Legislative Council

Tuesday, 10 August 1982

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

SWEARING-IN OF MEMBER

THE PRESIDENT (the Hon. Clive Griffiths): I have received a notification from the Clerk of the Writs which I shall now ask the Clerk at the Table to read.

The Clerk of the Council read the writ.

The Hon. Tom Stephens took and subscribed the Oath of Allegiance and signed the Roll.

PARLIAMENTARY COMMISSIONER FOR ADMINISTRATIVE INVESTIGATIONS

Oath of Office

THE PRESIDENT (the Hon. Clive Griffiths): I have to inform the House that on Thursday, 5 August 1982, I was present when the Speaker of the Legislative Assembly administered the Oath to Mr Eric Greenwell Freeman as the new Parliamentary Commissioner for Administrative Investigations.

QUESTIONS

Questions were taken at this stage.

SETTLEMENT AGENTS AMENDMENT BILL

Introduction and First Reading

Bill introduced, on motion by the Hon. R. G. Pike (Chief Secretary), and read a first time.

WESTERN AUSTRALIAN MARINE BILL

Second Reading

Debate resumed from 3 August.

THE HON. D. K. DANS (South Metropolitan—Leader of the Opposition) [5.16 p.m.]: The Opposition agrees with this Bill. As a matter of fact, I have read the Bill from cover to cover, and I have had it examined by experts. It astounds me; it is such a well drafted Bill that I am sure the Government must have contracted it out. I believe this new Bill is far superior to the Commonwealth Navigation Act. It is set out in simple terms and easy, readable language, and brings up to date all those matters that have been outstanding for some time.

My only complaint is that it brings together some 12 separate Acts, as well as the English Merchant Shipping Act. I remind the House that I am not a dedicated centralist, but perhaps the only thing wrong with the Western Australian Marine Bill is that it should not exist. It appears to me that this is one arena in which one Act should be adequate for the whole of the Commonwealth. The Minister would agree that all the States have their own Marine Acts, by whatever name they are called. One of the ludicrous situations that arises from having a Commonwealth Navigation Act and various State Marine Acts is that from a technical point of view a vessel journeying from Wyndham to Eucla would come under the provisions of the Western Australian Marine Bill; however, a paddle steamer on the Murray River in South Australia journeying to Swan Hill in Victoria, because it is engaged in an interstate voyage, would come under the provisions of the Commonwealth Navigation Act.

That is probably my only quarrel with this Bill. I believe we would be going a long way towards establishing a uniform code of safety at sea if we were to give some consideration to ceding these powers to the Commonwealth. I think that may be a long way off. I commend the Government for the provision of this Bill. It has been the subject of examination by a working party for some time. On two previous occasions when this much amended piece of legislation came before this House I recommended that the Act be rewritten. We support the Bill, and I commend the Government for the high standard of this legislation.

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [5.19 p.m.]: I thank the Opposition and particularly the Leader of the Opposition for his kind remarks. He acknowledges that this is a complete overhaul and a drawing together of many pieces of legislation into one fairly concise document. I am pleased he is impressed with the written word and the way in which the Bill has been drawn up. We certainly have not contracted it out. It is typical of the care and attention this Government gives to its legislation.

The Hon. D. K. Dans: You had assistance from the other States.

The Hon. G. E. MASTERS: I express the thanks of the Government for the help given by a large number of people who have been involved in the maritime industry and who have a deep knowledge of the subject. I know a number of them are known personally to the Hon. Des Dans. I acknowledge his great expertise and thank him for his support and that of the Opposition.

Question put and passed.

Bill read a second time.

STAMP AMENDMENT BILL (No. 3)

Receipt and First Reading

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

Second Reading

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [5.22 p.m.]: I move—

That the Bill be now read a second time.

This Bill is presented as a result of a decision of the High Court of Australia which received considerable publicity earlier this year and which declared section 90 of the Family Law Act to be invalid. That decision produced some uncertainty as to the application of stamp duty to maintenance agreements approved or registered in the Family Court. In that section of the Act provision was made for exemption from duty on maintenance agreements which had a very broad meaning under that legislation.

However, as there was some doubt about the validity of the section and its application, if any, to the Stamp Act of Western Australia, the State Taxation Department sought advice of the Crown Solicitor. As a result of that advice, the documents were assessed in accordance with the provisions of the Stamp Act.

Nevertheless, the majority of agreements prepared for the purposes of the Family Court were accepted as operating as if they were orders of the court and consequently were assessed with a nominal stamp duty only. This procedure existed until that section of the Commonwealth legislation was ruled recently as being invalid.

Consequently, the position in this State had to be re-examined in order to ascertain how all future agreements, for the purpose of the Family Court, were to be assessed under the provisions of the Stamp Act.

For the benefit of members, three types of transactions are affected and have to be considered under the Family Law Act. These are—

> A disposition of property arising out of a hearing before the court and resulting in an order made by the court itself;
>
> a disposition of property resulting from an agreement made by the parties themselves and which is in turn submitted to the court for approval, and subsequently becomes an order of the court; and
>
> a disposition of property contained in an agreement made between the parties themselves which is then only registered with the court.

In addition, a number of orders are issued by the Family Court itself which relate only to the payment of maintenance and not the disposition of property, which are not chargeable currently with duty. This situation will continue.

As previously stated, the situation that existed prior to the handing down of the High Court decision was that the majority of the property transfers were assessed nominally for stamp duty on the broad acceptance that all such dispositions operated as if from an order of the court and so were entitled to an assessment of duty under section 73 of the Stamp Act.

That particular section of the Stamp Act allows the Commissioner of State Taxation to assess, with a nominal duty of $5, any disposition of property pursuant to an order of a court. However, there are two exceptions to this provision, and these are when the court orders a sale or a mortgage of the property.

In such situations, the appropriate *ad valorem* duty is charged as would be the case for any other property sale or mortgage transaction.

Following the High Court decision, it became apparent that the terms of a maintenance agreement prepared and agreed to by the parties themselves as to the disposition of their property and simply registered with, or for that matter, even approved by, the court, could not be viewed in the same light as a disposition of property ordered by the court.

In addition, it had come to the attention of the Commissioner of State Taxation that some maintenance agreements had been used as a means of transferring properties between parties other than the parties to the marriage and so avoiding the payment of *ad valorem* stamp duty.

Therefore, it was quite obvious that maintenance agreements could, and should, no longer be assessed with nominal duty within the existing framework of the Stamp Act. Furthermore, even court orders resulting from a consent agreement by the parties, could be suspect.

Under the circumstances, it was necessary to take early action to remedy the situation pending examination of the problem and the drafting of a suitable amendment to place before Parliament.

Pending the acceptance of the proposed amendment to the law, it was imperative that some interim arrangement be made about the

assessment of these documents in order to avoid undue delays in settlement of these marital breakdowns. Therefore, authority was given to the Commissioner of State Taxation to assess the agreements in a manner similar to the proposals contained in the Bill.

This has proved to be a satisfactory solution to a very difficult problem; and it has allowed agreements to be processed promptly and marital disputes finalised.

Provision has been made in the Bill to validate this action by making the operative date retrospective to 24 December 1981, which was the date of the High Court decision.

The purpose of the amendment contained in this Bill is to ensure that maintenance agreements entered into by the parties to a marriage as a result of their divorce or separation, and which provide for the payment of maintenance and/or the disposition of property to either of them or to any of their dependent children, will not be charged more than a nominal duty of $5. The same will apply to orders of the court which dispose of or vest property in the parties to the marriage.

No charge will be levied against court orders which provide for maintenance payments only.

On the other hand, should the maintenance agreement or the court order provide for a sale of the property to either of the marriage partners, or provide for the disposition of property to any other person or to non-dependent children, duty will be charged by the commissioner in accordance with the normal provisions of the Act.

In all cases, any instrument of transfer following a maintenance agreement or court order will again be charged only with a nominal duty of $5. These charges are no more than a handling fee.

In addition, provision is to be made so that any agreement stamped with nominal duty will not be liable for any further duty if the agreement also includes any arrangement for the payment of maintenance.

I therefore commend the Bill to the House.

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

BAIL BILL

Second Reading

Debate resumed from 4 August.

THE HON. P. H. WELLS (North Metropolitan) [5.28 p.m.]: The Law Reform Commission of Western Australia is to be complimented on the fact that although one would expect a large number of people to make submissions on such an important paper, the commission went to the remand section of Fremantle Gaol and spoke to the people who were affected. The commission probably took a leaf out of the Victorian commission's report. That commission did exactly the same thing and went to Pentridge Gaol. It conducted a survey and spoke to people in the remand section who were waiting to go to court. The commission got first-hand information. It is notable that when the commissioners published their report on bail—project 64—they said they received 17 submissions, and 13 people commented on the working paper.

When I looked through that report, I noticed that comments were made by six judicial people, four people in the Government service, one person from the community, and just six individuals. I doubt whether, in this House, we will have the number of members debating the Bill as debated a similar Bill which was rushed through the New South Wales Parliament at the end of its session. On that occasion, only five members indicated that they were willing to speak.

This Bill deserves more than a cursory glance because it is aimed at a great problem. A quote from *The Australian Law Journal*, volume 45, at page 167, puts the problem in better words than I can—

> . . . the problem is to balance fairly the right of every individual to personal liberty against the right of the State to deprive him of that liberty under certain carefully defined circumstances . . .

It would appear that, from time to time, the Press has asked, in terms not quite glowing, why certain people have been allowed free on bail; but it appears, from my short examination, that that type of reporting is the exception rather than the rule.

It is pleasing that there is general acceptance of the Bill. For instance, justices of the peace, police officers, people associated with the courts, and solicitors to whom I have spoken all say that the Bill is a good one, and certainly that it moves in the right direction. I know the paper produced by the Law Society of Western Australia indicates that the crimes committee of that society endorses the new Bill, and indicates that it is a fine piece of legislation. Both the Hon. Joe Berinson and the Attorney referred to that paper.

Another important point is that the Opposition supports the Bill. I gather that when the Hon. Joe

Berinson said the Opposition supported the Bill, he meant that he supported it also.

I do not have the advantage of a legal background, as the Hon. Joe Berinson has; so my examination of the Bill requires me to take a little longer because I must examine it in more detail. I am interested that the development of law reform in this area had its beginning in the United Kingdom when the Criminal Justice Act of that country was amended in 1967. *The Australian Law Journal* discussed that legislation in volume 45, page 167, as follows—

> The problem of bail has in recent years received a good deal of attention in the United Kingdom. Legislative reform was attempted in the *Criminal Justice Act 1967* which restricted the power of magistrates to remand or commit for trial otherwise than on bail by confining the circumstances under which bail could be refused.

It appears that legislation was a failure. Although the intention was to restrict the refusal of bail, the opposite happened. An inquiry was held in 1971; and a report was handed down in 1974. That led to the United Kingdom Bail Act of 1976. The time taken to reach that stage of reform was nine years.

Victoria was the first State in Australia to introduce a bail Statute as such. Although the statutory law revision committee had referred to bail in 1969, it dealt with and reported on bail in 1975; and the Victorian bail Act was passed in 1977. During the development of that approach to reform in Victoria, notice was taken of movements in Canada and an amendment to the Criminal Law Amendment Act, which was passed in 1976.

Next on the scene was the development in New South Wales. It is interesting that what led to the inquiry in New South Wales in 1976 was the case of a person who committed a crime while on bail. That is reported in *The Bulletin* of 21 July 1981 as follows—

> IN DECEMBER, 1975, Phillip Western was arrested and charged with armed robbery. He was released on bail. Early in 1976, the police wanted to question Western about a bank robbery committed after his release, in which the bank manager had been murdered. However, when he was found, a gun battle ensued, as it so often does in NSW, and he was shot dead.
>
> Many sane citizens asked why such a dangerous person had been released on bail.

That report caused the Attorney General of New South Wales to institute an inquiry in 1976, and a report was handed down in 1978. However, like our Mining Act, although the Act was passed in 1978, it was not promulgated until 1980.

In 1978, a report was tabled in Queensland in connection with bail. In 1980, that State introduced bail legislation. In Western Australia, a working paper was published in 1977; and now in 1982 we are considering the Bail Bill. We have the advantage of all that has gone before.

I checked on South Australia only today; and I understand that, as yet, South Australia has not made a move to develop a bail Act.

Perhaps the reason that there was not great public interest in the Law Reform Commission's report in this State, and perhaps the reason that more members are not speaking in this debate, is that in this State we have had reasonably good legislation. That is not my opinion only, but also the opinion of some of the legal people to whom I have spoken. That opinion has been recorded in the reports of law reform committees in the other States. For instance, the statutory law revision committee in Victoria made the following comment in 1969—

> 13. In Victoria there is no statutory power for keepers of gaols to admit persons to bail.

It went on to say—

> The Western Australian legislation is more far reaching in granting power to bail.
>
> Section 48 of the Western Australian *Police Act* 1892-1967 provides that where a person is chargeable for an offence in a summary manner and arrested without a warrant a police officer can release him on his own recognisance.

It then quoted from section 64 of the Western Australian Justices Act as follows—

> 64. A person taken into custody for an offence without a warrant shall be brought before a Justice as soon as practicable after he is taken into custody;

When referring to that Statute, the report stated—

> From evidence received in Western Australia it became apparent that a much more liberal interpretation of their statutory provisions enables more persons to be released on bail for a wider range of offences by justices, police, and keepers of a gaol.

It would appear that, at the very beginning, in terms of reform in this area, what we are providing for in this Bill has happened to a fair degree in this State.

I have spoken to justices of the peace who are on duty at the East Perth lock-up; and they have assured me that, to their knowledge, the people dealt with are cleared in a very short time. A reasonable effort is made to ensure that, where possible, people receive bail.

Looking at the Bill, and without going into it in any detail—the Hon. Joe Berinson probably summarised it better than I can—it would appear that, to an extent, we are codifying what is already happening. We are formalising the requirement to consider bail and we are ensuring that consideration is given to bail for each person each time he appears in court.

When we are trying to make it easier for persons to obtain bail, one would think we would know the number of people who abscond from bail. The figures for New South Wales show that in respect of the higher courts the percentage of people given bail who did not appear in court was 1.2 in 1968 and 6 in 1974. That means 6 per cent of those who were given bail actually absconded. On the best advice I have been given, although I have not been provided with the figures, I suspect that our State would have similar percentages of people who abscond while on bail. Our rate may be up to 10 per cent, despite the fact that I was told that it rarely occurs that people abscond from bail. I was told that by a member of the Law Society who telephoned my office.

However, I would be amazed if our figures were much different from those of New South Wales. If the New South Wales figures rose from 1.2 per cent in 1968 to 6 per cent in 1974, in this State the number of people absconding could amount to something like 10 per cent. Perhaps in his reply the Attorney might mention whether that is a reasonable estimate. In any case, it is reasonable to include in the Bill the clause which makes absconding an offence and which provides for a fine and imprisonment, which do not appear in the present Act.

Towards the end of his second reading speech, the Attorney said that the people applying for bail would not be allowed to "shop around". I was rather interested in that statement, and I noticed that that suggestion was put to the Law Reform Commission by the Justices Association of Western Australia.

That prompted me to give consideration to what happens in other States. I note that in *The Australian Law Journal*, volume 45, of April 1981, at page 200 the following can be found—

> Where an applicant was refused bail by a single judge of the Supreme Court of Western Australia the full court held that it had no jurisdiction to entertain a further application.[12] But the Supreme Court of Queensland has held that a person detained in custody has the right to apply for bail to any judge, and if refused, to another judge.

In that State people are able to go from judge to judge until they find one soft enough to grant them bail.

It is interesting to note what was said in the second reading speech in respect of the new Queensland Bail Bill which became law in 1980. The Hon. W. D. Lickiss, on 25 March said, in reference to clause 10 (2)—

> As honourable members would appreciate, this is an undesirable practice where a defendant has been refused bail in the first instance and he then makes successive applications to other courts until he is finally successful.

Whether intentionally or not the 1980 New South Wales Bail Bill created the opportunity for people to move from judge to judge in an endeavour to find one who would grant bail. That is really the substance of the article I referred to earlier which was published in the 21 July 1981 edition of *The Bulletin*. The article was headed "The granting of bail: a vexed question". Referring to the situation in New South Wales the article states—

> Bail can be granted by police officers of sergeant's rank or above, magistrates, District Court judges and Supreme Court judges. There is no limit to the number of applications for bail that may be made to a court, although only one may be made to a police officer. The only applications that are not allowed are ones which are deemed frivolous or vexatious.

Further on it states—

> Every fresh application is treated as a rehearing, which means that each judge or magistrate who hears the fresh application must hear all the evidence and arguments as to why the prisoner should be released on bail, regardless of how many times his brother judges have sat through the same evidence and refused bail.

And further on—

> The Supreme Court is suffering the greatest deluge of bail applications. It is the preferred court to which to apply if an application has been knocked back somewhere else.

A little later—

> In the 18 months that the Bail Act has been in force, the number of bail applications

before the Supreme Court has increased by 300 percent.

In a recent week, there were 50 bail applications before the Supreme Court. It is estimated by one judge that these applications are taking up four judicial working days a week.

On one day, the court list was so crammed with bail applications that only one civil case was listed in the Common Law Division.

It is a highly expensive and inefficient use of senior judicial time. One judge has suggested that a special Bail Commissioner should be appointed.

Time and money could also be saved if fresh applications could be made only where the accused could prove that there was relevant evidence that should have been put before the first judge, but was not, or if he could establish that the circumstances of the case had altered sufficiently for a rehearing to be held.

In his second reading speech covering the Bill before us the Attorney said that whilst the defendant may seek bail from any number of authorised police or community welfare officers—and that seems reasonable because it could be that a superintendent could enter a prison and a person could apply to someone higher in the police hierarchy—he may not shop around amongst judicial officers at the same level of the judicial hierarchy. This means persons charged are effectively bound by bail decisions made at that level. I take it that this should improve the quality of decisions made by those at the lower level of the judiciary, because I gather that if they do not make the right decision, the decision may be challenged in a higher court.

I ask the Attorney: Does this not mean that an increase will result in the number of bail appeals that will find their way to the Supreme Court? As I understand this part of the Bill, it means that a person appealing will need now to appeal to a higher court. I understand the present Act allows a person to make application to a magistrate to appeal against the refusal of bail, although I understand that, in the main, magistrates are reluctant to alter the decisions of their brothers.

One legal person told me that a colleague of his had not heard of an appeal application in the Supreme Court, although several legal people indicated that bail was not one of their specialities.

The Hon. I. G. Medcalf: Applications or appeals?

The Hon. P. H. WELLS: Appeals.

The Hon. I. G. Medcalf: There are some appeals.

The Hon. P. H. WELLS: To some degree this Bill will make an appeal to the Supreme Court the only method by which to appeal against the refusal of bail. A person will not be able to seek out another magistrate to appeal against a decision. This will mean increased pressure on the Supreme Court. I trust that the situation in New South Wales, where the Supreme Court is so crammed with work, does not occur in Western Australia.

I suspect this clause in the Bill covers the situation whereby a judge may hear variations in respect of the bail appeal. In other words, in New South Wales a judge has to listen to all the arguments every time he hears a bail application. If I understand our own Bill correctly, a judge will have to hear only the variations—the new information—and will not have to answer all the questions again. Perhaps the Attorney can indicate whether I am correct.

I was interested in the Hon. Joe Berinson's arguments in support of the proposition put in the Law Reform Commission's report on the right to bail. I agree with him that unless one looks at the report very closely it is very hard to define what is meant by such a right. We have to consider two rights: the right of the individual and the right of the community. The New South Wales committee inquiring into this matter came to the same conclusion as the Attorney drew when introducing this Bill.

I refer now to the New South Wales bail review committee of 1976. Section 3 of its report was headed, "The right to bail". The first paragraph begins—

> No general right to release on bail now exists in New South Wales, although at certain stages of proceedings defendants have a right to have bail set.

The second paragraph states—

> There are problems in creating rights to bail. Society has a legitimate interest in holding certain people in custody to await trial. The grounds on which such detention can be justified are considered in the next section, but they cannot be reduced to any simple, measurable criterion such as age, sex, charge, or previous record. As a result, where rights to release on bail are given they usually contain broad exemptions which can all but annihilate the supposed right and result in virtually no change to existing practices.

The main point of interest was the following—

> This happened, for example, with the United Kingdom Criminal Justice Act, 1967. Conversely, if rights to release are given without broad exclusions, the resulting public reaction to release of likely absconders can result in excessive restriction of the use of bail.

The committee was referring to the early development of the United Kingdom's reform in this area and its experience with the NSW Act which led to the need for the inquiry. The problem was that people were released on bail and the community asked, "Why were those persons released on bail?"

The New South Wales committee did not believe that the creation of a general right to bail was appropriate in New South Wales. A reference was made to this in the New South Wales Attorney's second reading speech, so it was not glossed over when framing the Bill. At page 2014 of the NSW *Hansard* dated 14 December 1978, Mr Walker said—

> The committee recognized the impracticality of creating a general right to bail. Obviously there will be some instances where a right to bail cannot be justified.

The Bill before us has given consideration not only to the rights of the individual but also to the rights of the community. It has given consideration to the point that people released on bail should not offend against the community in a similar manner. This discretion clause in the Bill is a reasonable one.

I might add also that the New South Wales committee stated that the Government should consider the wording used in legislation; words such as "recognisance". One legal person to whom I spoke said he would have difficulty explaining what the word meant. He indicated that sometimes it meant "undertaking" and sometimes something else. Our Bill has not given consideration to the removal of such words, as was recommended by Justice Kirby, who said that many legal terms should be rewritten so that members of the Press and people in the community are able to understand them. Legislation should say exactly what it means and people should not have to chase up lawyers and dictionaries to understand what is meant. The draftsmen need to consider the man in the street when choosing words.

The Law Reform Commission recommended that a bail hostel would be a good method to overcome some of the problems associated with releasing people on bail.

Sitting suspended from 6.00 to 7.30 p.m.

The Hon. P. H. WELLS: Prior to the tea suspension I referred to page 97 of the Law Reform Commission's report on bail. It referred to the introduction of bail hostels, and to the situation which exists in England. Paragraph 9.6 of that report reads as follows—

> In England, bail hostels were established to allow defendants with no fixed abode to be released on bail.

It is pleasing to note that bail hostels are one of the options made available to a person on remand. This applies particularly to young people and people who are unable to acquire the money necessary for bail. In that country it is considered that the option of bail hostels would help to save the people concerned from going to prison.

The committee of inquiry into the rate of imprisonment in 1981 considered bail hostels, and page 231 of its report reads as follows—

> At any time there is a relatively significant number of persons held in custody awaiting the hearing of charges preferred against them.

I ask members not to confuse that report with the report of the Law Reform Commission. It continues—

> Those held in prisons are included in statistics showing the prison population.

From this statement there is no question but that persons who are not convicted are virtually considered prisoners. The report tends to develop support for hostels as another means of keeping unconvicted people out of prison. On page 232 of the report, reference is made to bail hostels as follows—

> The approach referred to, bail hostels, was first developed in the United Kingdom and following a period of evaluation of their worth their use has been extended because of their acceptance as an effective alternative, in some cases, to incarceration on remand.

As a result of my research I was able to obtain an English publication from the Home Office Research Studies titled "Field Wing Bail Hostels: The First Nine Months". I have not had time to analyse the complete report. However, I have noted that in England voluntary organisations were utilised to take charge of this important area. The report refers to a selected group which has for many years demonstrated an interest in prisoners. Reference is made to financing a bail hostel which was administered by the Home Secretary under section 53 of the Criminal Justices Act. The report states—

> Field Wing was opened by the then Home Secretary, Mr Reginald Maudling, on 8 November 1971. It is a wing of Booth House, a modern hostel for men run by the Salvation Army in Whitechapel, London, and is reserved for men sent there on bail by the courts.

The second paragraph indicates—

> The project is sponsored and financed by the Xenia Field Foundation, whose chief trustee, Mrs Xenia Field, gave the money needed for the scheme to help defendants who might otherwise be denied bail because they had nowhere to go.

The aims of the Field Wing project are as follows—

> 1. to enable the courts to release on bail men charged with comparatively minor offences who would otherwise have to be remanded in custody simply, or mainly, because they had no fixed abode.

I am told that this occurs in our own State and that it is a growing problem amongst the young people in Western Australia. The aims continue—

> 2. to enable and help the men to make constructive use of the remand period in Field Wing. In particular it was hoped that if an offender could show the court that he had used the time to obtain work and accommodation, this would increase his chances of avoiding a custodial sentence.

I referred to those aims because in considering the matter of bail we are talking about people who lose their liberty. Those members who have examined the success of bail hostels in the United Kingdom will be in a position to evaluate the situation and to ascertain whether it would be applicable to this State.

The recommendations contained in the reports of both the Law Reform Commission and the committee of inquiry into the rate of imprisonment indicate support for a bail hostel in Western Australia. I noticed in a Press release by the Premier's Department on 11 February 1980 that the Government gave consideration to a bail hostel. The Press release read as follows—

> The State Government is to consider various ways of providing hostel-type accommodation for suitable people on bail from Courts, as an alternative to refusing bail and holding them in prison.
>
> The bail hostel idea is most suited to single or friendless people charged with offences in relation to property, especially those without permanent homes and no roots in the community.
>
> Such people often have difficulty in finding sureties to enable them to obtain bail, either before trial or when stood down for pre-sentence reports.

It is pleasing to note that the North Fremantle Primary School building, which is no longer required by the Education Department, has been made available for a bail hostel. However, that project, which I understand has been before Cabinet, has been deferred because of financial stringency.

I would like the Attorney to indicate whether there is any chance of reconsidering the provision of a bail hostel if finance could be made available. I consider that a hostel should be conducted on a trial basis to ascertain whether it would achieve what the reports recommend; that is, that those people who have not been convicted should not find themselves in the remand section of the Canning Vale or Fremantle Prisons. I ask the Attorney also to consider the suggestion in the Law Reform Commission's report that such a bail hostel be run by a voluntary non-Government organisation. This is the case in the United Kingdom.

The bail hostels in the United Kingdom are operated by the Salvation Army. Reference was made in the Law Reform Commission's report that the social secretary of the Salvation Army, Brigadier Steere — whom I know personally — indicated that his organisation might well be interested in considering the operation of bail hostels in Western Australia. Reference is made to this in the footnote on page 98 of the report. It reads as follows—

> Brigadier Steere, the Head of the Salvation Army Social Welfare Services in Western Australia, has informed the Commission that, without committing his organisation in any way, he is strongly in favour of the introduction of a bail hostel project in this State. This is the way the first hostel began in England, and the Commission has been informed that a similar scheme, involving the Salvation Army with Government assistance, is planned in Victoria.

If the Government has not examined what happened to the Victorian proposition and the operation of the system in the United Kingdom, I suggest it should give strong consideration to permitting an organisation such as the Salvation Army to undertake a pilot project. It may well be a worthy project and should be given

consideration in the forthcoming budgetary discussions that the Attorney may have with the Premier.

In 1977 the Law Reform Commission examined the situation of prisoners held on remand at Fremantle Gaol. The following reference appears in its working paper—

> It will be noted that the principal reason for defendants not being able to meet the terms of bail, was failure to find a surety. In addition, two defendants could not raise the cash required. The defendant who could not raise $200 cash bail was a middle aged man who had no previous criminal record. At the time of the interview he had been in custody for twenty-eight days.

If the bail requirement was only $200, I suggest that what he stole was not worth a great deal. I am told that default of $500 would be likely to attract a penalty of up to 28 days' imprisonment. It appears to me that a number of people could be unjustly held in prison. On page 203 of the same working paper the following appears—

> The average time spent by those in custody awaiting trial at the time of interview was sixty-two days.

When one looks at the list of those in custody—including six persons on rape charges and four charged with wilful murder—one finds that the longest period a person spent in custody was 155 days and the shortest period was seven days. If people without any criminal history are being held, simply because they happen to fall into the socio-economic group which cannot raise bail, the system should be questioned.

The Law Reform Commission referred also to the possibility of introducing a bail centre. It was suggested that people could gain some therapeutic value from being associated with officers who would be responsible for preparing a pre-sentence report over a period. Further, it was suggested this could function in combination with a bail hostel. I would be interested if the Attorney General could advise the House whether an extension is planned into that area.

We should bear in mind that many people held on remand do not receive custodial sentences. For example, in the recent case involving drug squad detectives, the gentlemen concerned spent some time in custody, yet ultimately were acquitted by the court. Surely we need to examine whether these matters need to be handled differently. I realise that drug offences generally are abhorred by the community, and perhaps there is little sympathy for a case using suspected drug offenders as an example. However, if it can happen in that case, most certainly it is happening in other cases, and simply because people are unable to raise cash or sureties.

That prompts the question of whether this Bill will enable people to be released on bail on conditions other than those involving cash or sureties. For example, it could well be thought undesirable to release a drug offender or an alcoholic without his receiving regular attention. Perhaps one possibility is for the magistrate to vary the terms of bail, provided the person involved attended an appropriate centre for treatment.

Recently in another State the question was asked, "Of those people held without bail, how many ultimately were acquitted?" The answer was that the number approached 50 per cent. If the figures in Western Australia are similar, there is a need to examine the situation, and I trust this legislation will overcome that problem.

I feel strongly on the matter of bail hostels, because remand centres are the breeding and education ground for criminals. A first offender who finds himself in one of these centres may well come out a budding criminal, educated by some of the best teachers in the land. Despite the fact some effort is made to separate the hardened criminals from the first offenders, my limited experience leads me to believe young people and others are in great danger in these places. Only today a person in the legal field told me that he asked his client, "What was it like in the remand centre?" His client replied he had been instructed on how to break into a car and in a wide area of criminal activity. So, I suggest the bail hostel option is worthy of consideration.

I turn now to the matter of sureties. When a person is released on the surety given by a third party, the State does not actually release that person from control; rather, it transfers control to some other, innocent person, and it is that innocent person who suffers the penalty if the released person does not turn up in court.

If the person who has gone surety feels the alleged offender may abscond, he has certain obligations and responsibilities. He should alert the police and, if possible, take the person into custody himself. However, if he does not have time to enlist the aid of a police officer, will the person going surety be provided with the same protection as a police officer when physically taking that person into custody? Or, will he leave himself open to a whole range of charges as a result of his exercising the responsibilities placed upon him by the community? The legislation does not really spell out that situation.

The opinion has been expressed to me that the current bail surety form is not very clear and I am pleased to see the Law Reform Commission has suggested a new form. Particularly pleasing is the recommendation that a person should be required to sign a declaration that he has read the form. It has been put to me by justices of the peace—who try to do their job correctly—that perhaps the person going surety should be taken aside from the person seeking bail and told exactly what he is doing. Members are all aware that some people sign hire-purchase agreements without reading all the details contained in the forms.

Similarly, it has been suggested that in the haste of the moment, the person going surety simply is told, "Sign there" and is not made totally aware of the possible consequences of his actions. I know of one instance where bail was set at $3 000 by $3 000, and the person providing surety was the pensioner father of the accused. I was informed he did not have the necessary assets to meet the requirements of bail. It very much concerns me that, apparently, no consideration is given to the ability of the person to pay, or the effect the loss of that surety may have on an individual.

Often, parents are confronted with requests for bail from their children; they are faced with a traumatic situation. Very often, because they have a blood responsibility, they agree to give surety when they can ill afford it.

I note that in other parts of the world where sureties are used, increasingly, individuals are not pursued for the sureties involved when the accused people do not turn up in court. In this day and age, persons do not have the same control over other people as they did in days gone by; we do not live in close-knit communities as people once did. Thus, the surety system which, effectively, was introduced to provide a guarantee that the accused person would appear in court, no longer is as acceptable as it once was.

This legislation provides an incentive for the accused person to turn up in court. In the past, I understand that if a person did not appear in court, the individual concerned lost his surety, but no additional charge was laid. However, now it will be an offence for a person to abscond on bail. In that event, perhaps we should question whether the surety system is the most appropriate.

Also, it is important when approving surety that individuals should not be expected to find an amount beyond their means. Many people would have no trouble in raising great sums of money. However, the unemployed and those on social security benefits would be unable to find such money. I trust the implementation of the law will take this into consideration.

As I mentioned, the Law Reform Commission has suggested a new form. In addition, I raise the question of whether the person going surety should have explained to him just what is required of him, and that he should have the opportunity to hear such explanation apart from the accused, who may well have some power over him.

The Bill appears to have another important omission. If, for example, the person who has gone surety makes certain each day, either by telephone call or by physical contact, that the accused still is available, yet on the very day he is due to appear in court, the accused absconds, consideration should be given to only partial forfeiture of the surety. The matter of partial forfeiture has been suggested in the United Kingdom by no less a person than Lord Denning at Southampton. Interpreting the legislation as incorporating partial forfeiture, His Honour believed it was a desirable provision. I ask the Attorney General to indicate whether it is possible that partial forfeiture will be considered in such cases. I understand the forms will appear in the regulations associated with the legislation. Perhaps the Attorney General could consider whether, in the development of these forms, discussions could be held with people such as members of the Law Society, and those involved in the implementation of the Act.

I wonder whether the Crown Law Department has given sufficient consideration to the actual regulations that will support the Act. I am interested in the period of time that will be required for the legislation to be implemented after it has been passed by the Parliament. I gather that a fair amount of work will be necessary; for instance the police manual will need to be updated in regard to the instructions relating to the handling of people on bail. Perhaps the Attorney General could indicate the period of time that will be required.

The other point of interest relates to bail during trial. In this instance I wish to refer to the case of the drug squad detectives and the situation they were in during their trial. I have been advised that in the past some judges have released people during a trial although the current situation is that bail is not granted to a defendant during the course of a trial in the District Court or the Supreme Court. Bail is granted to defendants in the Courts of Petty Sessions. However, in R. *v* Cutler in the Supreme Court, decision No. 193 of 1972 was that bail should be refused once a trial had commenced unless there were exceptional circumstances. It appears to me that the situation

referred to in that particular decision will no longer apply; the Bill before us provides that bail may be granted every time a case comes before the court. I ask the Attorney General whether that provision will include the situation of overnight releases. We must remember that a defendant suffers an interruption to his home life, as well as the trauma of the court case, and he may well find he loses his job if he is kept in custody for the period of the trial.

I am told that at least under the Justices Act a person who requests bail, is granted a surety, but who then finds he cannot raise the bail, must come before the court each eight days. I assume that situation will continue to apply under the present measure. It may well be that even in the case of a person who is found guilty of the offence with which he is charged, the sentence may be for a shorter time in prison than the period he has served while awaiting trial. For instance, where a pre-sentence report is called for, a defendant could be acquitted altogether, or even if he were fined the maximum penalty—and members will remember the stealing charge I referred to—there is a limit to the likely penalty. The point I am making is that an unconvicted person may spend more time in gaol than a guilty one. Members will recall the finding of the inquiry conducted into the rate of imprisonment; that is, although a person on trial is unconvicted, he is virtually a prisoner. I gather that we are seeking to overcome that very problem—we are putting into custody people who really do not deserve to be there.

As I understand it, clause 8 (1) refers to the requirement that a defendant be provided with written information. It reads as follows—

> (1) Subject to subsection (2), a judicial officer or authorized officer who is called upon to consider a defendant's case for bail, on the first occasion when it arises in relation to an offence or group of offences for which a defendant is required to appear, shall ensure that the defendant is, or has been, given—
>
> (a) such information in writing as to the effect of this Act as is prescribed for the purposes of this paragraph;

The question I pose is: Would it not be better to ensure that a person is provided with written information of his rights after he has been charged? I believe this is the intent of clause 8 (1). If my assumption about this subclause is correct, I would be interested in the Attorney General's opinion of the Law Society's suggested amendment to clause 9. I have had a little difficulty in understanding clause 9 because it refers to bail decisions being deferred until further information is obtained. Clause 9 (1) commences—

> 9. (1) Subject to section 73 (6) of the Child Welfare Act 1947, a judicial officer or authorized officer who is called upon to consider a case for bail may defer consideration of the case for a period not exceeding 30 days if he thinks it is necessary—

In its amendment the Law Society suggested the addition of the words "provided that the person had received written knowledge about the effect of this particular legislation". Firstly, is it possible that immediately a person has been charged with an offence he could be given such written information as referred to in clause 8 (1); and, secondly, what does the Attorney General think of the Law Society's proposed amendment to clause 9?

Although I have not been able to go into as much detail as I would like, I believe from my reading of the Bill, and the discussions I have had with people about it, most people accept it as reasonable legislation which deserves our support. However, a number of issues still remain to be dealt with, and we must continue to examine the whole problem.

I omitted to refer to clause 20 which provides for bail hearings to be held *in camera* and for the judge to prohibit publication of the details of such hearings. It is quite probable that the publication of such information could imply the guilt of a defendant, and, therefore, we welcome this provision.

The Bill before us is the result of considerable effort, and many of its concepts will be beneficial to the community. We must give continual attention to the protection of those who find themselves in custody. This applies particularly to young people, and young first offenders who may, if they are not protected, become the criminals of tomorrow.

I support the Bill.

Debate adjourned, on motion by the Hon. Neil McNeill.

ACT AMENDMENT (AGRICULTURAL PRODUCTS) AND REPEAL BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [8.12 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks to repeal the Fruit Cases Act and to provide for descriptions and dimensions of containers for fruit and vegetables to be prescribed under the Agricultural Products Act.

Provision is included for containers to be identified with the name of the grower and location of the orchard or market garden on which the produce is grown or packed.

In addition, the Bill provides for the detention of agricultural products which do not meet prescribed standards and for appropriate penalties for unauthorised sale of detained produce.

A genuine updating of penalties to present-day value is also undertaken.

The Western Australian fruit and vegetable industry advisory committee, which is made up of representatives from all sections of the fruit and vegetable industries, has recommended updating of the regulatory requirements for packaging fruit. Its recommendations include also provision for control of vegetables. At present there are no packaging requirements for vegetables.

Rather than amend the Fruit Cases Act to cover the packaging of vegetables, it is considered more appropriate to repeal that Act and include all requirements for packaging and packages relating to both fruit and vegetables under the Agricultural Products Act.

Grade standards and marketing requirements for fruit are provided already under the Agricultural Products Act and it would be an advantage to have the packaging and package requirements consolidated under the same Act.

The inclusion of power to control packaging in the Agricultural Products Act enables packaging requirements to be imposed on all agricultural produce and not only fruit. However, this Bill deals with the packaging requirements for fruit and vegetables only.

The Bill provides for the introduction of codes in lieu of regulations to specify the grading, packaging, and packing requirements for both fruit and vegetables.

The advantage of the code system is that a specific code for grading and packaging a particular commodity is more readily understood by the industry, especially if written in plain language and where necessary supported by diagrams or illustrations. It is proposed that industry representatives, including growers, market agents, and packaging firms, will be consulted on the formulation of or amendment to codes before their recommendation to the Minister.

The Bill gives the Minister power to introduce new codes for particular products or to amend codes as required. New codes or amendments will be gazetted.

Provision made in the Bill for detention of produce is necessary to ensure that products which do not meet prescribed standards are not sold. Appropriate penalties for the selling of detained products or the removal of detention notices are included in the Bill.

At present, there is no provision for dealing with the movement or sale of products detained by an inspector.

It is appropriate to review the level of penalties under the Act because the existing levels are not in keeping with present-day money values. The current levels of fines, therefore, have lost their deterrent effect.

Provision has therefore been made for increasing the penalties to levels which correspond to current values.

I commend the Bill to the House.

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

CARNARVON BANANA INDUSTRY (COMPENSATION TRUST FUND) AMENDMENT BILL

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [8.15 p.m.]: I move—

That the Bill be now read a second time.

This Bill proposes to amend the Carnarvon Banana Industry (Compensation Trust Fund) Act 1961-1980 to extend its period of operation for a further seven years.

The principal Act came into operation in April 1962 for a period of seven years. At the request of the industry it has been extended for two further periods of seven years and is now due to expire on 18 April 1983.

The main purpose of the Act was to establish a trust fund for the payment of compensation to growers of bananas in the event of losses caused by cyclones, storms, or floods, or any natural cause, pest, or disease which constitutes a serious threat to the existence of the banana-growing industry.

The trust fund has conferred on the banana industry a degree of stability which could not be otherwise achieved in a cyclone prone area.

The trust fund income is derived from contributions from banana growers and the Treasury and from interest on investments. Growers contribute an amount of 20c per 16 kilogram carton or 16c per 13 kilogram carton of bananas sold. The Treasury contribution is 50 per cent of the total of contributions from growers.

Trust fund investments at 30 June 1982 totalled $690 441.77 made up as follows—

R & I term deposit—
$85 082.12 at 17 per cent.
R & I term deposit—
$525 718.61 at 18 per cent.
R & I investment saving account—
$79 641.04 at 12.5 per cent.

Since the trust fund was esablished in 1962, compensation has been paid to growers to cover losses caused by six cyclones, a serious fire, and a flood. The total amount paid out in compensation is $866 906.

It is estimated that under the present provisions of the Act an amount in excess of $900 000 would be needed to meet compensation payments in the event of a cyclone which totally destroyed all banana crops in the Carnarvon area.

There are presently 143 banana growers in the Carnarvon area. At the general meeting held at Carnarvon on 7 July 1982, a ballot taken to determine the growers' views on a further extension of the Act resulted in 51 growers voting in favour of continuation and 20 against. There was one informal vote.

During 1981 the industry at Carnarvon produced the equivalent of 570 000, 16 kilogram cartons of bananas, which met the bulk of the requirements of consumers in Western Australia. The gross value of the industry was nearly $4.7 million. The growers' contribution to the fund in 1981 totalled $109 242 while the Treasury contribution was $54 621.

Despite the present healthy state of the fund, the fact that more than this amount is needed to cover total destruction of crops, makes it essential that the compensation scheme be continued.

The amendment to the Act makes provision for the compensation scheme to continue for a further seven years.

I commend the Bill to the House.

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

WESTERN AUSTRALIAN MEAT INDUSTRY AUTHORITY AMENDMENT BILL (No. 2)

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. G. E. Masters (Minister for Labour and Industry), read a first time.

Second Reading

THE HON. G. E. MASTERS (West—Minister for Labour and Industry) [8.20 p.m.]: I move—

That the Bill be now read a second time.

The Western Australian Meat Industry Authority Amendment Act No. 32 of 1982 was passed earlier in this session to enable carcases of prescribed species to be branded in accordance with their end use suitability as determined by carcase classification measurements.

That amendment gave the Minister power to prescribe abattoirs which would brand carcases and the types of carcases which would be branded. It also permitted the Minister to appoint persons who were officers, as inspectors under the Act. Officers were defined as "an officer employed in a department under the Public Service Act 1978".

Since the passing of that amending Act, it has become apparent that its provisions relating to the appointment of inspectors would create difficulties with respect to the existing function of the Western Australian Lamb Marketing Board and the appointment of inspectors by that body.

Currently the Lamb Marketing Board employs some inspectors of its own and utilises local government health surveyors to carry out lamb grading and brand supervision at smaller country abattoirs. Neither the Lamb Marketing Board's own inspectors nor the local government health surveyors are employed under the Public Service Act 1978.

Therefore, it is necessary to remove the requirement that an inspector be an officer employed by the Public Service Board.

I commend the Bill to the House.

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

ADJOURNMENT OF THE HOUSE

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [8.22 p.m.]: I move—

That the House do now adjourn.

Members of Parliament: Work Load

The Hon. I. G. MEDCALF: Before the House adjourns, I seek its indulgence to make one or two comments about an article which appeared in *The West Australian* of Saturday, 7 August, under the heading "How comfortable are the MLCs?" which I believe reflected unfairly upon the members of this Chamber.

This article purported to be a report of the activities of members of this Council not only last week, which was the first week of sitting of the second part of this session of the Parliament, but also during the first part of the session and last year.

I know that, from time to time, opinions of members of the House differ on all sorts of aspects of our electoral laws, but I do not believe it is proper that, by the clear imputation and innuendo of the comments in this article, members virtually should be accused of not pulling their weight and failing to perform the work which they are paid by the community to perform.

I shall refer briefly to one or two of the comments made in this article. It says that during the autumn sitting this year the Legislative Council sat for eight sitting weeks. It goes on to say, "In that time the Council sat for nearly 77 hours, an average of 9½ hours a sitting week." That comment implies clearly that we did only 9½ hours of work during each of those weeks, although the article does not actually say that.

The article then says that last year the members of the Legislative Council were called together on only 54 days, for an average of only 5½ hours a day. In other words, it clearly implies we worked for only 5½ hours a day for 54 days last year.

Had the article left the matter there, one could not perhaps dispute the facts. I have not bothered to check whether those figures are accurate, but we shall say that they are, as it appears someone has made a calculation.

The real argument comes with the sting in the tail of this article when it refers to the fact that two new politicians will be coming to this House as a result of the numbers of the House being increased. It goes on to say, "Two of the new politicians will be Council workers . . ." Members should note the expression "Council workers". To continue, ". . . who will find that their workload in Parliament is unlikely to cost them much sleep". That comment refers to the work load in Parliament generally. It does not just mean the time that we sit in this House: it refers to the work load of those individuals as members of Parliament.

The clear imputation of the article is that members of the Legislative Council do not work sufficiently hard to justify their position as members of the Council or, indeed, as members of Parliament. That is unfair and it is certainly not proper to make such comments under the guise of a news report.

Each Bill which comes before the House represents hours, days, weeks, and, in some cases, months of work. That certainly applies to Ministers and I daresay it applies to many other members of the House. In the average situation, it takes weeks for a Minister to prepare a Bill. The work involved is certainly spread over many weeks and often many months. As you, Sir, would know, second reading speeches are not simply prepared and tossed off by members of the bureaucracy. Ministers have to work on them carefully and they must be absolutely perfect. If second reading speeches contain errors, members of the House will be misled, and no Minister would willingly or voluntarily want to mislead any member of the House.

For that reason alone, the amount of work which goes into the preparation of Bills and second reading speeches, merits a little more attention than they normally get from the media. The preparation of second reading speeches by members takes a considerable amount of time also. I wonder how much time the Hon. Peter Wells spent preparing the speech he made tonight on the Bail Bill. I would suggest he spent hours and hours on it. He has read the Dixon committee report and the report of the Law Reform Commission, and he has corresponded with numerous people. He has also had conferences with members of the legal profession and others. The Hon. Peter Wells must have spent many hours preparing his speech on the Bill and I am sure other members do likewise.

Last week six substantive Bills were before the House. Other Bills were on the agenda, but we dealt with six second reading speeches. Some of those Bills had been before the House previously and some were introduced for the first time. A great deal of work was performed not only by those who presented the Bills, but also by those who commented on them. Very little, if any, of that material was reported in *The West Australian*, although some comments were reported by other newspapers.

It is very disappointing to find innuendoes like this being made about members. It is essential that we look not only at the work of a parliamentarian in this House, but also at the other tasks he is called on to perform.

I have already mentioned the work done by members in the preparation of speeches, but members are involved in many other activities in connection with their work in the House. They include the seeking of information for the asking of questions; the research required to ask an intelligent and pointed question; the comments members make in connection with matters other than Bills; and the work required of members in connection with the three Select Committees which are operating at the present time. During the last 12 months various Select Committees of this House and joint Select Committees have sat and the activities of members in that regard should not be overlooked.

I should mention also the work of members on behalf of their constituents in their electorates. That work is carried out in the normal course of the activities of a member of Parliament and not in any other capacity. Members are available to all and sundry and I do not know any members who have declined to see their constituents or, indeed, people who are not in fact their constituents but who have had cause to contact a member of Parliament.

It is unfortunate that an article of this nature reflects upon the work of members, because the uninitiated—people outside Parliament—who read that article may say, "Ha, they get it easy. That is all they do. Last week those lazy people up there did 2½ hours work." As if we start our day at half past four! What have we been doing in the meantime, playing golf, bowls, or snooker, or staying in bed? I do not know of members who do that instead of attending to their work.

I suggest the description does not apply to members of this House, and certainly not to members generally. The article was well written, but to make comments such as those made was only trying to be smart. The article was an insult to hard working members of Parliament.

The Hon. P. G. Pendal: Hear, hear!

The Hon. I. G. MEDCALF: The article does a grave disservice to the institution of Parliament, and I do not regard either as a proper news report or fair comment.

THE HON. P. H. WELLS (North Metropolitan) [8.31 p.m.]: Before the Attorney remarked about the article written by Mr Norman Taylor, I had intended to raise the matter on the adjournment.

The article shows that Norman Taylor does not have one iota of an idea of the role of a member of Parliament. From the article it could be inferred that a member of Parliament's job starts and finishes in his particular House. But I would draw an analogy with that incorrect statement by saying that the amount of time Norman Taylor has spent on journalism is about the same time as it will take me to complete my speech tonight.

The Attorney referred to a member's responsibility to research legislation proposed by the Government, and I believe quite strongly that the resources available to a member are not sufficient to provide him with the opportunity to carry out that responsibility adequately, a responsibility the community expects him to carry out. However, members do their best to try to do the job expected of them. This House not only reviews legislation, but also carries out many other functions. A house builder cannot be said to be someone who merely hands over a house for someone else to move into; it takes a long time to plan and build a house, and so it takes a long time to prepare and review legislation coming before this House. Members must spend a great deal of time on committees, not only committees referring to legislation, but also committees referring to points of view of members of the community and other matters of interest to members of Parliament.

On a number of occasions this week I met members of Parliament, and certainly members of the Opposition, while they were carrying out their responsibilities in regard to the Poverty Week functions. They were at the Trades and Labor Council building, and community centres, discussing a whole range of issues, including housing and others of vital concern to members of the community. Members have a responsibility to listen to what is happening in the community.

A member must consider not only legislation before the Parliament, but also legislation he believes should be introduced, or already on the books. Constituency inquiries place a great demand on members, and those inquiries relate to the whole range of matters from town planning to welfare. Many constituents believe we have more resources available than we actually have. I remember well a letter I received from a woman annoyed by correspondence she inadvertently received addressed to her husband who had passed on. She said that with all the resources the Government had available it should not have made such a mistake, and I nearly then and there phoned her to invite her to see my office and to inspect the resources at my disposal with which I am supposed to do my job properly.

I am sure other members are placed in the position of receiving community requests to attend certain functions, and quite often I find on a particular evening I have been asked to attend two or three functions.

When people compare the work of the Legislative Council with that of the Legislative Assembly they take no consideration of the number of members in each House. Figures reveal that this House spends more time sitting after midnight than does the other. In 1981 the Legislative Council sat after midnight on seven occasions and the Legislative Assembly sat on only six. During the previous year the Legislative Council sat after midnight on three times as many occasions as did the Legislative Assembly. I do not believe sitting times are a measure of a Parliament's performance, but the people who do will find that the members in this House spend on average, proportioning its number of members to that in the Legislative Assembly, one hour more in this House than Assembly members spend in their House. When one considers the time available to a member of this House to discuss legislation before the House, one must realise that this House pulls its weight.

Mr Taylor's article did a great disservice to the Parliament, and every member in it. The article perpetuates the idea within the community that members do nothing but attend the Parliament for a short period of a few days a year. Such an idea is totally incorrect, and it is about time experienced journalists like Mr Taylor spent one day with a member to see exactly what he does.

THE HON. GARRY KELLY (South Metropolitan) [8.36 p.m.]: Further to the matter raised by the Attorney General and the Hon. Peter Wells I will refer not to the actual work a member does, but to the point Mr Taylor tried to make, and that related to the efficiency of the Parliament. I have been a member only since March of this year, but during that brief period I reached the conclusion that the sitting time of the Parliament could be used much better. The procedures of the Parliament could be improved; the committee system could be expanded so that the time of a member of either House would be put to greater use.

The Hon. P. G. Pendal: That's cheap; your leader has spent six months decrying that.

The Hon. GARRY KELLY: The Attorney General said the article cast aspersions on members of Parliament and did a disservice to the Parliament. If the argument that it did a disservice to the Parliament is accepted, and I do not necessarily agree with that argument, it must be accepted that such a disservice pales into insignificance when compared with the travesty of democracy this place represents.

The Hon. P. G. Pendal: Why don't you resign?

The Hon. GARRY KELLY: This House is elected on gerrymandered boundaries.

Government members interjected.

The Hon. Peter Dowding: It hurts you to hear the truth.

The Hon. GARRY KELLY: This House does not review legislation.

The Hon. P. H. Wells: Are you serious?

The Hon. GARRY KELLY: It does not review legislation. Since 1974 this Government has not rejected one piece of legislation, but when the Tonkin Labor Government was in power this House rejected 21 pieces of legislation.

Government members interjected.

The PRESIDENT: Order!

The Hon. GARRY KELLY: As I said, in my maiden speech, this House is a rubber stamp for Liberal Governments and a brick wall for Labor Governments.

The Hon. Peter Dowding: Dead right.

Government members interjected.

The PRESIDENT: Order! Order! I would like honourable members to cease their interjections, and certainly I request members carrying on audible conversations in the Chamber to cease doing so in order that we can hear the member legitimately addressing the Chair.

The Hon. GARRY KELLY: The Hon. Peter Wells referred to the number of occasions on which this House has sat after midnight. At the beginning of the last two sessions I have been astounded by the adjournment of this House at 5.15 or 5.45 in the evening, and at the end of these sessions its sitting until two or three in the morning to debate quite a number of Bills, often as many as seven, eight, or nine. Does that represent good management and efficiency in reviewing legislation? The Parliament, and in particular this House, cannot seriously and judiciously consider items of legislation at such early hours of the morning. Many members were feeling very tired; a few even went to sleep.

The Hon. I. G. Pratt: Don't they do that in a Labor Government?

The Hon. GARRY KELLY: I cannot say whether they do or do not.

The Hon. I. G. Pratt: Does it mean you are afraid of a bit of work?

The Hon. GARRY KELLY: The number of times this House sat after midnight is an indication of an inefficiently-run Parliament; it displays the amount of work done in this House. Surely, if the business of Parliament can be arranged so that we get home at a reasonable

hour, we might be able to consider the legislation that comes before us in a better frame of mind when we are not so tired.

Getting back to the point about the article in the newspaper, which, allegedly, was a disservice to the Parliament, if we had some serious parliamentary reform in this country, and in this State in particular, where the Parliament was democratic, fair, and based on equal boundaries so that every citizen's vote in this State had the same value and where a person lived did not matter, and this Chamber accurately reflected the voting intentions of the citizens of this State, perhaps we might have reason to quibble with an article criticising this House and/or its members. It is a case of the pot calling the kettle black. This House is part of a toy Parliament.

The Hon. P. G. Pendal: And you are the right sort of kid to be here.

The Hon. P. H. Lockyer: If you don't like it, you should leave.

The Hon. P. G. Pendal: He should resign.

The Hon. P. H. Lockyer: I reckon so.

The Hon. Peter Dowding: If he did not have to listen to your innuendoes, he probably would not want to.

The Hon. GARRY KELLY: I must be striking a nerve.

The Hon. Peter Dowding: You certainly are.

The Hon. GARRY KELLY: The conservative parties have held a consistent majority in this House since responsible Government and have never looked like being challenged seriously. They have never been able to be challenged. The Labor Party has been in office roughly half that time.

The Hon. Peter Dowding: Mr Lockyer, with 6 000 electors and an electorate smaller than mine—

The Hon. P. H. Lockyer: It is half the size of yours, Mr Dowding. You misled Parliament once before on that.

The PRESIDENT: Order!

The Hon. P. H. Lockyer: You are used to telling lies.

The Hon. GARRY KELLY: If Government members stopped throwing mud at other members for criticising Parliament and instituted democratic reforms, perhaps we could criticise journalists for making such comments.

The Hon. Peter Dowding: Hear, hear! Well said.

Question put and passed.

House adjourned at 8.43 p.m.

QUESTIONS ON NOTICE

RAILWAYS

Track Crew: Deaths

333. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

In *The West Australian* of 1 July 1982, under the heading "Coroner: Lack of radio link killed 4", the Coroner is reported as saying, "For a modest cost each track crew could be supplied with a vehicle fitted with an appropriate radio and amplifier". In view of the Coroner's comments, will the Minister advise—

(a) whether the suggestion of the Coroner will be implemented by Westrail;

(b) if so—

(i) when will the programme of implementation be commenced; and

(ii) when will it be completed;

(c) if it is not to be implemented, why not; and

(d) whether any additional safety measures are to be taken to ensure a similar tragedy does not occur again?

The Hon. G. E. MASTERS replied:

It is noted the member has associated his questions with the bad case of misreporting. The Coroner's finding did not state that the lack of radio caused the deaths of the four men.

The answer to the member's question is—

(a) to (c) Westrail has a continuing programme of fitting radio to gang vehicles in areas where full radio coverage exists. Of the 40 vehicles involved, 30 have been fitted with radio and the remaining 10 are programmed for progressive fitting by the end of November. However, radio, which is not totally reliable, is seen to be a valuable communication aid but one which should not override the basic safe-working instructions.

(d) Westrail considers that the essential factor in the safety of railway track-workers is compliance with the safe-working rules which have been proved in practice and which demand strict observance by personnel for their own protection. It is when human failure occurs in nonobservance of the rules that accidents can occur.

Westrail has reinstructed its supervisors and workers that safe-working rules must be enforced and observed rigidly.

Further measures will depend on the outcome of Westrail's examination of the Coroner's report and its internal inquiries.

HEALTH: TOBACCO

Smoking: Busselton Study

334. The Hon. J. M. BERINSON, to the Minister representing the Minister for Education:

(1) Has the Minister's attention been drawn to the study reported in *The Medical Journal of Australia* of 30 May 1981, which concludes from a study in Busselton that an immediate reduction in smoking habits was sustained for 12 months among school children after an antismoking programme consisting of six sessions?

(2) Is the programme referred to conducted in all schools and, if not, to what extent is it conducted?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) No, but there is an emphasis on the dangers of smoking in school-based health education programmes.

WASTE DISPOSAL: LIQUID

Hazelmere Lagoons

335. The Hon. LYLA ELLIOTT, to the Minister representing the Minister for Health:

With reference to the proposal to use the Hazelmere lagoons for the disposal of liquid waste—

(1) Is the Government aware of the strong opposition to this proposal by the Shire of Mundaring and the residents of Helena Valley, Boya, Darlington, Hazelmere and Guildford?

(2) Is the Government aware also that a petition signed by 648 residents of the Shire of Swan was presented to that Council in April opposing the proposal?

(3) Has the Public Health Department conducted investigations into—

(a) possible dangers to the environment, for example contamination of ground water;

(b) alternative sites; and

(c) alternative methods of disposal of liquid waste?

(4) If so, what were the results of the investigations?

(5) Has the Government yet made a firm decision on the use of the Hazelmere lagoons?

The Hon. R. G. PIKE replied:

(1) Yes.

(2) Yes.

(3) (a) No. Investigations of this nature were not commenced following the decisions in answer to question (4), but the results of previous operations of lagoons by the abattoirs were taken into consideration and showed no cause for concern;

(b) yes;

(c) yes.

(4) Reference (3) (a)—not applicable.
Reference (3) (b)—the Canning liquid waste disposal site operated by the City of Canning might be a satisfactory solution. Further detailed examination in association with the City of Canning confirmed this.
Reference (3) (c)—the waste exchange system operated by the Public Health Department is proving very successful. The only other alternative is an appropriately designed treatment plant using the facilities of Hazelmere, but the Minister for Health can give an assurance that there is no intention to utilise the lagoons there in the short term.

(5) No.

ELECTORAL: ELECTORS

Failure to Vote

336. The Hon. GARRY KELLY, to the Chief Secretary:

What penalty is imposed on an elector who fails to vote at a State election, and who does not respond to the correspondence of the Electoral Department's dealing with the elector's failure to vote?

The Hon. R. G. PIKE replied:

The member is recommended to read section 156 of the Electoral Act and specifically subsections (15) and (16).

In simple terms, these provisions require the Chief Electoral Officer to remove the name of the elector from the roll. If it can be proved that the elector received the prescribed notice and failed to fill out and post it, he could on conviction before a court be liable to a penalty not exceeding $20.

STOCK: CATTLE

Lake Gregory

337. The Hon. LYLA ELLIOTT, to the Minister representing the Premier:

With reference to the Press report of 31 July 1982 in *The West Australian* concerning 700 cattle stranded and starving on an island in Lake Gregory—

(1) In view of—

(a) the importance of these cattle to the local Aboriginal communities who own them;

(b) the suffering of the animals if left to starve;

(c) the Government's assistance to other rural industries in times of drought and other hardship; and

(d) the Government's generous assistance to the ill-fated Camballin project;

will he order that immediate relief be provided in the Lake Gregory situation at the Government's expense?

(2) If not, will he agree that the Government meet part of the expense involved?

(3) If so, how much?

The Hon. I. G. MEDCALF replied:

(1) to (3) Newspaper reports referring to stranded cattle were inaccurate, as it is understood that the owners, the Tjurabalan Pastoral Company Pty. Ltd., had been attending to the feeding of the cattle. At the company's request the Government authorised the State Emergency Service to assist it by boating food to the stranded animals, and a boat and trailer have been provided for this purpose. Transport of this equipment to the site has been arranged at Government expense. It must be borne in mind that the Tjurabalan Pastoral Company is a commercial concern and that this is determining the decisions it is making in relation to the stranded cattle.

Senior Government officers are monitoring the situation and, should further specific requests for assistance be received, they will receive immediate consideration within the constraints imposed by the economics of the situation.

RAILWAYS: SERVICES

Cessation

338. The Hon. FRED McKENZIE, to the Minister representing the Minister for Transport:

(1) Is Westrail giving any consideration to the cessation or partial cessation of rail services on any of the existing lines currently being operated on a permanent or seasonal basis?

(2) If so, would he provide details?

The Hon. G. E. MASTERS replied:

(1) and (2) A submission has just been made by Westrail to the Deputy Premier and Minister for Transport concerning the Bowelling-Wagin line, a section of which was affected by washaways earlier this year, and which has not been repaired pending an evaluation of the options available for handling traffic usually carried over the line. No consideration has been given to the submission at this stage.

The Minister has given a commitment to local people on this question and will be inspecting the area and consulting further on the matter.

The Commissioner of Transport will also report to the Minister on the likely effects on users and the transport system generally, of the various options available.

MINISTER OF THE CROWN: MINISTER FOR RECREATION

Newspaper Advertisements: Photograph

339. The Hon. LYLA ELLIOTT, to the Minister for Recreation:

(1) How many paid advertisements have been inserted in newspapers and other publications by the State Department for Youth, Sport and Recreation containing photographs of the Minister for Recreation?

(2) What are the names of the newspapers and publications concerned?

(3) What is the total cost to date of the advertisements?

(4) How many more of these or similar advertisements is it intended to publish?

(5) What is the estimated cost?

(6) Did the Minister issue an instruction or request that his photograph be included in these advertisements?

(7) If not, who was responsible for such decision?

The Hon. R. G. PIKE replied:

(1) Photographs of the Minister for Recreation have appeared in 21 paid advertisements out of 42 inserted to promote new inititatives or extended programmes.

(2) *The West Australian*
Daily News
The Western Mail
The Sunday Times

(3) Total cost of these advertisements to date is $10 998.80. It is to be noted that the department underspent the 1981-82 budget by $87 056.

(4) and (5) Not known.

(6) Yes.

(7) Not applicable.
The member obviously cannot add up.

"WESTERN AUSTRALIAN YEAR BOOK"

Changes

340. The Hon. PETER DOWDING, to the Minister representing the Premier:

(1) Were changes made to the *Western Australian Year Book* of 1982 by the insertion of the new first chapter?

(2) At whose suggestion or request were those changes, if any, made?

(3) Did the Minister authorise these changes, and if not, who did?

(4) Are any further changes proposed in relation to similar matters in the next edition of the *Western Australian Year Book*?

The Hon. I. G. MEDCALF replied:

(1) A new section entitled "Aborigines Prior to European Settlement" was included in chapter one of the *Western Australian Year Book* of 1982.

(2) The contents of the year book are the prerogative of the statistician.

(3) No; see answer to (2).

(4) The statistician intends that chapter 1 of the 1983 edition of the *Western Australian Year Book* will take the form of an article on Aboriginal history and culture in Western Australia.

EDUCATION: ABORIGINES

Language Instruction

341. The Hon. PETER DOWDING, to the Minister representing the Minister for Education:

(1) How many Education Department schools offer teaching in or a course in any Aboriginal language?

(2) Which schools, if any, offer such courses?

The Hon. R. G. PIKE replied:

I am advised as follows—

(1) and (2) The WA Education Department makes provision for opportunities for continuation of the traditional Aboriginal school-aged child's first language not so much by actual instruction in the vernacular, as by the employment of vernacular-speaking Aboriginal teacher aides, who are appointed mainly to schools in areas where the Aboriginal traditional culture is dominant.

An essential part of the teacher aide's role pertains to interaction with Aboriginal children, so as to offer frequent opportunities for the vernacular to be spoken in the school setting, as well as the gradual introduction of English in order to achieve a natural bilingual competence in these children.
Activities similar to those described above occur in the following schools—

Warburton Range
Wingellina
Blackstone
Warakurna
Looma
Christmas Creek
Cundeelee
Fitzroy Crossing
Halls Creek
Jigalong
Kalumburu.
La Grange
One Arm Point
Yandeeyarra
Oombulgurri
Balgo Hills.

ELECTORAL: ROLLS

North Province: Voting Statistics

342. The Hon. PETER DOWDING, to the Chief Secretary:

(1) How many voters on the electoral roll for the North Province by-election are recorded as not having voted?
(2) How many persons on the by-election day were enrolled for the North Province?

The Hon. R. G. PIKE replied:

(1) 8 110.
(2) A detailed count was not undertaken, and as the cards are now dispersed for processing this is no longer practicable.

HOSPITAL

Roebourne

343. The Hon. PETER DOWDING, to the Minister representing the Minister for Health:

(1) When will renovations and alterations to the Roebourne Hospital be commenced?
(2) When will those renovations and alterations be completed?
(3) What services will be available at the hospital on the completion of the work?
(4) What services which have been available for the last three years at the hospital, will no longer be available there at the completion of the work?

The Hon. R. G. PIKE replied:

(1) and (2) It is anticipated that the Roebourne Hospital renovations will be commenced early in 1983 and completed in the 1982-83 financial year.

(3) and (4) All services, as presently available, will continue, except that laundry and sterile goods supplies will be supplied from the Wickham Hospital in the interest of economy and efficiency.

INDUSTRIAL DISPUTE

Redbank Power Station

344. The Hon. PETER DOWDING, to the Minister for Labour and Industry:

(1) Is the Minister aware of the reason for the industrial dispute at the Redbank power station in Port Hedland?
(2) Will the Minister give the reason for that industrial dispute?
(3) Is the Minister aware of the complaints raised by the union concerned, and will the Minister state what those complaints are?

The Hon. G. E. MASTERS replied:

(1) Yes.

(2) The first part of the dispute arose on Wednesday, 28 July 1982, and ended on 29 July 1982. The strike by members of the Amalgamated Metal Workers and Shipwrights Union—AMWSU—was over the union's objection to the State Energy Commission—SEC—having the right to assess the performance of its employees.
Following discussions during the strike period, it was agreed that the matter be discussed further on 6 August 1982, and the strike ended.

However, during the first part of the dispute, an AMWSU shop steward had directed a fitter to use an SEC vehicle against the expressed instructions of SEC management. This refusal to follow management instructions resulted, on 30 July, 1982, in the dismissal of the shop steward and suspension of the fitter concerned in the incident, which resulted in the second part of the dispute. The AMWSU employees went on strike on 30 July 1982, over the dismissal and suspension and they were joined by members of the Electrical Trades Union on 2 August 1982. Members of the Federated Engine Drivers and Firemen's Union are reporting for duty but are refusing to cross the picket line and are not being paid any wages by the SEC. A compulsory conference before the Western Australian Industrial Commission was held on 5 August 1982.

On 9 August, the Industrial Commission ordered a return to work and removal of their picket lines. The men have refused to comply with that order.

(3) Other than the matters raised in answers to (1) and (2) above, no other complaints have been made.

PASTORAL LEASE: NOONKANBAH STATION

Building Contractors: Alcohol

345. The Hon. PETER DOWDING, to the Minister representing the Premier:

(1) Did the Premier say that the Noonkanbah community could not expect a condition to be written into the contract for the building of their housing village, that contractors took only a limited amount of alcohol onto the Noonkanbah community land and consumed that alcohol only in a specific area?

(2) If so, why did the Premier say this, and why will the State Government not insist on a condition being written into the contract, as requested by the Noonkanbah community?

The Hon. I. G. MEDCALF replied:

(1) and (2) The Government respects the wishes of the Noonkanbah community which prohibits its members from bringing alcohol into the pastoral lease. Because of the community's anti-alcohol policy, the Premier has stated that the Government will do everything possible to preclude alcohol from being taken in, and would endeavour to select a construction work force which would fully respect the community's wishes.

The Government's view, however well-intentioned, was that such an agreement could easily have been broken by any person without the Government's knowledge. Obviously we could not sign an agreement we believed could not be properly enforced.

The State Housing Commission has already built five villages for Aborigines in the West Kimberley under informal arrangements with different communities.

These arrangements have included the permission of those communities for construction personnel to drink alcohol in their living quarters on site, outside working hours.

There have been no problems with these projects.

Mutual trust and understanding on both sides has led to the successful completion of new villages at One Arm Point, Looma, Junjaway, Go Go and Christmas Creek.

CONSERVATION AND THE ENVIRONMENT

Broome

346. The Hon. PETER DOWDING, to the Minister representing the Minister for Conservation and the Environment:

(1) Is the Minister aware of substantial environmental damage to the sandhill next to the Camballin grain terminal near Broome jetty?

(2) Is the Minister aware of the efforts to repair this environmental damage?

(3) Will the Minister report as to whether the repair work has been completed satisfactorily, and if not, what further work is proposed?

The Hon. G. E. MASTERS replied:

(1) The Minister is aware that some problems with stablisation have occurred during construction of the grain terminal near Broome jetty.

(2) Yes.

(3) The grain terminal and associated works are the responsibility of the Minister for Works. The Minister for Lands is satisfied with the stabilisation and rehabilitation that has been carried out to date.

BRIDGES

Duck and House Creeks

347. The Hon. PETER DOWDING, to the Minister representing the Minister for Transport:

With reference to Main Roads Department contract No. 118/81 for the construction of bridges over Duck and House Creeks on the Nanutarra-Wittenoom Road, can the Minister advise—

(1) On what date was the contract let?

(2) On what date were the contract documents signed?

(3) On what date was the complaint received from Slipform Constructions that it had not been awarded the contract when its quotation was $26 000 less than that of the successful tenderer, Bocol Constructions?

(4) Why was the tender granted to Bocol Constructions in preference to the lower tender submitted by Slipform Constructions?

The Hon. G. E. MASTERS replied:

(1) The Minister for Transport approved the acceptance of Bocal Constructions' tender on 4 June 1982.

The contract was formally awarded to Bocal Constructions in a letter of acceptance from the Main Roads Department on 16 June 1982.

(2) 21 July 1982. However a contract existed between the Main Roads Department and Bocal Constructions as from 16 June 1982.

(3) 15 June 1982.

(4) The lodging of tender documents no later than the advertised closing time is a strict requirement of normal tendering. Tenderers are advised that if tenders are sent by post they shall be posted early enough to ensure their delivery prior to closing time. However, in practice a telegram stating the tender price may be sent and consideration given to acceptance of the tender subject to evidence being available that tender documents were posted prior to the tender closing time.

In the case of Slipform Constructions telegraphic advice of its tender price was received on time, but tender documents received by the Main Roads Department on 14 May were lodged with Ansett Air Freight on 13 May, two days after the tender closing date of 11 May, 1982. The documents were unsigned and were deficient in other aspects including the omission of information specifically requested in regard to proposed construction methods. Under the above circumstances it would have been unfair to other tenderers for consideration to be given to the acceptance of Slipform Constructions' tender.

QUESTIONS WITHOUT NOTICE

PREVENTION OF CRUELTY TO ANIMALS ACT

Amendment

79. The Hon LYLA ELLIOTT, to the Chief Secretary:

(1) Is it intended to introduce amendments to the Prevention of Cruelty to Animals Act during this session of Parliament?

(2) If not, when does the Government intend to introduce the amending legislation?

The Hon. R. G. PIKE replied:

(1) and (2) At present a committee is engaged in studying further recommendations in regard to the Act and pending that determination, I am not in a position to state whether legislation will be introduced during this session or a later session of Parliament.

The Government is aware of the problems and the necessity for amendments to the Act and these will be dealt with as quickly as possible.

CRIMINAL CODE

Murray Report

80. The Hon. J. M. BERINSON,[4] to the Attorney General:

Can the Attorney General indicate an approximate timetable for the release of the Murray report and the introduction of the new Criminal Code which he has previously foreshadowed?

The Hon. I. G. MEDCALF replied:

The Murray report and a review of the Criminal Code have been prepared, as a result of the Government's 1980 election promise. From inception, it was an ambitious and lengthy programme.

It has taken the best part of three years for the report to be prepared and it has been completed, so far as Mr Murray is concerned; but, at his request it has been submitted to an expert committee so that it may be evaluated in detail. This is to make sure that all particulars are correct before the report's general release.

I hope the report will be released within the next couple of months. I cannot make any firm indication as to when this will be because I am in the hands of the expert committee. It is my intention to release the Murray report for public consideration when it comes to me in its final form. Because of the size of the report, it will be open to lengthy consideration by the public. The report comprises two substantial volumes and members will appreciate why when they contemplate the entirety of the Criminal Code.

I cannot say when a new Criminal Code will be introduced but I have already indicated there will be ample opportunity for the report to be throroughly examined by members of the public, professional groups, and others within the community interested in criminology. I do not anticipate any legislation in less than 12 months.

PRISONS

Douglas Ross Thomas: Parole

81. The Hon. J. M. BERINSON, to the Attorney General:

I refer to the Attorney General's statement that he has called for a full report of the situation in which parole was granted to Douglas Ross Thomas, a seven times rapist. When the Attorney General has received the report and has had an opportunity to consider it, will he in turn report to the House his conclusions and action, if any, arising from this case?

The Hon. I. G. MEDCALF replied:

Yes, I have no objection to doing that.

EMPLOYMENT AND UNEMPLOYMENT

Retrenchments

82. The Hon. D. K. DANS, to the Minister for Labour and Industry:

Will the Minister verify that his department is presently monitoring retrenchments which are occurring in industries in Western Australia? Is the Government aware of the extent to which retrenchments have been occurring during the 1980s.

The Hon. G. E. MASTERS replied:

The department is monitoring, and continues to monitor, retrenchments, and employment and unemployment figures. If the member is suggesting that the Government is concerned, it is aware of and concerned about the matter, as any Government would be. We are applying ourselves to those figures and have been carrying out programmes for retraining and re-employment, where possible, particularly in the apprenticeship areas.

EMPLOYMENT AND UNEMPLOYMENT

Retrenchments

83. The Hon. D. K. DANS, to the Minister for Labour and Industry:

My question is supplementary to my previous question: Will the Minister supply this Parliament with whatever information he is obtaining?

The Hon. G. E. MASTERS replied:

I will endeavour to supply the member, and this House, with the figures we have available in regard to retrenchments and the like, which do not concern any confidentiality. That was a point I made earlier in reply to a question of the Leader of the Opposition approximately three days ago. I did give an assurance

that I would make available all figures possible, and that assurance still stands.

EMPLOYMENT AND UNEMPLOYMENT

State Manpower Planning Committee

84. The Hon. D. K. DANS, to the Minister for Labour and Industry:

Can the Minister tell the House why outdated demand projections were used in the most recent manpower study—the manpower planning study?

The Hon. G. E. MASTERS replied:

The figures are being prepared for presentation, but I have not viewed that report. The figures which have been used by the Leader of the Opposition in another place, and probably by the Hon. Des Dans, would have been gained from somewhere, but I am not prepared to say how they were probably gained and I will not hazard a guess.

The planning committee membership is well known, including employer organisations and the TLC.

If the Hon. Des Dans is saying the figures supplied to his leader are out of date, I have yet to receive them.

EMPLOYMENT AND UNEMPLOYMENT

State Manpower Planning Committee

85. The Hon. D. K. DANS, to the Minister for Labour and Industry:

The figures were supplied to me quite legitimately, and I have seen a report of them in the Press. I do not think anyone stole them. Will the Minister tell the House whether he has read the report—the "State Manpower Planning Study, March 1982"?

The Hon. G. E. MASTERS replied:

I have not read that report. As I understand it, it is not in my office and I have not seen it.

HOUSING: BUILDING SOCIETIES

Borrowings

86. The Hon. FRED McKENZIE, to the Minister representing the Minister for Housing:

Referring to the proposed legislation which will allow permanent building societies to borrow overseas to replenish their funds in tight liquidity situations, will the Minister advise—

(1) (a) Whether similar legislation exists in other States of Australia;
(b) if so, where?
(2) (a) Is the 10 per cent liquidity ratio for building societies required by Statute considered to be inadequate;
(b) if so, does the Government intend to increase it;
(c) if not, why is the proposed legislation to borrow overseas necessary?
(3) (a) Has the approval of the Federal Treasurer, the Reserve Bank or the Australian Government been sought for the legislation;
(b) if not, why not?

The Hon. R. G. PIKE replied:

(1) (a) and (b) With the exception of Victoria and Western Australia, all other State Acts are silent on the matter and would therefore not require amending legislation.
(2) (a) No;
(b) not applicable;
(c) the proposed legislation will allow societies to broaden their liquidity base and in times where abnormal ecomonic conditions cause heavy withdrawals the societies will no longer have to rely only on the domestic financial markets for their standby facilities.
(3) (a) No;
(b) not required.