# Legislative Council

Thursday, 16 September 1982

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

## STANDING COMMITTEE ON GOVERNMENT AGENCIES

*Reports: Motion*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [2.37 p.m.]: I seek leave to move without notice a motion related to the Standing Committee on Government Agencies.

Leave granted.

The Hon. I. G. MEDCALF: I move—

> That the annual reports of agencies within the jurisdiction of the Standing Committee on Government Agencies, when laid on the Table, shall stand referred, without further authority being required than that contained in this order, to that Committee for consideration and, if the Committee so determines, for report thereon. The Clerk of the Council shall transmit to the Committee two copies of any report so referred.

Question put and passed.

## MILLSTREAM STATION ACQUISITION BILL

*Receipt and First Reading*

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

*Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [2.40 p.m.]: I move—

That the Bill be now read a second time.

This Bill seeks the powers necessary to acquire the property and assets of Millstream Station in the Pilbara on a walk-in walk-out basis.

The Millstream aquifer is an area of vital importance representing as it does the principal source of water for the Pilbara region of the State.

To protect this and the environment in which it exists it was necessary in March of this year to resume Millstream Station which embraces this acquifer and a number of other likely water sources.

Occupation of the station property is required at the earliest possible date to allow the necessary level of protection to be developed and also to meet the legitimate needs of the owners of the station to relocate themselves on another property. This may be achieved only by acquiring the livestock and other assets of the station on a walk-in walk-out basis.

As this course of action is hampered by restrictions which exist in both the Public Works Act and also the Land Act, specific legislation is essential to enable the action to proceed quickly and also to allow an equitable amount of compensation to be paid to the owners.

Within the limitations set by the climate of the Pilbara, livestock will be mustered and delivered to saleyards as soon as practicable but until this is completed the property must continue to be operated as a pastoral station.

When all possible stock have been removed, control will be maintained over the Millstream environment to assist this to return to its former natural beauty.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. Peter Dowding.

## JUSTICES AMENDMENT BILL

*Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [2.42 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to amend the existing law relating to the destruction of certain records held by Courts of Petty Sessions. At present, part X of the Justices Act provides that records of these courts may be destroyed only after 53 years or after microfilming, which may be carried out after three years.

In 1980 the Law Reform Commission of Western Australia issued a report on retention of court records, which dealt with both Courts of Petty Sessions and Local Courts. In 1981 Parliament passed an amendment to the Local Courts Act which, in essence, permitted the destruction of all records of Local Courts after 15 years. At that time I indicated that the question of the retention of records of Courts of Petty Sessions was being further examined by the Government.

The Bill which now is before the House relates to the retention of records in Courts of Petty Sessions and is in line with the recommendations of the Law Reform Commission.

Records of these courts fall into two categories. Firstly, the charge sheets which constitute the principal record, and secondly, ancillary papers, such as proofs of service, notes of evidence, enforcement action, and other documentation.

It is proposed that the charge sheets continue to be records which are retained for not less than 53 years, or, if a negative of the record is held by the court, they may be destroyed after three years.

In relation to the ancillary papers which make up the bulk of the material being stored, these may be microfilmed also, but the cost of so doing would generally not be justified because of the extensive preparatory work that would be necessary. It is proposed therefore that they may be destroyed after the expiration of 15 years.

In recommending the period of 15 years for the retention of these records, the Law Reform Commission had regard to the sufficiency of this period for the purposes of the administration of justice. In other words, 15 years appeared to be a reasonable period to retain documents in order to fulfil the purposes for which they might be required.

I would emphasise at this point that it is proposed to destroy only matters which have been completed and not those few matters that are outstanding—for example, committal proceedings, incomplete because defendant has absconded—or where warrants remain unpaid.

Indexes and other important material, likewise, will not be destroyed.

As was the case with the records of Local Courts, this Bill provides that the destruction of records does not affect the archival requirements of the Library Board of Western Australia Act and, consequently, action can still be taken under that Act to ensure that records of archival value from Courts of Petty Sessions are retained.

Certain definitions have been included so that it will be clearly understood what is the principal record and what are ancillary papers so as to identify the various records which may be destroyed and the minimum period of years of retention.

There is no doubt that the passing of this legislation will bring about an improved situation, particularly in the metropolitan area, relating to the storage of material in the State repository.

I commend the Bill to the House.

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

## LEGAL AID COMMISSION AMENDMENT BILL

*Second Reading*

**THE HON. I. G. MEDCALF** (Metropolitan—Attorney General) [2.45 p.m.]: I move—

That the Bill be now read a second time.

The principal Act which was the first of its kind in Australia, and set the pattern for other States to follow, was passed in 1976. The Legal Aid Commission of Western Australia became operational on 17 April 1978.

In 1978-79—the commission's first full year of operation—over 33 000 people sought legal aid in one form or another. By 1981-82 that figure had risen to over 42 000.

In addition, the commission has extended significantly the legal advice bureau and duty counsel services and since 1979 has established an effective community legal education programme.

The participation of private practitioners in the administration of legal aid has been encouraged and, indeed, increased. There are now four legal aid committees, three review committees, and a consultative committee.

Private practitioners serve as members on all of these committees and, in the case of the legal aid and review committees, they do so in an entirely honorary capacity.

The experience of the commission since April 1978 has demonstrated a need for certain legislative amendments for the better administration of legal aid and the more effective provision of legal services.

The Bill which is now before the House contains a number of important amendments to the Legal Aid Commission Act.

The Bill contains a number of references to "committees and officers of the commission" as well as to the "Commonwealth Commission". It is intended to cover the former by a definition of "legal aid authority" which will include the director of legal aid, a legal aid committee, and authorised staff.

The body formerly known as the Commonwealth Commission has been replaced by the Commonwealth legal aid council and various references to that body in the Act will be amended and related back to the proposed definition to be included in section 4.

The first amendment I propose to deal with is to give power to the commission itself to reopen a matter, or to refuse or terminate aid. Members will be aware that at present a decision to grant or

refuse aid, subject to certain conditions, can be re-examined by a legal aid committee.

Should an applicant be aggrieved by the decision of a legal aid committee, a further appeal to a review committee is possible. The Act stipulates that the decision of the review committee is "final and conclusive".

The commission has expressed its concern that in some cases the finality of review committee decisions may not be in the best interests of justice. For example, an applicant's financial circumstances may worsen dramatically after a review committee decision, but aid cannot be granted where the committee already has refused it. Similarly, new facts can emerge which would affect the merits of the applicant's case and, as the Act stands at present, the commission can do nothing. Therefore it is proposed that the Act be amended to allow the commission to reopen a matter, notwithstanding the fact that a review committee had already made a final decision in respect of it.

It is proposed that this power would be exercised by the commission declaring that the matter may be further considered and then referred back to a review committee for such consideration.

It is not intended that this will be a further avenue of appeal, but rather simply a discretionary power vested in the commission so that the application can be re-examined in the light of changed circumstances.

In addition, the commission itself has no power to refuse or terminate aid in particular cases. The commission dictates policy only and decisions in relation to particular cases may be made only by the director—or an authorised staff member—a legal aid committee, or a review committee.

In some recent cases the commission has been concerned that grants of aid potentially involving extremely large costs may be made by legal aid or review committees in circumstances in which the funds available ought perhaps to be directed to other cases.

As the commission is responsible for the financial operation of the legal aid system it administers, it is felt that the commission should be able to directly control the financial commitments assumed by it. The Bill therefore contains an amendment which will permit the commission itself to refuse, terminate, or vary aid in particular cases. The cases to which this power would refer will, of course, be determined by the commission.

The Bill also contains amendments which relate to the "Merit" test referred to in section 37 of the Act. The Act states that in determining whether aid should be granted in relation to proceedings consideration must be given as to whether the proceedings are likely to be determined in a manner favourable to the applicant. I would add that many other aspects are examined, including a person's means, and these are fully set out in the Act.

The existing provisions can cause some problems; complaints have been made in the past, particularly in criminal cases, that the commission, in dealing with this criteria in fact is prejudging the case. Nothing could be further from the truth.

When looked at logically, this provision enables the commission's staff or the committees to examine critically an application and make a decision in the light of the facts available.

In essence, the commission's staff and committees are doing no more than any private practitioner does before advising a client on the best course of action and plea to make in a particular case.

Nevertheless, the commission and the Government recognise that there are some cases or classes of cases where the interests of justice would be best served by applying the means test only and empowering the commission to determine from time to time the cases or classes of cases to which the merit test shall not be applied.

I would add that the commission, in making such determinations, must do so within its budgetary limitations.

Under section 40 of the Legal Aid Commission Act, a person granted legal aid is permitted to select a practitioner from a panel of names prepared by the commission. Members will appreciate that some practitioners specialise in certain areas of the law and the selection made is not always in the best interests of a client's particular case. Therefore it is proposed that this section be amended to retain the right of the client, but to qualify that right so that it would be subject to the commission's obligations to have regard to the principle that the interests of the assisted person must be of prime concern.

In such cases there would need to be a right of appeal from any decision overriding the selection of the applicant, and this is included in the Bill. Such right of appeal would be open to both the assisted person and the selected practitioner. This proposal has received the agreement of the Law Society of Western Australia.

In earlier comments on this Bill I have made mention of review committees. For the information of members, a review committee consists of three members, of whom one is a private practitioner who is not a member of the commission, one is a practitioner who is a member of the com-

mission, and one is a person considered suitable for membership who is not a practitioner.

Three Law Society nominees are members of the commission itself, and it is virtually inevitable, therefore, that these practitioners are each appointed to one of the three review committees.

Experience has shown that these people are invariably busy practitioners who, while they would find little difficulty in meeting their obligations as commissioners, may well have difficulty in meeting the obligations imposed upon them by membership of both the commission and a review committee.

The commission, therefore, has proposed that a review committee will comprise three persons, one of whom will be a non-lawyer member, and two who will be lawyers—one of whom "may be" a commissioner. This will enable the appointment of persons who are not necessarily commissioners, and so overcome the present difficulty.

Another matter about which the commission has expressed concern relates to the payment of contributions towards the costs of legal aid, details of which appear in section 31. This empowers a legal aid committee or officer of the commission to impose a condition that on demand by the commission the applicant shall pay a contribution towards the costs of providing legal aid. Such a contribution varies depending on the circumstances of the individual who is granted assistance.

The view has been expressed that the wording of the current provision precludes the commission from requiring an assisted person to pay the full costs of providing legal aid. Undoubtedly it was drafted this way on the assumption that persons who qualified financially for legal aid would not be able to afford to pay the full costs.

In fact, experience has shown that sometimes an assisted person's circumstances change dramatically over a period of time, often as a result of the successful provision of legal aid services by the commission. This means that there are cases where a person can eventually afford to pay in full the costs of the legal aid.

The commission therefore has suggested that this section be amended so as to enable the commission to require payment in full in appropriate cases.

A further amendment deals with the reconsideration and review of applications for aid. At present the Act gives an applicant for legal aid the right to seek reconsideration and review of certain decisions, but no time limit is stipulated within which this has to be done.

It is possible that the existing provision will produce difficulties in the future when questions of costs and contributions by assisted persons are being dealt with. As an example, the commission could grant aid to a person on the basis that a contribution is to be made by that person to the total cost of a particular case. When the case is finally determined, the person may decline to make the contribution and ask for the original decision to be reviewed. This is unacceptable and was never intended.

It is proposed that the Act should be amended to specify a time limit of 28 days within which a person can apply for reconsideration for review of a decision to grant aid with power in the commission to extend the time in cases where this is considered necessary or desirable.

Section 48 of the Legal Aid Commission Act confers upon any person affected by a decision of the director, an authorised officer, or a legal aid committee, a right to have that decision reconsidered by a responsible authority. The Act goes on to stipulate that the "responsible authority" is the person or committee of the commission who made the original decision.

It will be appreciated that such a requirement imposes substantial administrative difficulties as the number of requests for reconsideration has been in excess of 650 for each of the last three financial years. In addition, the commission has recognised that it is prudent to refer to a legal aid committee for reconsideration some cases which are within the authority of an authorised officer to decide, regardless of the fact that the original decision may have been made by a staff member.

The amendment, therefore, proposes that such requests for consideration will be able to be effected by an authorised officer or committee as is appropriate in the particular case.

Section 15 of the Act empowers the commission to make determinations or give directions in certain matters. The Bill contains an amendment to section 15 which will make it clear that where the Act gives the commission power to make a determination or give a direction, that includes also the power to revoke or vary such determinations or directions or substitute others for those previously made.

A further amendment relates to section 63 of the Act, which contains a provision indemnifying the director and other staff practitioners in respect of any claim brought against them arising out of their employment with the commission. It is proposed that this provision should be extended to cover also all private practitioners when they

are actually performing voluntary work on behalf of the commission.

At such times, they will usually not be covered by their own professional insurance nor that provided by their firms, and this amendment will protect them against any claims which may arise in that connection.

Whilst on this subject, I would like to pay tribute to those practitioners who perform a tremendous amount of voluntary work on behalf of the commission and express both my own and the Government's appreciation of their services. In my experience there have always been lawyers willing to give their services free of charge to deserving cases. I am pleased to see that the tradition of honorary service is continuing.

Honourable members will be pleased to know that I have instructed Parliamentary Counsel to put in hand a reprint of the Act later in the year to enable it to be more easily read and understood.

I commend the Bill to the House.

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

## INDUSTRIAL ARBITRATION AMENDMENT BILL (No. 2)

*Second Reading*

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [2.58 p.m.]: I move—

That the Bill be now read a second time.

The Bill is cited as the Industrial Arbitration Amendment Act (No. 2) 1982. It amends sections of the Industrial Arbitration Act 1979 and includes new provisions.

This law upholds the splendid original purpose of industrial legislation—to protect individual rights in a manner appropriate to the needs of the time.

Originally, the aim of industrial legislation in Australia was protection from the excessive use of employer power against the individual. Now, we are necessarily strengthening protection from the excessive use of union power against the individual.

This double protection has become essential as individual rights have been whittled away in the workplace by various forms of coercive behaviour. This need was given the added recognition it deserved in the Industrial Arbitration Act of 1979.

The basic principles laid down then, reinforced by experience over the past 2½ years, form the basis of the improved provisions of the new law.

The principal features of the new law are—

stronger protection of the rights of individuals to choose whether or not to join a union, free of compulsion from union, employer or anyone else;

stronger protection for employees, contractors, and sub-contractors who are subjected to threats, coercion, or industrial blackmail by unions or managements;

stronger protection for employees and employers and others against secondary boycotts which deny them freedom of movement and the right to essential services and supplies;

equal industrial rights for union members and non-union employees, either in the workplace or before the Industrial Commission; and

deterrent penalties—up to $5 000 for individuals, up to $10 000 for corporations employers and unions—for breaches of the stronger human rights provisions of the new law.

The Hon. Peter Dowding: What a load of rubbish. Do you think it will work?

The Hon. D. K. Dans: Adolf Hitler.

The Hon. G. E. MASTERS: In brief, the new law strengthens industrial machinery that is working very well where responsible behaviour prevails. It does so by providing necessary extra teeth where anti-social behaviour prevails.

Like the parent Act of 1979, this is a law to strengthen and uphold the rights of individuals in the workplace. It is a law to stop standover men from usurping these rights. Wherever these rights are effected by threat or by force the purpose of this law is to provide protection. This protection is needed because some employers and some unions seem unable or unwilling to provide it.

Responsible unions and employers, fortunately, are still very much in the majority. They have nothing to fear from this law because it embodies the very principles which they have adopted, and which they practice. However, too often, empire-building unions have resorted not only to threats but also to violence. Too often, some employers have willingly or unwillingly collaborated. Too often we have seen standover tactics not only restricting inalienable individual rights, but also reaching excesses described by the Winneke report as criminal.

The Hon. D. K. Dans: I notice you didn't mention the Costigan report.

The Hon. Peter Dowding: It is an embarrassment.

The PRESIDENT: Order!

The Hon. G. E. MASTERS: I am glad the honourable members think it funny.

The Hon. D. K. Dans: I do.

The Hon. G. E. MASTERS: As far as possible, this law shall deal with these excesses. Our community can no longer condone the outworn excuse that such behaviour is acceptable if it is claimed to be part of industrial action.

Both the deterrent and incentive features of the new law strongly reinforce responsible behaviour. The deterrents are quite specific—

> no one breaking this law can make the excuse that he did so on employer or union instructions—there are penalties for unacceptable personal behaviour; and
>
> neither can employers or unions, as separate entities, evade the rules of behaviour laid down by this law—there are separate penalties for them.

The strong incentives for responsible behaviour are also clear and specific. A much better balance of rights has been established—

> for the individual—where lawful personal choice is the primary right;
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> for the employer—where lawful management authority should properly prevail;
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> for unions—where they are lawfully negotiating and upholding the industrial rights of employees, with their free and willing consent; and
>
> for the public—where decisions of the Industrial Commission may have a significant effect on the community's economic prospects.

I will now deal in more detail with the main features of the new legislation. The new law significantly strengthens the right of the individual to choose to join, or not join, a union. Neither a corporation, employer, nor a union may compel an individual to join or not join a union. They are prohibited from harming an employee's rights to employment because he is, or is not, a member of a union. They are prohibited also from affecting an employee's chances of promotion or his natural progress at work, simply on the ground that he is, or is not, a member of a union.

Any action prejudicing a person in these ways is a classified offence, as is also the indulgence in standover tactics by direct or indirect threat, or by personal injury. It is also an offence to conspire to act against an individual in this way, or to incite others to do so. If a corporation, employer, or a union is guilty of offences of this kind, any of its officers or employees involved in such offences are also now personally guilty.

The fact that an organisation may issue an instruction that such offences should not be perpetrated, will not be sufficient excuse if, in fact, such offences are perpetrated. Penalties for individuals who commit this kind of offence may range from a minimum of $400 to a maximum of $5 000. Penalties for corporations or unions may range from a minimum of $1 000 to a maximum of $10 000, plus $500 a day if the offence continues.

The Hon. Peter Dowding: All this just to try to win Pilbara.

The Hon. G. E. MASTERS: Convicted companies may be required to reinstate a victimised complainant and/or pay him compensation. Convicted persons other than employers may be liable also to the payment of compensation.

The Hon. Garry Kelly: That is an election issue.

The Hon. G. E. MASTERS: In the case of a union, refusal to pay penalties imposed will lead to the industrial rights of the union being suspended until the penalty is paid. This means the union will have no status in respect of awards coverage, or access to the industrial commission.

A vital feature of the new law is that it extends quite definitively to contractors, subcontractors, suppliers, agents, and others in the workplace the same protection which is provided for employees. This is a most significant step because it sets out to ban the kind of pressures brought to bear on these people on the initiative of certain unions.

The Government has been appalled at the examples of intimidation, extortion, and standover tactics perpetrated by power hungry unions such as the Builders Labourers' Federation and the Transport Workers' Union. Just as employees have been forced to join unions by such tactics, subcontractors, owner drivers, agents, and others engaged in the workplace have been forced to join even though they are not classified as employees—even though they are not eligible to join the particular union, according to the union's rules. In effect, they have been obliged to join, and pay union dues, as a kind of protection racket.

We regret to say that far too many employers have gone along with this kind of pressure being applied. One example is a "no-ticket/no-start" insistence on everyone being a union member—whether employee or subcontractor. In some cases, individuals have been directed to join certain unions, even though they are not the relevant unions for their work. There have been times when some employees and independent con-

tractors have been forced into joining more than one union by this means.

The evil practice of forcing independent contractors and subcontractors to join a union has become more and more prevalent in recent years. No one can deny that it is a severe discriminatory action which hinders an individual from going about his lawful business, or from trading, under threat of being forced out of business unless he complies.

A typical example of this discriminatory action is the case of a self-employed owner driver who was refused further work by a major transport organisation unless he joined the union. Another example is one of a major construction site where an employment registration form is required before anyone can enter the site to perform any work. This ensures effectively that all subcontractors and employees are forced to join a union.

The Hon. Peter Dowding: Do they want the award payment?

The Hon. P. G. Pendal: The Labor Party supports that action.

The PRESIDENT: I ask the Hon. Peter Dowding to cease his interjections while the Minister is introducing the Bill.

The Hon. G. E. MASTERS: Thank you, Mr President.

One of the worst cases affected the operation of a small business which manufactured precast concrete panels. To reinforce its membership drive, the Builders Labourers' Federation banned the use of these components on the construction site. The major contractor gave in to the federation's demands and the impact on the manufacturer, a small businessman, was financially devastating.

The Hon. D. K. Dans: What will you do about the Builders Labourers' Federation, about compelling them to get State registration?

The Hon. G. E. MASTERS: Let me, therefore, give fair warning that this Government intends to protect small businesses and self-employed people who are prepared to work hard and deliver contractual commitments at a price. They are fully entitled to earn the rewards of extra effort, and that entitlement must be protected. These people are the very lifeblood of our community. They collectively provide close to half the jobs in the community and supply the drive and initiative and lay the foundations for future progress.

The Hon. Peter Dowding: Your fiscal policy is a scream.

The Hon. G. E. MASTERS: The member is not listening. The spirit of these comments extends also to secondary boycotts. The Commonwealth has legislation to deal with secondary boycotts, but we are strongly of the opinion that complementary State legislation is needed also to ensure there are no loopholes on account of any constitutional shortfall in Commonwealth powers.

We have also examined the question of whether the Commonwealth and State jurisdictions might limit the protection we intend to offer under this new law in order to uphold the rights of individuals. We have received legal advice that even though a Federal award may apply, it does not mean that the State law would not operate in some circumstances. The provisions in this law governing individual rights are not bound by the provisions of awards, but refer directly to behaviour which affects those rights.

Other important features of the new law include the following—

> A trend towards interference in management functions in the jursidiction of the Industrial Commission will be modified so that the new law upholds the prerogative of management.
>
> Unions will be required, in their annual accounts and financial statements, to be more accountable to members and to be more open to public scrutiny. In this respect, unions are being required to measure up to some of the standards imposed on companies—a long overdue step in the right direction. There is substantial public disquiet about the way union moneys are handled at the present time.

The Hon. D. K. Dans: There is doubt about some company money too—mateship behaviour. Mr Burt for instance—

The Hon. N. F. Moore: Do you mean Dick Burt?

The Hon. D. K. Dans: Dick Burt!

The PRESIDENT: Order! I ask honourable members to cease their interjections.

The Hon. G. E. MASTERS: To continue—

> The powers of industrial inspectors to investigate cases will be substantially strengthened, especially where individual rights are wrongfully denied to an individual. This is an important move towards ensuring more positive redress of wrongs.
>
> There is also a special provision enabling the Attorney General or an industrial inspector to launch a prosecution. This provision realistically takes into account the considerable personal pressure which at times may be applied to an industrial inspector when he is

tackling a tough assignment and may face threats of violence.

The stand-down rights of employers—both private and government—are strengthened when work is directly or indirectly affected by industrial action.

Employers will have a clear right to stand down employees when they cannot provide work for them as a result of industrial action. This right no longer will be dependent on any authority from the Industrial Commission. This provision is not only a simple matter of justice but, in the prevailing economic climate, a reflection of the realism that is required.

In similar vein, the Industrial Commission in future will be required to take greater account of economic factors when making its determination. In practice, this means the commission must take into account the capacity of employers to meet additional costs, the capacity of the community to do likewise, and the possible impact of unreasonable increases on employment at large.

Where the Industrial Commission issues an order for return to work, procedures have been streamlined. Under the existing law it can take up to 42 days for an order to become finally effective. Under the new law, the time will be halved.

Both employers and unions will be required also to notify the Industrial Registrar when industrial action is likely to occur, has already happened, or is continuing. This will ensure that the commission is better and more immediately informed of situations that are likely to lead to any spread of disputation.

Our new legislation reinforces what we set out to do in 1979, when we legislated in support of Article 20(2) of the United Nations Universal Declaration of Human Rights, which states—

> no one may be compelled to belong to an association,

Convention 87 of the International Labour Organisation also upholds this principle of freedom of association as part of the protection of the right to organise. Article 2 of Convention 87 states—

> Workers and employers, without distinction whatsoever, shall have the right to establish and, subject only to the rules of the organisation concerned, to join organisations of their own choosing without previous authorisation.

Freedom of association means what it says—freedom, not force—and is a basic human right: the right to choose without fear of the consequences.

Wherever force is used to coerce individuals to take an action that is contrary to their lawful freedom of choice, it is totally unacceptable in a democratic society like ours.

The Hon. Peter Dowding: It sounds like W. W. Mitchell has had a go at it.

The Hon. G. E. MASTERS: The member should listen because he is always talking about human rights.

The principles on which this new law has been based are the most fundamental to the way of life in Australia today.

The Hon. Garry Kelly: What about free and equal votes?

The Hon. G. E. MASTERS: These principles are held dear by all thinking Australians, and have been incorporated in the philosophy and beliefs of this Government. These principles are—

> The right of people to go freely about their lawful business.
>
> The freedom of association.
>
> The right of people to work.

The Hon. D. K. Dans: If people can get work. When are you going to bring in a Bill on job creation?

The Hon. G. E. MASTERS: To continue—

> The freedom of political thought.

The Hon. Peter Dowding: It does not exist under your Government. What is 54B?

The Hon. G. E. MASTERS: To continue—

> The right of companies and subcontractors to operate without coercion.

Coercion is unacceptable whether it is in the work place or not.

This Bill upholds lawful individual freedom in the workplace. The new law is intended to make Western Australia the national leader in upholding the right to work. We will become the "right to work State" in which people will have laws protecting their rights to pursue a trade, a business or a profession without fear of any consequences, imagined or real, arising from their freedom of choice.

The Hon. Peter Dowding: You don't believe that do you Minister?

The PRESIDENT: Order!

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

## ROAD TRAFFIC AMENDMENT BILL

*Third Reading*

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

## WESTERN AUSTRALIAN INSTITUTE OF TECHNOLOGY AMENDMENT BILL

*Third Reading*

**THE HON. R. G. PIKE** (North Metropolitan—Chief Secretary) [3.18 p.m.]: I move—

That the Bill be now read a third time.

I inform members, and the Hon. Bob Hetherington in particular, that I made his comments available to the Minister for Education and when I spoke with him today he told me that, having read the questions put to him by the honourable member, he is not prepared to give an undertaking.

**THE HON. ROBERT HETHERINGTON** (East Metropolitan) [3.19 p.m]: To say that I was disappointed in what the Minister has just said would not be true; it was what I expected. I did not think there would be such an undertaking and therefore I will vote for the third reading, but not with the same joy as I may have had the undertaking been given.

What the Minister has just told us makes nonsense of the arguments put forward by the Hon. Peter Wells and others last night.

Several members interjected.

The PRESIDENT: Order!

The Hon. ROBERT HETHERINGTON: When the things we were told were possible with such elan actually come to pass, I will believe that the honourable gentleman is no longer talking nonsense.

**THE HON. P. H. WELLS** (North Metropolitan) [3.20 p.m.]: The suggestion that because the Minister did not intend at this stage to be blackmailed into a total commitment, it made nonsense of the Bill—

The PRESIDENT: Order! The Hon. Peter Wells knows that at the third reading stage, there is no room for any other comment other than to give reasons whether the Bill should or should not be read a third time. It is not competent for a member to rehash arguments which may have taken place during the second reading stage. I draw the Hon. Peter Wells' attention to that fact and ask him to proceed.

*Withdrawal of Remark*

The Hon. ROBERT HETHERINGTON: Mr President, I find the statement that the Minister has refused to be blackmailed to be objectionable, and I ask for it to be withdrawn.

The PRESIDENT: Order! Am I to understand the Hon. Robert Hetherington is suggesting that the Hon. Peter Wells made a comment to the effect that the Minister was being blackmailed?

The Hon. ROBERT HETHERINGTON: Yes, Mr President; that was the clear implication of what the member said.

The PRESIDENT: I ask the Hon. Peter Wells to withdraw the comment.

The Hon. P. H. WELLS: I withdraw, Mr President.

*Debate Resumed*

The Hon. P. H. WELLS: Mr Hetherington said that the Minister refused to accept his suggestions and that what I said was nonsense.

The Hon. Peter Dowding: It probably was.

The Hon. P. H. WELLS: The reason the Bill should be read a third time is that what I said was not nonsense, because the request of members opposite is provided for in the legislation. Of course the Minister is not prepared to tie future Ministers to a decision of this nature. He believes that the best people should be appointed to this board. So, it is not nonsense. The Bill is wisely drafted, and makes provision for the best people to be appointed. That is why the Bill should be read a third time.

Question put and passed.

Bill read a third time and passed.

## ACT AMENDMENT (AGRICULTURAL PRODUCTS) AND REPEAL BILL

*Second Reading*

Debate resumed from 18 August.

**THE HON. G. E. MASTERS** (West—Minister for Labour and Industry) [3.23 p.m.]: The debate on this Bill took place some time ago, and a number of matters were raised by the lead speaker for the Opposition, the Hon. Jim Brown, and other members. I hope the explanations I am about to provide satisfy their inquiries.

The Hon. Jim Brown raised the matter of the power of an inspector, particularly with regard to revoking detention orders. He believed the inspectors may have been given undue powers and in effect were not answerable to some higher authority in making their decision. It is true the inspector initiates the revocation; however if he believes a

detention order should be revoked he first must obtain the authority of either the permanent head or the Minister to carry out that revocation. That provides adequate protection to the grower. Quite clearly, an inspector must have sufficient powers to do his job in what often is a difficult area. The Hon. Jim Brown should bear in mind that the Bill does not propose to give the inspector any more or less power than he has had in the past.

It must be understood also that in an industry where detention orders may be issued, some growers may think an inspector has acted in a way which can be challenged. However, quite clearly the inspector must first obtain the approval of either the permanent head or the Minister—invariably, it would be the permanent head—who would examine the matter and make his decision. So, it would seem adequate safeguards have been built into the system to protect the growers; the system seems to have operated quite well in the past.

Another matter raised by the Hon. Jim Brown related to the Western Australian fruit and vegetable industry advisory committee; he said the Bill contained no mention of the committee. Three authorities have been established under the Statute; namely, the stone fruit sales advisory committee, the apple sales advisory committee, and the citrus sales advisory committee. However, the Western Australian fruit and vegetable industry advisory committee was established as the result of a recommendation of the WAIT-aid report and is purely an advisory committee; it has not been set up under a Statute. The committee comprises the following members: representatives of vegetable growers, fruit growers, retail buyers, agents and merchants, the Metropolitan Market Trust, the Western Australian Potato Marketing Board, the Department of Agriculture, and transporters. The chairmanship is rotated on an annual basis between growers and agents. The present chairman is the chairman of the Western Australian Fruit Growers Association (Inc.) (Mr Gubler) who I am sure is well known to many members.

The advisory committee was established on the recommendation of the industry and has proved very successful; however, there is no need to enshrine the committee in legislation when it seems to be working in such a reasonable way.

The Hon. Jim Brown also asked about the number of inspectors employed by the department and through the fruit growers trust fund. To this date, 27 inspectors are employed across the board in quarantine, export, airport surveillance, shipping, road checks, and the like. Two inspectors are employed as a result of funds provided from the fruit growers' trust fund. Each year, the amount set aside by the trust for this purpose varies according to requirements. This year, the trust set aside $35 000 to meet the salaries and travelling expenses of two inspectors who are involved principally in shop and retail inspections. If the trust wished to double that amount, it would provide for more inspectors in the retail area.

The Hon. Win Piesse raised the matter of the codes. I must admit when listening to her that I was under some misunderstanding as to exactly what was intended by the codes. In fact, the codes are simply regulations. If members want a copy of a particular code, I have some examples. The codes set out concisely and clearly requirements in relation to the handling, standardisation, and grading of fruit and other products.

The new proposed codes are very progressive, and are designed to aid the public, and the interesting thing about them is that they set out the standards of the quality of the products. Growers and packers will be required to grade either by number or letter, and the grade must be marked clearly on the container; in addition, the product variety and grower's name must be indicated. So, the packaging must be clearly marked to enable the purchaser to know what it contains.

The legislation also provides for the retail consumer, because grades will have to be displayed to the public; I do not think this has happened in the past.

In addition, the Bill prohibits any misleading advertising by virtue of retailers placing the good quality product at the front and the poorer quality at the rear, which has happened on many occasions.

The Hon. Vic Ferry raised the matter of packaging. He asked whether the present packaging methods, and equipment used for packaging, will have to be phased out immediately, or whether they can continue to be used. The new packaging will be phased in gradually, so there will not be a single cut-off point. Growers will face no great loss by having to throw away the packaging equipment already to hand.

Mr President, will you allow me to make some comments on the three amendments on the notice paper? They were discussed at length by the Hon. Vic Ferry. I do not intend to deal with them in any great detail; but I wish to point out one or two matters that may save a bit of time in the Committee stage.

The Hon. Vic Ferry has placed three amendments on the notice paper. The first deals with inserting the word "sizing" after the word

"grading". The information given to me from the department indicates that "grading" means and includes "sizing", because grading is the method by which the fruit is sized.

Further than that, we have a problem with the way the market is set up at this time. I understand that the local market is established on a different basis from the export market. Only one minimum size is on the local market, and a number of different sizes of gradings are permitted on the export market.

The PRESIDENT: Order! I have to rule that the Minister is now out of order. In the second reading stage it is perfectly all right for a member to mention the nature of an amendment; but it is out of order to discuss an amendment in detail. The Minister is now going into detail, and I ask him to refrain.

The Hon. G. E. MASTERS: Thank you, Mr President.

I have covered most of the points that should be canvassed at this time. I will explain the position in relation to the amendments during the Committee stage.

Question put and passed.

Bill read a second time.

*In Committee*

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

Clauses 1 to 3 put and passed.

Clause 4: Section 2 amended—

The Hon. V. J. FERRY: Clause 4 deals with the definition of "relevant code". It is unfortunate that at the time of the examination of the Bill in the House, I was not equipped with the information regarding the code conditions. I do not think other members had that information either. When the Bill was introduced, perhaps a little more detail should have been given in regard to the mechanics of the legislation.

Notwithstanding that, since my contribution in the second reading debate, I have looked at the implications of the legislation and I now know what "relevant code" means. As the Minister mentioned during his reply to the second reading debate, the code really is another form of regulation. Therefore, it contains all the provisions which one would query if it was not available.

The code is an innovation in regard to the Agricultural Products Act. There is provision in the Act, as in other Acts of Parliament, for regulations; but now we are also providing for a code to be implemented.

In the course of my earlier remarks I referred to the size of a product, be it a fruit or a vegetable. To indicate to the Committee that the code in fact refers to many things including size, I shall quote from clause 6 of the Agricultural Products Act 1929-1974, product growing and packing code, subparagraph (3), as follows—

> (3) Where apricots are marked as being of a particular size they shall not be less than the marked size but a tolerance of 5 millimetres above that size is permitted.

Therefore the point that I was making earlier is covered in the code.

I make no apology for raising the matter, because I have a very real interest in protecting the fruit and vegetable industry in this State. Other members have that interest also. It was incumbent upon us to be vigilant to make sure that the legislation benefited the industry rather than hindering it in any way. Obviously the code covers the point I raised.

Clause put and passed.

Clauses 5 to 7 put and passed.

Clause 8: Sections 3F, 3G and 3H inserted—

The Hon. G. E. MASTERS: Two amendments are proposed to clause 8. The first deals with the point of "sizing" which I answered at an earlier stage. I understand from the previous remarks of the Hon. Vic Ferry that he is now satisfied on that point, and the amendment will not be pursued.

I would like to speak to the second amendment and explain to the honourable member what the situation is. Quite rightly he put an amendment on the notice paper. His interest in the Bill has been great indeed; and it has made the people responsible for drawing up the Bill look very carefully to ensure that the points raised by the member have been covered.

The honourable member's proposed amendment to clause 8 is covered adequately on page 3 of the Bill, in an earlier part of clause 8. He suggests that the words "and such modifications" be inserted in clause 8 (3) (e) after the word "materials".

The operative words "such modification" are adequately covered at the beginning of clause 8 (2) which states that the Minister may, in a code formulated under subsection (1) of this section, specify the package or kind of package to be used in relation to an agricultural product. I am assured that adequately covers such modifications as are needed.

In fact, the words to be added may well allow the Minister or the departmental head to make modifications other than to materials, and this subclause deals with materials. I am sure that was not the intent of the member's amendment. I urge the member not to move his amendment.

The Hon. V. J. FERRY: I thank the Minister for his explanation. I make no apology for having placed the amendment on the notice paper. I do not intend to move it, but I wish to have it recorded in the proceedings of this Chamber that I did draw the attention of the Chamber to the problems associated with designating the sizing associated with the grading of products.

I have had an opportunity recently to examine the regulations flowing from the Act we are amending and it is clear they contain a number of references to the size of stone fruit, citrus fruit, and varieties of apples. So the point of which I was a little wary has been qualified and I am happy now with the existing arrangement. Therefore, it will not be necessary for me to move my amendment.

As for my amendment covering materials, again I am grateful to the Minister for explaining the situation about materials used in packaging. Still, I am content that I have drawn the attention of members and the administrators of the Act to this problem. Everyone connected with the industry will be aware that tolerance should be allowed for those growers who wish to continue using existing crates and other equipment for packaging and that this requirement will be phased out in accordance with the new code as time passes. Quite obviously to bring in a change suddenly would cause growers a lot of extra expense. I am happy to have brought this matter to the attention of the Chamber.

Clause put and passed.

Clause 9: Section 4 amended—

The Hon. V. J. FERRY: I do not intend to move my amendment on the notice paper. Again, I have had the opportunity of examining the workings of the Act. My amendment proposed that a detention notice give precise reasons for any action that may be taken to detain fruit considered not fit for sale. It is fair enough that precise reasons should be given.

*Sitting suspended from 3.45 to 4.01 p.m.*

The Hon. V. J. FERRY: In order to regularise proceedings, I move an amendment—

> Page 6, line 10—Insert after the word "notice" the words "which notice shall contain in succinct terms the reason for the detaining of any package or lot".

I give notice that I intend to seek to withdraw the amendment shortly, but the stage is now set for me to elaborate on the reason that I placed it on the notice paper and to make some relevant comments to it.

The amendment sets out to provide that specific and succinct reasons shall be given on a detention notice as to why any fruit or produce is condemned or withdrawn from sale for any reason. I felt it was necessary to ensure that the growers of produce were adequately protected inasmuch as I would not like to see any produce withdrawn from the marketplace without due reason. Therefore I felt it was incumbent upon me to suggest an amendment that would ensure that any detention notice did in fact specifically and clearly set out the reasons for any detention of fruit.

Since we discussed this measure a few weeks ago, I have had the opportunity of examining the Department of Agriculture's detention notices and I have two samples in my hand now. By way of illustration, one detention notice says—

> I consider that the said items contravene section 3D in that a large percentage of apples are excessively hail marked and undersize (2½) for cookers—

The other detention notice says—

> I consider that the said items contravene section 3D in that the apples are soft and breaking down and are not fit for sale.

Quite clearly, the practice is for the reasons to be succinctly stated on the detention notice, and that was the whole purpose of my amendment. Therefore, I am satisfied that it is not necessary to proceed because obviously the practice is in force now. I am glad that is the case. I do not flinch from having an honest look at legislation as I believe it is incumbent upon us in this Chamber to protect those in the industry and to ensure that they are not disadvantaged and, in turn, to ensure that the public are not disadvantaged in any way.

I request the Committee's permission to withdraw the amendment.

Amendment, by leave, withdrawn.

Clause put and passed.

Clauses 10 to 13 put and passed.

Title put and passed.

*Report*

Bill reported, without amendment, and the report adopted.

## QUESTIONS

Questions were taken at this stage.

## ADJOURNMENT OF THE HOUSE

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [4.24 p.m.]: I move—

That the House do now adjourn.

*Newspaper Libel and Registration Act: "The Kimberley Echo"*

**THE HON. PETER DOWDING** (North) [4.25 p.m.]: I wish to delay the adjournment of the House by raising a matter which I regard with the utmost seriousness.

In 1980 a newspaper was established for publication in Kununurra. It was titled *The Kimberley Echo*. To my certain knowledge *The Kimberley Echo* has on at least two occasions published material defamatory of other people and, on at least one of those occasions, it has been forced, because of the defamatory material, to apologise and pay damages. This newspaper is currently the subject of another libel action. Therefore, it is not a modest, suburban journal containing suburban chitchat. It is a journal which has, on numerous occasions, published scurrilous material.

In 1980 I referred the Attorney General to a most appalling piece of material contained in *The Kimberley Echo*, a letter published under the pseudonym of "Shaker Morton" of Derby in which the said Shaker Morton endorsed the proposition in relation to Aboriginal affairs that it was time to stop talking and start shooting.

When I laid a complaint about that with the Attorney General he did nothing but treat the complaint as frivolous. He purported to have the matter investigated and the answer came back that no-one could locate the identity of Shaker Morton. A series of frivolous responses were made that he was thought to be an Aboriginal who had gone into the Northern Territory. From the very words of the letter, that was just nonsense.

However, the point was that the editor of this little rag had included an editorial in which he said that indeed the time was right for some things, but he did not go quite as far as Shaker Morton on this issue.

I do not share the view that that sort of talk can be treated with levity and, indeed, in my view there was a prima facie case for the publisher of that newspaper to be dealt with for sedition; but the Attorney chose to treat that suggestion with contempt and obviously did nothing about it.

That, in itself, might be said to be the Attorney's prerogative, because it is true that the proposition that it might be seditious was equivocal; it was a matter for argument and he might have disagreed with the interpretation. It might be said that, despite the great resources of the Police Force—I might say one of the sergeants in Kununurra did not give me any confidence that he was a man who would share my outrage at that sort of suggestion—the author of the letter could not be found. It might be said also that the publisher of the newspaper should go scot-free for publishing that sort of dangerous tripe under the guise of free speech. It might be said the fact that a weekly newspaper is sued for libel on numerous occasions is not in itself justification for concern.

However, on 4 August 1982, I had a discussion with the Commissioner of Police in which I pointed out that *The Kimberley Echo* did not appear to comply with a number of the provisions of the Electoral Act in publishing electoral material and that I was concerned that this newspaper, which was full of vigorous and vocal support for the Liberal Party—the Attorney's party—and the pathetic little candidate who was put up for North Province by the Liberal Party, had breached the Electoral Act. Therefore, I asked the Commissioner of Police to investigate.

I received a letter, dictated by the commissioner on the same day, saying that he had sought the advice of the Chief Electoral Officer on the topic.

So on 9 August I wrote to the Chief Electoral Officer and sent him a copy of *The Kimberley Echo*. I made various points to him. Incidentally, I mentioned verbally to the commissioner that the newspaper appeared not to be registered under the Newspaper Libel and Registration Act. I sent that letter to the Chief Electoral Officer.

Under the mistaken belief that the Chief Secretary was in charge of the Newspaper Libel and Registration Act, I sent on 11 August a copy of that letter to him to draw the matter to his attention. He was kind enough to reply promptly—15 August—and say that the matter was within the ambit and responsibility of the Attorney General and that he had referred my letter of 11 August and the copies of *The Kimberley Echo* to the Attorney. On 17 August I spoke to him in a corridor of this place and he told me the matter was under consideration. I heard nothing from the Attorney for some time so I wrote to him on 3 September saying that I would appreciate a response before the resumption of Parliament, but I heard nothing from my letter of 3 September. On 14 September I asked him a question as to what action was being taken, and he indicated I should expect a letter. When I pressed him as to when I might receive it he was kind enough to have a copy placed on my desk. The copy states—

As I indicated to you verbally, I requested advice from the Crown Law Department in relation to your enquiries.

I am advised that the newspaper is required to carry the name and address of the printer under Section 16 of the Newspaper Libel and Registration Act.

That advice is subject to it being a "newspaper" in the terms of the Act.

I understand that publication has occurred without such particulars appearing thereon.

I am advised that it is customary in relation to an offence of this kind to give a warning before making a formal complaint.

I have therefore requested the Under Secretary for Law to inform the editor of the requirements of the section.

I do not propose to take any further action at this stage.

If that is the best advice the Attorney could obtain from the Crown Law Department he ought to place some advertisements for some new legal advisers because the Newspaper Libel and Registration Act not only proscribes the publication of all newspapers without that information contained in them, but also requires as a matter of law, the annual registration of newspapers, and that the returns of newspapers under that Act should be lodged with the Registrar of the Supreme Court.

Since this document, *The Kimberley Echo*, clearly shows it was established in 1980, it would not take much more than a first-year articled law clerk to come to the conclusion that it would be very easy to go to the Supreme Court to check whether the provisions of the Act had been complied with. If it had not been registered, would it not appear on the face of the matter that the publication had not complied with the Act?

There was a period of at least two years in which that publication was required to lodge a return in January of each year it operated. We suspect an offence was committed in January 1981, and in January 1982 at the very least. Of course, that suspicion of offence appears to be beyond the powers of the chief law officer of this State to investigate when it is not only brought to his attention, but also specifically put under his nose by my telling him of the Statute to look at. That Statute, including all its amendments, is all of about five pages.

In my view this matter must be considered in the light of a couple of others. Firstly, the police took no action; and, secondly, I have not been informed of any action having been taken by the Chief Electoral Officer. It turns out that on 19 August, within 12 days of my raising the matter with the Commissioner of Police, and not being informed by the Commissioner of Police that he was taking any action—one assumes he will not take any action—the perpetrator of the newspaper registered it in the Supreme Court. So much for confidential communications with this Government's departments and law officers.

I communicated with the Attorney General, the Chief Secretary, the Chief Electoral Officer, and the Commissioner of Police before 19 August this year, and on that date no prosecution had been launched against this perpetrator. But on that date, suddenly after 2½ years he brought his registration to the Supreme Court Registrar. How did that come about? Was that pure coincidence, or did one of the Liberal Party Ministers ring their functionary in Kununurra and warn him that someone was making noise about his newspaper and he had better get in to tidy it up because the allegations could not be held off forever? That is the sort of criticism that comes when someone does not act properly after a complaint is made.

It may be that the Attorney General made no such contact; it may be that the Commissioner of Police made no such contact; it may be that the Chief Electoral Officer made no such contact; and it may be that the Chief Secretary made no such contact. Of course, I do not accuse either the Chief Electoral Officer or the Commissioner of Police of being advocates of the Liberal Party; they are men of admirable independant disposition. But either someone called Mr O'Kenny in Kununurra and warned him that someone was making waves, or his registration was pure coincidence. I reject the latter.

This matter would be one for minor concern if it were not for the fact that the Attorney General and other Ministers in this Cabinet are the people concerned to ensure the law is upheld equally. They are required under their oaths to do justice between all men.

In 1978 a by-election was held in the Kimberley seat, and prior to that by-election a certain Kununurra resident—I do not think it is fair to keep naming her, and I shall not—had published over many months a little, throw-away, home-printed journal of a bit of local news. It was a little, throw-away, social, chitchat newsletter, and during the by-election she included in it an advertisement for the Labor Party. Everyone in Kununurra knew who printed and published it, and everyone thought it was a great thing for the town.

This person published it merely as a result of her community spirit, but someone in the Liberal Party complained, and the person publishing the newsletter was prosecuted for publishing material containing an electoral advertisement without an endorsement of the name and address of the printer. The CIB went to her home, seized her typewriter, sent it to Perth for forensic studies, broke it *en route*, sent it back to her in that broken and damaged state, and took about six months to refund her for the damage. She was prosecuted, convicted, and given a nominal fine in the Court of Petty Sessions. That is what happens when someone does something that has no criminality attached to it at all. There was no question of her publishing seditious or libellous material; no complaints at all were made about the content of the publication, only that it contained an election advertisement.

There appears to be a completely different set of laws applied to a Liberal Party functionary in a country town publishing a rag that regularly contains material that is defamatory of others. I ask: When will it be that the chief law officer of this State, the person responsible for the administration of the Newspaper Libel and Registration Act, either receives accurate advice on this matter or at least is willing to investigate it when he is given a *prima facie* case of at least two breaches of the Act? When will he consider whether the proprietor to whom I have made reference should be dealt with for a breach of the Act?

This matter is not a frivolous one. The very reason that a requirement exists for registration is to ensure that we do not have a proliferation of gutter Press for which no-one takes responsibility, and that we do know who the publishers are. The Act was introduced as long ago as 1884 and is regarded as a current piece of legislation, so it is not a superficial matter.

In 1884 a person could face a possible fine of £25 for failing to submit an annual report. In 1884, £25 was considered to be a considerable sum of money. Whilst the Act has not been amended—this Government has not chosen to revamp it—a penalty of up to $50 is prescribed.

The law in this State should be enforced equally and fairly between the subjects of the State. It should not be up to the members of Parliament or private citizens to put together a brief for the Attorney General to determine so that they can find out whether a section of the Act has been breached, especially when the Act contains six pages.

The Attorney General has 40 solicitors in his department and the Western Australian Police Force at his beck and call to ensure justice is done. Surely justice should be done or seen to be done.

If it were not for the fact that this outrageous action took place in 1978 against a person from Kununurra who did not belong to the honourable member's party, I would not be so hot under the collar about it.

In a small town it is important to avoid discrimination. Nevertheless the point is the Liberal Party supporters are not treated in the way I have mentioned and do get away with things under the laws of Western Australia.

**THE HON. A. A. LEWIS** (Lower Central) [4.42 p.m.]: I wish to make some comments because the Hon. Peter Dowding has tried to confuse everyone with his rhetoric. He attempts to do that regularly in this House and it is a pity because he has a good brain but does not use it. It is a pity he does not treat members as equals.

He quoted laws and Acts when making his speech: He quoted the Electoral Act—

The Hon. Fred McKenzie: You are going to tell us he is wrong, are you?

The Hon. A. A. LEWIS: I am telling the President that the honourable member is trying to confuse us. I do not think it is worthy of the member and if the Hon. Fred McKenzie wishes to make something of it we can deal with it later. The member spoke about copyrights, the Electoral Act and other laws and placed them all into one speech.

The Hon. Garry Kelly: Surely he was talking about the classification of the law.

The Hon. A. A. LEWIS: I have questions to ask the Attorney General and it may be they will support Mr Dowding's arguments, I do not know. Has *The Kimberley Echo* ever said anything against the Hon. Peter Dowding?

The Hon. Peter Dowding: No.

The Hon. A. A. LEWIS: Has it ever said anything against its supporters? A long silence!

The Hon. Peter Dowding: Yes. It libelled the other member for North Province, and that was three years ago.

The Hon. A. A. LEWIS: There is a law to deal with libel and the member would know more than I about that because he gets himself into those situations. I do not.

Mr Dowding spoke about registration of newspapers and then the Electoral Act.

The Hon. Garry Kelly: It had nothing to do with it.

The Hon. A. A. LEWIS: The honourable member says it had nothing to do with it. Mr Dowding referred to two or three Acts because one of his supporters was allegedly—I say allegedly because the honourable member used those words without consideration of anyone's feelings, as many of his party do: I exclude his Whip because he is an honourable man and would not say such things without due consideration—guilty of breaching the Newspaper Libel and Registration Act.

*The Hon. Peter Dowding: Attack*

The Hon. A. A. LEWIS: The member spends a lot of time in this place abusing the Attorney General—

The Hon. Peter Dowding: Why do you not let the Attorney General respond then? You know nothing about it.

The Hon. A. A. LEWIS: The Attorney General makes mincemeat of Mr Dowding so often and makes him look like a buffoon. I think it would be a good job if a back-bencher as well made him look a buffoon because he gets up in this place and shoots his mouth off so often. He confuses the issue and obviously his own party members are confused when we consider the interjections of Mr Garry Kelly and Mr McKenzie.

The Hon. Fred McKenzie: That is your value judgment and it is not correct.

The Hon. Lyla Elliott: You are trivialising a serious matter.

The Hon. A. A. LEWIS: If Miss Elliott wishes to speak about trivia, she had best look at what she is saying. I am treating this matter as a serious accusation against the Attorney General. It is obvious that we have three views from the Opposition.

The Hon. Garry Kelly: Just one.

The Hon. A. A. LEWIS: The senior members of the Labor Party understand what I am saying but the junior members do not because they do not know what the law is all about.

Mr Dowding accuses the Minister of all sorts of things. He spoke about an electoral advertisement which resulted in someone being prosecuted. Most of us know, when running in an election, what can and cannot be done. However, two years after the action took place, the Hon. Peter Dowding wishes certain laws to apply to the case. I do not think there is a lawyer in this place who would say that in respect of either Act the same law has applied.

Mr Dowding accuses people of libel and of publishing seditious material. I wonder if he would be game to say that outside this place. He is using parliamentary privilege, as his colleagues in another place have done, because they are not game to go outside and make those comments.

However, he abuses the Attorney General in this place who has been the most respected Attorney General of this State. If the honourable member wishes to tell us of one member of the legal profession who is more respected than our Attorney General, let him open his mouth now. He has not, so he agrees.

He is prepared to come into this place and make a vicious attack on the Government and accuse the Attorney General of not complying with the law. I do not think the Attorney General would have said some of the things that I said in his own defence. The only reason I rose to speak is that I believe in a little fairness in the law and in justice to all men.

*Newspaper Libel and Registration Act: "The Kimberley Echo"*

**THE HON. I. G. MEDCALF** (Metropolitan—Leader of the House) [4.51 p.m.]: I do not propose to deal with this matter at length. I am not really surprised at the vehemence with which the honourable member spoke because he speaks in this vehement way on frequent occasons, and by speaking so frequently in that manner he does destroy to a large extent the kind of argument that he might wish to put across.

I can only say that the facts of this case, as presented to me, were extremely brief and were outlined in a letter, from the honourable member, dated 3 September which was preceded by a copy of a letter he had sent to the Chief Secretary, together with a copy of *The Kimberley Echo* of July, last. The letter inquired as to whether the company was in breach of the Newspaper Libel and Registration Act. I referred the matter to the Crown Law Department for inquiry and I have no lack of faith in the kind of inquiries that that department undertakes and its competence to undertake them. The report which I recently received indicated that the July issue did not contain the name and address of the printer, which was the subject of complaint.

The Hon. Peter Dowding: What about section 10?

The Hon. I. G. MEDCALF: There was no reference to any other default. The honourable member has said that the newspaper is registered.

The Hon. Peter Dowding: It wasn't when you got the complaint.

The Hon. I. G. MEDCALF: There was no reference to any complaint other than a copy of *The Kimberley Echo* of July this year.

The Hon. A. A. Lewis: Chewed up again!

The Hon. Peter Dowding: It has been published for two years without being registered and it was not registered when you received the complaint.

The Hon. P. G. Pendal: Do you want to make another speech?

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: If I may continue, the only publication that I received was that of July. I received a copy of the publication from the Crown Law Department and I was informed that it appeared that the publisher might have committed an offence by not putting his name and address on it.

The Hon. Peter Dowding: That is stupid.

The Hon. I. G. MEDCALF: That was the information I received. There was no indication that there was anything else wrong, and the honourable member has said already that this publication was registered.

The Hon. Peter Dowding: It was not registered for two years, and that is an offence.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: The honourable member has stated that it was registered and that was the information, no doubt, on which the Crown Law Department based its advice to me.

The Hon. Peter Dowding: It was registered on 19 August after you got hold of them.

The PRESIDENT: Order!

*Point of Order*

The Hon. A. A. LEWIS: On a point of order, Mr President, the honourable member has accused the Attorney General of getting in touch with the publisher and I would like him to withdraw the remark.

*Debate (on motion) Resumed*

The Hon. I. G. MEDCALF: If I am to continue to explain this matter, I request that the interjections from the honourable member opposite cease, otherwise it is impossible for me to do so in a proper manner befitting the conduct which should apply in this House.

I repeat that I received information and advice from the Crown Law Department based upon the facts which were presented, and there was no other kind of advice that I could have received.

The Hon. Peter Dowding: Oh, rubbish!

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: If the honourable member has other advice he should have notified the Chief Secretary, the Crown Law Department, or myself at the time I was looking into it. I should have been made aware of this. If the member has other facts, and he obviously has, he should have produced those facts and they would have been looked at. I heard him say that this newspaper was published by a Mr O'Kenny, I think, of Kununurra, and that is news to me. I have no information as to who publishes this publication. It is quite obvious that the honourable member has a lot more information than he has already vouchsafed and it would be desirable if he made available the facts on which he expects some action to be taken before being critical of the action that has been based on the meagre facts that are available at the moment.

The Hon. Peter Dowding: You don't need facts; you know it from the Act.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: I just heard the honourable member say, "You don't need facts."

The Hon. Peter Dowding: Because it comes from the Act. You are as bad as Durack!

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: I have always found that facts are absolutely essential to any discussion or argument. As to the suggestion that any of the Ministers would have notified the publisher, if the member is suggesting that I notified such person and requested him to register his publication, I ask him to make that statement outside the House and let me have the information on which that is based because it is totally false and incorrect and I refute it. He is making his statement under cover of parliamentary privilege.

The Hon. A. A. Lewis: Hear, hear!

The Hon. I. G. Pratt: Of course he is!

The Hon. I. G. MEDCALF: I have no idea who is the publisher of this publication.

The Hon. Peter Dowding: Why don't you find out?

The Hon. I. G. MEDCALF: I have no idea who publishes this publication. I have never been given an indication of who he is. I had not read the publication before.

The Hon. Peter Dowding: That is a great start to an investigation.

The Hon. I. G. MEDCALF: I do not know how many issues of the publication there have been, but obviously the honourable member has a lot of information. If he desires that some action be

taken he must accept that that information must be made available to the appropriate people. If he wishes me to take action he has to tell me what the facts are as known to him.

The Hon. A. A. Lewis: Hear, hear!

The Hon. Peter Dowding: You know the facts from the face of the publication.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: If I am to be supplied with one copy of *The Kimberley Echo* and a general request, "Is this a breach of the Newspaper Libel and Registration Act?" I can only work on such facts as can be extracted by the Crown Law Department from whatever sources are available to it. That does not mean that that department operates as a police force or has secret police.

The Hon. Peter Dowding: Or checking if it is registered because if it is not registered, it represents an offence.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: The honourable member referred to a person whom he called Shaker Morton. I remember the honourable member talking about Shaker Morton a couple of years ago and I wondered who Shaker Morton was. I do not think anyone has ever produced evidence as to whether Shaker Morton is a real person.

The Hon. Peter Dowding: But somebody published that letter and it was the publication that was complained of, and you did nothing.

The PRESIDENT: Order!

The Hon. I. G. MEDCALF: Shaker Morton could be a real person, for all I know. I do not know. Evidently, the honourable member has some information about him.

The Hon. Peter Dowding: It does not matter if he is a real person. A letter was published.

The Hon. I. G. MEDCALF: Let the honourable member produce the information about Shaker Morton!

The Hon. Peter Dowding: I did and you did nothing!

The Hon. I. G. MEDCALF: Let him say something that will enable us to identify Shaker Morton. He seems to be a very interesting character.

The Hon. Peter Dowding: The offence lies in the publication.

The PRESIDENT: Order! I ask the Hon. Peter Dowding to cease interjecting in the manner in which he is doing because he is getting dangerously close to my having to issue him with a warning and I do not want to do that.

The Hon. I. G. MEDCALF: Shaker Morton sounds like a very interesting character and one that we would all like to know about. Clearly, from what the honourable member has said about him, he does certain things that appear to be most reprehensible. I gather from what the honourable member has said that the police have been trying to catch him and he apparently fled jurisdiction by one means or another, actual or mysterious, but at any rate, he has not been able to be identified.

If the honourable member is suggesting that the police are deliberately withholding information they have on Shaker Morton, let him produce some facts. Many people who have lived in the jurisdiction but have fled for one reason or another, cannot be found by the police.

The Hon. Peter Dowding: What does it matter? He exists.

The Hon. I. G. MEDCALF: That is not the fault of the police. The police are beyond reproach in their endeavours to trace people.

The Hon. Peter Dowding: These comments are wide of the mark.

The Hon. I. G. MEDCALF: Finally, to put in this context a minor complaint about *The Kimberley Echo*, to associate Shaker Morton with a 1978 prosecution of a woman in Kununurra under the Electoral Act and to make another allegation in relation to the Electoral Act involving the recent North Province by-election—one does not associate other situations in relation to an investigation of a particular offence—is most unjust. Those associations have not been made until this afternoon and if the honourable member alleges some connection between Shaker Morton and offences which he has now alleged are occurring, let him state the facts and I will investigate them.

The Hon. Peter Dowding: Like the last lot.

The Hon. I. G. MEDCALF: I have endeavoured to be reasonable about the subject the honourable member has raised. A serious investigation by the Crown Law Department was undertaken.

The Hon. Peter Dowding: It was an inadequate one.

The Hon. I. G. MEDCALF: I resent the comments the honourable member has made about the Crown Law Department, particularly his reference to 40 lawyers whom he thought should be sacked and his reference that any articled law clerk could have done a better job than the lawyer

who investigated the case. The lawyers in the Crown Law Department are extremely competent and the member has cast an unfair slur on them.

Question put and passed.

*House adjourned at 5.04 p.m.*

## QUESTIONS ON NOTICE

### LAND: NATIONAL PARK

*D'Entrecasteaux*

454. The Hon. FRED McKENZIE, to the Minister for Labour and Industry representing the Minister for Conservation and the Environment:

Referring to question 427, part (3), of 25 August 1982, to which the Minister replied that, with respect to grazing leases within the D'Entrecasteaux National Park, the recommendations of an interdepartmental working group were generally consistent with those of the Select Committee of the Legislative Council on National Parks—

(1) Since the Legislative Council Select Committee on National Parks makes only one specific statement on grazing leases in the D'Entrecasteaux National Park (page 78, 8.2 of their report) is this the recommendation that is now generally acknowledged by the interdepartmental working group?

(2) If "Yes" to (1), then since there are no grazing leases within the declared portions of the D'Entrecasteaux National Park, does this clear the way for—

(a) gazettal of areas within the proposed national park that are subject to grazing leases; and

(b) subsequent negotiations by the National Parks Authority to terminate those leases in accordance with sound land management practices?

The Hon. G. E. MASTERS replied:

(1) In view of the member's correct quote that "the recommendations of an interdepartmental working group were generally consistent with those of the Select Committee", it is difficult to follow the interpretation that a recommendation could now be "generally acknowledged" by the group. The working group's report in fact preceded the finalisation of the Select Committee's report by some 10 months. The group's recommendations were generally consistent with paragraph 8.2 on page 78 of the Select Committee's report.

(2) In considering the Select Committee's statement in paragraph 8.2 the department assumed that grazing leases in the D'Entrecasteaux National Park included Land Act leases adjoining or surrounded by the National Park and contained within the boundaries of the proposed park detailed on figures 2.2 and 2.3 of the EPA red book. A press release by the former Minister for Lands (*The West Australian*, 1 December 1980) subsequent to the creation of the existing national park, referred to the possibility of including additional areas following a review of leasehold lands in the area.

It is not possible to include areas subject to existing leases in the national park unless prior termination occurs. As stated in the previous answer, consideration is still being given.

### POLICE: CRIME

*Australian Institute of Criminology*

455. The Hon. P. G. PENDAL, to the Minister for Federal Affairs:

(1) Is the Australian Institute of Criminology in any way funded by the State Governments, and specifically by the Western Australian Government?

(2) If so, does the State have any influence on appointments such as the Chairmanship which was recently determined?

The Hon. I. G. MEDCALF replied:

(1) No. The Australian Institute of Criminology established by the Commonwealth Criminology Research Act 1971, is funded entirely from appropriations by the Federal Parliament.

(2) A board of management is charged with the general direction of the institute.

The board consists of—

(a) Three members appointed by the Federal Attorney General, one of whom he appoints as chairman; and

(b) three members appointed by the criminology research council. That council consists of one representative of the Commonwealth and one representative from each State.

## EDUCATION

*Schools Commission*

456. The Hon. D. K. DANS, to the Chief Secretary representing the Minister for Education:

(1) For the 1981-1982 financial year, what amount of Commonwealth Schools Commission funding was received for education purposes?

(2) For which State programmes was the amount allocated?

(3) For each programme, what was the allocated amount?

The Hon. R. G. PIKE replied:

(1) to (3) Disbursements of Commonwealth Schools Commission funds in 1981-82 were as follows—

| | $ |
|---|---|
| Government | |
| General recurrent | 23 489 614 |
| English as a second language | 2 392 970 |
| Disadvantaged schools | 1 609 146 |
| Special education | 1 279 778 |
| Capital | 11 042 000 |
| Joint Government/Non-Government | |
| Multicultural | 388 845 |
| Country areas disadvantaged | 1 212 515 |
| Residential institutions | 145 644 |
| Severely handicapped | 293 693 |
| Professional development | 1 260 765 |
| Special projects—innovations | 82 007 |
| Teachers' travel and exchange | 68 999 |

These figures do not include allocations for non-Government schools, funds for which are handled by the Treasury Department.

## EDUCATION: HIGH SCHOOL

*Melville*

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

In view of the fairly low enrolment at Melville Senior High School, does the Government have any plans relating to the continued existence of the school?

The Hon. R. G. PIKE replied:

In July 1982 the enrolment of the school was 646 students.

This is a viable number for a senior high school and the school is expected to continue in operation.

## HEALTH: NURSING HOME

*Penn-Rose: Newspaper Articles*

458. The Hon. N. E. BAXTER, to the Chief Secretary representing the Minister for Health:

(1) Has the Minister read the Press articles in *The West Australian* and the *Daily News* of Wednesday, 15 September 1982, on the report submitted to the Minister for Health concerning Penn-Rose Nursing Home and the late Reginald Berryman?

(2) Are these Press articles consistent with the information contained in the report as one appears to conflict with the other?

(3) If not, does the Minister believe some action should be taken by the Government to ensure that any incorrect statements are corrected?

The Hon. R. G. PIKE replied:

(1) to (3) The report was tabled and is available to all members. The reading of the report and the speech made by the Minister for Health at the time of tabling will clearly indicate the facts of the matter.

## APPRENTICES

*Master Builders Association of WA*

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

(1) How many apprentices are currently in training under the Master Builders Association group apprenticeship scheme?

(2) What are the various trades for which training is being undertaken?
(3) What are the respective numbers in training for each of the trades in (2)?
(4) How many firms are involved in the group training scheme?

The Hon. G. E. MASTERS replied:

(1) At 31 August 1982, there were 66 apprentices in training under the Master Builders Association group apprenticeship scheme.
(2) and (3) Carpentry and Joinery 42
bricklaying 18
painting and decorating 4
cabinetmaking 2
(4) At 31 August 1982, there were 50 employers training apprentices under the group scheme.

## RAILWAYS: STATION

*Perth*

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

(1) For what purpose is the old Perth Railway Station in Perth being used?
(2) For what purpose are the premises formerly occupied by the Westrade Centre now being used?
(3) Would the Minister be prepared to discuss proposals involving the long-term use of these buildings?

The Hon. G. E. MASTERS replied:

(1) The ground floor level of city station is used for Westrail's passenger operating requirements.
A part of the first floor is leased for the purpose of a city police station and the remainder is vacant.
(2) The area previously occupied by the Westrade Centre is under option for development as an emporium.
(3) The appropriate Westrail people would be prepared to discuss proposals involving the use of the vacant area on the first floor.

461. *This question was postponed.*

## RAILWAYS

*Excursion or Hire Trains*

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

Referring to alleged plans by Westrail to reduce certain classes of passenger rolling stock, *The Sunday Times* of 5 September 1982, page 6, will the Minister advise—

(1) How much revenue has Westrail received for weekend excursion or hire trains in the past 12 months to date?
(2) What were the additional labour charges involved in operation?
(3) How many passengers were carried?
(4) How many train kilometres were run?
(5) How many car kilometres were run?
(6) What was the operating cost?
(7) Was the rolling stock—
(a) standing at the time; or
(b) required for some other purposes at the time?

The Hon. G. E. MASTERS replied:

(1) to (7) The answer to this question will require considerable research. The Minister will let the member have the information as soon as it is available.

## TECHNOLOGY REVIEW GROUP

*Subcommittee*

463. The Hon. D. K. DANS, to the Leader of the House representing the Minister for Industrial, Commercial and Regional Development:

In respect of the subcommittee established by the technology review group to examine education issues related to technology—

(1) Who were the persons who comprised the membership of the subcommittee?
(2) What was the occupational background of each member?
(3) What was the amount and basis of payment of remuneration to each member of the subcommittee?
(4) When was their report received by the Minister?
(5) When was the report referred to the Minister for Education?

The Hon. I. G. MEDCALF replied:

(1) and (2) Mr D. Timms—Managing Director, P. C. Timms & Co. Pty. Ltd.
Mr J. Ince—Personnel Manager, Chamberlain John Deere Pty. Ltd.
Mr J. McKiernan—Education Officer, AMWSU.
Mrs L. Parker—Senior Tutor, Faculty of Education, UWA.
Mr W. Perriman—Head, School of Mathematics and Computing, WAIT.

(3) Payment is made to members who are not employed by Government funded organisations at the rate of $64 per meeting for the chairman and $48 per meeting for members.
Total amount paid to date is $544.

(4) 16 March 1982.

(5) 24 May 1982.

## MILLSTREAM STATION

*Acquisition*

464. The Hon. PETER DOWDING, to the Minister for Labour and Industry representing the Minister for Works:

(1) Is it proposed to instal a manager on Millstream Station if it is acquired on a walk-in walk-out basis?

(2) How will the State Government deal with—
(a) the plant and improvements; and
(b) the cattle?

(3) Is the Minister aware of interest expressed by people in Roebourne to take over the management and running of portions of the Millstream Station as pastoral concerns for small family units?

(4) If not, will the Minister consider such applications before making a decision on future management of the area?

The Hon. G. E. MASTERS replied:

(1) The Public Works Department will caretake the station.

(2) (a) and (b) Still to be determined.

(3) No.

(4) No. Pastoral pursuits are not considered to be compatible with the Government's objectives for this area.

## RAILWAYS

*Work: Unnecessary*

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

Referring to the statement by the Premier, *The Sunday Times*, 5 September 1982, page 45—

"The unrealistic plan for unnecessary railway work would cost an estimated $200 million."

will the Minister advise—

(1) Those items in his estimate which are considered to be unnecessary?

(2) The estimated cost of each item?

(3) The yearly charges applicable to each item?

The Hon. G. E. MASTERS replied:

(1) The Opposition's views on land transport seldom look beyond rail expenditure. It is not altogether surprising therefore that the Opposition's so-called "policy" for Perth's transport future comprises little enterprise or imagination apart from vague intentions to acquire land, build new tracks and rolling stock in all directions, and to electrify both existing and future passenger services. These undertakings have been made despite the fact that patronage and costs on the existing two diesel passenger rail services give little support to the notion that the people of Perth are able to take advantage of the high-volume capacities of rail services. Two hundred million dollars is really a conservative estimate of the Opposition's suburban railway pipe dreams.

(2) and (3) The fact that the member is now asking for a detailed costing, including annual charges, only serves to prove that the Opposition does not know the costs of its own promises. The member is challenged to state categorically what the total cost of the Opposition's ideas on suburban passenger services is. If there is no public answer then the policy surely stands condemned.

466. *This question was postponed.*

## TOWN PLANNING: MRPA

*Membership*

467. The Hon. FRED McKENZIE, to the Chief Secretary representing the Minister for Urban Development and Town Planning:

Referring to the membership of the Metropolitan Region Planning Authority, will the Minister advise—

(1) Who recommended the membership to the Government?

(2) Were there any alternative members recommended?
(3) Were any methods of application for positions carried out?
(4) Were any methods of nomination for positions carried out?
(5) In what occupations of experience relating to the planning task have the chairman and members been engaged?
(6) How many total years has each member been on the authority?

The Hon. R. G. PIKE replied:

(1) The Minister for Urban Development and Town Planning.
(2) Yes.
(3) No.
(4) Yes. Nominations were requested by the Minister from—
(a) the four district planning committees in accordance with the provisions of section 8 of the Metropolitan Region Town Planning Scheme Act;
(b) the City of Perth for membership in accordance with section 7 (4) (c) of the Act;
(c) the Confederation of Western Australian Industry for membership in accordance with section 7 (4) (b) of the Act.
(5) The chairman is a well-known valuer and has had wide experience in that field and in the land development business. He was also a member of the Town Planning Board before assuming office as chairman.
The five local government members have been involved with town planning, through their respective local authorities and the respective district planning committees, for a number of years.
The businessman's representative was, until recently, the General Manager of Swan Portland Cement Ltd., and has been involved with planning for many years.
The permanent heads of departments are all involved in planning matters associated with their respective departments.
(6) Total years of each member appointed as from 1/9/82—
(a) Chairman—three years;
(b) Commissioner of Town Planning—10 years;
(c) Commissioner of Main Roads—17 years;
(d) Director of Engineering, Metropolitan Water Authority—one year;
(e) Co-ordinator, Resources Development Department—4½ years;
(f) Businessman's representative—8½ years;
(g) City of Perth—Lord Mayor—six months, has served previously as deputy member for six years;
(h) Group "A" representative—2½ years;
(i) Group "B" representative—one month, has served as deputy member for 4½ years and is also a member of the Town Planning Board;
(j) Group "C" representative—two years, has also served as deputy member for one year before being appointed in August 1980;
(k) Group "D" representative—four years;
(l) Director General of Transport—15 years to June 1982;
(m) Director, Department of Conservation and the Environment—four years.

468. *This question was postponed.*

## RAILWAYS: FREIGHT

*Joint Venture: Revenue*

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

Referring to question 382 of Tuesday, 17 August 1982 wherein it was advised that Westrail freight volumes for July 1982 would be available at the end of August, will the Minister advise—

In each case, the tonnage carried and revenue received in the 12 months to the end of July in relation to—

(a) general goods;
(b) coal;
(c) ores and minerals;
(d) grain;
(e) miscellaneous;
(f) inter-system traffic; and
(g) traffic?

The Hon. G. E. MASTERS replied:

The segregation of (a) general goods, (e) miscellaneous, and (g) traffic is not sufficiently defined to permit each being re-

lated to Westrail's statistical classifications and they have been grouped as follows—

| | | 12 months to July 1982 incl. | |
|---|---|---|---|
| | | Tonnes | $000's |
| (a) | general goods | 000's | |
| (e) | miscellaneous | 2 771 | 51 589 |
| (g) | traffic | | |
| (b) | coal | 1 531 | 12 841 |
| (c) | ores and minerals | 10 506 | 41 812 |
| (d) | grain | 3 824 | 49 165 |
| (f) | intersystem | 1 287 | 21 966 |
| | Total | 19 919 | 177 373 |

470 and 471. *These questions were postponed.*

## TRAFFIC: MVIT

*Claims*

472. The Hon. J. M. BERINSON, to the Chief Secretary representing the Minister for Local Government:

(1) For which years has the Motor Vehicle Insurance Trust not yet finalised claims?

(2) In respect of each of these years, what was the estimated surplus or deficit of the trust?

(3) What was the surplus or deficit of the trust in each year from 1970 not included in (2)?

The Hon. R. G. PIKE replied:

(1) 1975-76; 1976-77; 1977-78; 1978-79; 1979-80; 1980-81; 1981-82.

(2) 1975-76 surplus ..... $3 398 669
1976-77 deficit ..... $1 383 151
1977-78 deficit ..... $15 221 916
1978-79 deficit ..... $8 782 762
1979-80 deficit ..... $12 190 233
1980-81 deficit ..... $7 703 094
1981-82 deficit ..... $1 220 803.

(3) 1970-71 surplus ..... $7 487 826
1971-72 surplus ..... $7 763 969
1972-73 surplus ..... $7 661 344
1973-74 deficit ..... $3 318 353
1974-75 deficit ..... $6 717 962.

## TOURISM

*Wittenoom*

473. The Hon. PETER DOWDING, to the Leader of the House representing the Minister for Tourism:

(1) How many prospectuses entitled "Investment Opportunity Development of the new Wittenoom Tourist Complex" were printed?

(2) How many were distributed?

(3) What was the cost of preparation, printing and production?

The Hon. I. G. MEDCALF replied:

(1) 200.

(2) 103.

(3) $10 233.94

## TOURISM

*Wittenoom*

474. The Hon. PETER DOWDING, to the Leader of the House representing the Minister for Tourism:

(1) How many replies expressing interest were received by the Minister's office in response to the prospectus entitled "Investment Opportunity. Development of the new Wittenoom Tourist Complex"?

(2) How many parties registered their interest?

(3) How many persons or companies indicated an interest in developing the plan as proposed in the prospectus, and what is the name or names of the persons or entities?

(4) Did any person or company register interest in developing some alternative in the area, and if so, what was the alternative?

(5) What action has the Minister taken in response to the replies?

The Hon. I. G. MEDCALF replied:

(1) Thirty.

(2) Five.

(3) The Minister is not prepared to divulge the names of the interested parties due to the current negotiations.

(4) No.

(5) A number of discussions were held with interested parties by the Minister and senior departmental officers of the department of Tourism and the Office of North West. These were conducted in the Eastern States, Perth, and Wittenoom.

## EDUCATION: CORRESPONDENCE SCHOOL OF WA

*Publication*

475. The Hon. PETER DOWDING, to the Chief Secretary representing the Minister for Education:

(1) Has the Minister's department received a complaint about the publication by the WA Education Department on behalf of the WA correspondence school, social studies, year 9, lesson 2, on Aborigines?
(2) On what date was the complaint received?
(3) What action has been taken following the complaint?
(4) Has the department replied to the complainant?
(5) If not, why not?

The Hon. R. G. PIKE replied:

(1) Yes.
(2) 4 August 1982.
(3) The materials have been withdrawn and are being reviewed.
(4) A written reply will be forwarded shortly.
(5) Answered by (4) above.

## INSURANCE: SGIO

*Life and Property Insurance and Workers' Compensation*

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

Is it the Government's policy to deny the SGIO access to the cream of the insurance market (e.g. life insurance and property insurance), but oblige it to operate in those sectors of the market, such as workers' compensation, where private insurers either cannot, or will not, provide an adequate service?

The Hon. R. G. PIKE replied:

The subject of the extension of the SGIO's franchise illustrates clearly the dichotomy between the socialist philosophy of the Labor Party, which holds that more government, not less, is the answer, and the free enterprise philosophy of this Government which is one of less government and not more. The Labor Party platform, under the heading "Economic Development" states—

> . . . the Government should set up new enterprises, not only to compete with existing private industry but to supplement it . . .

It then goes on—

> Accordingly, A Labor Government will
>
> 1. Create a number of corporations which would be state owned.

It is under this same section of "Economic Development" that the State Parliamentary Labor Party is instructed to seek the extension of the SGIO's franchise.

The policy of this Government is to minimise the extension of government into direct competition with the free enterprise market place, especially a marketplace already well and adequately handled by private enterprise.

From its inception the SGIO has operated in the field of workers' compensation and it is a function of the SGIO to support the Government and Government organisations.

# QUESTIONS WITHOUT NOTICE

## TOURISM

*Wittenoom*

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

This question relates to the answer supplied by the Minister for Tourism to question 474.

(1) Will the Attorney agree that part (3) of question 474 asked how many persons or companies indicated an interest in developing the plan and that part of the question has not been answered?
(2) Is the Attorney prepared to give an undertaking to refer part (3) of question 474 back to the Minister for Tourism in order that an answer may be obtained?

The Hon. I. G. MEDCALF replied:

(1) and (2) I shall ask the Minister for Tourism whether he is prepared to elaborate on his answer.

## NEWSPAPER LIBEL AND REGISTRATION ACT

*"The Kimberley Echo"*

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

My question relates to a publication titled *The Kimberley Echo* and is as follows—

(1) Was the Attorney General supplied with a copy of *The Kimberley Echo*?

(2) Did the copy of *The Kimberley Echo* contain on it an indication that it was established in 1980?

(3) Did the Attorney General or his officers check to see if it was registered under the Newspaper Libel and Registration Act and if not, why not?

The Hon. I. G. MEDCALF replied:

(1) to (3) A copy of *The Kimberley Echo* of July found its way onto my files. It had a picture of quite an attractive young lady on the front and I did not get past that.

## NEWSPAPER LIBEL AND REGISTRATION ACT

*"The Kimberley Echo"*

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

Since the Attorney General is the senior law officer in this State, will he tell the House why, when a complaint is made specifically to him that *The Kimberley Echo* does not comply with the terms of the Newspaper Libel and Registration Act, he has not had the matter investigated properly?

The Hon. I. G. MEDCALF replied:

I am not aware that that is so.

The Hon. Peter Dowding: It is so. You have just neglected your duty!

The PRESIDENT: Order!