.

The Press statement was tabled (see Paper No. 421).

QUESTION WITHOUT NOTICE

FUEL AND ENERGY: GAS

North-West Shelf: Dampier-Perth Pipeline

128. The Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Fuel and Energy:

(1) Was Bell Bros. Pty. Ltd. one of the original tenderers as part of a consortium which was interested in the construction of the Dampier-Perth natural gas pipeline?
(2) Has Mr Holmes a Court or any representative of the Bell Bros. consortium been pressing the SEC or the Government for the right to make further submissions in regard to their wish to participate in the project?

The Hon. I. G. MEDCALF replied:

The Minister is obliged to the honourable member for giving him details of the question, the answer to which is as follows—

(1) Yes. Bell Bros. tendered in consortium with the Dutch firm NACAP.
(2) Yes. I am advised that representatives of the consortium of which Bell Bros. was a participant have been persistent in seeking to have the SEC review its recommendations to Governments.

A call was made on senior State Energy Commission officers by senior members of the consortium and, since that time, several telexes have been received. The Government's position has been fully and carefully explained to the consortium with particular reference to the Government's wish to attract a smelter to Western Australia.