

# Legislative Council

Wednesday, 21 April 1982

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

## QUESTIONS

Questions on notice were taken at this stage.

The PRESIDENT: Are there any questions without notice?

## OFF-SHORE (APPLICATION OF LAWS) BILL

### *Introduction and First Reading*

Bill introduced, on motion by the Hon. I. G. Medcalf (Attorney General), and read a first time.

## QUESTIONS WITHOUT NOTICE

### *Point of Order*

The Hon. H. W. GAYFER: On a point of order, Sir, did you call for questions without notice?

The PRESIDENT: Yes, I did.

## GOVERNMENT AGENCIES STANDING COMMITTEE

### *Membership*

THE HON. I. G. MEDCALF (Metropolitan—Leader of the House) [4.58 p.m.]: I move—

That pursuant to Standing Order 38 the following members be elected to the Standing Committee on Government Agencies for the remainder of the current Session—the Hons. P. G. Pandal, R. J. L. Williams, N. F. Moore, N. E. Baxter, J. M. Berinson and R. Hetherington.

In moving the motion, I desire to inform members, for the sake of the record, that, when giving notice of this motion yesterday, I referred to paragraph 2(g) of Standing Order No. 38, whereas I am advised that I need have referred only to Standing Order No. 38, without reference to the paragraph. This has now been corrected in the motion which refers to Standing Order No. 38 only.

Question put and passed.

## CULTURAL AND RECREATIONAL FACILITIES

### *Inquiry by Select Committee: Motion*

THE HON. A. A. LEWIS (Lower Central) [5.01 p.m.]: I move—

That a Select Committee be appointed to inquire into all aspects of the cultural and recreational facilities available to the people of this State.

Members who have been in this House for some time would not say that this subject is a new one for me to take an interest in. I understand the Opposition supports the appointment of the proposed committee.

The objectives of the Select Committee would be to consider the total situation in regard to facilities available for cultural and sporting activities for the people of this State. The committee should study the liaison between people involved in recreational activities and people involved in cultural affairs. Potters usually start out doing pottery as a hobby and go on to so-called art, and some of them take on fine art such as sculpturing. Many people in this State who learn painting carry it on as a hobby, and some graduate to become artists of great renown.

With the Chief Secretary now having control of the Department of Youth, Sport and Recreation and being responsible for cultural affairs, he is left in the position of being the first Minister to have a great deal of time to put into these matters, because these portfolios have been attached to that of education. I am sure the present incumbent of the position is doing and will do a good job. He has started already to move in some significant new directions. With the benefit of the proposed committee he would receive more ideas that could lead to advantages to the people of this State.

I must be careful in making these remarks. When I sat on a certain Select Committee, witnesses came before that committee and said, "But you said in your introductory speech so-and-so and so-and-so." I can say now that opinions throughout the State vary to a great degree on how sporting funds should be allocated and how sporting bodies should be run. Opinions vary between the elitist belief that the majority of finances should be provided for rubberised tracks and so on that champions need, to the view that sporting facilities should be available for our children and the children of our friends so that those children can participate in sporting activities without the pressure to perform at the high level of championship standards.

Sir, these subjects are the ones I believe a committee of the type I have suggested should consider. Its members should involve themselves in considering new ideas in regard to, say, cultural facilities and the funding provided for such facilities. I congratulate the Chief Secretary on taking new initiatives in that area. Such funding was reserved for two or three major towns, but he has broken from the bond so that the regions of our State can be identified by their cultural activities. Possibly this concept can be taken further. Personally I believe it can be taken further and that no reason is available to indicate that country areas or, in fact, certain suburbs of the metropolitan area, should be deprived of the chance to witness plays, ballets, etc., with a minimum of Government financial input.

It would be such a committee's duty to consider where cultural facilities in the city are provided. One of my friends said, "Culture is a little bit like manure; in a heap it stinks, but when spread out it does a lot of good." I am beginning to believe that in this fair city of ours we have placed all our cultural eggs in the one basket—in one area. Such a placement may be good, and perhaps people in the north and south of the city should go to the centre of the city to enjoy certain cultural activities; but certainly these sorts of things should be considered by a committee.

The Festival of Perth should be considered because possibly it is becoming a little elitist. I have asked friends how many functions they have attended at the Festival of Perth, and they have said, "We saw nothing in the programme we liked." Possibly the festival is controlled wrongly, or it is being held too often.

The Hon. J. M. Brown: Are they getting enough funds?

The Hon. A. A. LEWIS: That could be the answer, but such things should be considered by a committee. Should the Festival of Perth be held every second year in line with the Adelaide Festival of Arts so that overseas artists could come to both festivals at approximately the same time?

The Hon. R. J. L. Williams: That is a very sensible idea.

The Hon. A. A. LEWIS: In that way we could almost halve certain costs. We could not have one administrator, but there could be co-operation in bringing acts such as orchestras, etc., to both States. Such things should be considered by a committee.

The Hon. J. M. Brown: You could also determine where they do get their funds for the Festival of Perth.

The Hon. A. A. LEWIS: If the member looks at the Budget he will find where a fair bit of the funding comes from.

The Hon. J. M. Brown: Not all of it.

The Hon. A. A. LEWIS: Not all of it is provided by the Government. One wonders whether the Government needs to fund the festival at all. If the festival is popular and has common support why should the Government need to provide funds? Governments have provided funds for the Entertainment Centre and the Concert Hall, so why should the Government need to provide funds each year to put on shows? Why should not the paying public pay for those performances?

The Hon. Lyla Elliott: Do you think it would get greater public support if it were spread over the year rather than concentrated at the one time?

The Hon. A. A. LEWIS: The Hon. Lyla Elliott could well be right.

The Hon. Lyla Elliott: There is too much at the one time.

The Hon. A. A. LEWIS: A committee should consider approaches that could be made to business enterprises.

The Hon. J. M. Berinson: I have never seen you so amenable to suggestions.

The Hon. I. G. Pratt: He is getting some sensible ones.

The Hon. A. A. LEWIS: I think Mr Berinson's remark was one of his better ones. There should be bi-partisan support of these considerations. We all have ideas about these matters. Some of mine are completely radical and I am sure they may shock the Minister, and others would shock Miss Elliott, although it is hard to shock Miss Elliott.

The Hon. Lyla Elliott: Nothing you could say would shock me.

The Hon. R. G. Pike: I do not think he is talking about saying it.

The Hon. A. A. LEWIS: I have asked, not of this Minister, about the ways funds have been allocated, and other such things, and I have received answers to the effect that South Australia has X-number more people than Western Australia handling the sorts of things of which I have spoken. Such answers are not appropriate, or acceptable to me, because South Australia may be inefficient in comparison with us. The total art and recreation scenes, and the total sporting scene as far as it comes within the ambit of the provision of facilities and help to clubs, etc., should be considered.

Members of this House would have numerous ideas to put forward, and the proposed committee would be a worth-while adjunct to the Minister, and would serve this State well. Therefore, I commend the motion to the House.

**THE HON. R. G. PIKE** (North Metropolitan—Minister for Cultural Affairs) [5.11 p.m.]: The Government supports the motion and is mindful of the fact that members of the Legislative Council, in this instance as a consequence of initiative taken by the Hon. Sandy Lewis, would be advantaged by the experience the Hon. Sandy Lewis has had in the fields mentioned in the motion for the appointment of a Select Committee to investigate matters concerning recreation and culture.

I repeat that the Government is mindful of the interest the honourable member has shown in these activities over a considerable period, and as the Minister responsible for these matters I look forward to working in co-operation with such a Select Committee once it is formed. I am certain its recommendations will be considered in great detail by the Government and me when they are brought down, which hopefully will not be in the distant future.

Question put and passed.

#### *Appointment of Select Committee*

**THE HON. A. A. LEWIS** (Lower Central) [5.13 p.m.]: I move—

That the Hons. P. H. Lockyer, R. T. Leeson, and the mover, be appointed to serve on the Committee.

#### *Point of Order*

The Hon. H. W. GAYFER: May we appoint a member in his absence?

The PRESIDENT: Yes.

#### *Debate Resumed*

Question put and passed.

**THE HON. A. A. LEWIS** (Lower Central) [5.14 p.m.]: I move—

That the Committee have power to call for persons, papers and documents and to adjourn from place to place; that the Committee may sit on days over which the Council stands adjourned; and that the report be presented to the House on Tuesday, 15 November 1982.

Question put and passed.

## **RACING AND TROTTING**

### *Inquiry by Select Committee: Motion*

**THE HON. N. E. BAXTER** (Central) [5.15 p.m.]: I move—

- (1) That a Select Committee of the Legislative Council be appointed to inquire as to the suitability of the present laws relating to Racing and Trotting in Western Australia, particularly:—
  - (a) whether the allocation of surplus TAB monies of 80 per cent each to the Club and the Association and 20 per cent each to Country Clubs, as provided in the Totalisator Agency Betting Board Act 1960-1970, and originally based on stakes paid, is a fair and justifiable allocation, or should the percentage be based on TAB investments engendered by each section;
  - (b) whether the *ad hoc* financial assistance rendered by the WATC and the WATA to Country Clubs in each sport is equitable and indicative of progress and financial stability in Country Racing and Trotting;
  - (c) whether control of horse racing as provided for in the present laws is satisfactory; and
  - (d) in event of the laws and *ad hoc* financial assistance being considered suitable or unsuitable in any respect, what changes, if any, should be made in the laws.
- (2) That in carrying out its functions the Committee give particular attention to:—

The Totalisator Agency Board Betting Act 1960-1970;

The Totalisator Duty Act 1905-1975;

The Totalisator Regulation Act 1912-1972;

The Betting Control Act 1954-1978;

The Western Australian Turf Club Act (Private) 1892;

The Western Australian Trotting Association Act 1946-1948;

The Racing Restriction Act 1917-1973;

The Racecourse Development Act 1976.

The terms of reference embodied in the motion set out quite clearly my reasons for moving this motion. For quite some time dissatisfaction has existed in horse racing circles with regard to both thoroughbred racing and trotting in this multi-million dollar industry in Western Australia. Certainly people in country racing circles are dissatisfied when they consider the situation in the city, and dissatisfaction exists also in the city racing circles. The Act governing racing is scant; in fact, its provisions relate only to fostering total control over racing by the Western Australian Turf Club, which leaves country turf clubs in the position of mendicancy in obtaining funds from the Western Australian Turf Club which is based in Perth and which allocates money by way of *ad hoc* handouts.

When I introduced this Bill, it was as a result of representations made to me by country clubs—both racing and trotting clubs. People in the city felt also that something should be done about the industry to ascertain whether the situation was satisfactory and consider, as the motion states, "the suitability of the present laws relating to racing and trotting in Western Australia. . .", and so on.

A small Act comprising only five sections covers racing in this State. The Racing Restriction Act covers the full control of racing, and subsection (2) of section 2 states—

(2) Subject as hereinafter provided, the number of race meetings to be held in the metropolitan area, inclusive of the race meetings of The Western Australian Turf Club, shall not exceed seventy-six in any year, and no license shall be issued by The Western Australian Turf Club in contravention of this section:

The Act restricts the number of meetings that can be held by the WA Turf Club to 76. At the moment the Turf Club is running 71 meetings a year. Last year it was proposed to reduce the Narrogin club from a provincial club to a country club and take four race meetings away from it and to use them as city meetings. That would increase the number of race meetings in the metropolitan area to 75 of the 76 allowed under the Act.

Members can imagine what will occur when we reach that stage, because the WA Turf Club will say it is getting close to the bone so it must go to the Government and see if it can have as many race meetings in the metropolitan area as will suit its purposes.

The eastern regional provincial circuit includes Northam, Toodyay, Beverley and Narrogin.

Several years ago that circuit lost 11 meetings which were transferred to metropolitan WATC meetings. Some handouts were received by way of subsidy for races in those areas; \$200 a race was paid. When races were held in Perth the amount was \$400 per race. That is a mere bagatelle out of the amount of money the WA Turf Club is receiving from the surplus of TAB funds.

This Act is a scant one because outside of those provisions there is nothing else that gives direction to the WA Turf Club. It gives the club utter control over racing in Western Australia.

Section 3 of the Act deals with the restriction on trotting and racing and section 5 of the Act is the interpretation, which deals with the Fremantle district, the metropolitan district, a racing meeting, and the definition of a "Year".

The Western Australian Trotting Association Act really handles the control of trotting in Western Australia. It contains some 16 sections and a number of schedules which deal with the control of trotting, etc.

This legislation was passed in 1946 and the Government has not seen fit to do anything similar to control thoroughbred racing in Western Australia. This has created a situation where one club has complete control, without any conditions, and another club has conditions attached to it. However, that is by the by because there are problems relating to the allocation of surplus TAB moneys.

I will have to relate the history of the TAB to explain how those problems arose.

When we passed the Totalisator Agency Board Betting Act in 1960, I was one of its greatest supporters. I had many a bitter argument with Gilbert Fraser, who was then the Chief Secretary, as to whether we should continue legalised bookmaking or whether we should have a system of betting on the totalisator.

I remember at one stage the Minister was talking about a horse called Raconteur which was racing in the Eastern States. I interjected and said that he was the greatest "Raconteur" of the lot. That broke the Minister up.

At that time there was no information available as to how TAB surpluses should be divided between the metropolitan area—the WA Turf Club—and the country clubs. A similar situation existed with trotting. The Government of the day decided the best way to solve this problem was to take the overall stakes being paid in the country and the city and allocate funds on a proportional basis according to the stakes.

In the case of racing, this worked out at about 25 per cent country and 75 per cent metropolitan area. For trotting it was 20 per cent for the country areas and 80 per cent for the metropolitan area.

It was proposed in the legislation that there would be a division of 80:20 between metropolitan and country for racing and 85:15 between metropolitan and country for trotting. However, that proposal was amended in another place to keep pace with the allocations, and both were based on the 80:20 system.

This occurred 22 years ago and a great deal of water has run under the bridge since then. Great advances have been made in the racing industry and a huge increase has occurred in the amount of money invested, particularly in country racing. Many people are prepared to run country races and the clubs have engendered great support. Many city people drive to the country to attend a race meeting. In those 22 years, percentages have changed and it is time we looked at this matter, through a committee, to ascertain whether changes should be made.

As my motion states, the committee could inquire into—

- (a) whether the allocation of surplus TAB monies of 80 per cent each to the Club and the Association and 20 per cent each to Country Clubs, as provided in the Totalisator Agency Betting Board Act, 1960-1970, and originally based on stakes paid, is a fair and justifiable allocation, or should the percentage be based on TAB investments engendered by each section;

This is something which should be decided by a committee on the basis of the evidence put forward by people involved in all sections of the racing and trotting industry. Anyone who wished to put forward his views in relation to the industry would have his information considered. I cannot see anything wrong with this because the committee would be the best body to decide the situation.

Three members would comprise the committee. The committee would decide—

- (b) whether the *ad hoc* financial assistance rendered by the WATC and the WATA to Country Clubs in each sport is equitable and indicative of progress and financial stability in Country Racing and Trotting;

I would like to point out the amounts of money which are involved in the distribution of TAB profits, because they are quite considerable. I will deal with racing first. The country investment on

the TAB in 1980-81 was approximately \$28 million and the metropolitan investment was approximately \$45 million. This creates a proportion of 28 to 73 of \$8 445 067.

If a club engenders investment I believe it should reap some of the benefits of its work. In 1980-81, under the 80:20 situation, the country clubs received an allocation of \$1 689 035. Under the 28:73 proportion they would have received \$3 239 325 out of \$8 445 067. So members can see that there is a difference of \$1 550 312. That is almost equal to the figure they received in the year.

Of course, the WA Turf Club received \$8 445 067, less \$1 689 035 for the year 1980-81, an amount of \$6 756 035.

In respect of trotting, the country investment on the TAB was approximately \$16 million and the metropolitan investment was \$26 million. That creates a proportion of 16:42 of \$5 630 047, but the country clubs received only \$1 126 009 under the 80:20 allocation. There is a large discrepancy of \$1 019 723 if the base of the allocation was the proportion of the investment engendered by the country clubs and the proportion engendered by the metropolitan area.

If we note those figures we see that in the case of trotting, country clubs are short changed by \$1 019 723. However, there is a good side coming in now. The WATC did advance in the way of racing subsidies, etc., the sum of \$800 000.

[Resolved: That motions be continued.]

The Hon. N. E. BAXTER: As I mentioned, just over \$800 000 is made available to assist country clubs but that would still leave a shortage of some \$700 000 if the money were split up on a fractional basis.

A similar position exists in relation to the trotting association. The country trotting clubs would receive an extra \$1 019 723 and as an amount of \$424 000 is allocated to the country clubs by the WATA, this leaves a difference of over \$600 000. If the country racing clubs were able to receive an additional amount of \$700 000, and the country trotting clubs were able to receive an additional amount of \$600 000, they would be in a position where they would not be faced with financial problems and having to go cap in hand to the Western Australian Turf Club and the Western Australian Trotting Association for money to run their clubs in a comfortable manner. There would be reasonably good stakes for both racing and trotting in the country areas and the clubs would progress far beyond what exists today.

If we look at the other side of the picture, a large amount of money is used in huge stakes for

classic events, such as the Perth Cup, the Railway Stakes, and the Western Australian and Australian Derbies. Imagine, this State with a population of 1.3 million being the venue for an Australian Derby's. Imagine, this State with a that the larger cities like Melbourne and Sydney would be far better venues. These cities are closer to New Zealand from where many owners bring their horses across the Tasman Sea to compete in an Australian Derby.

The money that is made available by the TAB should be split in a way different from that which is done at the present time in order that stakes in the country areas may be increased. The stakes should be increased in order to attain a higher level of racing. It costs a great deal of money to train a horse and the stakes at the present time do not make it worthwhile. These are the sorts of problems that should be investigated by the Select Committee that I propose. The WATA is in a position similar to that of the WATC in relation to its classic events, such as the Benson & Hedges Cup and the Interdominion Championships.

People involved in these sports want this matter investigated. When the Act was introduced the intention was not for the money to be used in the manner it is being used today. A Select Committee should study the guidelines which have been laid down and take evidence in order to decide what recommendations should be put forward. Part (1)(b) of my motion reads as follows—

- (b) whether the *ad hoc* financial assistance rendered by the WATC and the WATA to Country Clubs in each sport is equitable and indicative of progress and financial stability in Country Racing and Trotting;

I have included this in my motion because the country clubs—racing and trotting—need to go cap in hand to their respective associations to request subsidies. I have already mentioned the amounts that are involved. It is not appropriate that the administrators of the country racing and trotting clubs should have to go cap in hand to obtain *ad hoc* financial assistance. It makes it very difficult for these sporting organisations to plan ahead for each financial year. Part (1)(c) of the motion reads as follows—

- (c) whether control of horse racing as provided for in the present laws is satisfactory; and

The proposed committee could make recommendations in regard to the present laws.

Part (1)(d) states—

- (d) in event of the laws and *ad hoc* financial assistance being considered suitable or unsuitable...

The committee might consider the *ad hoc* financial assistance is suitable and could recommend that the present situation continue. My motion continues—

...in any respect, what changes, if any, should be made in the laws.

I suggest that the proposed committee could pay attention to all of the Acts covering thoroughbred racing and trotting in Western Australia.

In 1979 the Deputy Premier of Queensland, Dr Llew Edwards, conducted an inquiry into racing, trotting and betting generally in that State. Dr Edwards produced a report dated 21 March 1979 and in his introduction he said—

My conclusions on issues I consider to be fundamental have been reached following—

a close scrutiny of all written submissions made to date;

confidential and detailed discussion with many persons associated with racing in one form or another;

research into systems applied in other States of Australia and in certain overseas countries; and

a study of contemporary reports and documents on related racing matters that have been issued from time to time by Governments and other bodies.

A number of less important matters were raised during the investigation. Their non-inclusion in this paper does not imply they have been neglected. Many will be dealt with during the re-drafting of the Act.

Much work remains to be done before a new Racing and Betting Act becomes a reality but this work will flow smoothly and quickly following the settlement of the fundamental issues I have raised in this paper.

I will not go into the report in detail because it is rather lengthy. As a result of that report the Queensland Racing and Betting Act 1980 came into force. It is a comprehensive Act which covers all avenues of racing and betting in the horse racing, trotting and greyhound racing areas. I have perused this Act and I do not think we, in Western Australia, should go as far as the Queensland legislation. The whole matter hinges on whether this House considers there should be an inquiry into this multi-million dollar industry. The people in the industry are concerned and they

consider that an inquiry should be undertaken. The proposed committee's recommendations would be placed before the Government for consideration.

My proposal is clear cut and I have no preconceived ideas about it, nor do I have any phobia about it. I have been interested in racing all my life and I have probably attended more race meetings, both in the city and in the country, than any other member of Parliament. However, lately I spend more of my time attending country meetings. My interest has given me the opportunity to mix with those people interested in the sport and I have had many discussions with them.

I believe that the approaches that have been made to me from people in both the trotting and racing industry warrants my moving this motion and I trust that a committee will be formed to investigate this matter in the best interests of the racing people in Western Australia.

**THE HON. H. W. GAYFER (Central)** [5.43 p.m.]: I formally second the motion. I am sorry to cut across the bows of the Minister but I wish to second the proposition put forward by my colleague, the Hon. Norman Baxter, on two counts. Firstly, possibly I am more aware than anyone else in this House of the absolute sincerity of Mr Baxter's concern in this matter. This motion is a result of the mounting pressures we have both had from people in our areas over the last few months in particular, and certainly over the last few years. Secondly, because of the huge stakes required at the present time for racing in country areas, the country clubs have been placed in a position where they have had to provide new grandstands and upgrade the standard of the various facilities in order to entice people to their meetings.

Racing has become a tourist attraction in many of these country towns and I believe that some form of inquiry should be held in order to preserve these clubs. Not many people would know that York, for example, has the second oldest country racing track in the whole of Australia—not just Western Australia, but the whole of Australia. It is on this basis—the popularity, and close proximity to the city—that people are enticed to visit the racing and trotting tracks situated in the Avon Valley and also those that are spread in a semi-circle from Narrogin to Bunbury.

Any reduction in the race meetings in country towns to promote mid-week racing in the city is a blow to many of the towns which treat their racing fraternity as an example of people

doing something for the development of the town and the district. I refer, for example, to the Beverley club, which for many years ran its Remembrance Day race meeting on the first Tuesday in November as a highlight of the racing year. That date was lost to Beverley and returned to the metropolitan area some two or three years ago.

Last year or the year before we received many representations from country clubs which were frightened that further race days would be taken from them, to the maximum as provided under the racing Acts laid down in 1904—

The Hon. N. E. Baxter: The first Act was 1892.

The Hon. H. W. GAYFER: After that, the race meetings were regulated. We are reaching that stage of total regulation at present.

We have many reasons for asking for an inquiry into such matters. Perhaps somebody would ask, "If this is the situation, why wasn't something done before?" Eventually enough enthusiasm has to be generated to get something off the ground.

I received a letter on 20 March, which is pretty recent, and it would be fairly indicative of the type of letter I have received from many of the racing and trotting clubs in my area. I have chosen this letter only, although I have a heap of correspondence dealing with the Narrogin race club and others. This one is from the Williams Trotting Club (Inc.), and it reads as follows—

Dear Mr Gayfer,

The Williams Trotting Club is writing to you to put forward an objection to any amendment to the T.A.B. Act which would reduce the amount received by racing and trotting.

We have twenty Country Trotting Clubs in Western Australia and the reduction suggested by Mr Townsing in his report would mean a loss to country trotting of \$36,503.00.

Williams's share of this loss would be \$1,200.00.

We have only 7 meetings a year and if the Amendment is passed and we lost \$1,200.00 we would have to drop a meeting. If this happened it would be rather disastrous for us because under the present scheme of things Clubs must increase their stakes and hence the number of their meetings to earn an increase in T.A.B. distribution. The distribution is worked out on the basis of stakes paid in the previous season.

Apart from the hardship that this would cause to the Club there would be considerable hardship upon the breeders and trainers in the district some of whom are professional and semi-professional. A reduction in trotting and racing in Williams and other Country areas would have an effect on the Number of horses in work and going into work. The trainers and breeders would lose income and the whole industry would be set on a downward spiral.

We would like to point out to you that Trotting is a very popular sport and form of entertainment not only in this district, but throughout the Country. If we were to lose meetings and if smaller Clubs in the Great Southern such as Katanning were forced to close then there would be even less recreational facilities available to the public of the district.

Also many people have part-time employment with the Club when it is trotting such as gatekeepers, tote workers, bar attendants etc.

Many farmers in the district grow feed such as oats, hay and make chaff specifically for sale to racing and trotting trainers and owners. The livelihood of these people is at risk.

You should also consider the fact that Country Football will not benefit from this amendment, yet you would not hesitate to take money out of the country areas.

We would ask that you do all in your power to prevent any opening up of the T.A.B. Act because there are no advantages to the country and the move can only do harm as outlined above.

If there is any further information that you like to know please do not hesitate to contact us.

The secretary of that club is Mrs B. Storch.

I submit that letter to the Legislative Council because it shows the type of interest and feeling in many of the towns. That is apparent in Toodyay; Northam; York; Beverley; Narrogin; Geraldton, I am told; even right out to Trayning which holds about three meetings a year. Pingrup holds a small meeting once a year. Many towns hold small meetings, and they are affected by any change.

It is not just a matter of raising this subject to see whether something can be done. We have a genuine desire to see that the situation is fair and equitable, and in the interests of all communities

throughout the State. We have received support from diverse interests, and a lot of interest has emanated from communities right throughout the State.

For the reasons I have enumerated—Mr Baxter's knowledge of and sincere interest in the racing industry, and the representations that have been made to me personally—I support the motion.

Debate adjourned, on motion by the Hon. R. G. Pike (Chief Secretary).

## NOTICE OF MOTION

### *Withdrawal*

**THE HON. N. E. BAXTER** (Central) [5.53 p.m.]: I seek leave to withdraw notice of motion No. 5, because the Address-in-Reply has been completed.

Leave granted.

## CORONERS AMENDMENT BILL

### *Second Reading*

Debate resumed from 23 March.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [5.54 p.m.]: This Bill is designed to empower coroners to refer to trade or professional bodies the conduct of any person which has come to the attention of the coroner and which he believes to be questionable while short of criminal. The Opposition has no objection to this Bill, though I must confess to a certain lack of conviction that the legislation is necessary.

It might have helped the House—it certainly would have helped me—to have had greater detail from the Attorney General in certain respects. I invite him to take advantage of his reply in this debate to elaborate on some of his earlier comments.

In his second reading speech, the Attorney General referred to the situation as follows—

... which occurs where a coroner, who may be entirely satisfied as to the cause of a person's death, becomes aware of facts touching on the conduct of some other person in relation to that other person's trade or profession.

He went on to suggest that, because of limitations imposed on a coroner by the Act, the following applied—

It is therefore difficult for him to bring the matter to the attention of the authority or body having the responsibility of supervising the particular profession or trade.



It would be helpful, in the first place, to have received some examples of the sort of conduct to which reference was made; whether the rider provision, which is already available, was used in those cases; and, if not, why not.

More directly to the point of the present Bill is the comment by the Attorney General in these terms—

**Section 43 of the Coroners Act—**

I assume the Attorney was referring to section 43(8)(a). The section continues—

—provides that a coroner shall not express any opinion on any matter outside the scope of the inquest, except in a rider. The rider does not form part of the decision or findings and it is considered not to be an appropriate way to overcome the situation referred to.

That comment, on its own, is rather bald, to put it at its best. After all, the purpose of the present Bill is solely to put professional bodies on notice of conduct which might be questionable. In these circumstances, why should a rider be inappropriate if brought to the attention of the body concerned? On the face of it, that sort of action would appear to be not only appropriate, but also completely adequate.

The Attorney General said also—

A further difficulty may arise where a coroner decides—as he may do—that an inquest is not required, but there is some question relating to the conduct of a person which ought to be brought to the notice of a statutory body supervising or licensing a particular profession or trade.

Even in the circumstances in which an inquest is not required, so that the availability of a rider does not arise, how does section 43(8)(a) restrict the coroner's freedom of action? That subsection provides merely—

(8) (a) The coroner shall not express any opinion on any matter outside the scope of the inquest except in a rider which, in the opinion of the coroner is designed to and may, if given effect to, prevent the recurrence of similar occurrences.

In other words, where there is no inquest, the coroner is already free to act at his discretion, apparently. In any event, even without expressing an opinion in a finding—or in a rider, for that matter—it would be enough for the coroner, whether in his official or individual capacity, simply to bring to the attention of a professional body any material which might be relevant to its regulatory or disciplinary duties.

All in all, this Bill has the appearance of legislation for its own sake. As I have indicated, the Opposition does not oppose it; but you, Sir, will understand why our support for it is somewhat less than enthusiastic.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [5.59 p.m.]: In answer to the question raised by the honourable member, we have had some specific instances where coroners have been unable to make reports because they did not have the statutory authority to do so. It must be accepted that no statutory officer can act outside his statutory terms of office, obligations, and duties. That has been the problem in these cases.

The honourable member asked for an illustration of the kind of situation which promoted the need for this amendment. One particular incident in which it was found that the coroner had an inadequate power but should have had power concerned a doctor who was negligent in the performance of his duties, negligent in the attention he gave and the diagnosis he made, but where the deceased person who was the subject of the inquest was, we might say, doomed to die by the nature of the disease he had. The doctor's diagnosis, though wrong, would not have affected the deceased's condition had it been right.

Another case concerned a doctor who had neglected a patient, but this was not a prime cause of death. The coroner was keenly conscious of his inability in a rider to convey to the appropriate statutory authority, which in this case was the Medical Board of WA, the details of this situation which he felt required investigation from a professional point of view; he was not able to do this. His opinion was verified by the Crown Law Department, which took the view that he did not have any statutory authority to do so.

*Sitting suspended from 6.01 to 7.30 p.m.*

**The Hon. I. G. MEDCALF:** It is true that a coroner can put in a rider where there is an inquest giving details of something which is outside the direct scope of the inquest, but there is no requirement for that coronial report to be forwarded to the statutory authority having jurisdiction in that area. There is no need for the coroner to send that forward; indeed, he would be going beyond his statutory duty to do so. It might be quite serious for him if he were to forward the report without having any authority to do so.

What about the body which receives the rider? It has no obligation to take any action on a coronial inquiry which has a rider attached. Statutory authorities take a very strict view of their obligations and I have yet to find a statutory

authority which will do anything beyond what it is required to do in its Act. For that reason, I do not think it is normal or reasonable to expect either that a coroner should take any action to report a professional officer unless he has some specific authority to do so, or that any action would be taken against that professional officer by the statutory authority unless there was a statutory power conferred on the coroner.

For those reasons, I have been advised that this legislation is necessary to overcome a problem which has already been encountered on a number of occasions. The Crown Law Department has advised that this legislation is required and I subscribe to that view.

It does not affect only professional people. It can affect anyone with a skill in some trade or occupation and those people can also be reported to a licensing or registering authority which is set up under some Statute.

I thank the Opposition for its indication of general support for the Bill.

Question put and passed.

Bill read a second time.

#### *In Committee*

The Chairman of Committees (the Hon. V. J. Ferry) in the Chair; the Hon. I. G. Medcalf (Attorney General) in charge of the Bill.

Clause 1 put and passed.

Clause 2: Section 7A inserted—

The Hon. W. M. PIESSE: Clause 2 proposes a very important amendment to the Coroners Act. Regrettably I missed the call at the second reading stage and therefore want to say a few words at this stage.

Clause 2 makes it almost obligatory on the coroner to submit notification to a professional or other body of information received during an inquest. This can have far-reaching effects, and rightly so. Presently during an inquest or coroner's inquiry the police actually conduct the inquiry and bring the witnesses forward to give their evidence. After the evidence has been given and the reason for death has been declared, no other person can have access to that information. It is rather important that in some instances bodies controlling whatever professional trade of a person who may have been involved know of the evidence that has been given because it may in fact serve to save the lives of other people or to avoid a similar disaster happening in the future.

So that the Chamber will know what I am talking about, I will cite an instance which occurred in a country area involving a devastating

road accident. Professional ethics being what they are, it behoves nursing staff not to take the initiative in most such instances; indeed, initiatives of the type I refer to are left to the medical practitioner. In this instance there was a devastating road accident resulting in a person being badly injured. That person could have been transferred from that very distant area to the metropolitan area where he might have received treatment that perhaps could have averted the subsequent catastrophe. Nobody will ever know, of course, whether that would have been the case. Nevertheless, the diagnosis was faulty and there was no way of obtaining redress in this case or of getting permission for the patient to be transferred to a place where further diagnosis could have been available.

Subsequently, the patient died. A post mortem was held and the patient was declared to have died of a certain injury. It came to light during the post mortem and to some extent during the inquest that it was possible that this could have been averted, but there was no way that anybody could really put their finger on it and say, "You have failed. You should have done this." Only a colleague in the same profession could have done something like that. It was very worrying to those people who knew what had happened and they felt at the time that this information should be made available to the professional body which governed this professional person so that that body could take action. The professional body, of course, would have known nothing about it because the coroner was not obliged to forward the information he had. Even with a rider added to his notes, it was not obligatory for him to pass on the information. The whole matter was shelved.

This amendment will make a big difference in similar circumstances. I am not saying that a case should not be brought forward in relation to somebody accused of negligence, murder, or anything else. But where someone has indirectly contributed through negligence or ignorance, the professional body governing that field should be notified and action could be taken in regard to the person involved. They should say, "Look, this kind of thing should never happen again. You could prevent it by doing certain things," etc.

With this kind of legislation previously there was no obligation on anybody to bring forward this information. It could go beyond professional people and affect pharmacists, dentists and electricians, all of whom are licensed by their own statutory body or organisation. They should discipline their own members. It is an involved area. In the case of an electrician they could say,

"The way you are doing this wiring, while it is legal, may also be lethal. We will not countenance this any longer. We will review our rules and regulations so you do not do it this way any longer."

We must bear in mind that the police conduct such inquiries and no other person can have access to the information brought forward at that inquest.

The Hon. J. M. Berinson: Inquests are open, though.

The Hon. W. M. PIESSE: Yes, if somebody is there to listen, but people other than immediate relatives do not go along to attend inquests. Other professional people in the field concerned would not normally attend the inquest, would they?

The Hon. J. M. Berinson: No, that is true.

The Hon. W. M. PIESSE: Therefore, it would never come to their notice. The relatives or friends of the deceased person, possibly because of their ignorance or their bereavement, do nothing more about it or do not know what to do. It really must be the responsibility of the coroner. It will be his responsibility now. He will be the only person who can make this knowledge known in the place where it might do the most good.

Prior to this legislation, if the coroner had made this knowledge available and the disciplinary body of the profession or trade concerned brought the alleged offender to task, and subsequently it was found that the alleged offender was quite inside the law and there was nothing really to complain about, the alleged offender then could easily bring a case against the coroner and say, "This is slander. You have no right to do this. You are undermining my professional integrity." Now it will be almost obligatory on the coroner to submit matters which come to his notice, including the evidence, to whichever organisation is responsible for the licensing or registration of its members.

The Hon. J. M. Berinson: It will not be obligatory. We are merely having the discussion in regard to the terms of clause 2 of the Bill.

The Hon. W. M. PIESSE: That is true, but when we speak of people in this field, we know that they take their responsibilities very seriously and in fact will carry out their duties to the best of their ability.

With those few words, I wholeheartedly support this clause.

The Hon. G. C. MacKINNON: My research has indicated there is a marginal difference between what the Hon. Win Piesse stated to be the situation and the actual position. The old Act

contained no obligation on the coroner to do anything. As the Attorney General said, it was a rather fuzzy area. As the Hon. J. M. Berinson pointed out, it was possible to do something. I think it is fair to say that in cases where it became apparent to the coroner that there was something a little untoward, the coroner took the necessary steps to protect the community.

The Hon. W. M. Piesse: That is a matter of opinion; it has not always been the case.

The Hon. G. C. MacKINNON: The amendment brought forward by the Attorney General has made the situation firmer and it is my understanding it will be welcomed by the coroner because it removes any doubts from anyone's mind. The statutory opportunity will exist for the coroner to do something.

As the Hon. J. M. Berinson pointed out, the facility already exists for the coroner to mention a particular matter. However, it may be mentioned more or less only as an aside, whereas under this legislation the coroner will be given the statutory opportunity to take certain steps for the protection of the public. For those reasons, it is my firm belief that the amendment will provide the community in general with a greater degree of protection, particularly in situations such as the one or two examples which were given. We understand the sort of situation which can arise, and lead to problems in the future, and which has been brought to light only by careful examination of a particular death by the coroner. For that reason, I welcome the amendment.

The Hon. W. M. Piesse: So do I.

The Hon. I. G. MEDCALF: I thank members for their indications of support for the Bill, and particularly for this clause. Although I am sure most members would understand the situation, perhaps I could make the matter somewhat clearer by defining what is the real purpose of a coronial inquest. A coronial inquest is a kind of public inquiry. It may possibly be held *in camera*, but that would happen only very rarely. The coroner is charged to establish the cause of a person's death, and identify any person or persons who in fact have contributed to or caused that death. If the coroner decides that a person or persons are blameworthy for a death, he may make a recommendation to the police.

Coronial inquests are not necessary so far as the police are concerned. However, they are very necessary to the public, because the public want to establish in an open court atmosphere all the facts about certain kinds of deaths.

However, there are some violent deaths into which no coronial inquests are held. Perhaps it

might be better if an inquest were held into all such deaths. For example, only recently in the Press we have seen revived the case of the death of Shirley Finn, the well known brothel madam who was murdered back in about 1974. No coronial inquest was held on that occasion, for the reason that the coroner must have made up his mind that the cause of death was perfectly obvious. She was found slumped in her car with several bullet holes in her head. The cause of death was quite apparent. But who killed Shirley Finn? The police, of course, were called in immediately her body was discovered. They made exhaustive inquiries and interviewed dozens of witnesses, but were unable to ascertain, long before the coroner came into the picture, who was the person or persons who fired those shots. The coroner's decision was that there was no point in holding an inquest. The matter was fairly well covered in the Press at the time.

The Hon. J. M. Berinson: He obviously did not follow Quincy.

The Hon. I. G. MEDCALF: However, there well may have been an occasion when the coroner decided not to hold an inquest when in fact there might have been some reason for an inquest to be held. The police can act of their own accord. They do not rely on the coroner's inquest. Of course, if the coroner holds an inquest, the police are very interested and usually are present; certainly they receive a transcript of the evidence. However, they act quite independently of the coroner, as does the Crown Prosecutor.

The Hon. W. M. Piesse: But they bring the witnesses, do they not?

The Hon. I. G. MEDCALF: Yes, they do all the necessary work; however, the police are interested only in criminal charges. This Bill does not deal with criminal charges as such. It is dealing more in what one might call a civil or quasi-civil area where there is some suggestion of neglect, negligence, professional misconduct, ignorance, or some other error or omission on the part of a professional person or skilled operator. Therefore, it is out of the police area altogether. Whereas the coroner is quite happy for the police to take over at any stage, and the police act independently, they do not go into this area. They would take the view that this was a professional matter. If they had not found any evidence that a crime had taken place, and if they could not pin a charge on someone, quite naturally they would not be concerned about the matter. They have their job to do, and that is not part of their job.

However, there are other bodies whose job it is: I refer to bodies such as the Medical Board of

WA, the Dental Board of WA, the Pharmaceutical Council of WA, and various other groups which have statutory obligations in the event that one of the members of their professions does something he should not do. That even includes the Barristers Board, which would act if it had evidence of some improper behaviour of a member of the legal profession. At the moment, the coroner is not prepared to take action in these cases because he has no statutory obligation to do so. This Bill will provide him with a statutory discretion to take action if he sees fit.

This will have two very important results: First, it will give the coroner the authority if he is so minded to make a specific report; secondly, it will provide the statutory body to whom the report is delivered with some basis on which to proceed with an investigation. The authority can proceed on the basis that it has received a report pursuant to a statutory power.

Otherwise, in many cases, I fully believe that some statutory bodies take the view, "What is it to us if somebody sends us an anonymous letter, or we receive in the post from a magistrate a copy of the transcript of evidence of a coronial inquiry with a rider attached? Why should we take any action?" It may be that it is a good idea that they take such action.

The Hon. J. M. Berinson: One would think that would be a proper response from them.

The Hon. I. G. MEDCALF: It may well be; there may be many occasions where that has happened. However, unfortunately, there are other occasions on which it has not happened and where, firstly, the coroner has decided he is not prepared to take certain action and, secondly, he has been advised by the Crown Law Department he should not do so without some specific power. That is the reason for the Bill.

Clause put and passed.

Title put and passed.

#### *Report*

Bill reported, without amendment, and the report adopted.

#### *Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

# COMPANIES (CO-OPERATIVE) AMENDMENT BILL

## Second Reading

Debate resumed from 30 March.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [7.55 p.m.]: This is a machinery measure to update the fees payable pursuant to the Companies (Co-operative) Act. The new level of fees is reasonable in current circumstances, and the Opposition supports the amendments as proposed.

The Bill has one other effect on the administrative procedures of this legislation. The following statement appears in the Attorney General's second reading speech—

To provide ease of future review the Bill amends the principal Act so as to permit fees to be increased by regulation.

I support this part of the Bill as well, although I confess it leaves me somewhat confused, for the following reason: As recently as 11 August 1981, the Legislative Council had before it an amendment to the Bills of Sale Act. On that occasion, we amended the fees payable under that Act. However, it was done by Statute. In my usual spirit of co-operation and helpfulness, I made the following suggestion in the course of my comments on the Bill—

... it appears that the subject matter of this Bill is too trivial to require legislation on each occasion the fees are altered, and such changes could properly be effected by regulation. I compare this position with that of a Bill which was introduced only last week—the Dried Fruits Amendment Bill—in which case the Government was faced also with the need to amend certain fees from time to time and it produced a variation to the parent Act so that in future the rates and fees could be prescribed by regulation. I think that would be a perfectly proper move to take in respect of legislation such as that we are now discussing, and I commend that possibility to the Attorney General.

For my pains in that effort to assist the Attorney I was rewarded with his rebuke. His reply to me on that occasion was as follows—

If there was an amendment providing that the legislation could be amended by regulation at some future date, it could mean simply that a future Treasurer could say, "Ha, here is a means of getting some more money, and we don't need to do anything about the Act." We do not want to place

temptation in the way of any Government taking such a step.

The Hon. I. G. Medcalf: Did I say that?

The Hon. J. M. BERINSON: There is the source of my confusion. In the Dried Fruits Amendment Bill, the ability to amend the fees by regulation was a good proposition; in the Bills of Sale Amendment Bill, it was a dangerous proposition. Today, it is once again a good proposition. In this mass of conflicting advice from the person of all persons in this Chamber to whom we would normally look for consistency, how is one able to feel confident that the Attorney really is receiving good guidance?

I suggest to the Government that no important principle is involved here except the principle of consistency. If it is a good idea—as I believe it is—to adopt the procedure in this Bill and in the Dried Fruits Amendment Bill, let us have it on all occasions. I commend that suggestion to the Attorney General for his consideration as future similar Bills are brought forward.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [8.00 p.m.]: I was trained in a school which—

The Hon. D. K. Dans: This will be good!

The Hon. I. G. MEDCALF: —believed that one should not put too much power in the hands of the Treasurer. I have gradually come around—

The Hon. J. M. Berinson: Do you mean since last August?

The Hon. I. G. MEDCALF: I shall explain the position. Over a period of time I have gradually come around—I suppose this has occurred after many acts of attrition by many Treasury people—to the conclusion that perhaps, in some circumstances, these matters should be allowed to be dealt with more easily. However, I can remember many acrimonious debates about allowing changes by regulation which ought in fact to be dealt with by Parliament itself.

This is one of the old principles members will find in many a textbook and it is still in good favour. It is true that more recent opinion leans towards placing far greater power in the hands of the Executive and less power in the hands of Parliament. The Hon. Mr Berinson is advocating the principle which I suppose is more popular today than it was in the past, and that is the Executive should have more power and Parliament should have less. If a matter is dealt with by regulation, it is the Executive which handles it, not the Parliament.

The Hon. J. M. Berinson: I really am suggesting that on a discriminatory basis.

The Hon. I. G. MEDCALF: I was trained in the old school which maintained Parliament had supreme authority. This is the school of thought of Lord Hewitt, although I should point out to members that I was not one of his pupils! However, I still believe that is a good principle, although in certain relatively minor cases concessions can be made.

The Hon. J. M. Berinson: I agree.

The Hon. I. G. MEDCALF: In most cases I am prepared to accept that sort of concession. As far as the Bills of Sale Act is concerned, had the honourable member read a little further—I am not certain whether I said “Ha”, but if I did say that, I would have said it appropriately—

The Hon. J. M. Berinson: My recollection was that you said “Ha, ha”.

The Hon. I. G. MEDCALF: I will bet the Treasurer said, “Ha.” Had the honourable member read a little further, he might have had a different understanding of the position. I am not sure whether I voiced my feelings, but certainly the thought went through my mind that one of these days in the not-too-distant future, we will be adopting some uniform chattel security legislation which will result in the repeal of the Bills of Sale Act. That is inevitable. New legislation on chattels exists already in New South Wales and Victoria. It has been discussed in the Standing Committee of Attorneys General, and it is apparent that, as a matter of commercial reality, we shall have a uniform chattel security law throughout Australia at sometime in the future, because it would be convenient to the commercial community and the public.

Therefore, in relation to the Bills of Sale Act, I did not want the Treasurer to get the impression that all he had to do was to leave the existing Act and keep upping the fees. Increases will have to come back to Parliament periodically and, when they do, someone will say, “Where is the chattel security legislation?”

The Hon. J. M. Berinson: That is what you had in mind at the time, was it?

The Hon. I. G. MEDCALF: Yes, and I am sorry the honourable member did not realise that. That is why there is an apparent inconsistency in my view. Over the years, my view, like the views of a number of other people, has been changing and I believe in certain matters the Executive can have this power, but, in principle, I am still a parliamentary man and I am still jealous of giving the Executive too much power.

Question put and passed.

Bill read a second time.

### *In Committee, etc.*

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

### *Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

## **PUBLIC TRUSTEE AMENDMENT BILL**

### *Second Reading*

Debate resumed from 6 April.

**THE HON. J. M. BERINSON** (North-East Metropolitan) [8.07 p.m.]: In common with the legislation dealt with earlier this evening, I doubt very much whether this Bill is of the stuff that will reach the front page of *The West Australian* tomorrow. It is a Bill with a very narrow scope and, put simply, it is designed to expand the existing power of the Public Trustee to lease buildings so as to enable him to lease land also.

The vacant land in question is at the corner of Hay and Pier Streets. The proposal in the Bill is sensible and the Opposition has no objection to it, especially bearing in mind the assurance given by the Attorney General that the development intended for the site has the approval of all relevant, and indeed it would appear some irrelevant, planning authorities.

I have just one small question to put to the Attorney General. On the first page of his printed second reading speech he refers to the land proposed to be developed as land which “has been held as open space to conform to the plot ratio for the Public Trust building.” At a later point of his comments it becomes clear that, under the terms of the development scheme, that land is to be covered with a two-storey building.

On the face of it, there is some inconsistency. No doubt it can be explained in one of a number of ways. It is possible the zoning or plot ratio provisions affecting the land may have changed since the construction of the Public Trust building which occurred approximately 10 years ago, or perhaps a little longer.

It may simply be that I am misunderstanding the position in seeing some inconsistency between those two comments. As I hope I have made clear, I am not raising this in any sense of opposition or even of criticism, but with a view to establishing whether we can obtain some clarification.

**THE HON. P. H. WELLS** (North Metropolitan) [8.09 p.m.]: I support the Bill. The Public Trustee helps a number of Western Australians

and fulfills a very real need. I am not familiar with every area of the activities of the Public Trust Office, but it operates a system of charges which provides it with an income and, of course, that is a reasonable situation.

I am concerned that every day in this State people die and frequently spouses find they are left in the predicament of deciding what to do with various assets. Members may well ask what that has to do with the Public Trustee and this Bill. The Public Trust Office derives income from the handling of estates and through other means. If one looks at the report of the Auditor General, one sees the return to the Public Trust Office from its various activities is slightly greater than the amount it pays out.

Bearing in mind the importance placed on communication these days, it amazes me that a pamphlet has not been produced indicating the sorts of steps bereaved people can take when faced with the predicament of deciding what to do with their properties and other assets after the death of a loved one.

The Public Trust Office is involved in administering the estates of deceased people. It is all very well to tell a rational person that he should know the sorts of people to whom he can appeal for help. However, many people—this concerns women in particular—experience great difficulty handling their affairs and organising the various matters which need to be dealt with after the death of a spouse. No pamphlet exists which provides information which would assist such people. Some people may approach their bankers, but it has been indicated to me that a number of bankers feel they have been left out on a limb in terms of sorting out the affairs of people in this sort of predicament.

I maintain a pamphlet should be provided which sets out details of the steps bereaved people may take in the organisation of their affairs. Of course, money must be found for that purpose and, bearing in mind the amount held in Consolidated Revenue as a result of the activities of the Public Trust Office, an allocation of funds should be made to provide the sort of pamphlet to which I have referred.

It may well be said this is the responsibility of the Law Reform Commission—

The Hon. J. M. Berinson: What sort of advice do you want people to receive?

The Hon. P. H. WELLS: An example would be the position in which a wife finds herself on the death of her husband when trying to settle a joint property.

The Hon. J. M. Berinson: Do you want to advise people as to how to organise their own probate applications?

The Hon. P. H. WELLS: It may well be such people should be advised to go to a lawyer or to the Public Trustee.

The Hon. J. M. Berinson: Why do you need a pamphlet for that?

The Hon. P. H. WELLS: Recently a person in this predicament approached my office and I thought I would be able to obtain the necessary information by telephoning the Public Trustee. However, it was not as simple as that. The required advice was not very forthcoming from the Public Trustee.

I contacted a bank manager and he pointed out that banks are in some difficulty in regard to deceased estates. I was told that banks are able to sort out some of the problems by advancing money to the person requiring it, because very often such people cannot obtain money that is in the name of the deceased, particularly in the case of a husband dying with the joint account being frozen, and particularly when the husband had taken care of the family's financial matters.

These problems multiply when there is no will. I raised this matter with the Law Reform Commission to determine whether it distributes a pamphlet explaining the position when someone dies intestate. At the moment I am not certain of the title of the head of that commission, but he informed me in a letter that my inquiry gave an indication that there was a need to produce a pamphlet for that area of concern. I investigated to determine who should have the responsibility for providing such information, and from where the money for that provision should come. I ascertained that the Law Reform Commission is allocated \$26 000 to produce pamphlets to explain a whole range of things.

The Hon. J. M. Berinson: Do you mean the Law Reform Commission or the Legal Aid Commission, because it is the Legal Aid Commission which prints most of the pamphlets?

The Hon. P. H. WELLS: The member probably is correct. The point is that no matter who is allocated that money, the Government receives an income from deceased estates, and that income should be used to explain to the families of deceased persons what are their rights. It is the responsibility of the Public Trust Office; that is why it was set up. Officers of the Public Trust Office are specialists in handling deceased estates—a most delicate area.

Women who have lost their husbands often are in difficult positions because the husband may have handled all the financial transactions for the family, and those women should have readily available to them all the information that is necessary for them to cope with the problems they confront.

It is reasonable for a member of Parliament to be in a position to advise the families of deceased persons just what is their position. When I was placed in the position of requiring such information I requested my secretary to make certain phone calls, but she encountered problems. I made a number of phone calls myself and was amazed by the lack of information available other than being told that, for example, the wife of a deceased man, should go to a lawyer or, perhaps, the Public Trustee, and, possibly, go further to discuss the matter with her bank manager.

As I have said, the banks are in an unsatisfactory position because the managers may place themselves out on a limb when dealing with deceased estates. I am aware that the banks would like direct legislation to make their position clear. Advances on the money in frozen accounts can be made, but certain legalities apply—certain documents must be registered, etc.

There may well be certain things a person can do to overcome problems associated with deceased estates, but knowledge of those things no doubt rests with lawyers, such as the Hon. Joe Berinson. Such things relate to the access to money in joint accounts or the personal accounts of the deceased person. Further, queries have been raised with me as to whether the Electoral Department should be advised of a death, but I have gathered that the department obtains that information from another source. Such things may seem simple to people aware of what should be done, but these things are not known by the many people who find themselves in the predicament to which I have referred. My suggestion is that the Government has a responsibility to make appropriate information available through the proper body.

The Hon. D. K. Dans: If you didn't send them to the Public Trustee or a lawyer, where would you send them? What advice would you give them? I have handled many of these things, and did so before I came here, and I found that the legal profession and the Public Trustee were very sympathetic and easy to deal with.

The Hon. P. H. WELLS: I have no real argument with advising people to go to lawyers or the Public Trustee, if that is what they should do,

but I point out that when I was asked for advice I was not able to obtain appropriate information readily. The first requirement of a woman in the position to which I have referred is that of money, and not in a fortnight or a month after the death of her husband, but immediately. Even the advice, "Go to see your bank manager," is not appropriate.

If funds are not available for the publication of pamphlets, they should be made available. It may well be that the Government in its wisdom could cover this requirement in another area of its activities, but this matter has not been attended to, although it should be.

I was advised by the Minister to speak to the department responsible for such things, and I believe it is considering the publication of an appropriate pamphlet, but my point is that the type of information which should be in a pamphlet should have been available years ago, because every day families in this State are faced with the predicaments to which I have referred. Information should be readily available to those people so that they are aware of the straightforward things they can do to ensure a smooth transition through a difficult period of readjustment after the loss of a loved one.

The extended power provided in this legislation is not great, but I support the extension of that power and, therefore, support the Bill.

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [8.21 p.m.]: The Hon. Joe Berinson raised the matter of the lot on the corner of Hay and Pier Streets. It is a vacant lot covered with unkempt lawn, a lot which was used as public open space in order to allow the Public Trust building to have the requisite plot ratio. The Public Trust building was, I suppose, built about 15 or 20 years ago—I am not sure exactly when. At that time, in order to construct the building in that position, as far forward as possible and over the whole of the block, it was found necessary to leave the lot at the corner block. The Perth City Council would have determined the plot ratio required on that land and that the corner be left as public open space. That was the position at that time, but I have noted, without for a moment claiming that I have any special knowledge of plot ratios, that these plot ratios seem to be fairly flexible as the years go by, and for some particular reason what was established in one decade does not seem to be the same in the next. A number of examples can be found around the city of developers being able to build right up to the street or over the whole of their lot if they have, for example, reserved some historic building or built around it. I have a feeling that we are



seeing this happen now with the Palace Hotel, and in these circumstances enhanced plot ratios have been given to developers by the Perth City Council.

In the case raised by the member, the entire area has been treated as a precinct. Most of this block is owned by the Anglican Church and, of course, St. George's Cathedral and the Deanery are situated on it. The Deanery is classified by the National Trust as an historic building, and it will be preserved. It is a financial liability to the owners of the block, although it is an asset to the State. I gather this entire precinct, including the public open space around St. George's Cathedral, is being treated as one precinct, including the land of the two owners of the block, the Public Trustee and the Anglican Church.

I think that is why the council has varied the plot ratio. Clearly what was regarded as necessary to be kept for public open space 15 or 20 years ago is now regarded as part of the precinct, and a two-storied building will be constructed on that space. In that respect there is inconsistency, but I believe the explanation to be correct. I cannot offer a better explanation than that, but I believe it to be substantially correct.

In regard to the comments of the Hon. Peter Wells; I appreciate his concern for the people in situations to which he referred, such as women left without any knowledge of business matters or ordinary business practices after their husbands, most likely the breadwinners, have died. Such women and others need some guidance. The member did raise this matter with me, and it will be taken care of in the form of a publication.

The Hon. N. E. Baxter: But it has nothing to do with the Bill.

The Hon. P. H. Wells: I get an income.

The Hon. I. G. MEDCALF: I appreciate the concern the member expressed, although I think he would be the first to admit that the matter he raised has nothing to do with this Bill. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *In Committee, etc.*

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

#### *Third Reading*

Bill read a third time, on motion by the Hon. I. G. Medcalf (Attorney General), and transmitted to the Assembly.

#### **ADJOURNMENT OF THE HOUSE: SPECIAL**

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [8.29 pm.]: I move—

That the House at its rising adjourn until Tuesday, 27 April.

Question put and passed.

#### **ADJOURNMENT OF THE HOUSE: ORDINARY**

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [8.30 p.m.]: I move—

That the House do now adjourn.

#### *Electoral: Proportional Representation*

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [8.31 p.m.]: I think the House ought not to adjourn until it has heard me put to rest a statement made yesterday by the Hon. Joe Berinson in regard to electoral change. It seems that this matter is an ongoing saga of the Labor Party in this place. It appears to me that where the record seems to be incorrect, or is incorrect, it ought to be corrected. The Hon. Joe Berinson has said in reference to one Minister tonight that his statements were a source of confusion to the Hon. Joe Berinson; I say quite directly to the Hon. Joe Berinson that his statements were a source of confusion to me, and I seek briefly to put the record right. Mr Berinson in his speech yesterday stated, referring to my comments—

He quoted me as, in some way, arguing inconsistently with previous propositions from this side of the House.

He went on to impute that he was referring to an election for the House of Representatives, not equating that to the electoral system for the Legislative Council, and that he was not quite confusing. I make this point: The indication in the member's statement was that I had made no reference to the fact that his statement was in reference to the national Parliament.

I will quote from *Hansard* page 569 of 7 April 1982. In the first place, the quote came from a comment made by Mr Berinson in an article written by him for the *Labor Voice*. To quote—

Only a P.R. system in a single national electorate could guarantee that, and that is neither proposed nor constitutionally feasible.

So I say to you, Sir, and to the members of the Chamber that it was never my intention, by clearly quoting those words—to confuse national with State. I quoted fairly what the honourable member had said. The quote continues—

The Hon. Robert Hetherington: You quoted in an unfair context, I think.

The Hon. R. G. PIKE: The member will have a chance to reply in a moment. He said also—

Labor's record in trying to be "clever" at electorate systems is not impressive.

This is the point on which the Hon. Joe Berinson said I was misrepresenting him when I said he was arguing inconsistently. So that there shall be no misunderstanding I will say it again: The honourable member, in his article, stated that for the House of Representatives we have this proposition from Senator Gietzelt which is that the House should have proportional representation and the Hon. Joe Berinson is arguing against that. I would like honourable members to be aware of the obvious mistake.

The Hon. J. M. Berinson: What is the page in *Hansard*?

The Hon. R. G. PIKE: Page 569.

The Hon. D. K. Dans: I think it was in Blue Hills.

The Hon. R. G. PIKE: I go on to make the point that—

The Hon. D. K. Dans: You have had about five goes at making the point, so get on with it.

The PRESIDENT: Order! The honourable member is trying to come to a conclusion, and I would like to hear it.

The Hon. R. G. PIKE: The statement of Mr Berinson was opposing a proposition of Senator Gietzelt for proportional representation in the House of Representatives. He went on to say that his party's record in trying to be clever at electorate systems was not impressive. He said his party supported the proposition for proportional representation in Western Australia for the Legislative Council but he did not support that for the Senate—

Opposition members interjected.

The Hon. R. G. PIKE: Stand at bay! I meant to say the "House of Representatives". Having said that, Sir, I make this point, and quote the Hon. Joe Berinson in the *Labor Voice*—

... With P.R. that perception could no longer apply to substantial minority groups and the potential of an all-things-to-all-people-party like the Democrats would be enormously enhanced

The final point I make is evidence of the inconsistency of the honourable member's argument. He is saying "I do not support a proportional representation system for the House of Representatives in the National Parliament

because it could end up with a minority party, like the Democrats, holding the balance of power."

I say to this House that the principle of a minority party—and it is Mr Berinson's view I am stating—being able to hold the balance of power, in this case in the upper House of Western Australia, is, of course, equally valid if we had proportional representation in this House.

The Hon. Robert Hetherington: No.

The Hon. R. G. PIKE: I say that proposition and his claim are inconsistent and are therefore thoroughly refuted and should be put to rest.

Several members interjected.

The PRESIDENT: Order!

The Hon. R. G. PIKE: I say that on the basis that the member is clearly inconsistent by his reference to the Australian Democrats and the holding of the balance of power, unless we hear another farrago of facts and fantasy from the honourable member in an effort to refute what I have just said.

THE HON. ROBERT HETHERINGTON (East Metropolitan) [8.35 p.m.]: I listened to the Chief Secretary with a great deal of interest and, as usual, he missed the whole point. I happen to not agree with my colleague, the Hon. Joe Berinson, on what he said in the *Labor Voice*, but that is neither here nor there.

What the Hon. Chief Secretary has said in this debate is quite clear: If a system of proportional representation is introduced in the House of Representatives, it would form a Government which would be dependent on the balance of power being held by a minority party. He knows, and I know and I think the honourable gentlemen opposite know, that normally—

The Hon. D. K. Dans: He does not know.

The Hon. ROBERT HETHERINGTON: He should know. He claims to know these kinds of things. He should know that in a system of single member electorates we are likely to have a system—that is one thing about the Westminster system—where a Government is responsible to the lower House. The argument to be used for an upper House is not necessarily the kind of argument to be used for a lower House. Therefore, the Minister is confusing the argument for a lower House with a policy for an upper House and is talking his usual arrant nonsense. That is the best I can say for what he said tonight. He missed the whole point of my honourable friend's argument and I understand the argument very clearly. I know what he said and I know what he is talking about. I know the argument for a lower House, to which a

Government is responsible, and it is different from the argument for an upper House to which the Government ought not be responsible.

One of the arguments which we have debated outside is that the Government should be responsible to the lower House, elected by a system of franchise which gives a clear-cut decision to the party which gets the majority of the votes in the lower House, and the upper House should not be able to interfere with that decision. We cannot have a Government responsible to both Houses.

I am surprised that the Chief Secretary has cared to continue this debate with the line of argumentation he has put before the House tonight, because he is confusing the two separate areas. He has accused my friend, the Hon. Joe Berinson, of being inconsistent when he clearly is not. I assure the Hon. Chief Secretary that whatever else the Hon. Joe Berinson may be, although I may not always agree with him, he is never inconsistent. He knows more about logic than the Chief Secretary is ever likely to do.

Several members interjected.

The Hon. ROBERT HETHERINGTON: I can assure members that I have known the Hon. Joe Berinson for a long time and I know that his devotion to logic and honesty is almost a fault. He certainly would not be guilty of inconsistency as mentioned in the nonsensical statement of the Chief Secretary.

#### *Questions on Notice: Answers*

**THE HON. TOM McNEIL** (Upper West) [8.38 p.m.]: I wish to draw the attention of the House to the quality of the answers that some members are receiving to questions asked in this place.

Firstly, I would like to apologise to the President because I was so stunned at the answer I received to the last question on notice tonight; there was obviously a call for questions without notice, but it escaped my attention and my colleague—

The Hon. Robert Hetherington: Escaped my attention, too.

The Hon. TOM McNEIL: —the Hon. Mick Gayfer attempted to try to retrieve the situation by suggesting that you, Sir, had not called for questions without notice.

The Hon. Robert Hetherington: Very slippery.

The Hon. TOM McNEIL: Because you, Sir, insisted last night that I refrain from continuing on the tack I had taken on a particular question without notice regarding the Western Australian

Football League and the Anzac Day Trust, I put on notice last night a question I wished to have answered here this evening.

I would like to bring to the attention of the House the three questions I asked and the answers I received.

First of all, I asked—

Is the Minister aware of the record of the Western Australian Football League in response to the Anzac Day Trust insofar as it has contributed a total of \$11 000 over 22 years, and is it the Government's intention to make any further amendments to the Act to stop the league from evading its responsibilities to this historic day?

The answer I received from the Leader of the House on behalf of the Deputy Premier read as follows—

Mr J. R. Ewing, Chairman of the Anzac Day Trust held discussions in 1981 with the Western Australian Football League and arranged an inspection of the League's records for the Anzac Day round of football fixtures. Mr Ewing was satisfied that the return is accurate and could not be questioned in any way.

I cannot hear myself speak, Mr President.

The Hon. Robert Hetherington: I can.

The Hon. TOM McNEIL: Mr Ewing was satisfied with the records according to the answer.

The PRESIDENT: Order! I am having a fair bit of difficulty in following some of the comments that are being made by the member on his feet. I intend to say something before this House adjourns, but in the meantime I ask that everyone else keep quiet and allow the Hon. Tom McNeil to make his comments.

The Hon. TOM McNEIL: That was the answer to the first part of a three-part question, and it made no reference whatever to the question I had asked. I will quote to the House the second part of the question to which that answer applied also. It reads—

As the Act was last amended in 1976 with the intention of stopping the Western Australian Football League from evading its responsibilities to the Act, has the Minister any intention of requesting that the Western Australian Football League comply with the spirit of the Act and that it make a significant contribution to the Anzac Day Trust?

The answer was still the same—that Mr Ewing is supposed to have inspected last year's return and

found it was correct. Once again the answer makes no reference to the question I asked.

I point out to members that in 1976, Sir Charles Court thought sufficiently of the efforts of the WAFL that he asked in another place that this Act be amended so that when the Western Australian Football League was to play on a gazetted public holiday, on the Monday following Anzac Day, it would pay 60 per cent of its returns to the Anzac Day Trust. In the third part of the question I asked—

In light of the fact that the Western Australian Football League currently has a submission before the Government requesting a share of the TAB profits, and bearing in mind the outstanding contribution that racing and trotting have made to the Anzac Day Trust, will the Minister assure the House that before any decision is made that could jeopardise the funding currently going to racing and trotting from TAB sources, that the splendid record of racing compared to the abysmal record of the Western Australian Football League will be fully considered?

I am not going to blow a bugle about Sunday being Anzac Day because I believe every member of this House would have a commitment somewhere to make an address or attend a march or ceremony in connection with Anzac Day. I believe Anzac Day has been completely forgotten by the WAFL. It has consistently, over the years, evaded its responsibility to this Act. It has evaded the true spirit of playing football on this day because it would lose 60 per cent of the net profit from the games played. It should have made a contribution to the Anzac Day Trust last year, in respect of the four games played that day, which grossed \$86 000, but it said instead that it made a \$3 000 loss. It might be all right for any member in this House who wants to believe that, but I do not believe it. I have made that clear to the president of the league and to some of the directors. I do not believe the league made a loss. If we presented the amount of \$86 000 to an accountant he could juggle it any way he liked to make sense of it, to make it appear in the way a business party would want it to appear.

That is what happened last year. This year, the league has decided to play football on four particular Sundays, none of which is Anzac Day. It has been given the opportunity to have football fixtures on Monday holidays, and the Monday holiday immediately following Anzac Day is the only one on which there will not be any football.

The attitude towards the trust is a disgrace. It is a disgrace that the Anzac Day Trust has been denigrated in this way. The spirit of Anzac Day is the reason we are all here and the reason we are all going out to honour it on Sunday.

#### *Questions Without Notice: Curtailment*

**THE PRESIDENT** (the Hon. Clive Griffiths): Order! I want to say one or two things in response to some comments made by the honourable member who has just resumed his seat. I am not suggesting that I have any argument with what he said; however, he raised a couple of points that I believe require me to make the comments I am about to make.

Firstly, I ask *Hansard* to produce for me this evening the full transcript of the comments made by the honourable member who has just resumed his seat in order that I can study them. The honourable member referred to an action of mine yesterday in regard to questions without notice, and that made me conscious of a couple of silent "comments" that were made by several members when I suggested there would be no further questions without notice. I suggest that they were silent "comments" because of the looks I received.

I recommend to honourable members that they read Standing Order No. 212 which will explain to them why it was necessary for me to curtail questions without notice yesterday. If there is any honourable member who wishes to discuss that particular Standing Order further with me, I will be delighted to do so.

In regard to the point raised by the honourable member about questions without notice today, I believe that both on the occasion when I called for notice of questions, and subsequently when I reached the stage of the agenda when I asked if there were any questions without notice, I waited for what bordered on an indecent length of time because I was so astounded there was no response to my call on either of those occasions. Therefore, I want to make it perfectly clear that it is not my role, and certainly not my intention at any time, to take any action which prevents any member of this House from exercising the privilege—which I will defend to the last drop of blood—of making inquiries in this place.

Question put and passed.

*House adjourned at 8.49 p.m.*

# QUESTIONS ON NOTICE HOUSING

## *Wundowie*

167. The Hon. D. K. DANS, to the Minister representing the Minister for Housing:

- (1) How many houses in Wundowie are owned by the State Housing Commission?
- (2) How many of these houses are presently unoccupied?

The Hon. R. G. PIKE replied:

- (1) 153 units of accommodation.
- (2) 50.

## ROAD

### *Denham: Overlander*

168. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Transport:

- (1) What is the anticipated completion date of the overlander to Denham road?
- (2) How many kilometres will be completed in the financial years—
  - (a) 1982-1983;
  - (b) 1983-1984; and
  - (c) 1984-1985?

The Hon. G. E. MASTERS replied:

- (1) End of 1986.
- (2) (a) to (c) Actual lengths to be completed each year have not been calculated. There will be major realignments of the existing road and considerable expense may be incurred in the construction stage without extension of the blacktop in any particular period. The allocations to the road will be reviewed each year when the annual programmes are being compiled and at that time, the amount of road to be completed during the coming year will be known.

## TRANSPORT: AIR

### *Airlines of Western Australia: Fare Increases*

169. The Hon. TOM McNEIL, to the Minister representing the Minister for Transport:

- (1) Would the Minister advise why the right to grant fare increases to Airlines of

Western Australia is the prerogative of the WA Transport Commission, and not the prerogative of the independent air fares committee set up last year by the Commonwealth Government?

- (2) Before granting the recent 2.7 per cent fare rise to AWA did the commission take into consideration the rejection of such an increase by the independent air fares committee?
- (3) If "Yes" to (2), why was the increase granted?
- (4) If "No" to (2), why not?
- (5) Is the Minister aware that although AWA began charging the new rate on 26 March 1982, the percentage increases on a flight from Port Hedland to Perth is only 1.95 per cent, and Kununurra to Perth 0.03 per cent, whilst the Geraldton-Perth flight has increased by 7.58 per cent?
- (6) In light of the abysmal service between Perth and Geraldton and return on weekends, is the Minister prepared to investigate why a more regular service cannot be provided for the Geraldton region, which services the surrounding areas of Northampton, Mullewa, Dongara, Morawa and Chapman Valley?
- (7) In light of the inadequate service for the Geraldton region, will the Minister support TAA's move to gain permission to operate intrastate services in WA?
- (8) If "No" to (7), why not?
- (9) Did the commission take into consideration the method of increases as proposed by AWA in which the short flight passengers were to pay larger increases than those on long flights?
- (10) Is the Minister aware that Kalgoorlie passengers had been provided with a Saturday same-day return service for \$84, which apart from being half the cost of the normal fare, is a service which is not available to Geraldton people at any price?

The Hon. G. E. MASTERS replied:

- (1) The Commissioner of Transport has the power to grant fare increases under section 47 of the Transport Act 1966-1981.

The Commonwealth Minister for Transport has stated that the Commonwealth has no powers in relation to the economic regulations of intrastate air services. As fare setting constitutes economic regulations, the State Government rejects claims that the Commonwealth independent air fares committee has the right to set the fares of Airlines of Western Australia.

- (2) When granting the 2.7 per cent increase to Airlines of Western Australia, the commissioner was aware that the independent air fares committee had rejected the application. However, this was not taken into consideration.
- (3) Not applicable.
- (4) The independent air fares committee's determination was not considered because it is not accepted that it has any power in relation to setting intrastate air fares.
- (5) The Minister is aware that the fare increase granted to Airlines of Western Australia also incorporated a restructuring of the fare formula. This restructuring resulted in short haul fares increasing by more than long haul fares.
- (6) The level of servicing to all areas in the State in receipt of an air service is being investigated as part of the Western Australian review of internal air services and policy.
- (7) TAA's proposal to operate services in Western Australia is also being examined as part of the review of internal air services and policy. It should be noted that the preferred option of TAA is to extend DC9 services in the State. This would not benefit the Geraldton region.
- (8) Not applicable.
- (9) The commissioner took into consideration that the restructuring of the fare formula would result in fares on short flights increasing by a greater percentage than fares for long flights. The restructuring was permitted because analysis of respective costs servicing different centres indicated that it was justified.

- (10) The Minister understands that in an attempt to upgrade the air services to Kalgoorlie the former Grummen Gulfstream flight on a Saturday was replaced with an F28 service. This resulted in a considerable excess capacity for the flight on this day and was directly responsible for the introduction of the concessional Saturday fare.

Whilst Airlines of Western Australia do not provide a return flight to Geraldton on a Saturday, there is an air service available through Avior Pty. Ltd. There is a return flight from Geraldton to Perth on Saturday by Airlines of Western Australia.

### COURTS: MAGISTRATES

#### *Robes*

170. The Hon. J. M. BROWN, to the Attorney General:

- (1) As it is the intention of a section of the magistracy to adorn themselves with gowns, will justices of the peace and members of the Children's Court also be enabled to robe themselves in a similar manner?
- (2) If not, why not?

The Hon. I. G. MEDCALF replied:

- (1) and (2) I am not aware of any proposal for justices to robe. So far as I am aware that has never been the practice here or elsewhere.
- Children's Courts are not within my ministerial responsibility.

### TRAFFIC: PEDESTRIAN OVERPASSES

#### *Leach Highway*

171. The Hon. P. G. PENDAL, to the Minister representing the Minister for Transport:

I refer to pedestrian overpasses across Leach Highway in the vicinity of Rossmoyne Senior High School and ask—What would be the approximate cost in today's prices of such overpasses?

The Hon. G. E. MASTERS replied:

Depending on whether property has to be acquired, to what extent services need to be shifted, and whether foundation conditions are bad or good, the cost could vary between \$200 000 and \$350 000.

# HEALTH: DENTAL THERAPY CENTRES

## *Condungup School*

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

- (1) Has the mobile dental clinic visited the Condungup school this year?
- (2) If so, how many staff took part in the visit?
- (3) What duration did it take?
- (4) What follow-up arrangements have been made regarding a date, the number of staff to carry out the work, and the expected duration of the visit?

The Hon. R.G. PIKE replied:

- (1) Yes, three weeks ago.
- (2) Two.
- (3) Four days.
- (4) Six months later, two staff, three days.

## RAILWAY

### *Hotham Valley Tourist Railway*

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

As the Hotham Valley Tourist Railway intends to spend \$150 000 on establishing and developing depot facilities at Pinjarra, will the Minister guarantee the future of the Pinjarra-Dwellingup railway line so that this worthwhile body can be assured of the retention of its major revenue earner in the years ahead?

The Hon. G. E. MASTERS replied:

Should Westrail services cease to operate over the Alumina Junction—Dwellingup section sometime in the future the Government anticipates that suitable arrangements will be able to be made to allow Hotham Valley Tourist Railway trains to continue to operate over this railway.

## POLICE: STATION

### *Norseman*

174. The Hon. R. T. LEESON, to the Minister representing the Minister for Police and Prisons:

- (1) What is the number of police officers currently on duty at the Norseman Police Station?

- (2) Has any recommendation been made, or any consideration been given to, reducing the current staffing arrangements?

The Hon. G. E. MASTERS replied:

- (1) 14.
- (2) Yes, one general duties officer is being transferred to Esperance where it is considered the need is greater. In the 1981 census the population figure for the Shire of Esperance was 9 362 and that for the Shire of Dundas was 2 488.

## AGNEW CLOUGH LTD: WUNDOWIE CHARCOAL IRON INDUSTRY SALE AGREEMENT

### *Facilities, Privileges, Rights, and Services*

175. The Hon. D. K. DANS, to the Minister representing the Minister for Resources Development:

Further to question 132 of Wednesday, 7 April 1982, will the Minister indicate those clauses of the Wundowie charcoal iron industry sale agreement of 1974 under which facilities, privileges, rights and services, are presently being afforded by the State Government to Agnew Clough Ltd.?

The Hon. I. G. MEDCALF replied:

Without derogation to the general provisions of the agreement, such as clauses 20, 21, 22, etc., specifically as defined by clauses 10, 11, 12 and 13 of the agreement.

## ELECTORAL: ELECTORATE OFFICES

### *Electric Typewriters*

176. The Hon. TOM McNEIL, to the Minister representing the Premier:

- (1) Would the Premier advise whether any decision has been made to provide electorate offices with electric typewriters as are provided to members who have their secretaries based in Parliament House?
- (2) If "Yes", when is this likely to take place?
- (3) If "No" to (1), why not?

The Hon. I. G. MEDCALF replied:

- (1) and (2) The provision of electric typewriters for members' electorate offices has been approved for purchase during 1982-83 as funds are not provided for in the current year's Budget.
- (3) Not applicable.

#### TRANSPORT: AIR

*Cue, Esperance, Meekatharra, and Mt. Magnet*

177. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Transport:

- (1) Which commuter airline operator services the towns of—
  - (a) Mt. Magnet;
  - (b) Cue;
  - (c) Meekatharra; and
  - (d) Esperance?
- (2) What is the standard return air fare to these places?

The Hon. G. E. MASTERS replied:

- (1) and (2)

	Standard Return Fare
(a) Skywest Airlines	\$230.40
(b) Skywest Airlines	\$261.80
(c) Skywest Airlines	\$301.60
(d) Skywest Airlines	\$190.00

#### EDUCATION: PRIMARY SCHOOL

*Canning Vale*

178. The Hon. P. G. PENDAL, to the Minister representing the Minister for Industrial Development and Commerce:

- (1) Has the Minister received the consultant's report in relation to the Canning Vale industrial estate as it affects the future of the Canning Vale Primary School?
- (2) If not, when does he expect to receive it?
- (3) If "Yes" to (1), will he and his colleague, the Minister for Education, meet with me to discuss the report's implications for the school?

The Hon. G. E. MASTERS replied:

- (1) and (2) The report referred to was commissioned by the Industrial Lands Development Authority. It has been received by the authority, and is now being considered.

I would anticipate early discussions with the authority on the report as far as it relates to the Canning Vale Primary School.

- (3) Yes.

#### DEPARTMENT OF LABOUR AND INDUSTRY

*Factories and Shops Branch*

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

For each calendar year of the period 1976 to 1980 inclusive, relating specifically to the Factories and Shops Branch—

- (1) How many field inspectors were attached to the branch?
- (2) What was the average number of inspections per week carried out by each field inspector in respect of his total duties?
- (3) How many prosecutions were obtained for breaches of the relevant Act and regulations?
- (4) What fines were imposed in relation to these breaches?

The Hon. G. E. MASTERS replied:

Year	(1) Number of Field Inspectors	(2) Average No. Inspections per Week	(3) Number of Pro- secutions	(4) Fines Imposed \$
1976	21	26	84	2 980
1977	21	25	26	4 142
1978	21	24	51	2 910
1979	21	31	205	12 970
1980	21	31	52	1 777

#### RECREATION

*National Sports Lottery*

180. The Hon. TOM McNEIL, to the Minister for Recreation:

- (1) Has the State Government had any further discussions on the proposal put forward by the Federal Government that there be a national sports lottery?
- (2) If "Yes", what is the proposed percentage break-up payable to the States involving themselves in the lottery?

The Hon. R. G. PIKE replied:

- (1) No.
- (2) Answered by (1).



## GOVERNMENT HOSTEL

### *Exmouth*

181. The Hon. P. H. LOCKYER, to the Minister for Federal Affairs:

- (1) Has a decision been made to sell the Government hostel at Exmouth?
- (2) If so, how will the establishment be disposed of?

The Hon. I. G. MEDCALF replied:

- (1) and (2) Inquiries have revealed that the hostel referred to belongs to the Commonwealth and as such is not within my ministerial responsibility. In the course of ascertaining particulars of ownership of the hostel, however, I have been advised from State sources that the Commonwealth Department of Administrative Services is at present considering the future of the hostel.

## EDUCATION: HIGH SCHOOLS AND PRIMARY SCHOOLS

### *Library Aides*

182. The Hon. D. K. DANS, to the Minister representing the Minister for Education:

Will the Minister indicate for each of the school categories—

- (a) primary;
- (b) senior high;
- (c) high; and
- (d) district high;

the number of schools which, as a result of reductions last November in the working hours of library aides, now do not possess a library aide?

The Hon. R. G. PIKE replied:

- (a) Five. These schools had enrolments of less than 100 and the aides were offered employment in other schools.
- (b) to (d) None.

## RAILWAYS

### *Revenue and Deficit*

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

Referring to the item signed "Cyril Rushton, Deputy Premier, Minister for Transport" and headed "Railways not a 'wishing well'" in the *Comment News* of 24 March 1982, and the statement "In Perth last year rail users bought

\$2.2 million worth of tickets while the taxpayers met a deficit of \$12.3 million", will the Minister advise—

- (1) Is this \$5.59 of subsidy per \$1 of fares collected correct, or is it an assessment?
- (2) If an assessment, could he advise how that assessment is reached?
- (3) Is it a fact that the NSW system figures are about \$3.45 additional to each \$1 of fares?
- (4) Is it a fact that European systems operate on \$1 for \$1 or less?
- (5) Is Westrail's diesel system \$5.4 million per year less efficient than the NSW electric system?
- (6) If (1) to (5) above are not correct, what are the figures used?
- (7) What figures were supplied to R. Travers Morgan Ltd. in its study of the Perth-Fremantle railway?

The Hon. G. E. MASTERS replied:

- (1) The figures cited are from the 1981 annual report of the Metropolitan Transport Trust. They are not an assessment.
- (2) Not applicable.
- (3) to (6) This information is not readily available without further investigation. I will respond to the member in due course.
- (7) The consultants are making their investigations independent of the Government. It is not known where they have obtained figures or what the figures are.

## ROAD

### *Freshwater-Leeman*

184. The Hon. TOM McNEIL, to the Minister representing the Minister for Transport:

- (1) Would the Minister advise whether any funds have been allocated for the sealing of the coast road between Leeman and Freshwater?
- (2) If "Yes"—
  - (a) what amount has been allocated; and
  - (b) when is it proposed work will commence?
- (3) If "No" to (1), will the Minister give consideration to having funds provided for such work in the 1982-83 Budget?

The Hon. G. E. MASTERS replied:

- (1) to (3) The road between Leeman and Coolimba is already sealed. No funds are available on the current Main Roads Department programme. Consideration will be given to allocating funds in 1982-83 to commence construction of the road between Coolimba and Illawong.

#### EDUCATION: PRIMARY SCHOOL

##### *Gosnells*

185. The Hon. P. G. PENDAL, to the Minister representing the Minister for Education:

- (1) What is the condition of the two Bristol prefabricated classrooms at the Gosnells Primary School?
- (2) Has any commitment been given to their replacement?
- (3) If so, when is it proposed that they will be replaced?
- (4) If "No" to (2), when does the department foresee replacement occurring if it is acknowledged that they are sub-standard?

The Hon. R. G. PIKE replied:

- (1) The two Bristol rooms are structurally sound but are in need of substantial upgrading.
- (2) Yes.
- (3) As soon as transportable classrooms are available for temporary use at the school. It is hoped to make the replacement by mid-year.
- (4) Not applicable.

#### TRANSPORT

##### *Professional Transport Drivers Association (Inc.) of Western Australia*

186. The Hon. D. K. DANS, to the Minister representing the Minister for Transport:

Will the Minister detail the extent and nature of any assistance the Government has provided to the Professional Transport Drivers Association (Inc.) of WA during the past five years?

The Hon. G. E. MASTERS replied:

The Professional Transport Drivers Association (Inc.) of WA has on occasions during the past five years, sought advice on transport related matters. Government has responded with advice that would be available to any other transport operator.

#### POLICE: AIDES

##### *Wiluna*

187. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Police and Prisons:

Have all police aides stationed at Wiluna been provided with Government housing?

The Hon. G. E. MASTERS replied:

State Housing Commission accommodation is provided for the one police aide now stationed at Wiluna.

#### RECREATION

##### *State Sports Lottery*

188. The Hon. TOM McNEIL, to the Minister for Recreation:

- (1) Has the State Government given any consideration to running a regular State sports lottery where the proceeds from the lottery would go to sporting groups and for the provision of sporting facilities?
- (2) If "No", why not?

The Hon. R. G. PIKE replied:

- (1) No.
- (2) The Lotteries (Control) Act precludes the type of lottery envisaged.

#### RAILWAYS: PERTH METROPOLITAN AREA

##### *Suitability of Operations*

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

Referring to the item signed "Cyril Rushton, Deputy Premier, Minister for Transport" and headed 'Railways not a "wishing well"' in the *Comment News* of 24 March 1982, and the statement "The truth is that Perth, particularly because of its very low population density, is not well suited to suburban rail operations", will the Minister advise—

- (1) Is it correct that Brisbane, with a population 15 per cent greater than Perth, has a population density of 11.27 persons per hectare, and carries 33.3 million suburban rail passengers per year?

- (2) Is it correct that Perth has a population density of 12.18 persons per hectare, and carries 7.1 million suburban rail passengers per year?
- (3) Is it correct that for each million suburban population, the suburban rail passengers carried are—
  - (a) Perth—7.5 million per year;
  - (b) Melbourne—28 million per year;
  - (c) Sydney and Newcastle—50 million per year; and
  - (d) Brisbane—28 million per year?
- (4) If not, what are the figures?
- (5) On what basis was the statement to the *Comment News* newspaper made?

The Hon. G. E. MASTERS replied:

- (1) to (3) The data the member has alluded to requires further investigation. The Minister for Transport will respond to him in due course.

190. *This question was postponed.*

## MACHINERY SAFETY ACT

### *Inspections*

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

I refer the Minister to the most recent annual report of the administration of the Machinery Safety Act 1974 for the year ended 31 December 1980, and ask—

- (1) What was the average number of inspections per week carried out by each inspector of the Machinery Safety Branch during 1980?
- (2) Is a similar figure (as in (1)) yet available for 1981, and if so, will the Minister provide details?
- (3) Why was there a 25 per cent reduction during 1980 in the numbers of inspections on amusement devices?

The Hon. G. E. MASTERS replied:

- (1) The total average number of inspections is not available. The average number of inspections made which resulted in the issue of a certificate of inspection was 13.
- (2) A similar figure is not yet available for 1981.

- (3) The number of inspections each year is dependent on notification of the numbers of amusement devices proposed to be operated.

## HOUSING: PENSIONERS

### *Mt. Magnet*

192. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Housing:

Is any additional housing being provided by the State Housing Commission for pensioners in Mt. Magnet?

The Hon. R. G. PIKE replied:

There is no pensioner accommodation provided for in the current building programme of the State Housing Commission at Mt. Magnet. Future provision will depend upon available finance and the determination of priorities.

## RAILWAYS: RAILCARS

### *Cost*

193. The Hon. FRED MCKENZIE, to the Minister representing the Minister for Transport:

Referring to the item signed "Cyril Rushton, Deputy Premier, Minister for Transport" and the heading "Railways not a 'wishing well'" in the *Comment News* of 24 March 1982, and the cost of the present 10 new railcars and spares (\$8.7 million) together with the projected cost of \$9.2 million for the next 10 approved for tender, totalling \$17.9 million and generating an assessed leasing charge over 20 years of about \$40 million with the option to extend the lease, will the Minister advise—

- (1) Will Westrail ever own the railcars?
- (2) If so, when?
- (3) Since the same number of 20 railcars in the electrified Victorian system cost \$7.5 million, and the New Zealand electrified system \$5.8 million, is it correct that in excess of about \$25 million will be wasted by using diesel railcars in lieu of electric in the first 20 years, plus an additional significant amount on the second lease term?
- (4) If not, what is the figure?

(5) Is there a valid explanation available?

(6) Is there a valid explanation available for the heading "wishing well"?

The Hon. G. E. MASTERS replied:

(1) and (2) No. However, there is an option to re-lease for a further 20 years on the basis of a first payment equal to 0.5 per cent of the equipment cost—approximately \$40 000—and thereafter peppercorn rental.

(3) to (5) At short notice the Minister is not aware of the costs of the Victoria and New Zealand electric railcars but assumes that what has been quoted is the purchase price which does not take into consideration the costs of servicing the capital outlay.

Therefore, it is not valid to make a comparison as the member has done.

In addition, it is not correct to compare the costs of buying diesel railcars against the cost of electric railcars without taking into consideration such things as the size of the vehicle orders, the standards of design and many other criteria.

The purchase of electrified vehicles would obviously necessitate the conversion of the existing system to an electrified one with the accompanying financial implications—a factor which the member has obviously overlooked.

(6) The member may like to talk to *Comment News* on this.

## DEPARTMENT OF LABOUR AND INDUSTRY

### *Construction Safety Branch*

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

For each year of the period 1972-1982, and relating specifically to the Construction Safety Branch—

- (1) How many field inspection staff were attached to the branch?
- (2) What was the average number of inspections per week carried out by each field inspector?
- (3) How many prosecutions relating to breaches of the Construction Safety Act were obtained?
- (4) What fines were imposed in relation to these breaches?

The Hon. G. E. MASTERS replied:

Year	(1) Field Inspectors	(2) Average In- spections Per Week	(3) Pro- secutions	(4) Fines (No Costs) \$
1972	10	65	12	245
1973	10	60	5	135
1974	11	55	10	590
1975	12	60	47	1 176
1976	12	64	59	3 176
1977	12	65	33	2 095
1978	12	50	38	2 135
1979	12	59	46	2 916
1980	12	46	40	5 970
1981	12	55	76	4 690
1982	12	53	26	3 420

## ANIMALS

### *Dogs: Wild*

195. The Hon. D. J. WORDSWORTH, to the Minister representing the Minister for Agriculture:

What percentage of wild dogs destroyed by the APB in—

- (a) Kimberley;
- (b) Pilbara;
- (c) Murchison-Goldfields; and
- (d) agricultural areas;

(i) are other than pure dingo blood; and

(ii) show signs of Alsatian blood?

The Hon. G. E. MASTERS replied:

- (a) to (d) No records are kept. Reports are received occasionally about cross-bred dingoes.

## IMPORTS: LICENCES

### *Footwear and Clothing*

196. The Hon. TOM McNEIL, to the Minister for Federal Affairs:

With regard to import licences necessary for purchasing footwear and clothing from overseas, would the Minister advise—

- (1) When were such licences first granted?
- (2) How many are in existence in Western Australia?
- (3) Is it permitted for such licences to change hands?
- (4) If "Yes" to (3), how many have changed hands in 1979, 1980 and 1981?

The Hon. I. G. MEDCALF replied:

- (1) to (4) The granting of import licences is a matter which comes within the constitutional authority of the Commonwealth Government.

My portfolio of Federal Affairs does not include accounting for matters which are the responsibility of the Commonwealth Government.

I would suggest that the member seek the information from the Commonwealth Government direct.

# HOSPITALS: ST. JOHN AMBULANCE ASSOCIATION

## *Mt. Magnet*

197. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Health:

Has the sub-branch of the St. John Ambulance Association in Mt. Magnet indicated to the Minister that it is in financial difficulty?

The Hon. R. G. PIKE replied:

The Minister for Health has been advised that the Mt. Magnet sub-branch of the St. John Ambulance Association is not financially embarrassed but, in line with most other sub-branches, is troubled by bad debts.

# DEPARTMENT OF LABOUR AND INDUSTRY

## *Worker Participation*

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

- (1) Will the Minister clarify the precise reasons as to why his department's role in the area of worker participation has been reduced?
- (2) Will he also clarify those aspects of his department's previous work in this area which will now be curtailed?
- (3) Will the State continue to be represented at meetings of the employee participation advisory panel?
- (4) Is there expected to be any monetary saving as a result of this reduced departmental role?
- (5) If so, will the Minister supply details?

The Hon. G. E. MASTERS replied:

- (1) Government policy in the area of worker participation has always been and still is to provide an information and advisory service to employers and employees, or representatives of either group, who are interested in the concept. The Government is firm in its belief that employers and employees should be free to negotiate worker participation on a voluntary basis without Government interference of any kind. The departmental liaison officer, worker participation, has always been available to provide this service, which is backed up by the monitoring and research of current developments within the field in Australia and overseas.
- (2) Departmental operations in this area will continue as they have in the past in line with Government policy.
- (3) The State has been represented at all meetings of the Commonwealth-State liaison panel on employer participation and will where possible be represented at future meetings.
- (4) Not applicable.
- (5) Not applicable.

# TRANSPORT: AIR

## *Port Hedland Airport*

199. The Hon. P. H. LOCKYER, to the Minister representing the Minister for Transport:

Has an agreement been reached with the Federal Government for the Port Hedland Shire to take over the Port Hedland airport from the Commonwealth?

The Hon. G. E. MASTERS replied:

I am advised that negotiations are still taking place between the Federal Government and the Shire of Port Hedland on this matter.

# RECREATION: FOOTBALL

## *Peter Bosustow*

200. The Hon. TOM McNEIL, to the Minister for Recreation:

As the 1980-1981 annual report of the Department of Youth Sport and Recreation shows an amount of \$200 being paid to Peter Bosustow's Total Sport, and in view of the fact that Peter Bosustow now plays football for the

Carlton Football Club, would the Minister advise—

- (1) Why was this amount of money paid?
- (2) Did the fact that the Prime Minister (Malcolm Fraser) is the Club's number one ticket holder, have any bearing on the grant being made available?

The Hon. R. G. PIKE replied:

- (1) The grant of \$200 was actually made to the Karawara Cricket Club for the purchase of cricket equipment in the form of an establishment grant. The cheque for \$200 was forwarded direct on behalf of the club to Peter Bosustow's Total Sports Store in Victoria Park as suppliers of the equipment. The annual report 1980-81 should have read "Karawara Cricket Club \$200".
- (2) Not applicable.

## DEPARTMENT OF LABOUR AND INDUSTRY

### *Industrial Inspectorate*

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

- (1) Will the Minister give the total number of inspection hours worked by the industrial inspectorate for the year ended 30 June 1981?
- (2) Will he also clarify the reasons that 56 breaches of awards were still awaiting hearings in the Industrial Magistrates' Court as at 30 June 1981?
- (3) How many breaches of awards are presently awaiting hearings in the Industrial Magistrates' Court?

The Hon. G. E. MASTERS replied:

- (1) In answering this question, I point out that the duties of an industrial inspector are briefly—

to provide telephone and mail inquiry service to interpret and advise on the application of the clauses of industrial awards and agreements to employers and employees under the Industrial Arbitration Act 1979;

to interview complainants and examine written complaints received through the mail;

to inspect any work, material, machinery or documents relevant to industrial matters;

to appear as the witness and conduct proceedings before an industrial magistrate.

The total number of inspection hours worked by the industrial inspectorate for the year ended 30 June 1981, is impossible to assess in view of the range of duties undertaken by industrial inspectors including functions associated with inspections such as report writing which are performed in the office. The amount of time spent on inspection aspects of the complaint will also vary widely according to the complexity of the complaint.

- (2) The 56 breaches awaiting hearing in the Industrial Magistrates' Court as at 30 June 1981, were subject to the following factors in respect of a date of hearing—
  - (a) The Industrial Magistrates' Court sits on Thursday and Friday of each week.
  - (b) As with other courts of law, matters are listed by the court to suit the convenience of all parties concerned.
  - (c) The hearing date allocated for the complaint is usually on the basis of chronological order.
- (3) As at 31 March 1982, 27 breaches of awards were awaiting hearing.

### FUEL AND ENERGY: SOLAR *WAIT Solar Energy Study Group*

202. The Hon. FRED McKENZIE, to the Minister representing the Minister for Fuel and Energy:

Are there any published reports providing more specific information about the membership of the WAIT solar energy study group and the group's activities?

The Hon. I. G. MEDCALF replied:

I am not aware of any reports providing this specific information.

### WORKER CO-OPERATIVES *Programme*

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

- (1) Does Western Australia have any programme operating to support and promote worker co-operatives?

- (2) If so, will the Minister please provide details?

The Hon. G. E. MASTERS replied:

- (1) No.  
(2) Not applicable.

**FUEL AND ENERGY: LIGHT  
FUEL OILS AND LOW  
SULPHUR HEAVY FUEL OILS**

*Valuation per Gigajoule*

204. The Hon. FRED McKENZIE, to the Minister representing the Minister for Fuel and Energy:

Could the Minister advise the State Energy Commission's valuation per gigajoule for—

- (a) light fuel oils; and  
(b) low sulphur heavy fuel oils?

The Hon. I. G. MEDCALF replied:

- (a) and (b) Costs associated with supply of (a) and (b) above to the State Energy Commission vary, dependent upon location. The prices paid by the commission for fuel oils are confidential commercial information.

**EDUCATION**

*Priest Report*

205. The Hon. D. K. DANS, to the Minister representing the Minister for Education:

I refer the Minister to his reply to question 104 of Tuesday, 6 April 1982, concerning the Priest Report, and ask—

- (1) Will the Minister confirm that the report was presented to the Minister for Education and not the Board of Secondary Education?  
(2) Will he confirm that the Board of Secondary Education, along with numerous other bodies, provided a submission to the panel making the report?  
(3) Does the Minister agree that it is unusual that a report commissioned by a Minister for Education to report, in part, on the policies and procedures of the BSE, is first considered by the BSE?

- (4) Will he also confirm that the terms of reference of the review related in part to a consideration of particular departmental and school practices?

- (5) Have the recommendations referred to in (4) yet been considered by him?

- (6) If so, were they accepted?

- (7) If not, why not?

The Hon. R. G. PIKE replied:

- (1) Yes.

- (2) Yes.

- (3) The report is being considered concurrently by a number of groups including the BSE.

- (4) Yes.

- (5) to (7) The recommendations and possible changes are still being considered.

206. *This question was postponed.*

**RACING: INDUSTRY**

*Reduction in Funding*

207. The Hon. TOM McNEIL, to the Chief Secretary:

- (1) Is the Minister aware of an article on page 92 of this morning's *The West Australian*, 20 April 1982, concerning the resignation of the South Australian Jockey Club Committee and their request that as racing was in an ailing financial position in South Australia they were seeking Government assistance?

- (2) Bearing in mind that the Queensland and Victorian Governments currently have to subsidise the racing industry in those States, will the Minister give an assurance that this Government will take no action which could jeopardise the racing industry in this State through the reduction in funding from the TAB?

The Hon. R. G. PIKE replied:

- (1) and (2) Yes, I am aware of the article referred to and the subsidies to the racing industry made by the Queensland and Victorian Governments in those States.

The extent of these subsidies will be part of any deliberations concerning the distribution of surplus TAB revenue.

**CONSERVATION AND THE  
ENVIRONMENT:  
WATERWAYS COMMISSION**

*Annual Report: Ministerial Briefing*

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

- (1) Is the Minister correctly reported in *The West Australian* of 20 April 1982, as saying it was improper of the Waterways Commission to include in its annual report comments on the ministerial briefing about the estuarine and marine advisory committee's study of the Peel-Harvey estuarine system?
- (2) If he was correctly reported, why did he want the fact that such a briefing occurred kept secret?
- (3) How can he justify his claim of impropriety when the comments in the original report made no reference to the substance or contents of the briefing, but merely expressed an opinion on the response to the briefing?

The Hon. G. E. MASTERS replied:

- (1) I stated that critical comments or reference to discussions relating to a confidential Cabinet briefing were improper and should not be contained in the annual report. I stand by that statement.
- (2) There has never been any secret about the fact that Cabinet had attended a briefing on the Peel-Harvey estuarine system study.
- (3) An opinion on a response to a briefing by a person present would in my opinion be breaching confidentiality. The assumption was in fact quite erroneous as later events proved when Cabinet allocated a substantial sum of money as a direct result of the briefing.

I further draw the member's attention to section 43 (2) of the Waterways Conservation Act.

**ELECTORAL: ROLLS**

*Inclusion of Eligible Adults*

209. The Hon. J. M. BERINSON, to the Chief Secretary:

I refer to the large unexplained discrepancy between the adult population of the north as disclosed in the last census and the number of State enrolled electors at the same date, and as section 39 of the Electoral Act provides power to conduct an electoral census, will the Minister consider using that power to ensure that the electoral rolls—at least in the north—include all or most eligible adults?

The Hon. R. G. PIKE replied:

The suggestion will be considered in any circumstances which suggest that an electoral census ought to be taken. At present the State could not afford such an expensive exercise.

**RECREATION: FOOTBALL**

*Anzac Day Trust*

210 The Hon. TOM McNEIL, to the Minister representing the Deputy Premier:

- (1) Is the Minister aware of the record of the Western Australian Football League in response to the Anzac Day Trust insofar as they have contributed a total of \$11 000 over 22 years, and is it the Government's intention to make any further amendments to the Act to stop the league from evading their responsibilities to this historic day?
- (2) As the Act was last amended in 1976 with the intention of stopping the Western Australian Football League from evading its responsibilities to the Act, has the Minister any intention of requesting that the Western Australian Football League comply with the spirit of the Act and that it make a significant contribution to the Anzac Day Trust?



- (3) In light of the fact that the Western Australian Football League currently has a submission before the Government requesting a share of the TAB profits, and bearing in mind the outstanding contribution that racing and trotting have made to the Anzac Day Trust, will the Minister assure the House that before any decision is made that could jeopardise the funding currently going to racing and trotting from TAB sources, that the splendid record of racing compared to the abysmal record of the

Western Australian Football League will be fully considered?

The Hon. I. G. MEDCALF replied:

- (1) to (3) Mr J. R. Ewing, Chairman of the Anzac Day Trust held discussions in 1981 with the Western Australian Football League and arranged an inspection of the league's records for the Anzac Day round of football fixtures. Mr Ewing was satisfied that the return is accurate and could not be questioned in any way.