

Legislative Council

Tuesday, 19 March 1985

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

WESTERN AUSTRALIAN TRIPARTITE LABOUR CONSULTATIVE COUNCIL AMENDMENT BILL

Assent

Message from the Governor received and read notifying assent to the Bill.

PORTS AND HARBOURS: SORRENTO MARINA

Alternative Site: Petition

The following petition bearing the signatures of 1 108 persons was presented by Hon. P. H. Wells—

We the undersigned concerned citizens of Western Australia, firmly and sincerely believe that the Sorrento Beach area, now chosen by the government as a proposed marina site, should be preserved for passive recreational needs of the people of the northern suburbs.

The basis of our belief is that marina development of this site will;

- (1) Deprive the fast growing population of the northern suburbs of a safe recreational facility for swimming, relaxing and children's water sports.
- (2) Introduce excessive noise, pollution, traffic, and commercial development, contrary to the benefits and needs of the average citizen.
- (3) Devastate the unique marineland of the recommended Marine Reserve as outlined in System 6 Report M10.

and your Petitioners, as in duty bound, will ever pray.

(See paper No. 501.)

LIQUOR: LICENSED PREMISES

Beer Ticket Machines: Petition

The following petition bearing the signatures of 6 670 persons was presented by Hon. Fred McKenzie—

The Honourable the President and Members of the Legislative Council of Western Australia in Parliament assembled.

WE, the undersigned citizens of Western Australia:

Humbly seek your support in the adoption of legislation enabling the use of "beer ticket machines" on licensed premises in Western Australia

Your Petitioners therefore humbly pray that you will give this matter earnest consideration and your Petitioners, as in duty bound, will ever pray.

(See paper No. 502.)

FINANCIAL INSTITUTIONS DUTY ACT (REVIVAL OF SECTION 76) BILL

Introduction

Bill introduced, on motion by Hon. J. M. Berinson (Attorney General).

Leave granted to proceed forthwith to the first and second readings.

First Reading

Bill read a first time, on motion by Hon. J. M. Berinson (Attorney General).

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.38 p.m.]: I move—

That the Bill be now read a second time.

It is proposed to revive section 76 of the Financial Institutions Duty Act 1983, to allow the Commissioner of State Taxation to refund financial institutions duty previously paid by exempt charitable bodies. The Bill proposes to continue the operation of the section until 1 June 1985.

When the Financial Institutions Duty Act was amended in 1984 to allow charitable bodies to obtain exemption from financial institutions duty, provision was also made for the termination of the previous arrangements under which a charitable body applied for a refund of all financial institutions duty previously paid. The amendment specified 31 December 1984, as the final date for the making of a refund of the duty already paid.

Over 80 applications for refunds were received after 31 December 1984 and, consistent with the statutory requirements, a refund by the Commissioner of State Taxation has not been possible.

To avoid any detriment to affected organisations, the Bill proposes to extend the closing date for applications for a refund to 1 June 1985.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. Margaret McAleer.

OFFENDERS PROBATION AND PAROLE AMENDMENT BILL

Leave to Introduce

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.40 p.m.]: I move—

That leave be given to introduce a Bill for an Act to amend the Offenders Probation and Parole Act 1963.

I seek leave also to proceed with the first and second readings forthwith.

The **PRESIDENT**: It is customary for the Chair to be advised when something untoward is to proceed in order that we have the right motions ready. I did not listen to the title of the Bill the Attorney read out and I have no idea what it was.

Several members interjected.

The **PRESIDENT**: Order! The Chair is endeavouring to get some semblance of order into the operations of this House, which some members seem to feel do not matter. I suggest that they do matter, and one of the very important features is that members be given an idea of what the Bill is when Standing Orders are to be suspended in order to do something which is not normally done. The Attorney General seeks leave to proceed with the first reading and his second reading speech for a Bill for an Act to amend the Offenders Probation and Parole Act 1963.

Hon. G. C. MacKINNON: Is there any mechanism by which one could inquire why there is a need to take this rather unusual step?

The **PRESIDENT**: Order! There is a mechanism that prevents the member from asking that, because no facility is available to him unless he raises a point of order. The mechanism available is for the Minister to tell us what he wants to do when he seeks the indulgence of the House.

Hon. J. M. BERINSON: I move—

That the Bill be now read a first time.

Point of Order

Hon. G. C. MacKINNON: I appreciate it is a very confused situation, but in the untoward circumstances, Mr President, you failed to put the question seeking leave, which I do not think members want to deny, but we are upset about it.

The **PRESIDENT**: The question is that leave be granted.

Question put and passed; leave granted.

Introduction and First Reading

Bill introduced, on motion by **Hon. J. M. Berinson** (Attorney General), and read a first time.

Second Reading

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [4.43 p.m.]: I move—

That the Bill be now read a second time.

As a preface to my comments on the Bill itself I take the opportunity to respond both to your comments, Mr President, and those of **Hon. Graham MacKinnon**. I point out that I discussed with the Leader of the Opposition last week the prospect of short-circuiting our procedures with a couple of Bills today and I regret that our discussion and his agreement was not conveyed to you earlier to enable matters to proceed more smoothly. The effect of the agreement with the Leader of the Opposition to this course of action last Wednesday was to avoid the need for the House to assemble last Thursday for no other reason than to deal with the preliminaries of these matters. The House will also be aware that at the moment we have a very short business paper. That will soon change as business flows from the Assembly, and it is thought it would suit the convenience of members best to have the earliest possible notice of the matters they have to consider. Having made that preliminary explanation, I turn to my substantive comments on this Bill.

Before the enactment of the Acts Amendment (Abolition of Capital Punishment) Act 1984—the “Abolition Act”—the Offenders Probation and Parole Act required the Parole Board to furnish a first written report on a prisoner to the Minister as follows—

- (a) For a prisoner undergoing a sentence of life imprisonment commuted from a sentence of death, 10 years after the date of commutation;
- (b) for a prisoner undergoing a life sentence that had not been commuted, five years after the date of sentence;
- (c) for a prisoner undergoing a sentence of strict security life imprisonment commuted from a sentence of death, 20 years after the date of commutation.

The effect of these provisions was that a person convicted of wilful murder, and sentenced to the mandatory punishment of death, was subject to a minimum period of imprisonment of 10 years if the sentence was commuted to life, and 20 years if the sentence was commuted to strict security life imprisonment.

The abolition Act removed death as a sentencing option for the crime of wilful murder, and provided mandatory alternative sentences of strict security life imprisonment or life imprisonment.

The abolition Act also amended the Offenders Probation and Parole Act to require the Parole Board to furnish a written report on a prisoner undergoing a sentence of strict security life imprisonment 20 years after the date of sentence. No other provision was made in respect of the parole period of a prisoner convicted of wilful murder, and sentenced to life imprisonment.

Accordingly, the range of sentences now open to a court for wilful murder is strict security life imprisonment with a minimum period before parole of 20 years, or life imprisonment with a minimum period before parole of five years.

It is proposed to amend the Offenders Probation and Parole Act to increase from five to 10 years the minimum period before consideration of parole for a prisoner sentenced to life imprisonment following a conviction of wilful murder. This is effected by clause 3 of the Bill.

It is proposed that the amendment have effect from the date of proclamation of the abolition Act, namely, 5 September 1984. This is effected by clause 2.

The amendment will not affect the position where people convicted of wilful murder are sentenced to strict security life imprisonment. In such cases, the minimum period of imprisonment will continue to be 20 years.

I commend the Bill to the House.

Debate adjourned, on motion by Hon. I. G. Medcalf.

OCCUPIERS' LIABILITY BILL

Report

Report of Committee adopted.

BILLS (2): THIRD READING

1. Parliamentary Papers Amendment Bill.
2. Commercial Arbitration Bill.

Bills read a third time, on motions by Hon. J. M. Berinson (Attorney General), and transmitted to the Assembly.

CONTROL OF VEHICLES (OFF-ROAD AREAS) AMENDMENT BILL

In Committee

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

Clauses 1 and 2 put and passed.

Clause 3: Section 3 amended—

Hon. J. M. BERINSON: Clause 3 includes a definition of seat belts and this might be a convenient time to respond to some comments that were made during the second reading debate by Hon. Bill Stretch who referred to potential difficulties and even dangers with the use of inertia reel seat belts. The Minister has advised me that it is intended that the specification for seat belts to be fitted will be included in the control of vehicles off-road regulations and a fixed lap-sash belt will be specified as a minimum standard. This standard of belt is not legal in the on-road situation. In the vast majority of on-road vehicles it is necessary to use inertia reel lap-sash seat belts. This is dependent on the legal requirements in force when the vehicle was manufactured.

The Australian Transport Advisory Council sets vehicle standards and these are applied uniformly throughout Australia.

Clause put and passed.

Clause 4 put and passed.

Clause 5: Sections 9A to 9C inserted—

Hon. TOM KNIGHT: During the second reading debate I raised some problems which I felt should be considered in this clause. I discussed the clause with the Attorney General, but I do not see any amendments on the Notice Paper. I ask the Attorney General if he intends amending this clause.

Hon. J. M. BERINSON: I have of course pursued the question that the member raised regarding clause 5.

I am advised that in respect of the seat belt penalty under section 10(10) of the vehicle standards regulations the penalty for not having seat belts fitted to a vehicle is up to \$200 for the first offence and up to \$400 for the second and subsequent offences. This is in line with the penalty proposed in clause 5.

In practice, the police place a yellow sticker on a vehicle for non-compliance with the vehicle standards regulations. In respect of the proposed legislation the maximum penalties are the same, but the Control of Vehicles (Off-road areas) Advisory Committee recommends that there be a modified penalty of \$40 which is the same as the modified penalty for not wearing a seat belt. That will be a provision to be introduced by way of regulation and it is the intention of the Minister that that will accompany the enactment of this Bill.

Hon. TOM KNIGHT: When something appears in a Bill, and in this case I am referring to proposed section 9B wherein it states that the penalty for not wearing a seat belt is up to \$400 for

the first offence and for the second or subsequent offence it will be \$800, how can it overrule part of an Act which has already been passed by this Parliament?

Hon. J. M. BERINSON: The maximum penalty is set by this Bill in the same way as the maximum penalties are set in the Road Traffic Code.

The Road Traffic Code applies more directly to the wearing of seat belts. My earlier comments were related to the fitting of seat belts, but the principles are the same and I will now turn to the question of wearing seat belts.

The position is that the Road Traffic Code provides penalties up to \$400 and \$800 as is proposed for new section 9B of the Act. However, the Road Traffic Code makes provision for the road traffic infringement regulations and it is those which allow the modified penalty of \$40 on the basis of a return of an infringement notice. I am advised this is precisely the same procedure which will allow a modified penalty on an infringement notice to be instituted despite the existence of the higher maximum penalty.

Hon. TOM KNIGHT: What I hope the Attorney General is trying to tell me is that if a member of the Western Australian public is charged for not having a seat belt fitted to the vehicle he will be fined up to \$200 for the first offence and up to \$400 for the second and subsequent offences. Having stated that this offence is covered by the Road Traffic Code the Attorney General has said that the usual procedure is for a yellow sticker to be attached and the necessary modifications must be carried out within 14 days, or the vehicle is put off the road by having a red sticker attached to it.

Is the Attorney General also trying to tell me that there is a penalty of \$400 for the first offence and \$800 for subsequent offences if a person is charged for not wearing a seat belt in a national park or in an area where off-road vehicles are permitted, but that the person will be issued with an infringement notice for \$40? I need this guarantee. After the second reading debate I rang the Traffic Branch and was told the penalties that apply under the Road Traffic Code for such an offence. The person to whom I spoke did not tell me that there was a clause in this Bill which stated a penalty of \$200 or \$400 for not having a seat belt fitted to a vehicle. Once a vehicle is put off the road with a yellow sticker the vehicle is unroadworthy and the fault must be rectified.

He also said there is a fine of \$40 on the spot for not wearing a seat belt, yet this Bill is saying the fine is \$400 to \$800. The Attorney is also telling

me that in the Road Traffic Act there is a section which provides for a fine of \$400 for a first offence of not wearing a seat belt, and \$800 for a second or subsequent offence, but the regulations will allow \$40 to be paid on an infringement notice. Is that correct?

Hon. J. M. BERINSON: I will deal with the matters separately, because slightly different considerations apply.

Dealing with the wearing of seat belts, my understanding is, as Hon. Tom Knight has put it, that the maximum penalties proposed here are the same as those in the Road Traffic Act, and that the penalty applicable on an infringement notice will also be made the same by regulations to be promulgated after the enactment of this Bill.

There is a difference in respect of the fitting of seat belts in that while the maximum penalties are the same under existing legislation for on-road vehicles as proposed in this Bill, it is not proposed to introduce a system of yellow stickers for off-road vehicles. In lieu of that there will be a penalty of \$40 on infringement notices.

[Questions taken.]

My earlier advice was correct in relation to the requirement that seat belts be worn. That is, the maximum penalty proposed under this Bill is the same as the maximum penalty provided under the Road Traffic Act. The modified penalty available for on-road breaches of that requirement will be reflected precisely in the regulations which will follow the enactment of this Bill—that is, \$40 on infringement notices.

In respect of the requirement that seat belts be fitted, I was again on firm ground when I indicated earlier that the maximum penalty proposed here is the same as the maximum penalty which applies to a similar provision for on-road vehicles.

Hon. Tom Knight: That is under the Road Traffic Act, \$200 to \$400?

Hon. J. M. BERINSON: Correct.

Hon. Tom Knight: However—

Hon. J. M. BERINSON: However, I think I also indicated earlier that it is proposed to have a modified penalty of \$40 following this Bill. I said that there was no such modified penalty applying to on-road breaches. That part of my earlier advice is also correct.

Where I went somewhat astray was in saying that there was no equivalent of the yellow sticker for off-road vehicles. That is correct in the sense that there are no actual yellow stickers for off-road vehicles, but my attention has been drawn to a provision in the Control of Vehicles (Off-road

areas) Act, which does provide for a notice in the prescribed form which may be affixed to off-road vehicles. I understand that is not the standard yellow sticker.

Hon. Tom Knight: Probably red or pink.

Hon. J. M. BERINSON: I do not have with me details of the prescribed form of notice. I correct the impression which would have been given by my earlier comments that not only were there not yellow stickers applicable to off-road vehicles, but there was nothing equivalent. There does appear to be an equivalent provided for in the Act.

Hon. TOM KNIGHT: That covers my complaints regarding the fines, because as I said to the Attorney General earlier, this needed to be uniform with other existing vehicle laws.

I ask now: Will the regulations which will cover these new amended figures by infringement notices come into effect at the time of promulgation of this Bill, or will there be an intermediate period when this Bill can be effected in full—in other words, the full penalties laid down? Will the Minister ensure the regulations are available to be used at the time the Bill is promulgated?

Hon. J. M. BERINSON: I expect the regulations will be introduced to coincide with the promulgation of this legislation. In this area, as in others, I would prefer to be more certain in my advice. I will obtain that advice between the completion of the Committee stage and the third reading.

Hon. TOM KNIGHT: The Minister can see why I am asking this, because if there is a month between the promulgation of the law and the gazetting of the regulations, some unfortunates will be hit with \$400 or \$800, and the next day it will be back to \$40. I accept the Attorney General's offer and I am happy.

Clause put and passed.

Clause 6 put and passed.

Title put and passed.

Report

Bill reported, without amendment, and the report adopted.

BILLS (2): RETURNED

1. Casino (Burswood Island) Agreement Bill.
2. Acts Amendment and Validation (Casino Control) Bill.

Bills returned from the Assembly without amendment.

FORESTS: NELSON LOCATION 2882

Acquisition: Assembly's Resolution

Message from the Assembly received and read requesting concurrence in the following resolution—

That the proposal for the acquisition of Nelson Location 2882 in exchange for Timber Reserve No. 143/25 laid on the Table of the Legislative Assembly at the request of the Acting Conservator of Forests be carried out.

FORESTS: REVOCATION OF DEDICATION

Assembly's Resolution

Message from the Assembly received and read requesting concurrence in the following resolution—

That the proposal for the revocation in whole of State forest No. 66 and the partial revocation of State forests Nos. 14, 20, 30, 33, and 65 laid on the Table of the Legislative Assembly by command of His Excellency the Governor on the Sixth day of November, 1984 be carried out.

ADJOURNMENT OF THE HOUSE

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.14 p.m.]: I move—

That the House do now adjourn.

Aboriginal Land Bill: Schedules

HON. N. F. MOORE (Lower North) [5.15 p.m.]: I will not delay the House more than one or two minutes, but I wish to make some comments in respect of question 643 which I asked on notice today. In part of that question, I asked whether the Minister with special responsibility for Aboriginal Affairs would table a map showing the areas of vacant Crown land which were available for claim under the Aboriginal Land Bill.

Members will be aware that the basis for claims under the Aboriginal Land Bill is vacant Crown land; and it is important, when considering this legislation, to know what vacant Crown land is. I have asked several questions of the Minister in respect of this matter; and I have asked if he would make available maps showing vacant Crown land in Western Australia. This question is part of a series of questions in that vein.

The answer I received today was in the following terms—

I refer the honourable member to pages 17 and 20 of the report of the Aboriginal land inquiry.

That is, the Seaman report. The maps on those pages are quite small, and while they show vacant

Crown land outside the South-West Land Division fairly clearly, they are not able, by their size, to show the vacant Crown land in the South-West Land Division.

Part of the answer continued as follows—

It is not possible to table a map showing unallocated Crown land within townships due to the enormity of the task.

I would have thought that unallocated Crown land in townships would be of considerable interest to the people living in every town in Western Australia. I know that the provision of such maps represents an enormous task; but the point is that the people of Western Australia, when they are making their decision on the Aboriginal Land Bill, want to know how it will affect them. The only way they will know that is by knowing how it affects their towns.

Some effort should be made by the Government to make maps available to the Parliament before the Bill is debated so that we know what land we are talking about. Saying that the task is too big or referring me to the Seaman report maps is just not good enough because they do not give the detail required.

Hon. Peter Dowding: You are a poser.

Hon. N. F. MOORE: I am asking for information which I badly need.

Hon. Peter Dowding: You are not. You are trying to run your political campaign using State Government resources.

Hon. P. G. Pendal: You don't think you are doing that?

Hon. Peter Dowding: No, I am not.

Hon. N. F. MOORE: The people of Western Australia, including me, are entitled to all the information we can have made available to us when we make our deliberations on the Aboriginal Land Bill. It is a Bill of great significance to Western Australia.

The Minister says that I do not need the information and that I should not use Government resources to get it, but that is the complete opposite of what he used to say when he was sitting over here.

A Bill of this significance requires the maximum amount of information for all people—not just members of Parliament, but all members of the community. The Minister with special responsibility for Aboriginal Affairs ought to stop saying, "It will cost too much and take too much time". He ought to ask the Department of Lands and Surveys to make the maps available so everyone in Western Australia knows what the Bill is all about.

Teachers: Promotions

HON. P. G. PENDAL (South Central Metropolitan) [5.19 p.m.]: The House should not adjourn until it hears very briefly of a matter that has become familiar to most members within the last few days. I am referring to the controversy surrounding the Government's proposed system for the promotion of primary school personnel.

In the course of the last three days, I have received approaches from the staff of three schools in the South Central Metropolitan Province. On two occasions, staff members have signed petitions which, I regret to say, are not in the correct form to allow them to be presented to the House.

However, I have decided to use the opportunity of the adjournment debate to put the views contained in those petitions. I might add that I received an approach independently of these two petitions from a third primary school principal who believes that what the Government is doing will bring about an inequitable situation. To simplify matters I intend to read the letter, in the form of a petition which states—

We, the undersigned, wish, through you, to voice our concern about and condemnation of the proposed new merit based system being introduced into primary schools throughout the state.

Whilst we are not opposed to the concept of merit based promotion we feel the system is being introduced with almost indecent haste and without adequate thought as to whether this system will indeed be fairer and more effective than the present system.

In the past, our promotional system has relied on a superordinate evaluation (Superintendent) with some input from school principals where the applicant is a teacher or deputy principal.

The proposed new system relies on the applicant to furnish both superordinate and either peer or subordinate referees. We believe the proposed system to be open to much more abuse than our previous system and as much as we would like to think people are above dishonesty, there are always those who will play the system to its limits. We believe there is no reason to make it easier for this to occur.

We repeat, we are *not* opposed to some form of merit based system, however in the unseemly haste to implement many of the Beasley Committee's proposals (most notably those incurring the least amount of expenditure) we believe the best interests of the schools, teachers and children are being

overlooked. A merit based system could be introduced for the sake of expediency and window dressing.

It should also be remembered, the Beasley Commission was set up originally to enquire into W.A. Secondary Schools.

I break here to say that the significance of that is a new merit-based promotion system is being introduced into the primary sector. To continue—

The composition of the committee was therefore secondary based and not a true reflection of Primary teachers attitudes and aspirations.

I break again to particularly ask members to listen to the next sentence. To continue—

Taking into account that our union was represented on this committee, we believe our Union executive has failed in its duty to fairly represent the vast majority of its members.

We urge you to bring this matter to the attention of the Minister of Education as we believe this is a matter of vital importance to our educational system.

I do no more than ask the Leader of the House to have the matter referred to the Minister for Education with some sort of undertaking for an urgent review. We were told many times in the past, and we have been assured over a period of many months, that this Government is open to consultation, yet there has been none in the case of the primary school principals, or, for that matter, the broad membership among primary school teachers.

These people now feel alienated. They feel there is no alternative course of action in order to put their views to the Government, other than to take the matter up with their members of Parliament. I

must say that I have been surprised by the vigour and passion that this has aroused among the teachers in that the staff of no fewer than three schools have contacted me in recent days. I therefore draw this matter to the Leader of the House's attention and request that it be referred, as a matter of urgency, to the Minister for Education.

Planning: Observation City

HON. P. H. WELLS (North Metropolitan) [5.25 p.m.]: I rise to speak on an issue where the Government is using taxpayers' money in an unprecedented way. The Government has carried out a survey—at a cost of \$23 000—of five areas, four of which have been the subject of a Government decision.

One area relates to the Observation City in Scarborough, which has already been built, the planning approval of which was made at government level.

I ask the Government's reason for conducting a survey of 800 people on the subject of the Observation City at Scarborough. For what reason does the Government require that input to make its decision? The only reason I can come up with is that the Government is seeking that information to continue its vendetta against the City of Stirling. That has become apparent since the fall-out the Government had with the City of Stirling over a Chinese restaurant. I believe the information obtained from that survey will be provided to the ALP and Government propaganda machine. I suggest that that type of use of Government funds should cease because it is a blatant misuse of taxpayers' funds.

Question put and passed.

House adjourned at 5.26 p.m.

QUESTIONS ON NOTICE

HORTICULTURE: SWAN SETTLERS CO-OPERATIVE ASSOCIATION LTD.

Chiller: Loan

614. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

- (1) Is the State Government intending to approve a grant that will enable Swan Settlers Co-operative to pay out the grape growers loan to the cool storage facility initiated and partially funded by the former Liberal Government?
- (2) If so, who proposed that a grant application be initiated?
- (3) Under what Act of the Parliament will the grant be applied and approved?
- (4) Will it be subject to normal commercial tax assessment?
- (5) For what project is it proposed that the surplus be applied?
- (6) Alternatively, has any consideration been given to a refund distribution to grape growers?

Hon. D. K. DANS replied:

- (1) An offer to assist has been made.
- (2) The member for Mundaring, on behalf of the co-operative.
- (3) Appropriation (Consolidated Revenue Fund) Act.
- (4) This will be at the discretion of the Commonwealth Commissioner of Taxation.
- (5) and (6) Not applicable.

HORTICULTURE: SWAN SETTLERS CO-OPERATIVE ASSOCIATION LTD.

Building: Loan

615. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

With reference to the recent loan approval for Swan Settlers Co-operative new office at Herne Hill—

- (1) Is the loan in the form of a first or second mortgage?
- (2) If "Yes", what interest rate will apply, over what term, and what is the form of the repayments?

(3) What is the value of the proposed building and will tenders be called and the funds advanced by progressive payments?

(4) Under what Act will the loan be granted and administered?

(5) What equity will be provided by the co-operative?

Hon. D. K. DANS replied:

- (1) This will be negotiated if the offer is accepted.
- (2) An offer has been made for a loan over five years at 11 per cent per annum with a repayment programme to be agreed between the co-operative and the Under Treasurer.
- (3) The calling of tenders for the \$88 000 building will be at the discretion of the co-operative and the release of funds will be determined upon acceptance of the offer.
- (4) Appropriation (General Loan Fund) Act.
- (5) \$38 000.

COMMUNITY SERVICES: CHILDREN

Affiliation Proceedings: Blood Tests

625. Hon. I. G. MEDCALF, to the Attorney General:

(1) Has the Government considered introducing legislation to provide for compulsory blood testing where parentage is an issue in the traditional type of affiliation proceedings where only one defendant is involved, refusal to submit to a blood test being liable to be taken into account in determining the issue?

(2) Has any decision been made in regard to any such prospective legislation?

(3) If so, when may any such legislation be introduced?

Hon. J. M. BERINSON replied:

- (1) and (2) It is proposed to incorporate in the Family Court Act sections 99 and 99A of the Family Law Act.
- (3) No firm timetable has yet been established.

HORTICULTURE: GRAPES

Inspections

640. Hon. NEIL OLIVER, to the Leader of the House representing the Minister for Agriculture:

- (1) Why was an increased level of grape inspection for the local market undertaken at the commencement of the current season when compared with previous seasons?
- (2) What was the cost of this increased level of inspection?
- (3) Why was it discontinued?
- (4) How many growers had grapes rejected?
- (5) How many convictions have been recorded?
- (6) How many summons are still outstanding?

Hon. D. K. DANS replied:

- (1) Growers requested an inspection service for grapes. A trial programme was initiated.
- (2) \$8 250.
- (3) The trial programme was concluded.
- (4) 36.
- (5) None.
- (6) None.

SPORT AND RECREATION: FOOTBALL

South Australian Club: Purchase

641. Hon. TOM McNEIL, to the Minister for Employment and Training representing the Minister for Sport and Recreation:

- (1) Is the Minister aware—
 - (a) that an attempt will be made for a consortium of Adelaide businessmen to buy a South Australian league football club for inclusion in a national competition;
 - (b) that the consortium has expressed the intention of involving the South Australian Minister for Sport and the Shadow Minister in an advisory capacity; and
 - (c) that the proposed national competition would be established in time for the 1986 season?
- (2) If "Yes" to (1) (a), (b) and (c), would the Minister advise what action the Government has taken to ensure the involvement of at least one Western Australian club in such a venture?

- (3) If "No" to (1) (a), (b) and (c), will the Minister undertake to consult with the WAFL Board of Directors in order to offer Government assistance should it be needed?

Hon. PETER DOWDING replied:

- (1) (a) No;
- (b) no;
- (c) my information is that it is beyond the realms of possibility that a national competition will be in place by 1986.
- (2) It is not possible to determine, from the member's question, which venture he is referring to for involvement by a Western Australian club.
- (3) The Government has already taken firm action to ensure there is ongoing consultation with the WAFL over matters related to the rationalisation and development of league football in this State.

The good working relationship that has been developed has enabled the Government to assist the WAFL to present a submission to the Australian Sports Council seeking Federal funds to study the feasibility of establishing a national competition.

The Government strongly endorses this rational approach and will continue to provide support to the WAFL, throughout the process.

There is, however, no intention by the Government to interfere with the administration of league football, as this is clearly the concern of the WAFL.

GAMBLING: LOTTERIES

Instant: Distributions

642. Hon. TOM McNEIL, to the Attorney General representing the Minister for the Arts:

What was the total amount of funds derived from Sports Instant Lotteries and directed towards arts and culture from—

- (a) inception to February 1983;
- (b) March 1983 to February 1984; and
- (c) March 1984 to February 1985?

Hon. J. M. BERINSON replied:

- (a) \$627 402;
- (b) \$4 714 046;
- (c) March 1984 to January 1985—\$2 531 566.

ABORIGINAL LAND BILL

Schedules

643. Hon. N. F. MOORE, to the Minister for Employment and Training representing the Minister with special responsibility for Aboriginal Affairs:

- (1) Will the Minister provide a list showing the areas, in hectares, of each reserve listed under Schedule 1 of the Aboriginal Land Bill 1985?
- (2) If not, why not?
- (3) Will the Minister table a map showing the areas referred to in Schedule 3 of the Aboriginal Land Bill 1985?
- (4) If not, why not?
- (5) Will the Minister table a map showing the coastline referred to in Schedule 2 of the Aboriginal Land Bill 1985?
- (6) If not, why not?
- (7) Will the Minister table a map showing the vacant Crown land which will be available for claim under the Aboriginal Land Bill 1985?
- (8) If not, why not?

Hon. PETER DOWDING replied:

- (1) The information requested by the member is now being collated and I will advise him of the details shortly.
- (2) Not applicable.
- (3) I now table the maps showing the area referred to in Schedule 3 of the Aboriginal Land Bill 1985.
- (4) Not applicable.
- (5) and (7) I refer the member to pages 17 and 20 of the report of the Aboriginal land inquiry. These pages of the report illustrate Aboriginal reserves including these reserves mentioned in Schedule 2 of the Aboriginal Land Bill 1985 and unallocated Crown land respectively.

It is not possible to table a map showing unallocated Crown land within townships due to the enormity of the task. Unallocated Crown land within townships can only be claimed where traditional use or need can be established

and there is no future purpose; i.e. town planning for that land

(6) and (8) Not applicable.

The maps were tabled (see paper No. 503).

FURNITURE: ANTIQUE

Transport Workers Union Ban

644. Hon. TOM McNEIL, to the Minister for Industrial Relations:

- (1) Is the Minister aware of the article appearing on page 49 of *The West Australian* of Wednesday, 13 March 1985, under the heading "Historical furniture held in port" in which Mr J. O'Connor of the TWU is reported as saying—"Miss Lee cannot take our goods out of the country. She should either own them here or sell them to the Government"?
- (2) If "Yes"—
 - (a) what action does the Government intend taking to safeguard the rights of Miss Lee in this matter; and
 - (b) what authority does Mr O'Connor have to decide the merits or otherwise in these matters?
- (3) If "No" to (1), will the Minister undertake to investigate the matter and advise the House of his findings?

Hon. PETER DOWDING replied:

- (1) Yes.
- (2) (a) Miss Lee is not precluded from using the normal legal processes in this matter should that course be chosen;
- (b) it is not for the Government to make an assessment of what authority Mr O'Connor considers he has in deciding how he approaches a social issue. However, these issues should not arise once legislation, being prepared by my colleague, the Minister for the Arts, is passed to protect the Western Australian heritage. It is of note that the Opposition had the opportunity to introduce such legislation when in Government but did not.
- (3) Not applicable.

UNCLAIMED MONEY

Legislation

645. Hon. I. G. MEDCALF, to the Attorney General:

- (1) With reference to the Law Reform Commission's report on unclaimed money is the Government aware that the previous Government had adopted the commission's recommendations in principle and authorised the drafting of an appropriate Bill?
- (2) Does the Government intend to proceed with legislation on this subject?
- (3) If so, when may we expect a Bill to be introduced into the Parliament?

Hon. J. M. BERINSON replied:

- (1) Yes.
- (2) The Government has approved the drafting of a Bill to implement the commission's report in a modified way.
- (3) A firm timetable has not been established.

QUESTION WITHOUT NOTICE

INDUSTRIAL RELATIONS: STANDOVER TACTICS

Complaints: Government Action

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

- (1) Would the Minister advise me what attitude he intends to take with regard to the Industrial Arbitration Act where complaints against standover and coercion are received by him?
- (2) Will he use departmental industrial inspectors to investigate reports and complaints of standover?
- (3) If not, how will he investigate those complaints?

Hon. PETER DOWDING replied:

- (1) to (3) I intend to pursue the policy which has been in force for many years and which was pursued by the member asking the question, and that is to ensure that where a complaint is made which justifies an investigation it will be made.

I am responsible for the Office of Industrial Relations, and to that extent the officers in the inspectorate; and if a complaint is made to me which is appropriate for investigation, it will be referred to the inspectorate.