Legislative Council

Tuesday, 10 April 1984

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

QUESTIONS

Questions were taken at this stage.

CRIMINAL CODE AMENDMENT BILL 1984

Introduction and First Reading

Bill introduced, on motion by the Hon. Robert Hetherington, and read a first time.

Second Reading

Leave granted to proceed forthwith to the second reading.

HON. ROBERT HETHERINGTON (South-East Metropolitan) [4.56 p.m.] I move—

That the Bill be now read a second time.

The purpose of this Bill is a simple one. It is to amend the Criminal Code by removing those sections which make homosexual activity between consenting adults a crime, then to put into the code safeguards with regard to minors and non-consensual homosexual activity, to forbid indecent behaviour in public, and to change some definitions to the extent necessary to achieve these purposes.

My Bill leaves in the code, even in the sections I am amending, inconsistencies and things that I find undesirable and offensive. I did not regard it as my province to remedy such other matters. These will be dealt with later when the Government introduces legislation to reform the Criminal Code as far as sexual offences in general are concerned.

All I want to do in this Bill is to establish the principle that, whatever may be thought of the morality or otherwise of homosexual acts between males, such acts, when carried out with consent and in private, should have no place in the Criminal Code. This, of course, is what now applies to lesbian activities. Further, I wish to assert the principle that because some groups in our community, or even the majority of that community, regard something as immoral it does not follow that all such sins should necessarily be crimes.

The last time a similar Bill was introduced into this House was on 7 September 1977 by the late Hon. Grace Vaughan. I regret that she is not here today to move this Bill and that she is not alive to see its passing, should it be passed by this Parliament. When Grace Vaughan was defeated in 1980 I determined that I would take up the cause she had so admirably championed and I am honoured that my party saw fit to allow me today to continue her advocacy against the discrimination at present suffered by homosexuals in Western Australia.

In fact, this is the third attempt in the last 11 years to reform the Criminal Code in this way, following on the achievement of similar reforms in Great Britain, subsequent to the report of the committee on homosexual offences and prostitution, the so-called Wolfenden report, which was brought down in 1957. The Wolfenden report had recommended among other things the legalisation of homosexual acts by consenting adults in private and, eventually, 10 years later in 1967, its recommendations were finally carried out, and the British law was changed.

Late in 1973, under the Tonkin Government, a Bill was introduced into the Legislative Assembly to amend those sections of the Criminal Code relating to homosexual acts. It was passed and was sent to the Legislative Council for consideration on 5 December 1973. On 15 December the Hon. John Williams moved, "That the Criminal Code Amendment Bill be referred to a Select Committee". This was done, and the Hons. V. J. Ferry, N. E. Baxter, and R. J. L. Williams were appointed as members of that committee.

The Legislative Assembly was then requested to "appoint a Select Committee of the same numbers with power to confer with the committee of the Legislative Council". The Assembly agreed and the then Minister for Works the Hon. C. J. Jamieson), the member for Darling Range (Mr I. D. Thompson), and the member for Ascot (Mr M. J. Bryce) were appointed. The Hon. R. J. L. Williams was appointed chairman at the joint committee's first meeting on 19 December 1973, and it was decided, in view of the proximity of the State elections, to ask that the committee be given the status of an Honorary Royal Commission. This was agreed to, and the Honorary Royal Commission was gazetted on 18 January 1974 with the following terms of reference—

(a) To consider together and to continue the inquiries into matters relating to homosexuality commenced by the members as a joint select committee;

(b) to examine the provisions of sections 181 and 184 of the Criminal Code in relation to—

(i) offences; and

(ii) punishments,

and to make recommendations as to the rewording in more precise terms of the offences outlined in those sections;

(c) to take evidence as to the public attitude towards homosexuals within the State;

(d) to inquire into and make recommendations in respect of the prevention of the victimization of homosexuals;

(e) to inquire into and make recommendations in respect of the prevention of the proliferation of homosexuality by the soliciting activities of some homosexuals;

(f) to examine whether suitable medical and mental facilities are available within the State to help those homosexuals who have a genuine desire to discontinue their present methods of sexual gratification; and

(g) having completed those inquiries, to make a report to the Governor in writing.

Mr Baxter resigned because of ministerial responsibilities in May 1974, and the commission resolved not to seek a replacement. The commission took oral evidence from 53 witnesses and 63 written submissions were received from individuals and organisations. "Of these", says the commission's report on page 29, "only two condemned the practice of homosexuality. In a brief summation one could not say that the remainder were in favour of homosexual practices, but it appeared apparent that a number did not regard it as a crime. The majority of Christian religions made either a written or oral submission and their conclusions were quite definite that homosexuality, as such, is not a crime but that it is a sin. The churches reflected the attitude that law and morality are separate issues, laws being formulated for the protection of individual rights and the churches legislating on moral matters". The report points out that this attitude was also supported by the Law Society submission.

The report of the commission came down with the firm conclusion on page 26 that—

> The opinion of the commission is that acts of homosexuality between two consenting adults in private should not constitute an offence. An adult being of the legal age of majority, which in this State is 18.

What this Bill is doing is, basically, carrying out the recommendations of the Honorary Royal Commission in the areas of the sections of the Criminal Code related to offences and punishments in connection with homosexuality.

In order to get rid of the term "against the order of nature" which the Honorary Royal Commission found "archaic and euphemistic" clause 3 of the Bill amends the definition of "carnal knowledge" in section 6 of the Criminal Code by adding to the word "penetration", which in case law means penetration of a vagina by a penis, the passage "and remains in existence while penetration continues. Penetration includes the penetration of the anus of a female or a male person". Clause 4 deletes from section 29 the words "A male person under the age of fourteeen years is presumed to be incapable of having carnal knowledge" as too obviously contrary to fact.

Clause 5 then removes prohibitions against anal intercourse, at present a crime whether committed with a man or a woman anywhere at any time, while leaving bestiality as a crime. Thus both homosexuals and heterosexuals are relieved from performing a criminal act when, within the law in all other respects, they seek sexual satisfaction in this manner. This according to Kinsey and other sexologists is not an unusual sexual practice and, as the Honorary Royal Commission reported, is a practice even advocated in certain sexual manuals for some married couples.

Clause 6 repeals sections 182 and 183, and clause 7 amends section 184 to remove acts of indecency between two males in private while prohibiting acts of indecency performed in public between any two persons.

Section 185 is amended so that the "unlawful carnal knowledge of a girl under 13" is changed to read "any child under the age of 13", thus protecting both boys and girls from both vaginal and anal intercourse from older men, and section 187 is amended to make it unlawful for a person to have carnal knowledge of any person under 16, with the proviso that no male may have carnal knowledge of a male under 18. This, as members are no doubt aware, has caused some public debate, but I think discussion in any depth belongs to the Committee stage of the Bill.

Section 196 of the code, which deals with conspiracy to induce a woman or girl to permit a man to have unlawful carnal knowledge, is broadened by clause 11 to include both sexes, and other sections are also adjusted to include both male and female in definitions of criminal activities.

The PRESIDENT: Order! There is far too much audible conversation.

Hon. G. C. MacKinnon: Would you give us the benefit of your thoughts on the question of that age?

Hon. ROBERT HETHERINGTON: I will continue with my speech and deal with that some other time.

New sections 314 and 314A are proposed in clauses 14 and 15 of the Bill to assimilate non-consensual carnal knowledge of a male by force, threats, intimidation, or fraud, with heterosexual rape, with the same maximum penalty that applies at present to rape; namely, life imprisonment.

Mr President, the whole question of homosexuality and the law is one to which I have given a great deal of thought for over 20 years. I have done a great deal of reading about it as well as having spoken to homosexuals about their situation in society. The one thing that has become increasingly clear to me is that homosexuality, whether male or female, is not something that is acquired or caught through association. In the majority of cases, it is a disposition or an orientation which manifests itself, often at an early age, and which is not "curable" in any modern sense. The homosexual is one who finds people of the same sex sexually attractive, as heterosexuals find people of the opposite sex attractive, and according to latest research in the United States, four per cent of the male population is exclusively homosexual, while 37 per cent of men have had at least one homosexual experience to the point of orgasm, with a whole range of people in between.

Legislation against homosexual practices neither prevents people developing such a sexual orientation nor prevents homosexual practices taking place. All it does is make homosexuals peculiarly open to blackmail and adds further stresses to their lives which, in a community such as ours with the accent on the "normality of heterosexuality", are difficult enough anyway. Nor, of course, if we pass this Bill are we going to remove the social attitudes in our community which tend to condemn homosexual acts. I find it strange, when there is such aversion to homosexuality in our community, to find people arguing that to cease making homosexual acts criminal is to open the floodgates to homosexuality which will grow and burgeon. There is no evidence that this will happen, nor has it happened where the law has been changed, whether in South Australia, Victoria, or Great Britain. Nor, would I point out, has female homosexuality grown to plague proportions, although it has never been illegal.

It has been suggested—and in this House—that there is really no need to change the law as no-one is prosecuted under it these days. It is true that prosecution of the actions of consenting adults in private has become rare. It would seem, in fact, that there is general agreement among our law enforcement agencies that the law on homosexuality, in some of its aspects, has become a dead letter. I would suggest if a law is just not enforced there is no point in retaining it. It brings the law into contempt.

However, there is greater harm in retaining such a law, if it is not intended that it should be enforced, for then its future enforcement becomes unpredictable and arbitrary. One never knows when some zealous police officer might decide that the law should be enforced, or when a complaint might be laid by a common informer, upon which the police have to act. It makes life easier for the blackmailer who is in a position, not only to bring social obloquy on a person who has committed a homosexual offence, but also to make the offence known to the police who would then be forced to act.

We should make up our minds whether we want the law enforced and, if not, get rid of it as out of step with today's thinking. But, I am told, even if we do not enforce the law, it remains as a deterrent. If it does, I suggest it is most likely to deter and drive in on themselves the people least able to face the fact of their own homosexuality; it will deter them from admitting it, and facing it, and learning to live with it.

I would suggest to honourable members, Mr President, that if we want a deterrent, then we need an enforceable law. For anyone to say that there is no need to change the law because it is not being enforced is to ignore the purpose of the law, which is to protect life, liberty, property, and the person of citizens by effective, enforceable laws that are taken seriously.

Nor can I accept the view that the law is there, even if not enforced, to declare our moral standards. I once read a very persuasive argument along these lines in relation to censorship, but I do not accept it. Were this the role of law, it would seem that to be consistent we should have a few more unenforceable laws on the books; fornication and adultery for example—or are these not part of our moral standards any more? Is the homosexual to remain on the Statute books as the symbolic scapegoat for the sexual guilts and fears of the so-called normal rest of us?

I find the same problem when people write to me quoting Leviticus or St Paul to the Romans or the Corinthians. I have read the Bible quite considerably in the last couple of weeks. Were we to take those sections of the Bible literally, then we would be putting people who commit homosexual acts to death as we would adulterers. We do not

do this, nor has anyone suggested that we should. Despite what many people have said to me, I can see no reason why homosexual acts should be made criminal because such acts are regarded as immoral, even if they are regarded as even an "abomination"?

And I might add, that as far as I am concerned, two gentle men quietly committing homosexual acts in private are infinitely to be preferred to men who beat and abuse their wives and children.

I think we should stop playing around with words, or hiding behind theoretical concepts of the law. What is needed is some realistic, practical compassion for real people who are going to face enough problems in our society without their being added to by the law as it stands. To retain the law as it is, is merely compounding the problems of homosexuals without bringing any real advantage to our society.

I was speaking recently to a psychiatrist who deals with young people. He told me of cases of attempted suicide among 15-year-olds who have found that they are homosexual and cannot handle their situation. A great deal has been said lately of the 16 to 20-year-olds who are not sure of their sexual identity. More needs to be said of the 13 to 15-year-olds who are sure and who are homosexual, and who are afraid to seek help for this unmentionable thing that could lead them into "crime", or peer group contempt, and that often produces self-loathing. There are young people who find themselves attracted sexually to people of their own sex, not because they have been seduced or persuaded, but because they just happen to be like that. They are not that way of their own choice, or their own fault; they are just oriented that way and, for the majority, there is no "cure"—not at present, at least. The great volume of literature on the subject makes that clear.

Finally, I would like to mention the "argument from history" used against my Bill. Rome, it is said, declined and fell because of homosexuality which was either the cause of the fall or symptomatic of the decadence. I would suggest that the decline and fall of Rome was rather more complex and it was basically economic. It is also interesting to note that the rise of the Roman Empire was associated with the name of Julius Caesar who was bisexual, and that Greece at the height of its artistic and philosophical glory was noted for its institutionalised homosexual relations.

Perhaps more symbolic of the Roman Empire is the Colosseum, the scene of brutality, cruelty, and bloodbaths of gladiator against gladiator and human beings against beasts. We all tend to see in the past the things that worry us most.

Also in Rome we can see the glories of the Sistine Chapel, the dome of St Peter's, and the Pieta produced by Michelangelo Buonaratti, who was homosexual. I could give a great list of homosexual statesmen, artists, philosophers, playwrights and so on, but it would serve little purpose except to point to the fact that there have always been homosexuals. They have been at various times burned—at the feet of witches—executed, imprisoned, tolerated. But they have been there. It would seem that, in one sense at least, they are part of the natural order—and homosexual practices are to be found among animals, particularly the primates.

I suggest that we regard our homosexuals with compassion and understanding and at least relieve them of the incubus of the present criminal law which serves no practical purpose and is detrimental to homosexuals in particular and to our society in general.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. John Williams.

ABORIGINES: WELFARE

Select Committee: Motion

HON. N. F. MOORE (Lower North) [5.25 p.m.]: I move—

> That a Select Committee be appointed to inquire into:
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> (a) the causes of poverty amongst many Aborigines in Western Australia, its incidence and effects;
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> (b) problems experienced by many Aboriginal people with respect to:
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> (i) housing;
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> (ii) health;
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> (iii) education; and
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> (iv) employment;
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> (c) the nature of funds provided by government and non-government agencies for Aboriginal welfare and the benefits or otherwise derived from the use of such funds;
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> and report to the House its recommendations for short and long term solutions.

The Liberal Party believes in a philosophy which seeks to increase the wealth of the nation so that the standard of living of its citizens can be enhanced. We believe that wealth must be created before it can be spent.

I believe that sufficient wealth can be created in this country to alleviate the poverty which exists among too many of our citizens. In fact, I believe that this wealth has been created. I am concerned that the distribution of this wealth is so inefficient that those in most need are being denied the support the people of Australia believe they need and must have.

Government at local, State and Federal level spends enormous sums of money on the provision of welfare. The amount of the Commonwealth's Budget which is devoted to welfare is 30 per cent. This represents an estimated annual expenditure for 1983-84 of $16 843 million. This does not include State and local government expenditure on welfare. In other words, a significant slice of the taxation cake is being spent on welfare, yet we still have poverty.

Clearly, to eliminate poverty we need to either spend more, or spend existing funds more wisely and effectively. We also need to understand why poverty exists; what are the causes of poverty; how widespread is it; does it affect some groups more than others?

Considerable research has been done into this whole question and it is not my intention in seeking the establishment of this Select Committee to canvass the broad issue of poverty.

What I do seek, however, is to investigate the causes of poverty amongst many Aboriginal people in Western Australia. My motivation for moving this motion goes back to my early teaching days when I was appalled at the problems faced by many young Aboriginal children in the education system. This concern has increased, especially in recent years when I taught at Laverton and since I have become a member of Parliament representing a significant Aboriginal constituency.

I have always believed that there is no ill-will in the community as far as assistance to Aborigines is concerned. The Australian community is prepared to allow Governments to spend huge sums of money in an attempt to overcome the problems of poverty amongst Aborigines—problems such as health, housing, unemployment, education, alcoholism, and hunger.

Yet there is ill-will in the community towards the way in which these huge sums of money are being used. There is wide spread concern in the Australian community that the money they are prepared to give the Government through the taxation system is not being spent wisely or efficiently.

The purpose of this Select Committee is to try to gauge the effectiveness of Government and non-Government funding in the alleviation of Aboriginal poverty. I appreciate that the committee has a selective task—selective in the sense that it will concern itself only with Aboriginal people. Members will know my attitude to such selectivity, but because funds are directed by a multitude of Government and non-Government welfare organisations on an Aborigines-only basis, I am obliged to restrict the terms of reference of the inquiry.

I hope that one day funds will be available to assist people on the ground that they are poor and not on the ground that they are Aborigines.

Members are, of course, aware that the Federal Government spends significant sums of money through the Department of Aboriginal Affairs and the Aboriginal Development Commission. In 1983-84 the Federal Budget provided $260 million for Aboriginal programmes, which works out at $1 625 per head of Aboriginal population.

[Resolved: That business be continued.]

When one considers that the Aboriginal population of Australia is only 160 000 or 1.1 per cent of the population, it is fair for taxpayers to ask whether they are getting value for their taxation dollar. It is also fair for Aborigines to want to know why things appear to be getting worse in direct proportion to the increase in Federal expenditure.

I want to see poverty totally eliminated in Australia. I believe that this can be done only if the nation is strong and wealthy and if goodwill prevails. Whether these utopian conditions are ever achievable is a matter of great debate.

In the meantime, however, I seek to establish a Select Committee of this House to investigate the causes, incidence, and extent of poverty amongst the Aboriginal people of this State.

The committee will inquire into the effectiveness of current funding of Aboriginal programmes and will seek to make recommendations which will enhance the lives of those many Aboriginal people who live in conditions which can only be described as appalling.

I propose to recommend to the committee that its *modus operandi* be a series of case studies. Quite clearly the resources that will be available will make it very difficult for the committee to investigate every incidence of poverty right across the State. By concentrating our activities and resources on several particular cases, it is hoped that the committee will come to understand the nature and extent of the problem. For example, the committee could carry out a comprehensive investigation into the funding of a particular Aboriginal community or enterprise. This would pro-

vide an understanding of where funds are coming from and how they are being spent. With this sort of knowledge, the committee would be in a position to consider recommendations for improvements if it were found that deficiencies were occurring.

It may be necessary for the committee to seek funds to employ an accountant or the like to undertake a particular study of the bookkeeping arrangements used by the enterprises being investigated.

In view of the publicity that has surrounded police-Aboriginal relations over recent months, I would also hope that the committee can devote some of its time to investigating particular problems that have arisen.

Mr President, I trust that the House will agree to my motion for the establishment of this Select Committee. There are many problems which require urgent attention and I hope that the Government will allow a decision to be made on this motion as soon as possible.

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

RESERVES BILL AND RESERVES AMENDMENT BILL 1983

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [5.35 p.m.]: I move—

That the Bill be now read a second time.

This Bill is similar to measures dealing with variations to Class "A" reserves and land held under trust which require the approval of Parliament. There are 53 clauses in the Bill, including one which comprises a schedule of eight separate actions. The high number of clauses reflects, in part, the need for additions to Class "A" reserves to be now submitted to Parliament pursuant to amendments to the Land Act in 1982. Previously such actions were approved by Executive Council.

I shall now deal with each action in turn.

Class "A" Reserve No. 1653 near Bridgetown is set apart for "parking" and is unvested. The reserve, however, is not used for parking and the Shire of Bridgetown-Greenbushes has requested the "A" classification be changed to "C" with portion of the reserve being used for roadways and the balance being set apart as "parklands" and vested in the shire. Approval of the Parliament is sought for cancellation of the "A" classification.

Class "A" Reserves Nos. 8606 and 9719 at Busselton are set apart for "recreation" and vested in the Shire of Busselton. Because of their proximity to the ocean foreshore, both reserves have been used extensively for parking creating traffic control problems. The Shire of Busselton wishes to rationalise the situation by widening Geographe Bay Road to provide permanent parking bays.

To accomplish this the following actions are proposed—

Cancel Reserves Nos. 8606 and 9719;

consolidate the subject land located east of Geographe Bay Road into one Class "A" "recreation" reserve vested in the Shire of Busselton; and

include the remaining portions of the two reserves located west of Geographe Bay Road into road widening and a proposed foreshore "recreation and parklands" reserve with vesting also in the Shire of Busselton.

The shire fully supports the proposals. Approval of the Parliament is sought for cancellation of the two Class "A" reserves.

Perth Modern School, Subiaco, is situated on Class "A" Reserve No. 9338 set apart for "educational" purposes. The Education Department is desirous of amalgamating Reserve No. 9338 with the adjoining "technical school" Reserve No. 8899 for the amended purpose of "school site" and dispensing with the "A" classification. Approval of the Parliament is sought for cancellation of the "A" classification.

The Shire of Manjimup, which holds vesting orders for Class "A" Reserve No. 17672, "protection of flora (king jarrah)" and Class "A" Reserve No. 23630 "national park", has asked the Forests Department to take over management and vesting of the reserves in an effort to prevent illegal dumping of rubbish.

The Forests Department has agreed to the request and both the National Parks Authority and the Department of Fisheries and Wildlife have no objection to the proposal. In order to effect the change and improve management, it is proposed to cancel the Class "A" status of the two reserves, amalgamate both reserves into a consolidated "parklands and recreation" reserve, and vest this reserve in the Conservator of Forests.

Approval of the Parliament is sought for cancellation of the Class "A" status of both reserves.

In 1976 the Environmental Protection Authority in its "red book" report recommended cre-

ation of a south coast national park stretching from Augusta to Nornalup Inlet. The Government approved implementation of the report and the western part was declared in 1980. The name D'Entrecasteaux National Park was chosen. The eastern part, however, did not proceed at that time because of a number of difficulties.

In 1982 the Environmental Protection Authority recommended full implementation of the 1976 report, including addition to the park of the following Class "A" reserves—

Reserve No. 20167 "camping and recreation" controlled by the Shire of Manjimup;

unvested Reserve No. 30523 "conservation of flora and fauna"; and

unvested Reserve No. 24158 "camping and water".

The former Government approved the recommendation. The Shire of Manjimup and the National Parks Authority support the proposal.

In order to implement the recommendation it will be necessary to cancel all three reserves with the intention that the subject land be consolidated and reserved again as a Class "A" reserve for "national park and water" with vesting in the National Parks Authority. Approval is required of the Parliament for such action.

It is proposed to cancel the disused and unvested "gravel" Reserve No. 10433 and amalgamate the subject land with adjoining Class "A" Reserve No. 4561, set apart for "parklands" and vested in the Town of Armadale. The council has agreed to the proposal. The approval of Parliament is, however, required to include land in the Class "A" reserve.

In an effort to reduce access to North Swanbourne beach, particularly by vehicular traffic, the City of Nedlands arranged closure of the northern unmade portion of Marine Parade with the intention that the land be included in adjoining Class "A" Reserve No. 27250 set aside for "recreation" and vested in the city.

Council was concerned that with increasing numbers of people using the beach, fragile sand dunes in the area would be further damaged leading to a complete breakdown in the dune system. As there was insufficient time to have the matter dealt with by Parliament during 1982, a separate "recreation" Reserve No. 38190 was created.

In order to rationalise the situation it is now proposed to combine both reserves into a single Class "A" "recreation" reserve vested in the City of Nedlands. This will necessitate cancellation of Reserve No. 38190 and inclusion of the subject land in the Class "A" reserve. Approval of the Parliament is sought for such action.

The National Parks Authority wishes to establish a resident ranger in Watheroo National Park—Class "A" Reserve No. 24491 set apart for "national park" and vested in the National Parks Authority of Western Australia. As no suitable site exists within the park the authority proposes to build a ranger's headquarters on adjoining Reserve No. 27871, set apart for "conservation of flora and fauna" and vested in the Western Australian Wildlife Authority.

The authority has accordingly requested Reserve No. 27871 be included in the national park. Both the Department of Fisheries and Wildlife and the Shire of Dandaragan agree with the proposal.

In order to effect the inclusion it will be necessary to cancel Reserve No. 27871 and include the subject land in Reserve No. 24491. Approval of the Parliament is sought to amendment of the Class "A" reserve.

In December 1982 the former Government approved a number of recommendations designed to rationalise the purpose, vesting, and management of several islands in the Dampier Archipelago. All but one action can be effected by the normal Executive Council procedures.

The proposal to include "recreation" Reserve No. 36912 located on Rosemary Island into "conservation of flora and fauna" Reserve No. 36915 will require the approval of the Parliament as Reserve No. 36915 is Class "A"

Class "A" Reserve No. 3293 at East Perth is set apart for "Perth Mint" and is vested in the Director of the Perth Mint. In order to accommodate proposed extensions, adjoining freehold land was acquired by the Mint in 1981 with the intention that it be added to the Class "A" reserve per medium of the 1982 Reserves Bill.

Due to legal problems the matter could not be dealt with during 1982 and in order to prevent delays in building, a separate Class "A" Reserve No. 38421 comprising the former freehold land was created. It is now proposed to consolidate both Class "A" reserves into one "Perth Mint" reserve. This will require cancellation of Reserve No. 38421 and inclusion of the subject land in Reserve No. 3293. Parliament's approval to the changes to both Class "A" reserves is therefore sought.

Class "A" Reserve No. 15677 near Nornalup is set apart for "protection of flora—red flowering gum" and is unvested. The reserve is important for both conservation and landscape aesthetics. However, due to limited management the reserve

has been damaged by fire and is visited regularly by unauthorised seed collectors.

To overcome the problem it is proposed to cancel Reserve No. 15677 and include the subject land in the adjoining Walpole-Nornalup National Park—Class "A" Reserve No. 31362. The National Parks Authority, the Environmental Protection Authority and the Department of Fisheries and Wildlife all support the proposal. Approval of the Parliament is sought for cancellation and amalgamation of the two Class "A" reserves.

Also included in the Bill are proposals to increase the size of the Class "A" reserves listed. These proposals vary from inclusion of vacant Crown land, and the closure of roads to provide or improve management, to a proposal to include two areas of former freehold land specifically acquired to rationalise the boundaries of the Porongurup National Park. All proposals have the support of the controlling or vesting authority concerned.

Class "A" Reserve No. 1668 is set apart for "recreation" and vested in the City of Nedlands with power to lease. The council wishes to utilise the unoccupied Dalkeith ladies bowling clubhouse situated on portion of the reserve, for occasional child care and community use.

The proposed use is however not compatible with the reserve purpose so the council has requested the clubhouse be excised from the reserve set apart as a separate reserve for "hallsite (community purposes)" and vested in the City of Nedlands with power to lease. Parliament's approval is sought to effect the excision from the Class "A" reserve.

Class "A" Reserve No. 8431 surrounding Prevelly townsite is set apart for "protection and preservation of caves and flora and for health and pleasure resort" and is unvested. In 1978 portion of the reserve was excised for a "church site". The shire of Augusta-Margaret River, however, refused to issue a building permit and the proposed Greek Orthodox Memorial Chapel was subsequently built on freehold land in Prevelly. The "church site" reserve was cancelled and the subject land re-included in Reserve No. 8431.

The church trustees now wish to extend the amenities adjacent to the chapel but have insufficient land. Accordingly they have requested excision of a small area of Reserve No. 8431 which adjoins the chapel. As portion of Reserve 8431 had previously been made available to the church but not used, both the Department of Conservation and Environment and the Shire of Augusta-Margaret River support the proposal. Parliament's approval is sought for excision of the land required from the Class "A" reserve.

Parliament's approval is sought to amend the purpose of various Class "A" reserves. In each case the agreement of the controlling or vesting authority has been obtained.

Reserve No. 23234 has excellent potential for recreational development in conjunction with an existing Forests Department development at Rooney's Bridge, Manjimup. Accordingly it is proposed to change the reserve purpose from "stopping place and national park" to "recreation and parklands".

Reserve No. 13289 is an important bird habitat with high conservation value. As the present purpose of "water and camping" is unsuitable, a change to "water and conservation of flora and fauna" is proposed.

Reserve No. 17125 is used by passing motorists as a convenient stopping place. Because of its size and remoteness its present purpose of "national park" is inappropriate and a change to "parklands" is proposed.

In order to prevent development of home units on Reserve No. 22624 and to preserve the reserve's public amenity, the Shire of Busselton requests that the reserve purpose be changed to "parklands and recreation".

As part of an on-going programme to rationalise the purpose of reserves under the control of or vested in the Western Australian Wildlife Authority, the Department of Fisheries and Wildlife has requested the purpose of each reserve listed in the schedule to clause 46 be changed to "conservation of flora and fauna".

Such a change will afford maximum protection for each reserve pursuant to the provisions of the Wildlife Conservation Act while at the same time allowing standardisation of management procedures.

Class "A" Reserve No. 8428 south of Yallingup is set apart for "national park" and vested in the National Parks Authority of Western Australia. The adjoining freehold owner has cleared part of the reserve and in an effort to rationalise the situation proposes a land exchange whereby portion of his freehold land is exchanged for portion of the reserve.

Although actions of unauthorised clearing are not usually accepted as the basis for land dealings, the National Parks Authority and the Department of Conservation and Environment have agreed to the exchange as acquisition of the freehold land will provide a continuous link between the balance of Reserve No. 8428 and Class "A"

Reserve No. 20171 "national park", vested in the National Parks Authority of Western Australia, and also allow the amalgamation of both reserves into one consolidated national park.

To effect the exchange and amalgamate both reserves, the approval of Parliament is required.

Class "A" Reserve No. 13375 situated on the south-western side of the Causeway, East Perth, is set apart for "roads, parks and public recreation" and is vested in the City of Perth. In an effort to rationalise the reserve boundaries, council has requested that several small portions of Crown land be included in the reserve. These comprise—

The remaining portion of former "public works (improvement of Swan River)" Reserve No. 7728;

the reclaimed channel between former Reserve No. 7728 and the mainland (now vacant Crown land); and

the remnant portion of unvested Class "A" Reserve No. 17827 "park and gardens".

Council also requests the purpose of Reserve No. 13375 be changed to "park, public recreation, and vehicle parking".

The Perth Water and Burswood Island foreshores advisory committee supports the proposal. However, as two Class "A" Reserves are involved, the approval of Parliament is required before the reserve boundaries can be changed.

The Shire of Boyup Brook has requested that Class "A" Reserve No. 5132 set apart for "shire purposes" and vested in the Shire of Boyup Brook be resited so that its north-western boundary adjoins the foreshore reserve along the Blackwood River. This will involve a land exchange whereby an area of 9 707 square metres is excised from Reserve No. 5132 and Crown granted to the registered proprietors of adjoining freehold land comprising portion of Nelson Location 8440, and an area of 9 705 square metres comprising portion of location 8440 is added to Reserve No. 5132.

The proprietors of portion of Location 8440 agree to the exchange and both the Town Planning Board and the Land Titles Office have approved the survey. The approval of Parliament is sought for alteration of the Class "A" reserves boundaries.

A recent boundary survey by the Shire of Bridgetown-Greenbushes revealed that portion of an access track on council controlled "parklands and recreation" Reserve No. 15860 encroaches onto the adjoining site for "bowling club and premises" Reserve No. 26084, held under Crown grant in trust by the Bridgetown Bowling Club, while portion of the bowling club development encroaches onto the recreation reserve.

To remedy the situation it is proposed to excise portion of the bowling club reserve and include it in the recreation reserve and conversely excise portion of the recreation reserve and include it in the bowling club reserve. Parliament's approval is sought for the adjustments to the Class "A" reserve.

Boulder Town Lot No. 75 is held in fee simple by the Uniting Church in Australia Property Trust (WA) in trust for "ecclesiastical purposes". The manse constructed on Lot No. 75 is no longer required by the church and approval is sought to dispose of the building. As the land must also be sold, its value will be reimbursed to the State from proceeds of the sale.

Before approval can be given however, the trust over the land must be removed in order that a unencumbered freehold title can issue to the purchaser. This will necessitate the approval of Parliament.

The Independent Order of Oddfellows has a widow and orphan fund established in 1939 pursuant to section 12 of the Reserves Act No. 3 1939 to provide assistance to aged members and children orphans of the society. The society, however, has few orphan children and consequently the majority of funds is unable to be utilised.

To overcome this, the trustees of the society have requested a legislative change to allow 25 per cent of funds to be used to assist aged members and the remaining 75 per cent to be used for social welfare and community projects. It is necessary to obtain parliamentary approval to amendments to the 1939 Act.

Reserve No. 27074 at Maida Vale is set apart for "institutional purposes (Slow Learning Children's Group)" and held in freehold by the Slow Learning Children's Group of WA (Inc), in trust for that purpose. Portion of the reserve comprising Swan Location No. 7561 contains Hawkevale village for intellectually handicapped persons.

In order to finance development of residential housing within the village, the group has requested permission to subdivide and sell portion of Swan Location No. 7561. This will entail removal of the trust over that portion of the reserve. It has been agreed to remove the trust from Swan Location No. 7561 provided that—

All proceeds from land sales are directed towards institutional activities and not general endowment;

no further land will be granted to the group for expansion of the Hawkevale village;

the group agrees to surrender without compensation, portion of the reserve for roadworks and pipeline reserve;

the trust is retained over the balance of the reserve comprising Swan Location No. 7562.

Parliament's approval is required for removal of the trust.

Class "A" Reserve No. 17495 south of Northcliffe is set apart for "camping and recreation" and vested in the Shire of Manjimup with power to lease that portion comprising Nelson Location No. 12439.

Since 1961 council has issued leases to local fishermen and holiday makers and today there are in excess of 150 cottages in an area known locally as "Windy Harbour Settlement". The legality of leasing a Class "A" public recreation reserve for permanent occupation by private parties has been questioned.

To regularise the situation it is proposed to excise Location No. 12439 from the reserve and set this land apart as a separate Class "A" reserve for "recreation, camping, caravan park and holiday cottages", vested in the Shire of Manjimup with power to lease. On this basis, the shire has agreed to surrender the vesting of the remaining major part of Reserve No. 17495 for inclusion in the D'Entrecasteaux National Park.

The purpose of the residual Reserve No. 17495 is to be changed to "national park" with vesting in the National Parks Authority. Parliament's approval is sought to the proposed changes to this Class "A" reserve.

A copy of the plans, diagrams and notes have been made available to the Leader of the Opposition in the Legislative Council and I seek leave of the House to table a further copy of the details for the general information of members.

I commend the Bill to the House.

The documents were tabled (see paper No. 756).

Debate adjourned, on motion by the Hon. V. J. Ferry.

FATAL ACCIDENTS AMENDMENT BILL 1984

Third Reading

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

PUBLIC TRUSTEE AMENDMENT BILL 1984

In Committee

Resumed from 4 April. The Chairman of Committees (the Hon. D. J. Wordsworth) in the Chair; the Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clause 9: Section 49 amended—

The CHAIRMAN: Progress was reported after the clause had been partly considered.

Hon. J. M. BERINSON: I have distributed amendments to clause 9 and I seek leave to move them together.

Leave granted.

Hon. J. M. BERINSON: I move the following amendments—

Page 5, line 15—Delete the words "purchase land in fee simple" and substitute the following—

subject to subsections (2a) and (2b) of this section, purchase land in fee simple in the State.

Page 5 lines 22 and 23—Delete the passage "with the prior approval of the Minister,".

Page 6, line 7—Delete the passage "$20 000." and substitute the passage " $20 000. "; and ".

Page 6, after line 7—Add the following new paragraph to stand as paragraph (c)—

(c) by inserting after subsection (2) the following subsections—

" (2a) The Public Trustee may only exercise the power to purchase land conferred by paragraph (ea) of subsection (1) of this section—

(a) after obtaining and considering a report in terms of subsection (2b) of this section as to the value of the land; and

(b) where the purchase price does not exceed by more than 5 per centum the value of the land as stated in the report referred to in paragraph (a) of this subsection.

(2b) A report referred to in paragraph (a) of subsection (2a) of this section shall—

(a) be in writing;

(b) be made by a person who is licensed under the Land Valuers Licensing Act 1978 and who is reasonably believed by the

Public Trustee to be experienced in valuation of that kind of land in the area of the State in which it is situate; and

(c) contain a statement as to—

(i) the value of the land;

(ii) the actual or potential income from the land; and

(iii) the prospective outgoings on the land.

(2c) Where the Public Trustee purchases land in exercise of the power conferred by paragraph (ea) of subsection (1) of this section he shall not be chargeable with breach of trust by reason only of the relation borne by the purchase price to the value of the land if he has complied with subsection (2a) of this section.".

In the course of an earlier discussion on this clause the suggestion arose that it should be modified to take account of the recommendations of the Law Reform Commission that were tabled last week. The purpose of the amendments is to provide the safeguards which the Law Reform Commission proposes in respect of power for trustees to purchase land. These amendments have been taken as far as is necessary in the case of a trustee of the nature of the Public Trustee.

The amendments, I believe, are self-explanatory. Basically, they provide a procedure whereby any purchase of land by the Public Trustee would have to be supported by a prior independent valuation of the land. It is further provided that the Public Trustee would not be entitled to proceed to purchase at any price in excess of five per cent above that valuation.

I have provided copies of the amendments in advance of the debate to allow members of the Opposition to consider them in good time. I believe that it would be proper to invite the Leader of the Opposition to indicate at this stage the Opposition's attitude.

Hon. I. G. MEDCALF: I have read the amendments and it is gratifying to find they follow almost word for word the recommendations of the Law Reform Commission in relation to the power of trustees to invest in land in fee simple in the State generally. The main amendment is thoroughly acceptable as it stands. The only difference from the Law Reform Commission report is that it does not contain the reference to the need for the trustee to obtain a report as to the nature of the investment, bearing in mind the need to diversify the investments of the estate, and the circumstances of the estate, generally.

I do not regard that as being a serious objection. I assume it has been omitted in the case of the Public Trustee because it is not quite appropriate for the Public Trustee to be required to obtain that report because he should have within his own resources sufficient advice on the question of diversification and the circumstances of the trust. For that reason I do not find the omission of that item from the amendment objectionable in any way. I simply express the wish that the same treatment be accorded to the private trustee companies. They also have the resources to obtain the same kind of report from their own staffs and from what is available to them by way of legal and other advice. They have lawyers on their staffs and I believe the same kind of power could well be given to private trustee companies in due course. Whether it is incorporated in the private trustee companies Acts or by way of an amendment of the Trustees Act is a matter to be decided in the future.

I commend to the Government the desirability of giving all trustees the power to invest in land in fee simple in Western Australia subject to the stringent and sensible safeguards incorporated in this measure.

With those comments I support the amendments.

Hon. J. M. BERINSON: The Leader of the Opposition is quite correct in his understanding of the reason for omitting the further certification as generally recommended by the Law Reform Commission. In the Government's view it is part of the role of the Public Trustee to provide that kind of expertise when handling trust estates and considering their diversification. I agree in advance that one would look to the private trustee companies to have the same sort of expertise. That is the field entrusted to all three and it would be appropriate to treat them uniformly in this respect.

The only reservation I make is that I cannot at this stage anticipate future events in respect of the implementation of the Law Reform Commission report. It is open to public comment. It has not yet been before the Government for consideration—as the Public Trustee Act was—and I am not in a position, therefore, to anticipate what the Government's eventual view on this matter may be.

My own inclination would be to support uniform treatment in respect of ability to purchase land for the Public Trustee and the private trustee companies alike.

Sitting suspended from 6.04 to 7.30 p.m.

Amendments put and passed.

Clause, as amended, put and passed.

Title put and passed.

Bill reported with amendments.

VALUATION OF LAND AMENDMENT BILL 1984

Second Reading

Debate resumed from 22 March.

HON. MARGARET McALEER (Upper West) [7.34 p.m.]: The Valuation of Land Act is six years old; but it is reasonable to expect that it should be in need of amendment from time to time when anomalies become apparent as a result of circumstances changing or to clarify the drafting of certain sections.

As the Minister explained in his second reading speech, the Bill sets out to do these things in relation to a number of sections of the Act. For instance, in clause 2 an anomaly in section 4 of the Act is to be corrected by the exclusion from the definition of the UCV of land held under a lease granted under section 12EB of the Country Areas Water Supply Act; that is, land which has been affected by clearing bans.

The amendment will have the effect of producing a valuation based on market values instead of on a calculation based on rental values which could result in the valuation being considerably higher.

As I understand it, the amendment to section 24 of the principal Act seeks to ensure that the present practices which the Valuer General follows have a secure legislative base. In practice, the Valuer General either assigns to contiguous lots a separate value and then aggregates those values in one total, or he places one value on the aggregate values of the various contiguous lots.

This has significance in a case such as that of a commercial property which is built on several lots, so that those lots which front onto a major street might have a greater value than those at the rear of the property. It might also have significance in the case of an industrial property, where, if it were rented to one tenant, a total value would be appropriate, but, if it were possible to accommodate a number of tenants on the property, it might be appropriate to value each lot where each tenant was accommodated separately.

In the case of rural land, it might be effective where part of the land is affected by salt. The separate valuations for a number of lots which make up the property would enable the Valuer General to assign the precise value to the lots which were salt-affected and then to appropriately value those lots which were not affected, instead of placing one value on the whole and then making some sort of allowance for the salt as if it affected the whole property.

A question arises as to whether the Valuer General could, under this clause, value a number of properties which were under one ownership, but were not contiguous, as if they were parts of a whole, perhaps because of the same sort of usage or the same sort of zoning.

If this were so, the total value might be held to be higher than the values which would have accrued to the properties if they were simply valued separately, because of the benefits that the total holding was supposed to confer on its holder.

It is my understanding that this is not the way the Bill can be read, but I would be grateful to the Attorney General if he could clarify the matter and provide some assurance on the subject.

I might say, in particular, that, as a layman, I found the language of the amendments just as difficult to read and understand as I did the original sections.

The Bill contains amendments which permit an extension of time for objections to be made and appeals to be lodged. This will be welcome to the people who are entitled to object or make appeals, although it may not be so welcome to the valuers in the Valuer General's department.

As at August last year, the Valuer General already had 800 objections and was expecting to have up to 2 000 after the issue of rate notices. I imagine that, with the instances of rising rates about which we hear, the number of objections and appeals which will be forthcoming in the future will be even greater.

Apart from the point of clarification which I sought from the Attorney General, the Opposition has no difficulty with this Bill.

HON. J. M. BERINSON (North Central Metropolitan—Attorney General) [7.40 p.m.]: I thank the member for indicating the support of the Opposition to the Bill. I confess that I may not have grasped the point of clarification sought and, if that is the case, perhaps we could pursue the matter in greater detail in the Committee stage.

It will be apparent from a reading of section 24 of the Act and of the proposed amendment that what is sought here does not affect the original intention, but is a matter of clarification.

The proposed amendment to section 24(1) in clause 3 will ensure that values may be assigned to any land in part or in whole and will remove

any doubt in the existing legislation relating to conjoint valuations. To the extent that that does not go far enough for the member, although I think it may meet the point of her inquiry, this can be best dealt with in Committee.

Question put and passed.

Bill read a second time.

In Committee

The Chairman of Committees (the Hon. D. J. Wordsworth) in the Chair; the Hon. J. M. Berinson (Attorney General) in charge of the Bill.

Clauses 1 and 2 put and passed.

Clause 3: Section 24 amended—

Hon. MARGARET McALEER: I refer members to the wording of the clause. It seems to introduce the prospect of valuing land which is separated from other land, but related in some way, whether it be through similar usage or zoning.

Hon. J. M. Berinson: You are raising the question that the land to be conjointly valued may not be contiguous?

Hon. MARGARET McALEER: The land may not be contiguous; it may be separate. Taking rural land as an example, I refer to a chain of properties which may be held by the same owner, but which do not abut each other. Nevertheless, those properties taken as a whole might be held to have a greater value—because the owner could transfer stock from one to the other during different seasons, or they might be used for company purposes or the like—to the owner than they would as separate properties.

Hon. J. M. BERINSON: My understanding was that this was directed to contiguous land, but the question raises in my mind the possibility that there might also be a consideration of separated parts of land which, together with other land, are part of the one development.

Rather than take a guess at that, I would prefer to obtain advice on the point. If that is the only question which the member proposes to raise—she now indicates that it is—I shall move to report progress.

Progress

Progress reported and leave given to sit again, on motion by the Hon. J. M. Berinson (Attorney General).

SUPPLY BILL 1984

Second reading

Debate resumed from 4 April.

HON. I. G. MEDCALF (Metropolitan—Leader of the Opposition) [7.45 p.m.]: It is customary during debate on the Supply Bill, as it is indeed on a number of other Bills, by convention of Parliament, that any matter considered important by the member speaking should be raised and aired in the Parliament, and I propose to take advantage of that opportunity and to raise three or four matters which are not really in any way connected but which, nevertheless, I wish to bring to the attention of the Government.

At the outset, I want to observe a truism—there are good and bad Governments. When we talk about government we must talk about the three arms of government—the legislative, the executive, and the judicial arms. Sometimes there is good in one limb and not so much good in the other limbs. It is hard to distinguish between them. That is a fairly trite kind of a comment, but it nevertheless does illustrate the situation we now have in relation to what one might call parts of the judicial arms of the State and Federal Governments.

In Australia we have a classic case of what might be called a doctrinaire approach to the setting up of the Federal courts in the Federal sphere. The Constitution lays down that there shall be a High Court. It is not called a High Court, but nevertheless the Constitution provides for the formation of a High Court. Subsequently a decision was made by the Federal Parliament to set up a Federal Court of Australia which was below the High Court in terms of its status but nevertheless superior to the State Supreme Courts in other respects in that it had certain jurisdiction on appeal which the State courts did not enjoy.

It was originally the policy of a Labor Government to set up the Federal Court; indeed, it was espoused by Mr Whitlam long before he became Prime Minister. He took the view that if the Federal Government passed legislation it should have a Federal Court to interpret that legislation in which the Federal judges were appointed by the Federal courts. Quite why he took that view I have never been able to discover. It certainly is a theoretical or doctrinaire approach because prior to this time Federal jurisdiction had been exercised quite successfully and with no bias of any kind by State Supreme Courts. The new policy was in fact achieved not under Mr Whitlam's Government but under Mr Fraser's Government when Mr Ellicott was the Attorney General, and a Federal Court was set up which did in fact have

the exclusive jurisdiction in relation to certain Federal matters. The judges, of course, were appointed by the Federal Government which was entirely proper, and certain jurisdiction which had previously been vested in the State courts was handled by the Federal Court.

The Chief Justice of the High Court in 1981 at a legal convention in Hobart indulged in some fairly stringent criticism of this decision to set up the Federal Court. I will only quote a small portion of what he said, as follows—

> Nevertheless, it is difficult to discover any valid reason in principle, or any practical necessity, for bringing into existence the new Federal Court and conferring upon it its present jurisdiction. There were in 1976 strong reasons for relieving the High Court of its original jurisdiction, since the growing volume of the Court's work made it difficult to find the necessary time to devote to patent suits and income tax appeals at first instance. It was however not necessary, in order that the pressures on the High Court should be relieved, that a new court should have been created, for the original jurisdiction of the High Court could simply have been passed over to the Supreme Courts of the States, as indeed most of it was.

It is unnecessary for me to quote the rest of his comments made at the 21st Australian Legal Convention at Hobart in 1981. The burden of his remarks is contained in the extract that I have quoted. With no less an authority than Sir Harry Gibbs, the argument about the Federal Court does not need me to push it any further because clearly such an authority would have a far greater grasp of the issues than I have. It is true that the Federal Parliament could have invested jurisdiction in State courts. It did not do so. It held that Federal laws must be interpreted by Federal courts, which is really a fallacy. There is no particular reason that that should be so and this is illustrated by the fact that bankruptcy and divorces had always been handled by State Supreme Courts without any problems.

We often hear about demarcation disputes between trade unions, but in Australia we have got a demarcation dispute right on our doorstep in our State and Federal court systems. This dispute started, as I mentioned, a few years ago when for philosophical or political reasons the Federal Parliament set up its own Federal Court with exclusive jurisdiction. Prior to that, State Supreme Courts had quite satisfactorily carried out the same work, but for some strange reason—this seemed to coincide with the growth of trade practices law—it was felt that the Federal Court should have exclusive jurisdiction in relation to trade practices. In other words, trade practices law was considered to be a specialist area and exclusive jurisdiction over trade practices was given to the Federal Court by the Federal Parliament.

Trade practices is not a specialist area or function, and in practice the vesting of that jurisdiction exclusively in the Federal Court has caused more difficulties and will cause more difficulties in practice in relation to what I call the demarcation disputes between the Federal and State courts; because if in a trial in the State Supreme Court a question of trade practices arises the action may have to be discontinued and started all over again from the beginning in the Federal Court. Members do not need me to tell them what a waste of money and time such procedures involve. They are time-wasting, expensive and thoroughly frustrating for the parties involved, and bring the system of justice into grave disrepute.

We now have a system in which no one court can officially dispose of the whole of certain matters. In these other cases actions commenced in one court may have to be discontinued and started all over again from the beginning in another court because the proceedings were brought in the wrong court—a hopeless situation and one that has been brought about by this division of jurisdiction and by the granting of exclusive jurisdiction to the Federal Court.

All our courts, both State and Federal, should be able to administer the whole of the law without fragmented jurisdiction. Immediate action should be taken by the Federal Parliament to invest State Supreme Courts with concurrent Federal jurisdiction, particularly in the area that I mentioned of trade practices.

As between Federal and State courts, where a matter arises which was not envisaged at the commencement of the proceedings, but which impinges on the jurisdiction of the other, each court should be in a position to remit cases to the other court.

This is such an obvious solution to the problem of demarcation that it should be adopted forthwith. It has been commended by many people and there has never been an effective argument put up against it. The solution that has been put forward so far has simply been ignored.

This is an interim solution only. In the long run Australia needs an integrated court system, integrated on proper terms in relation to the convenience of the public, economy of effort on the part of the judiciary and counsel and other people involved in the litigation, and accountability

which has to be carefully worked out to the State and Federal Government.

If we try to dispose of this matter by sweeping it under the carpet and ignoring it or by some political dogma, I am afraid success will never crown our efforts, nor will any proposal be acceptable which merely seeks to consolidate the position of the Federal or any other judiciary. Any solution which is adopted must be enshrined in the Constitution by the free will of the Australian people. That means it must be fair, well thought out and considered, and quite unassailable in terms of the public interest.

It surprises me that the Federal Attorney General with his zeal for law reform has not decided as an interim measure to adopt this solution. It is really quite surprising because he has adopted another interim solution. The other day he introduced a Bill to restrict appeals to the High Court without waiting for the full solution of an integrated and proper system of appeals through one tier of courts. It surprises me that he should wait for a total solution and not put forward the proposal I have referred to. It is only an interim measure, but it is the first of the interim measures that should be taken. It should be a simple matter to invest State courts with Federal jurisdiction now in the trade practices area. Following that, other interim measures will come as progress is seen to be made as it inevitably will be.

The Constitutional Convention judicature committee has before it proposals on this subject which are still the subject of discussion and consideration and I do not propose to go into any of them because it would be quite premature and inappropriate for me to deal with any of its proposals at this stage. That committee is certainly looking at the question of having some intermediate appellate jurisdiction which can combine State and Federal judges. It must examine such matters as what happens to criminal jurisdiction and criminal appeals, and where the High Court comes into it. An intermediate court would mean we could with good conscience discontinue the present arrangements for appeals as of right to the High Court, and the Federal Court may well be left with certain specialised areas which would not include or should not include the trade practices area. They could include such matters as industrial law, perhaps family law, and possibly bankruptcy and Federal administrative law. There may be other areas.

On the question of good and bad government, I cannot leave this subject without referring once again to the Family Court of Western Australia and the Family Court of Australia. It has always been a puzzle to me as to why it never became apparent to the other States that they could get out of a lot of their jurisdictional problems in relation to family law if they adopted the solution that was adopted in Western Australia some years ago when the State Family Court was set up.

I know there are people who are discontented with family law and who consider that the family law we now have should never have been adopted. That is another issue. Family law generally is a Federal matter; the Federal Parliament passed the Family Law Act and it is now merely a matter of administering it.

Of course, in this State we elected, and I believe it amounted to a non-political party decision as it eventually turned out, to have a State Family Court. This gave many advantages to the people of this State, advantages which are not enjoyed by the people of other States. I have been informed that in New South Wales no less than five courts handle various family law matters, whereas in this State those matters can be handled in the one court.

This is a matter of very considerable convenience to local people and inconvenience to the people of New South Wales. Why the other States did not do it in terms of good government escapes me, and one can only say this is an example of bad government in the judicial area. It is unfortunate that Governments get plagued by political or doctrinaire views which determine their attitude towards the public convenience in relation to such matters as, particularly, the Family Law Courts. These bind them to one political philosophy or another and where they have a centralistic philosophy it is just as bad as having an isolationist philosophy. It is not good; it is not good government and it is not good for the public.

I now refer to another issue, but it still relates to the judiciary. I refer to justices of the peace, who are members of the judiciary. If anyone has any doubts that JPs are members of the judiciary I recommend to him a study of the subject and he will find many eminent people have made it clear that such is the case.

Recently there has been a lot of talk about JPs and imprisonment, and that JPs should have their powers to gaol or imprison taken from them. The recent discussion on this subject arose as a result of an unfortunate case which occurred at Eucla where a JP awarded a gaol term of four months to a person who engaged in a trivial assault. As a result of that an outcry developed that the JPs should have their power to imprison taken away.

I would like to pause for a moment and look at the practical issues that would be involved in taking that course of action. In the first place

there is a great problem—there always has been a great problem—in securing the services of a JP in isolated places like Eucla. I do not single out Eucla in any particular way and I am not reflecting on any JP in that town. That is from where the discussion arose and that is why I have referred to Eucla.

It is always difficult to find people who are willing and able to serve as justices. Many people will not serve as justices. I recall trying to get justices in a large mining town and it was astonishing to find the number of people who refused to act as JPs. In many cases they had been nominated by people, but declined to have their names put forward. It was an extraordinary situation and the only people who were appointed were the wives of some of those people who had been approached but who refused to act as JPs.

Hon. D. K. Dans: That is the difference between the country and the city.

Hon. I. G. MEDCALF: I am referring to a mining town and it has its special problems. It is not easy to find JPs in many places; it is the problem of remoteness in many cases.

JPs only hear pleas of guilty. They can hear pleas of not guilty, but generally speaking they are encouraged to hear only pleas of guilty. If people make pleas of not guilty a JP normally remands that case to a magistrate. Is it proposed by the critics of JPs that magistrates should be stationed at towns like Eucla? I would like to find the magistrate who would be prepared to be stationed at Eucla and the same applies to other remote places.

It is not possible, not sensible, not economical and, in fact, it is out of the question. What does one do if someone breaks the law from over the border? One would probably find a number of such people who would break the laws. What would one do? Would we have a special law that said, "If you appear before a JP you cannot be imprisoned"? What a bonus that would be to wrongdoers. In many cases wrongdoers prefer to appear before a JP rather than a magistrate. It is out of the question to have a law which provides that a person who appears before a JP cannot be imprisoned. From a practical point of view we must have justices in some of these remote areas. Justice must be dispensed reasonably promptly and action must be taken. People cannot be left lingering in gaol and bail cannot be granted to everyone who is arrested, particularly if they might flee across the border.

From a practical point of view, if a JP hears a serious case and he has no power of imprisonment this would be an impossible situation. There is a simpler solution which could be provided quite easily, and that is: In the event of the penalty that is awarded exceeding one month's imprisonment—I have taken that figure out of the blue—there should be an automatic right of rehearing at the option of the offender before a magistrate without the necessity of an appeal. I believe that would be a practical solution and would not affect the powers of the justices. In many cases there would not be any appeal, but in other cases there would be the automatic option of the offender to have his case reheard by a magistrate where the penalty exceeded a particular period—say, one month's imprisonment. It is a practical solution and one which I commend to the Attorney General for consideration.

Hon. J. M. Berinson: Could I just clarify that? You are proposing a rehearing, not just a review of the penalty on the basis of the record?

Hon. I. G. MEDCALF: One could have a simple review of the penalty, but there may be other issues involved and I leave that to the option of the offender.

Provisions already exist under the Justices Act for rehearing certain complaints under the Road Traffic Act. I am not breaking any new ground, I am merely extending it. Provision exists under section 56A of the Justices Act for rehearing complaints under the Road Traffic Act where for instance the summons does not come to the notice of the accused. Under section 166B of the Justices Act an order may be recalled where a penalty is contrary to the law and there may be a rehearing under section 136A of the Act where a decision is made in the absence of one of the parties.

One would expect that some provision could be made under the Trustees Act. I am bringing this subject forward because I believe there should be reference to a magistrate at the option of an offender in the event of imprisonment exceeding a specified period.

It seems desirable to avoid the situation of having to appeal. The great argument which is always put up to bolster the view that justices should not be entitled to imprison people is that it takes time to have an appeal heard. It is expensive and the person concerned has to come to Perth from another town. This is unsatisfactory and the process is too long altogether. There should be some way of having a speedy rehearing which is automatic if it is requested in certain situations without any additional cost and probably no cost at all to the person involved—certainly not the cost he would incur on an appeal. If a person were to appeal against a decision he would be asked for $1 500 or $2 000 which to begin with would prob-

ably put him out of court immediately. There are many advantages in taking my proposed course of action.

A Law Reform Commission report—which I trust the Attorney will read one of these days—deals with the question of appeals under the Justices Act and it has been suggested that there should be rehearings in certain cases. These are mainly where there has been a miscarriage of justice, and are set out in the Law Reform Commission's report. The suggestion I am making is entirely in accordance with the existing law and my proposals are simply an extension to the report and would go a long way to overcome some of the problems which occur in remote areas.

I hope I have made my point that one cannot station magistrates all over the State, despite the wishes of some people. I think that is gradually dawning on some people who have been advocating it for some years. It cannot be done from a practical point of view, and JPs must continue to serve in their honorary capacity. They do a fine job under difficult circumstances. They may make occasional mistakes like everybody else.

Now, on the subject of appeals against the decision of JPs, figures taken out a few years ago by the Crown Law Department for the six years from 1973 to 1978 inclusive, disclose that in that time 131 appeals from decisions of justices in petty session hearings took place. Of that figure 76 were successful, 39 appeals failed, and 16 at the time the figures were taken out were undecided. Therefore, there were about two successful appeals to every one unsuccessful appeal and the general view was that the figures would be much the same in cases of appeals against decisions of magistrates.

Of course, it is no news to anyone that many appeals are taken from the decisions of judges and some of those are successful. One sometimes hears comments by some fairly uninformed but biased person that all the appeals against JP's decisions are successful, and there are hundreds of them, but the facts do not bear that out. Everybody makes mistakes and there is room for difference of opinion. Frequently it is a matter of opinion that provides the reason for decisions being upset on appeal. Generally speaking, the justices of the peace do a very fine job and my own experience has been that the public support the JPs. I have been astonished by the number of people who have indicated quite clearly that in minor matters in petty sessions they would prefer to be tried by the justices rather than by a professional magistrate.

One very learned lawyer who lived in Kalgoorlie, who was also a Labor member of Parliament, frequently told me that he always preferred to appear before justices because he got a much better go. Members can guess who that was. He said his clients also got a better go. Just as one hears criticism of the severity of the sentences by justices, one hears an equal amount of criticism of the leniency of sentences; one cannot please everyone. I suggest to the Attorney General that when he is confronted by requests from the ALP and anybody else to abandon the system of allowing justices to imprison, he should very carefully weigh up these practical aspects and not act too hastily in response to those approaches.

I now refer briefly to the question of taxation and changes. It is a cause of some concern that taxation has increased to the extent it has in this State. I wish to quote from a report which appeared in *The West Australian* on 14 January this year which is headed, "State taxes put WA near the top". The article referred to a report by the Institute of Public Affairs and in part read as follows—

> Many of Australia's State governments have increased taxation far faster than inflation, with Victoria and WA having the worst records.
>
> This is despite the promises of their leaders before their last elections, according to the Institute of Public Affairs.
>
> It said that some State governments were failing to show adequate restraint in their tax policies.
>
> The institute said that from 1981-82 to 1983-84 Victoria increased tax by 40.2 per cent, to lead all the Australian States, with WA second with a 33.1 per cent rise.
>
> NSW lifted taxes by 29.5 per cent, South Australia 26.7 per cent, Queensland 15.7 per cent, and Tasmania 10.3 per cent.

A few days later in *The West Australian* on 17 January 1984 the editor made the following comment—

> On the question of taxes the Government breathes much less easily. The Institute of Public Affairs, in a report on State tax movements, pointed with cruel accuracy to Mr Burke's unfulfilled pre-election promise to balance the Budget without increasing taxation.
>
> There were some mitigating circumstances, but not sufficient to excuse an increase far outstripping the rate of inflation and community wage movements. A bal-

anced Budget is counter-productive in large measure if it causes excessive hardship and, as is the case with the financial institutions duty, restricts growth and activity.

In addition to this very substantial increase in taxation—and I do not wish to become involved in debate as to whether the impost on individual households has increased by this much or that much, I am talking in general terms—we have had substantial increases in charges for water, electricity, public transport, and a number of other Government services. There has been a dramatic increase in the expenditure of the average person and this money has gone into the Government's coffers. This has been done in order to balance the Budget and, of course, that is something which must occur.

Mr Burke has previously said on a number of occasions that the Government has gone as far as it can in taxation and it cannot go any further. He has said that the community is being taxed to the maximum at the present time. I give Mr Burke full credit for his honesty in saying that. We have reached the stage where the community and the economy cannot be taxed any more. It is time we did some economising and made a deliberate attempt to restrict our expenditure.

Anyone who has had experience in private enterprise knows that one cannot go on and on spending more and more and simply charge more for the product, the work performed, or the service rendered. Anyone who has been in business, in an office or involved in any way in working on his own behalf knows that one cannot continue to put up the price of one's product. If the product is measured in terms of world trade one has no say in the matter. If a service is provided it is necessary to be careful because if the price is increased, very soon someone else will provide the same service for less.

The time has come when the Government must not increase electricity, water, and other rates any more. It must find ways of economising. Expenditure by some public authorities has been extraordinary and it must be reined in. The only way to achieve this is for people who know something about business and finance to get to work and pare the budgets of those public authorities. No other course is open. It must be done; otherwise the costs, taxes, and charges will go up and up. Mr Burke has already said that they cannot go any higher. At the last count the Government has put on no fewer than 44 advisers. Miss Elliott can correct me if I am wrong. I would not profess to know the exact number.

Hon. Lyla Elliott: Remember that charges went up during the time of your Government.

Hon. I. G. MEDCALF: The Government has taken 17 floors in the City Mutual building. I do not know how much of the old accommodation has been kept. I understand the Superannuation Building has not yet been let to private enterprise. I do not know if any other ministerial or Government offices have been released to their owners. I suggest this enormous rental bill must be reduced. There are dozens of ways in which private companies have to economise, and reducing rental costs is one of the various ways of reducing expenditure.

Hon. H. W. Gayfer: The coffers were supposed to be empty when they went in.

Hon. Tom Stephens: Not empty but in deficit.

Hon. I. G. MEDCALF: Somehow this must be done because the Government cannot go on taking money from the public. Mr Burke knows that it must be stopped. We have already reached a high state of taxation and I sincerely trust that the Government has learned its lesson. If the Government continues to increase charges to the public I am afraid we shall reach a very serious situation in this State.

The only other matter on which I wish to spend time is to express my sincere hope that the Government will do something about the tremendous upsurge in what I call the biggest growth industry in Australia at the present time—apart from taxation—that is, the pornography industry. Under the Federal and State Labor Governments pornography has become the largest growth industry in Australia. Late last year we passed an amendment to the Indecent Publications Act in this Parliament. The reason given, which I believe was done quite honestly and properly, was to prevent "R" and "X"-rated videos from getting into the possession of, or being shown to children under age. This was because of the nature of those tapes which mostly involved sexual orgies and violence. However, the effect of the legislation introduced and passed last year was to permit these tapes to be sold pending Commonwealth legislation to the same effect. The position now is that there has been a tremendous upsurge in the number of outlets for this material in WA. I refer to an article which appeared in *The West Australian* of 7 April 1984 written by Cyril Ayris which stated in part—

> PERTH has been flooded with hard-core, pornographic video films. . . .
>
> When *The West Australian* reported on the proposals last December, the then Minister for Employment and Administrative ser-

> vices, Mr Parker, denied that the legislation would result in a dramatic increase in the availability of pornographic films. . . .
>
> There were then about five outlets in Perth for such films. They were all known to the police and were regularly visited by the vice squad.
>
> A spokesman for the Department of Employment and Administrative Services estimates there are now 400 outlets in WA for the hiring or selling of pornographic films and magazines.

There has been a dramatic upsurge in the number of outlets and in the sale of pornographic material. It is quite true that the State Government has plans to ban certain material which deals with drugs and terrorism, and quite rightly so. I applaud it for that. However, a large number of films have been approved which deal with all manner of sexual perversions. I do not propose to describe those perversions or to refer to the exact subject matter of these films; they are described in the article by Cyril Ayris. However, I can assure any honourable member who has not read this article that the films include material which the average family would not want to see.

Hon. D. K. Dans: It is a sad fact that 70 per cent of all video sales in that area are to married couples.

Hon. I. G. MEDCALF: I am not blaming the State Advisory Committee on Publications; it has a difficult enough task to fulfill. When I was Acting Chief Secretary I did not have to inspect videos because they were not included in my duties but I had to look at the magazines and other publications which were sent to me with recommendations for prosecution. I have never seen such disgusting material. Having seen one or two publications, one does not wish to see any more. The members of the State Advisory Committee have my entire sympathy; they are performing a public service by continuing to sit on that committee. I understand a number of them would like to leave the committee. I quote further from the article by Cyril Ayris—

> A seven-person advisory committee, which views and classifies the videos, has approved 336 films for restricted viewing in the past 12 weeks.
>
> Those films can now be hired out from any of the 400 outlets provided they are kept in a "restricted area" within the shop and are not given to children under 18.
>
> Nearly every one of the 336 films approved deal with sex.

The article continues by describing the kind of sex with which they deal. Members can use their imagination. The members of that committee are administering the laws introduced by the Commonwealth and State Governments. This has been permitted and it is not sufficient to say that children are barred from purchasing this material. That was said quite honestly by Mr Parker when he introduced the Bill; but that is not sufficient. Nobody can tell me that children are unable to have access to the material. Inevitably, some of them will view some of the tapes.

What is the effect of this material on some adults? It does not affect children only. We all know that a great number of crimes are committed by people with mental or emotional problems. We can be sorry for those people, just as we can be sorry for their victims; but inevitably, being free of the established inhibitions of society, we must accept that this will be reflected in their sexual conduct. That applies to people who are emotionally unstable and unable to control themselves.

Hon. D. K. Dans: Do not forget violent films.

Hon. I. G. MEDCALF: I have already said, "Sex and violence".

It is not sufficient to leave the matter as it stands. The Minister should inquire further into the acceptance of this material in the State. I believe it would be found not to be acceptable. The Minister has certain powers to take action, and I ask that he take that action. Unrestricted freedom is a heady mixture. It is all right for those who can take it, but it has bad effects, not only on the moral tone of the community, but also on the behaviour of emotionally disturbed individuals.

It is unfortunate that, in our community, we have people who are emotionally disturbed. However, we know they are disturbed, and they should be protected by society. It is our obligation to bring this matter out into the open. I have taken this opportunity to point out what I believe to be a most serious situation.

I have taken advantage of the debate on the Supply Bill to discuss three or four matters which, as I mentioned at the outset, are not related. I have spoken quite sincerely about those matters, and I trust that the Government will take note of my comments.

HON. P. G. PENDAL (South Central Metropolitan) [8.33 p.m.]: I support the Bill.

Like my leader, I will use the occasion to canvass a number of topics which are unrelated but which, nonetheless, have been raised with me in one form or another by my constituents. In the main, they deal with matters of criticism, so I will

begin with a note of congratulations to the Government.

As this is my first opportunity to do so, I commend the Government on the appointment of Professor Gordon Reid as the next Governor of Western Australia. It has been my good fortune to know Professor Reid in his non-vice regal capacity. He is an excellent choice, and so too is Mrs Reid. I take the opportunity of wishing both of them well in a high public position. I hope it is one that brings some lasting credit on them, as I am sure will be the case, and due honour to the State and to the monarch whom they will represent.

I suppose it is reasonable to begin a speech of this kind by dissecting some of the remarks made by the Minister for Budget Management. Like other members, I listened with a great deal of interest when he introduced the Bill, and in particular, when he said that we would all appreciate the uncertainty involved in forecasting the Budget outcome when, in fact, we still had fully one quarter of the financial year remaining. In that regard at least, the Hon. Joe Berinson deserved the silver Logie for audacity, with the gold Logie being presented to his leader in another place. It is only a year since the same Ministers were telling us, as the outgoing Government, of the appalling mess in which we were alleged to have left the Treasury. At that point, however, there was also fully one quarter of the financial year left, yet all of that nonsense was spoken. If it is true, as the Minister said, that uncertainty is involved in forecasting the Budget outcome with more than one quarter of the financial year remaining, why did those Ministers not recall that factor last year when they were peddling the propaganda that the State was facing a massive deficit and economic disaster? In the circumstances, it is just as well to remind the Government and, in particular, the Premier and Treasurer, of a few home truths of which he and he alone seems to be blissfully unaware.

In question 851 which I asked on 4 April, I drew attention to a matter which has been touched on briefly by my leader. That related to the research undertaken by the Institute of Public Affairs. As members on this side of the House, at least, will know, the institute's independent survey showed that State taxation in Western Australia grew by something in the order of 7.9 per cent in the one-year life of the O'Connor Liberal Government, and it grew by a massive 23.4 per cent in the first year of the Burke Government.

Government members interjected.

Hon. P. G. PENDAL: As my leader has already pointed out, the survey received widespread publicity throughout Australia, and indeed in this State. My leader referred to some of the publications which ran the report. For that reason, it is even more intriguing that, in this House, one should receive an answer from the Treasurer suggesting that he and he alone was the only person, apparently, who was unaware of the contents of the institute's report. It is interesting—even damning—that the survey showed, beyond any doubt whatsoever, that the Labor States of Australia are pursuing the policy and the principle of high taxation. That is shown by evidence put forward in the survey, and not on my own assessment.

One is entitled to ask whether we can feel a little more optimistic about the future. I suggest, sadly, that that will not be the case, and that the restraint about which the Leader of the Opposition spoke only a few minutes ago not only is not apparent from the actions in the last year, but also we will see not a great deal of evidence of it in the years to come.

On page 4 of the typewritten copy of the Minister's speech which was circulated to members in this Chamber, he suggested that wage and salary increases were an influencing factor in the State Budget, and that they were somehow outside the control of the State Government. I put to members that that is a shocking indictment of the sort of economic planning and good sense of this Government, because the reality is the opposite.

Members are aware that in recent days the national wage case decision was handed down. The employers and the conservative Governments alone were left to plead with the commission to show some sort of restraint in the awarding of increases. However, the Government of this State made no bones about its support for the increase of 4.1 per cent.

In those circumstances, it can never be said that the question of wage and salary increases is outside the control of the State Government when that very Government put a submission to the Australian Conciliation and Arbitration Commission in support of the increases that ultimately were granted.

Like the savage increases outlined by the survey of the Institute of Public Affairs, which have been touched on by the Leader of the Opposition tonight, the comments of the Government relating to wage and salary increases are a reflection of the fact that the Labor Party and the Labor Governments of this country, both State and Federal, are simply unable to understand or incapable

of understanding the economic consequences of their decisions.

In some respects, the Minister's speech is as frightening for what it does not say as for what it does say. For example, on page 5 of the typewritten copy, the Minister suggests that the financial outlook for the next year is affected significantly by three main factors. Two of the factors relate to the Government's income, and the third relates to wage and salary levels. On that basis, I cannot quibble or quarrel with any of the three factors; but it is incredible to me that the people in charge of the economic direction of this State do not regard expenditure levels as one of the major factors which affect significantly our financial outlook. If they did, that factor would have been listed by the Minister for Budget Management on page 5, where he listed the other three factors. The very fact that that factor is not mentioned is an appalling admission that the Government regards spending levels as somewhat unimportant in the scheme of things.

I put it to members that that also shows a superficial understanding of the financial position when one talks more of the need to balance the books or increase revenue rather than curbing outlays.

Again, we heard pertinent comments by the Leader of the Opposition on this subject tonight. He made a plea to the Government for restraint in spending which, so far, the Government has showed it is unwilling to consider. Certainly it is the case that the spending spree in which the Government has been involved has given comfort to nobody.

I now turn briefly to another subject in which I have taken an interest in the last year or two. It is bound up in the joint headings of tourism and our relations with South Africa. Members will be aware that very considerable comment has been made in recent times about South Africa, and I will make remarks of my own. I was appalled, as one member of the Parliament, at the decision by the South African Embassy to cancel a series of three seminars which were to be held throughout Australia, at the invitation of that embassy. More correctly, I was appalled by the actions of the Federal Government—not acting much differently, I might add, from its predecessor in Canberra—in refusing entry visas to two South African members of Parliament.

I was one of the Australian parliamentarians who was invited to take part in one of the three seminars. I say emphatically that I am not a supporter of apartheid, but I believe that the treatment meted out by this country and other countries to South Africa in the past decade has been nothing short of a national disgrace. All that has been done in the name of some high-minded morality that says that we must isolate and humilate a country such as South Africa because of what we perceive to be its violations of human rights.

THE DEPUTY PRESIDENT (Hon. John Williams): Order! There is far too much audible conversation in the Chamber and I am finding it difficult to hear the remarks being made by the Hon. P. G. Pendal. Unfortunately, a lot of the noise is coming from behind the Chair.

Hon. P. G. PENDAL: I have already said that I personally reject the notion of apartheid, yet consistently in Australia we have been seen to be adopting double standards. Only recently this country acted as host to the Vietnamese Foreign Minister, a man who represents a country and a Government that have been guilty of the most abominable and criminal acts and atrocities. In the false name of international harmony we openly welcome people to Australia such as the Vietnamese Foreign Minister while at the same time we deny entry to two politicians from South Africa. I put it to the House that rather than our being seen to be refusing to talk to the South Africans, we should be opening our doors to them and allowing them into this country to answer the variety of questions and objections we have to their policy of apartheid. What are we afraid of? Is it that we are frightened we might hear something from these people that might somehow alter our views and prejudices?

I put it to the House that because this Government has a role in this, as I will explain later, we would be far better to expand our ties with South Africa. Indeed, I suggest to the Premier, in that capacity and in his capacity as Minister for Tourism, that he could do a great deal to influence the thinking of his Federal counterparts in regard to South Africa.

In one small isolated instance alone, of which I have some knowledge, our national policy towards South Africa can be seen to be distinctly harmful to this city. Members might recall that about May last year the Hawke Federal Government decided to halve the number of South African Airways flights into Australia, cutting them from two a week to one a week.

One might assume that the impact of the decision on a place like Perth would be either minimal or perhaps non-existent. Conservative estimates suggest that metropolitan Perth has lost something in the order of $10 million over the

past year as a result of that airline being forced to halve its flights into Australia.

Hon. Mark Nevill: How many black passengers were on those flights?

Hon. P. G. PENDAL: It is clear from that interjection that the honourable member has failed totally to listen to my earlier comments. Had he listened to what I said he would not have made that unintelligent interjection.

It has been estimated—and I will go into some detail here—that our city hotels have lost something in the order of $750 000 a year as a result of the Federal Government's decision. Even in a city the size of Perth that is a lot of money for the hotel and accommodation industries.

Hon. Mark Nevill: What proportion was black?

Hon. P. G. PENDAL: It is interesting to note that one of the people who was to attend the three seminars around Australia is black, but the Federal Government has stopped him, too, coming to Australia. Unless the Hon. Mark Nevill has heard my earlier comments he will not realise that my criticisms are directed as much at the previous Federal Government as at the Hawke Government.

The estimate is that hotels and the accommodation industry in Perth alone have now lost around $750 000 in one year as a result of the Federal decision. It has been estimated that the meal allowances paid to the South African airline officials and crews who were accommodated in Perth during the stopovers of those cancelled flights ran into $10 000 a week or, computed in annual terms, $520 000 a year. Who out of that is the loser?

Hon. Mark Nevill: The blacks.

Hon. P. G. PENDAL: The answer is our own local restaurateurs and cafe owners, all of whom have heard much talk—which regrettably is all they are hearing from the Premier and Minister for Tourism—about the future of the tourism industry in this city and this State.

As well, South African Airways outlaid something in the order of $7 800 a flight to service its aircraft in Perth. Over a year, that amounts to something like $400 000 which has now been withheld from the Perth economy because of the Federal Government's decision.

The same decision has meant that the airline is not spending something in the order of $75 000 a week on aviation fuel at Perth Airport. Computed in annual terms, that is a loss to the aviation fuel market in Perth of something in the order of $3.95 million a year.

Hon. Mark Nevill: You keep putting dollars ahead of Christian morality.

Hon. P. G. PENDAL: The catering industry also has been affected. The cost of meal uplifts at Perth Airport was $6 000 for every flight by South African Airways planes. In annual terms that is something in the order of $312 000 lost to the catering industry because of the cancellation of that one flight a week.

The loss in landing fees similarly amounted to something like $452 000 for the Perth economy.

The total of all that input on the part of South African Airways as it affects the Perth metropolitan area is roughly $6.4 million in 12 months; but that does not take into account—

Hon. Tom Stephens: They now come in via Qantas.

Hon. P. G. PENDAL: —the extra revenue that is lost to the State and the city from passengers who previously disembarked from South African Airways flights into Perth. This illustrates to members the price that Western Australians are now paying for decisions by Federal Governments, both past and present.

In the six months to 30 April last year, a total of 3 492 passengers disembarked in Perth from South African Airways flights from Johannesburg. In that six-month period, 430 passengers disembarked at Perth from SAA flights from Sydney. In other words, a total of 3 492 passengers disembarked at Perth Airport from that now-cancelled South African Airways flight. In a full year that represents a loss of passengers to the Perth market of around 7 900. That is, 7 900 people who were coming to this State to spend money but who are now no longer arriving.

Other statistics from the industry suggest that whenever a passenger gets off a plane, he or she spends something in the order of five days in Western Australia. Even if we allow a very conservative estimate and say a spending rate of $100 a day for accommodation, meals, tours and souvenirs, the amount we are now forsaking in revenue from those South African passengers is in the order of $3.95 million in a full year.

Hon. Fred McKenzie: That is why we are building more and more hotels.

Hon. P. G. PENDAL: That is a clear indication that this city is now paying dearly for the decision by the Federal Government, which is presumably supported by the State Government.

Hon. Tom Stephens: When are you going to get to my point about Zimbabwe?

Hon. P. G. PENDAL: The member can get to his feet and make his own speech later.

The figures I have given to the House tonight relate only to the landing of that one flight in Perth. None of the figures I have given takes into account the impact of the withdrawal of that one service on other parts of Australia, and principally Sydney. But members can see from the figures I have quoted relating to the Perth metropolitan area that the impact on Sydney and New South Wales must be even more dramatic; therefore the national economy has been very considerably and I suspect irrevocably affected.

I am really saying that the people who comprise the State Government here should use their influence on their Federal colleagues to let us get back into South Africa. Let us begin some sort of dialogue with that country. Let us not be frightened to hear how they justify—they cannot in my view—the policy of apartheid.

Somehow or other our Federal Governments successively have got themselves caught on that "high" which says that they must insult the South Africans, while at the same time we kowtow to other countries which are far less friendly and with which we have far less in common than South Africa.

I seriously put it to this House and to the Premier—who suggests he has a commitment to the growth of tourism—that we might set the lead nationally perhaps by sending a cricket team to South Africa. If it was possible in the early 1970's to break down decades of prejudice against mainland China by the United States sending a bunch of pingpong players to Peking, it may well be the opportunity for this Government, in concert with its Federal colleagues, to seriously suggest that we begin some form of sporting and cultural link with South Africa. Perhaps we could send a State cricket team, because it has often been said in the past that, like music, sport is an international language, and when sportsmen are seen together acting in some harmony, a lot of disharmony of which this world is currently the subject might well disappear.

I put this forward as a serious proposition partly because the Prime Minister once lived in this State and therefore might see the value in our being the leaders among the Commonwealth countries rather than being like Mr Hawke is now and what Mr Fraser was before, slavishly following some of the dictates of other countries around the world which would not know democracy if they fell over it.

I turn now to a last subject, one which is of some importance to my electorate, and I refer to the subject of the aged population, in particular because the province I represent possibly contains the greatest percentage of elderly and retired people than any other province represented in this House.

I begin on this subject by letting members know of an occasion I had to write a letter to the Minister for Foreign Affairs (Mr Hayden) in September of last year as a result of an approach to me by a constituent. The reason that constituent came to me was that she had retired—she had previously been a senior mistress at one of our senior high schools—and she was upset because having retired, she witnessed for a person an application for a passport. That was a practice she had been involved in for many years because her status as a schoolteacher permitted her to be one in the category of people who could witness a passport application.

This lady received notification from the Department of Foreign Affairs that she was no longer eligible to witness passport applications on the ground that she had retired, therefore she had lost her eligibility.

When I wrote to the Minister I made the point that there was nothing magical about a person reaching the age of 65 years and there was nothing to suggest that that person was less capable of witnessing that document when she had retired. I went on to suggest that it could be argued that a retired person, with some time to spare, would be of more benefit to the Government, and Government departments—and indeed the community in which she lived—simply because she was no longer busily involved in full-time work.

In fairness, Mr Hayden was quick to point out all the good reasons—and some were good reasons—that in his view retired people should not witness such documents. He was equally prompt and emphatic in telling me that the exclusion of retired prople is no reflection in any way on their standing in the community.

That incident, standing by itself, may well have remained that way had it not been for comments made to me some time later by a retired hospital matron. This second person had some rather harsh things to say about the system of mandatory retirement that we have in this State, and in particular as it related to her work which meant she had to get out of the work force because she had reached the age of 65 years.

The two incidents by themselves perhaps did not mean a lot, but together I put it to members that there is something fundamentally wrong with a community that practises a form of discrimination against a person merely because that person has reached a particular age—in this case 60

or 65 years. It has been put to me that perhaps the whole notion of mandatory retirement needs to be reviewed, especially in those areas where there is a demonstrable shortage of skilled or experienced personnel.

Those experiences together led me to have a closer look at the way we treat the elderly in our community, whether they are called retirees, pensioners or the aged. In a day and age where the emphasis is on youth and the young, it is relatively easy to be led to the belief that elderly people have done their dash or run their race and are of no great consequence. That process of the ageing or greying of Australia, as some people have referred to it, really does require Governments in all spheres and of all political colours to turn far more attention to the subject. That is especially true when one considers that not only are we becoming an elderly community in Australia, but also elderly people are living longer life spans. Two thousand years ago the average life span was somewhere in the early 30s. Today that average is in the mid 70s.

Only a year or two ago some fairly startling figures were produced by the State Treasury in Western Australia to show that in the statistical division of Perth the number of people in the 65-plus age bracket would increase by 33 per cent in the years from 1982 to 1991. In the same time frame the number of people in the 75-plus age bracket would increase in the order of 51 per cent.

Therefore, with more and more of our local population moving into those age brackets, the question of how the community treats and regards those people takes on even more significance. For example how are we placed to look after the elderly in a financial sense?

Already in the past decade we have seen a tremendous growth in the number of people receiving social security benefits. In 1971, 8.4 per cent of the Australian population was aged 65 years or over. By 1991 this is expected to be 11.5 per cent, and by the year 2001—only 16 years away—that percentage will have grown to 12.2 per cent. I acknowledge those are matters that are essentially for the Commonwealth to come to grips with, but how do we fare in the State sphere?

I put the question to members as to whether we direct too many of our resources to the young and not enough to the aged. For example, the Public Health Department's annual report for 1982 would suggest a strong bias towards youth-related spending and a distinct bias away from the elderly.

Of a budget of $58 million a mere $405 000 is to be found under the heading "Senior Citizens' Services". It is certainly true that under the heading "Community Health Services" one can find extra amounts for subsidies for aged persons' home furnishings, chiropody, and other services. I am pleased to note that the department has a programme to work with volunteer groups whose aim it is to help elderly people remain in their own homes.

I am sure that all the officers of that department who are involved in these various programmes are doing an excellent job, but I do put it to the Government that those people and the programmes seem to be limited in their scope and tend to be the poor relations alongside child health services, community health services, and others. One again gets a similar impression when reading the Department of Youth, Sport and Recreation annual report.

Interestingly, the 1982-83 report devotes a lot of attention, and I might say with some eye for detail, to the elderly and retired. To its credit this department at least foresees that we must learn to cope with the leisure needs of a rapidly increasing retired population.

I congratulate the department—I have in the past been one of its critics—for the emphasis it is giving to the retired and to the elderly. Yet, looking once again at the question of funding and its financial aid programme, there is unquestionably a strong bias towards sport, recreation, and leisure for the young.

To avoid being repetitive, I simply say that the same can be said of other Government departments and agencies. It is not only the financial implications of an ageing population that we have to concern ourselves with; aged people also face a number of other crises when they retire, such as their social, physical and emotional needs, to name but a few.

For example, how much effective planning has been done into any problems associated with early retirement and longer life spans; that is, the growing number of people who will leave the work place at 55 years of age and who will live for another two or three decades? Longevity and early retirement are two products of the 20th century—products of a generally affluent and healthy society.

I relate this to my opening remarks: We retire a person from full-time teaching at 65 years of age and then tell her that she can no longer carry out community roles such as the witnessing of certain documents. We have taken away not only her job, her job satisfaction, the financial rewards of the

job and her status, but also the sense of being useful in retirement.

Hon. Peter Dowding: You could make her a JP.

Hon. P. G. PENDAL: I will come to that. Is it any wonder therefore that depression, boredom, a sense of inferiority, a feeling of "being past it", or not being useful overtakes some of our senior citizens? Is it not possible to reserve the role of justices of the peace exclusively for our retired people.

Also how do we intend to cope with the approaching difficulties inherent in having three successive generations of the one family on social security benefits? For example, someone retiring at the age of 55 years is very likely to have his or her own parents still alive and well at the age of 75 years. Some may have a parent of 95 years of age or even 100 years of age still surviving. Only a few generations ago it would not have happened so frequently.

If occupations, paid or voluntary, are not there for retirees, how do they cope with increased leisure so that they remain happy, alert, contented and well-adjusted individuals? Part of the answer may lie in the wider access of our aged people to new forms of education.

Once again, a question of attitude emerges from that—that education is essentially for the young. So, if we have spent past generations praising the virtues of adult education, perhaps we need to be looking at a new form of education for the elderly.

It needs to be tailored specifically for the elderly. For example, the mobility of any one of us is affected by our age; as we get older we become less mobile. If retirees want to attend lectures on computers or some other modern phenomenon, or any other topic, perhaps the lecturers could go to the retirees instead of the other way around. From existing resources it might be possible to combine the activities of some of the YMCA, adult education and Technical and Further Education courses, and take them out into the community, into the retirement villages, civic and parish halls, and nursing homes in both town and country.

Is it not possible to make greater use of the video systems of the 1980s for elderly education courses in the sitting rooms of retired people who prefer to remain at home?

Hon. Garry Kelly: Like an open university?

Hon. P. G. PENDAL: If the member likes.

On another front, the needs of accommodating the aged must be examined. We especially need to look at this to ensure that the roughly 75 per cent of those elderly people who are currently independent and remaining in their own homes stay there, and if necessary build up that percentage so that those using facilities such as nursing homes and hospitals may decrease.

That raises the question of extended care facilities sponsored by both Government and private groups, most notably the Silver Chain. Where extended care services operate they have been found to be of a very high standard, but they do not operate universally throughout the State. The word used to describe to me the services is that at best they are "patchy". One woman who is a constituent of mine, Miss Grace Jenkins, has a lot of experience in this field and sees a great need for that sort of extended care facility to be widened to encourage hospitals and other organisations to go out into the community to ensure that a greater percentage of the elderly remain in their own homes. That may be partly overcome by the greater use in this State of moveable granny flats. I have asked questions about this matter in the House lately. One could ask how our local authorities are responding to the need to be flexible enough to permit granny flats to be installed in the suburban lots of younger family members, to be removed once that elderly person no longer needs it.

At the base of all this is the community's capacity to support an ageing population, not only in a material sense, but also in terms of their own sense of independence and dignity. There is no question in my mind that all these things will occur only if we have a healthy economy, and principally one that is shaped by the private sector. Just as long-term job creation is dependent on a healthy private sector so too is the support for our ageing population almost totally dependent on our having a healthy economy. The aged and health care are two areas in which the community is looking for the development of a bipartisan approach, and both areas are expensive. Governments can and must play a part in plotting the charts for years down the track and gathering the necessary data to allow us to make good decisions.

An urgent need exists to study the reviews that have already been carried out but which have been shelved over years by Federal and State Governments, and possibly by local governments as well. From a study of those reports that are gathering dust in various archives around Australia it would be possible for us to develop a non-political, bipartisan approach to successfully cope with an expanding section of the community having retired from work.

Hon. Peter Dowding: Bipartisan approaches is not an area you are very good at. That is your track record.

Hon. P. G. PENDAL: We are now offering the olive branch or whatever it is that one offers, and the opportunity is there for the Government and the Minister to take it and develop at some time over the next 15 years these bipartisan policies.

Hon. Peter Dowding: It would be a one-off for you.

Hon. P. G. PENDAL: It would be a small investment on the part of the State Government that could avoid all sorts of problems in the future. Perhaps this is a task of review for a Select Committee. The time has come when an office of the ageing ought to be created within the State Government. I do not believe that would use any resources over and above those already operating in Government circles.

In two areas—the review of those reports made in the last decade into the ageing of Australia, and the creation of an office for the ageing out of existing resources—this State could take a unique position of leadership in Australia.

Hon. Tom Knight: In Tasmania it is the responsibility of the Minister for Community Welfare and the Elderly.

Hon. P. G. PENDAL: I thank the member for that interjection.

I conclude my remarks on the point at which I opened when I quoted the story of the retired headmistress. In publications I have read relating to the aged and interviews I have had with many people in my electorate the message is this: If anyone is going to plan in the long term for the aged in our community, Governments and parliamentarians and others must ask the aged themselves what they perceive as their needs, rather than impose on them preconceived notions we might have about the needs of people who have served this community well in the past.

I support the Bill.

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

WESTERN AUSTRALIAN WATER RESOURCES COUNCIL AMENDMENT BILL 1984

Receipt and First Reading

Bill received from the Assembly; and, on motion by the Hon. D. K. Dans (Leader of the House), read a first time.

Second Reading

HON. D. K. DANS (South Metropolitan—Leader of the House) [9.25 p.m.]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to enable the flexible use of deputies by the *ex officio* members of the Western Australian Water Resources Council. In addition, as the *ex officio* members are specifically nominated in section 4(4) of the principal Act, the requirement that they also be appointed by the Governor is being removed. The present requirements of the Act in respect of deputies are not workable.

The Western Australian Water Resources Council is a statutory body established on 21 December 1982 by the proclamation of the Western Australian Water Resources Council Act 1982. An earlier non-statutory council had been established by Cabinet directive in 1977.

The council consists of 15 members appointed by the Governor. The chairman and eight members nominated by various bodies are recommended for appointment by the Minister, while six members are *ex officio* from Government departments.

The role of the council is to provide advice on broad issues of water resources policy to the Minister for Water Resources, independent of the water authorities. The council acts in an advisory manner only and it does not have executive power.

In order to ensure that the council's advice reflects opinions from a wide range of sources, the members of the council have been selected from a broad spectrum of the community. Representatives on the council come from the Chamber of Mines of WA (Inc.), the Chamber of Commerce, the Confederation of Western Australian Industry (Inc.), the Local Government Association, the Country Shire Councils Association, and a number of State Government departments. It includes appointed members with specifically rural interests.

Elsewhere in Australia the States of New South Wales, Victoria, and South Australia have bodies with roles similar to the Western Australian Water Resources Council. Commonwealth and State Ministers also established the Australian Water Resources Council in 1962. Though the States have a pre-eminent role in water resources, this council provides a valuable forum for discussion and a means of developing Commonwealth/State collaboration on water resource matters.

Currently, the six *ex officio* members nominated in section 4(4) of the principal Act are—

The Director of Engineering of the Public Works Department;

the Managing Director of the Metropolitan Water Authority;

the permanent head of the Department of Forests;

the permanent head of the Department of Agriculture;

the permanent head of the Department of Conservation and Environment; and

the permanent head of the Department of Resources Development,

or a person nominated in writing by each of those persons.

The present *ex officio* members were appointed to the Western Australian Water Resources Council by the Governor on 12 January 1983. As the Act now stands, if one of the *ex officio* members cannot attend a Water Resources Council meeting, a replacement must be nominated in writing and appointed by the Governor. The replacement would then remain the representative of the department and would not be replaced by the original member until the original member had been renominated and reappointed by the Governor.

The usual alternative of having deputy members is not available to the *ex officio* members. Crown Law advice has been received that section 6(1) of the principal Act dealing with deputies, applies only to the nine appointed members of the council.

In considering the changes to the principal Act, the possibility of a simple change to section 6(1) to allow deputy *ex officio* members would not be suitable as this clause still provides for deputies to be appointed by the Governor. This feature for deputy appointed members is to be retained as the appointed members are still to be approved by the Governor.

It is important for the Government's departments to be represented at every meeting of the council to provide information and assist discussion. Therefore, flexibility is required to cover the varied circumstances that may arise, such as acting positions, leave of various types, and late notice attendance to other work. To obtain this flexibility it is necessary to avoid having to obtain the Governor's approval for deputy *ex officio* members to attend council meetings.

Resulting from these considerations, the Bill contains five clauses amending the principal Act and I will now deal with these in the order in which they appear in the Bill.

Clause 3 of the Bill amends section 4 of the principal Act by removing the requirement for the Governor to appoint the six *ex officio* members. In addition, the insertion of subsection (4)(a) will allow the *ex officio* members nominated in the Act flexibility with their nomination of deputy *ex officio* members. The amendments to the principal Act contained in clauses 4, 5, and 7 of the Bill are only minor amendments consequent to the changes to section 4.

I commend the Bill to the House.

Debate adjourned, on motion by the Hon. W. N. Stretch.

House adjourned at 9.30 p.m.

QUESTIONS ON NOTICE

FUEL AND ENERGY: STATE ENERGY COMMISSION

Building: Progress

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

(1) By how many days is the State Energy Commission head office building behind schedule?

(2) How many days have been approved as extensions to the contract, and how much additional cost will this incur?

(3) Of the days approved as extensions to the contract, how many days were lost—

(a) due to climatic factors;

(b) due to industrial disputes?

(4) Of the days lost to industrial disputes—

(a) how many different disputes were involved;

(b) what was the basis of each dispute;

(c) how many days were lost in each dispute;

(d) which unions were involved in each dispute; and

(e) what is the estimated cost of each dispute?

Hon. D. K. DANS replied:

(1) 83 days.

(2) 77 days. The escalation in material and labour costs which occurs as a result of the approved extensions over the extended period of the contract cannot be accurately assessed until the completion of the contract.

(3) (a) 8;

(b) for 65 days a small proportion of the total force working that day was unavailable for work.

(4) (a) 7;

(b) to (e) see the schedule below.

The costs listed are those incurred by the State Energy Commission. Any cost that may have been incurred by contractors is not known to the SEC.

INDUSTRIAL DISPUTES FOR WHICH EXTENSIONS APPROVED

(b) Basis of Dispute	(c) Days Lost	(d) Union	(e) Estimated Direct Contract Cost $
Government prestart agreement	17	Builders Labourers Federation	12 416.80 (idle plant)
Support of Perth City Council outside workers strike	1	Builders Labourers Federation	Nil
Government prestart agreement	3	Builders Labourers Federation	2 275.00 (idle plant) (subject to final assessment)
Electrical Trades Union claim for additional pay	38	Electrical Trades Union	Nil
Portability of long service leave	1	Builders Labourers Federation	Nil
Claim for $9 per week extra pay	1	Builders Labourers Federation	Nil
Claim for $9 per week extra pay	4	Builders Labourers Federation	Nil

BUSH TICK

Infestation

844. Hon. D. J. WORDSWORTH, to the Leader of the House representing the Minister for Agriculture:

(1) Is the bush tick which is the cause of an outbreak in the Nornalup area one originating in Queensland and not native to Western Australia?

(2) Is this the first infestation in Western Australia?

(3) How is it believed to have reached Western Australia?

(4) What steps are being taken to ensure that another infestation does not occur?

(5) How long is the present infestation known to have been active in Western Australia?

(6) What eradication measure is proposed, and how much will it cost—

(a) the farmers; and

(b) the Western Australian Government?

(7) Is the proposed programme designed to contain or to eradicate the outbreak as quickly as possible?

(8) Over what area is the outbreak?

(9) What extra cost would a stepped-up eradication programme cost?

(10) What assurance have other beef producers that a more vigorous elimination programme is not necessary?

(11) Is it proposed to use funds collected for the eradication of contagious abortion and TB for the control of this tick?

(12) If not, why is a more intensive programme using these funds not contemplated?

Hon. D. K. DANS replied:

(1) Not native to Western Australia; origin unknown.

(2) The first known infestation.

(3) Not known.

(4) Standing entry inspection procedures are being maintained.

(5) The infestation was reported on 1 December 1983. It is believed that the tick has been present in Western Australia for more than a year, probably years.

(6) and (7) There are no plans for an eradication programme. A programme of monitoring known infestations and investigation of reported new infestations, together with assistance to any farmers experiencing problems with control, is operating.

(8) Tick has been found in an area of approximately 250 square kilometres.

(9) It was estimated that eradication programme costs would be in the order of $350 000 Government costs over a two year period, plus farmers' costs for mustering at 3 week intervals (see part (12)).

(10) The tick is limited by climate and does not cause production losses in livestock in winter rainfall areas.

All evidence is that in Western Australia the tick will only survive in local pockets which are summer moist on farms on the south coast. This assumption is supported by negative checks on properties which had received stock from the risk area.

(11) No.

(12) It would not be reasonable to allocate funds unless eradication was feasible. Eradication is doubtful because of the wide variety of host animals which would require regular—3 weekly—tickicide treatment for at least two years. In this instance, spread to wildlife has occurred, as evidenced by the finding of tick on two foxes.

COMMUNITY WELFARE

Women's Emergency Services Programme: Funding

856. Hon. TOM KNIGHT, to the Leader of the House representing the Minister for Health:

(1) Is the Minister aware that, in July last year, Senator Grimes stated that $4 million was to be immediately earmarked for the women's emergency services programme (WESP), and that Western Australia was to receive $340 000 over and above their normal finance?

(2) Was he also aware that in December 1983 the Western Australian women's emergency services programme group met with a group of women from Canberra to finalise the allocation and

advise the Premier who would make the final decision?

(3) Could the Minister advise whether or not the Premier accepted the money?

(4) If "Yes", why has no allocation been made to the WA group?

(5) If "No" to (3), why not?

Hon. D. K. DANS replied:

(1) Yes.

(2) The Minister is not aware of any such meeting.

(3) This question should be directed to the Premier.

(4) Not applicable.

(5) The Commonwealth and State Governments have been negotiating over the conditions of the grant. Agreement has now been reached and funds should be distributed shortly.

WATER RESOURCES

Agaton: Current Status

857. Hon. W. G. ATKINSON, to the Leader of the House representing the Minister for Water Resources:

(1) Would the Minister inform this House of the current position in regard to the proposed Agaton water scheme in relation to the election undertaking of the Government to implement that scheme?

(2) Where does the Agaton scheme now stand in the order of priorities of the Government in the allocation of funding for the provision of water supplies in this State?

(3) Would the Government consider the implementation of that scheme in stages to reduce the burden placed on the State Treasury in any one year?

(4) Has the Government, since assuming office, approached the Federal Government for assistance in funding for the Agaton water scheme?

Hon. D. K. DANS replied:

(1) The cost of the Agaton comprehensive water supply scheme is of such a magnitude that financial assistance from the Commonwealth would be necessary. The future of the Commonwealth water resource financial assistance programme has still to be determined and until this is done no action can be taken on the Agaton proposal.

(2) Answered by (1).

(3) Answered by (1).

(4) The funding of water resource projects has been discussed with Senator Walsh, Minister for Resources and Energy. No firm indication has been given of the Commonwealth attitude towards the funding of such projects.

EDUCATION: HIGH SCHOOL

Nannup District: Speech Therapists

873. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Health:

(1) Is Nannup District High School still to have the services of a speech therapist?

(2) Are the hours available to the school to remain the same?

Hon. D. K. DANS replied:

(1) Yes. The speech therapy service to the town of Nannup is provided by the speech pathologists from the Busselton Community Health Centre.

(2) Yes.

COMMUNITY WELFARE

Department: Laverton Hostel

881. Hon. N. F. MOORE, to the Minister for Planning representing the Minister for Youth and Community Services:

(1) When was the Department for Community Welfare hostel at Laverton completed?

(2) When did the manager and his family take up residence at the hostel?

(3) How many children have boarded at the hostel since its opening?

(4) How many children are currently residing in the hostel?

(5) What Government vehicles have been made available to the hostel?

(6) What is the current level of staffing at the hostel?

(7) Is it intended to appoint any additional staff for the hostel?

(8) Are there any restrictions on which children may be boarded at the hostel?

(9) Will fees be charged for children boarding at the hostel?

Hon. PETER DOWDING replied:

(1) The Laverton hostel was handed over by the Public Works Department to the De-

partment for Community Welfare on 20 December 1983.

(2) The officer in charge in Laverton (Mr S. Balcombe) took on the additional duties as temporary caretaker with the appointment of the manager on 2 February 1984.

(3) A total of four children have boarded at the hostel to date. This is admittedly a small number of children, but there is, following the establishment of a new hostel, some take-up time to ensure that the systems, servicing, etc., are functioning properly. In addition the hostel staff have to make their contacts in the community so that parents in particular and community organisations are fully and clearly informed about the purpose, use, and limitations of such a facility.

(4) One child is currently residing in the hostel.

(5) The following vehicles are at the hostel: 1 x 12 seat Toyota bus, one Ford station wagon, and a trailer. These vehicles are temporarily allocated from existing vehicles stock as a result of the change of status of the Nineebai hostel in Kalgoorlie from a residential hostel to a community-based treatment centre.

(6) The present staff comprise a manager, his wife, and a domestic. These staff positions were allocated from within existing staff resources as a result of the closure of the Hillston facility.

(7) Additional staff may be allocated as more children are accommodated. This matter will be under consideration as the facility continues to be monitored. Any additional staff will be relocated from the existing ministerial staff establishment of the department.

(8) The facility is the only resource in Laverton for servicing the needs of the area including the Central Desert. Laverton is an area with considerable and unique social problems. The demands on the hostel are likely to be considerable in a number of categories including—

(a) children who require a hostel placement for educational purposes;

(b) emergency placements for children as a result of family crises, breakdown due to illness, homelessness, or other social factors including neglect or abuse.

(c) children who have committed offences in the Central Reserve and who have been remanded or have already appeared before the court and are awaiting transport back to their homes. This latter group is particularly vulnerable in the Laverton environment as the children are usually without their parents and relatives and may in some circumstances be obliged to remain in Laverton for days and sometimes even weeks at a time.

Because of the various needs of the different and in some cases competing interests of the children in their various circumstances, the situation will need to be carefully monitored for the initial take-up time for this new facility.

(9) Fees will be charged in the event of a child accommodated in the hostel who is in full-time employment, as is the practice in the departmental working children's hostels.

COURTS

Legal Information Retrieval System

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

(1) With regard to the report of the signing of a contract for a computerised legal information retrieval system between the Attorneys General of NSW and Victoria and Computer Power Group Pty. Ltd., (*The Australian*, 8 March 1984), has the Minister seen a copy of this contract?

(2) Is he aware of the general purport of the contract or of the arrangements said to have been made?

(3) Is there any provision for the extension of the computerised scheme to Western Australia?

(4) If WA residents will be enabled to tap into the Eastern States schemes, to what extent will the charges to WA users differ from those of Victorian and NSW users?

Hon. J. M. BERINSON replied:

(1) Separate agreements exist between the Governments of NSW and Victoria and

the Computer Power Group Pty. Ltd. I have only seen a copy of the New South Wales agreement.

(2) Yes.

(3) The recital to the agreement adopts the resolutions of the Standing Committee of Attorneys General that, *inter alia*, there should be a co-ordinated development of computerised legal information retrieval systems in Australia. The agreement with NSW relates to NSW material only. The agreement entitles the operator to allow access to the New South Wales materials to users outside as well as within NSW. There is no provision in that agreement to extend the computerised scheme to include such a provision in an agreement with individual States.

(4) Residents in Western Australia will be able to use the Eastern States schemes by arrangement with the operators. I am not aware of whether any difference in charges is proposed because charging arrangements have yet to be determined.

TOURISM

Promotional Activities: Mr Dennis Lillee

883. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

(1) Has the Minister or the Tourism Commission examined the suggestion that I made publicly in January to the effect that Dennis Lillee should be approached to do promotional work for WA Tourism?

(2) What is the Government's response to this suggestion?

Hon. D. K. DANS replied:

(1) The matter is still being considered by the Tourism Commission.

(2) This matter will be considered in the light of the commission's overall marketing strategies for 1983-84 and 1984-85.

INDUSTRIAL RELATIONS: SERVICE

Appointment: Source of Funds and Salary

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

(1) Would the Minister advise the House the source of the funds to meet the salary of Mr Barry Gilbert in his appointment to the WA Government Industrial Relations Service?

(2) What is the annual salary?

(3) If the answer to (1) is Commonwealth funding, under exactly what allocation heading are these funds made available to the State?

Hon. D. K. DANS replied:

(1) to (3) The community employment programme, $24 990.

TOURISM

Replica Vessels: Construction

885. Hon. P. G. PENDAL, to the Leader of the House representing the Minister for Tourism:

(1) Has the Minister or the Tourism Commission had the chance to examine my proposal for the building of replicas of three early vessels associated with the Swan River colony?

(2) If so, with what results?

Hon. D. K. DANS replied:

(1) No. The matter is still being considered by commission staff.

(2) Not applicable.

HEALTH: NURSES

Anstey House: Closure

886. Hon. I. G. PRATT, to the Leader of the House representing the Minister for Health:

(1) Is it a fact that Anstey House is to close?

(2) If "Yes" to (1)—

(a) what is the reason for closure;

(b) when will closure take place; and

(c) what alternative arrangements are being made?

Hon. D. K. DANS replied:

(1) and (2) No.

ACTS AMENDMENT AND REPEAL (INDUSTRIAL RELATIONS) BILL

Effect on Housing Industry

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

(1) Has the Minister been made aware of the results of a study carried out by the State Housing Commission on the consequences of the Government's in-

dustrial relations Bill to the cost of State housing?

(2) Does the report estimate an increase in building costs of 14 per cent to 15 per cent if the Bill is passed?

(3) Will the Minister table the report in the House?

Hon. D. K. DANS replied:

(1) No.

(2) and (3) Not applicable.

PORNOGRAPHY

Video Films: Community Concern

888. Hon. P. G. PENDAL, to the Minister for Administrative Services:

(1) Is the Minister aware of growing community concern, particularly among women's groups, about X and R-rated video movies?

(2) If so, what action is planned either in concert with other States or by the WA Government unilaterally?

Hon. D. K. DANS replied:

(1) Yes.

(2) At a meeting of State and Federal Ministers responsible for censorship held in Sydney on 6 April 1984, the expressed concern among women's groups about X and R-rated video movies was fully discussed. The meeting agreed that a compulsory system of classification of videotapes be instituted in Australia.

HEALTH: MEDICAL PRACTITIONERS

Contracts: Comments of Minister for Health

889. Hon. I. G. PRATT, to the Leader of the House representing the Minister for Health:

In reference to the article on page 17 of *The West Australian* newspaper of 2 April 1984 headed "Doctors pushed to strike—Hodge", the Minister for Health is quoted as saying, "So our doctors are not being asked to sign papers as they are in the Eastern States.".

(1) Has the Minister been correctly quoted by *The West Australian* newspaper?

(2) If he has been correctly quoted, is the quotation intended to convey—

(a) that doctors are not being asked to sign contracts; or

(b) that doctors are being asked to sign similar contracts to those previously signed by people such as radiologists, etc. operating in public hospitals; or

(c) that these contracts are not subject to Commonwealth guideline 17A; or

(d) that there is some other interpretation, and if so, what is that interpretation?

Hon. D. K. DANS replied:

(1) Yes.

(2) (a) applies.

890. *This question was postponed.*

STATE FORESTS: SHANNON RIVER BASIN

Pamphlet: Discussion

891. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

When will the Minister and his officers discuss the pamphlet entitled "Save the Shannon—Sensibly" with the Manjimup Shire?

Hon. D. K. DANS replied:

Several weeks ago the Minister advised the Manjimup Shire that he would make available an officer from his department to discuss the issues raised in the pamphlet "Save the Shannon—Sensibly" and related matters of concern. A letter was recently received from the shire council accepting the invitation. The officer concerned is currently making arrangements with the Shire Clerk to arrange a suitable meeting time. It is expected that the officer will meet with the shire within the next three weeks.

The Minister has also advised that he will be prepared to personally visit the shire to discuss the issues raised in the pamphlet, and other related matters, if the shire believes this would be desirable.

TRAFFIC

Pedestrian Crossings: Attendants

892. Hon. P. H. WELLS, to the Attorney General representing the Minister for Police and Emergency Services:

(1) What is the formula or criteria used in approving the establishment of a guarded school crossing?

(2) What guarded school crossings have been established in the last 12 months?

(3) What guarded school crossings have ceased to operate in the last 12 months?

(4) How many sites have been examined for guarded school crossings?

(5) Which of these sites have been—

(a) approved;

(b) rejected?

(6) What is the weekly and yearly cost to operate a guarded school crossing?

Hon. J. M. BERINSON replied:

(1) The following criteria are applied when considering applications for guarded school crossings—

(a) Ages of children concerned—whether attending preschool, primary, or high school;

(b) width of road to be crossed, type of road surface;

(c) maximum speed limit of vehicles permitted;

(d) type of vehicles using the road in that area;

(e) warning signs;

(f) restriction of visibility for the child, the driver, or both, caused by a bend, dip, or hill in the road, parked vehicles;

(g) restriction of visibility to both driver and child caused by rising or setting sun;

(h) number of motor vehicles passing;

(i) other hazards, such as several roads converging in the vicinity;

(j) noise of any industry or other activity in the area which could distract the child, or smother the sound of an approaching vehicle;

(k) any other hazard not listed, which may exist.

(2) Five—

(a) Whatley Crescent, Bayswater;

(b) Freeway extension, Innaloo;

(c) Marmion Street, Booragoon;

(d) Lesmurdie Road, Lesmurdie;

(e) Bannister Road, Canning Vale.

(3) Seven—

(a) Odin Road, Innaloo;

(b) Cambridge Street near Station Street, Wembley;

(c) Hertha Road near Odin Road, Innaloo;

(d) Freeway extension, Innaloo;

(e) Belmont Avenue, Belmont;

(f) Hale Road, Forrestfield;

(g) Canning Highway, South Perth.

(4) 107.

(5) (a) See reply to (2) above;

(b) 102 have been rejected; they are—

Poynter Primary, Poynter Drive, Duncraig.
Mt. Lawley Primary and High Schools, Second Avenue, Mt. Lawley.
Rostrata Primary, Collins Road, Willetton.
Yokine Primary, Chaucer Street, Yokine.
Hawker Park Primary, Dorchester Road, Warwick.
Bambora Primary, Alexander Road, Padbury.
Jolimont Primary, Selby Street, Jolimont.
Heathridge Primary, Channell Drive, Heathridge.
Creaney Primary, Creaney Drive, Kingsley.
Cooloongup Primary, Read Street, Rockingham.
Bateman Primary, Parry Avenue, Bateman.
North Albany High, Albany Highway, Albany.
St. Josephs Catholic School, Sevenoaks Street, Queens Park.
Applecross Primary, Glenelg Street, Applecross.
Ashfield Primary, Reid Street, Bassendean.
Lockridge Primary, Rosher Road, Lockridge.
Warwick Primary, Dorchester Street, Warwick.
Queens Park Primary, Wharf Street, Queens Park.

Queens Park Primary, Treasure Road, Queens Park.
St. Jude's, Nicholson Road, Langford.
North Morley Primary, Widgee Road, Morley.
Koonawarra Primary, Abjornson Road, Koonawarra.
Koongamia Primary, Jinda Road, Koongamia.
La Salle Convent, Muriel Street, Midland.
Craigie Primary, Eddystone Street, Craigie.
Kewdale Senior High, Orrong Road, Kewdale.
St. Anthony's Convent, Dundebar Road, Wanneroo.
Balga Primary, Wadhurst Road, Balga.
Balga Primary, Fernhurst Road, Balga.
Alinjarra Primary, Alexander Road, Alinjarra.
Beckenham Primary, Brixton Street, Beckenham.
Withers School, Westwood Street, Bunbury.
North Mandurah Primary, Park Road, Mandurah.
Harvey Primary, Uduc Road, Harvey.
Katanning Primary and High, Golf Links Road, Katanning.
Bridgetown Primary, South West Highway, Bridgetown.
Merredin Primary, Bruce Rock Road, Merredin.
Leeming Primary, Westminster Road, Leeming.
Forrestfield High, Hale Road, Forrestfield.
Dudley Park Primary, Pinjarra Road, Mandurah.
Glengarry Primary, Doveridge Drive, Duncraig.
Glengarry Primary, Glengarry Drive, Duncraig.
Bunbury Senior High, Haig Crescent, Bunbury.
Dawson Park Primary, Bougainvillea Avenue, Forrestfield.
Camboon Primary, Benara Road, Noranda.
High Wycombe Primary Newburn Road, High Wycombe.
Oberthur Primary, Parry Avenue, Bullcreek.
St. Joseph's Convent, Brookdale Street, Floreat.
St. Joseph's Convent, Peebles Road, Floreat.
St. Joseph's Convent, Grantham Road, Floreat.
East Maylands Primary, Guildford Road, Maylands.
Mercy College, Mirrabooka Avenue, Koondoola.
Infant Jesus Convent, Russell Street, Morley.
North Balga Primary, Princess Road, Balga.
Marmion Primary, Beach Road, Marmion.
Helena Valley Primary, Scott Street, Helena Valley.
Helena Valley Primary, Helena Valley Road, Helena Valley.
Mullaloo Primary, Marmion Avenue, Beldon.
St. Francis Xavier, Durlacher Street, Geraldton.
North Cottesloe Primary, Railway Street, Cottesloe.
West Lynwood Primary, Metcalfe Road, Lynwood.
Deanmore Primary, Deanmore Street, Scarborough.
Deanmore Primary, Newborough Street, Scarborough.
Deanmore Primary, Duke Street, Scarborough.
Phoenix Primary, Phoenix Road, Spearwood.
Huntingdale Primary, Matilda Street, Huntingdale.
Woodlupine Primary, Strelitzia Avenue, Forrestfield.
Woodlupine Primary, Dawson Avenue, Forrestfield.
Mullaloo Heights Primary, Marmion Avenue, Beldon.
Wickham High, Wickham/Frizzle Streets, Wickham.
Wickham High, Wickham Street/ Rivergum Road, Wickham.
White Gum Special, Adelaide Street, Fremantle.
Whitford Catholic, Camberwarra Drive, Craigie.
City Beach Catholic, Brompton Road, City Beach.
Ferndale Primary, Ferndale Crescent, Ferndale.
St. Brigid's Convent, Dudley Street, Midland.

Our Lady of Good Council, Miles Road, Karrinyup.
Duncraig High, Readshaw Road, Duncraig.
Montrose Primary, Montrose Avenue, Girrawheen.
Collier Training Centre, Jarrah Road, East Victoria Park.
Woodlupine School, Strelitzia Avenue, Forrestfield.
Lockridge Catholic, Altone Road, Lockridge.
Lockridge Catholic, Morley Drive, Lockridge.
Rostrata Primary, Collins Road, Willetton.
Coolbellup Primary, Winterfold Road, Samson.
St. Francis Xavier, Durlacher Street, Geraldton.
Leeming Primary, Westminster Street, Leeming.
Phoenix Primary, Hamilton Street, Spearwood.
Davillia Primary, Beach Road, Duncraig.
Jolimont Primary, Selby Street, Jolimont.
Wembley Primary, Hale Road, Wembley.
Duncraig Primary, Lilburne Road, Duncraig.
Toodyay Primary, Stirling Terrace, Toodyay.
Claremont Primary, Gugeri Street, Claremont.
Phoenix Primary, Hamilton Street, Spearwood.
Herne Hill Primary, Argyle Street Railway Crossing, Herne Hill.
South Terrace Primary, Wray Avenue, Fremantle.
Goollelal Primary, Moolanda Boulder.
Warwick Senior High, Erindale Road, Warwick.
Bungaree Primary, Read Street, Rockingham.
Armadale High, Eleventh Road, Armadale.

(6) The weekly cost to operate a guarded school crossing is $55.30.

Average annual cost is $2 513.63.

RAILWAYS: WESTRAIL

Executive Staff: Reduction

893. Hon. A. A. LEWIS, to the Minister for Planning representing the Minister for Transport:

(1) With the reduction of wages staff in Westrail is there to be a corresponding reduction in executives and other staff?

(2) If so, what is the estimated number that will be in Westrail's service in 1985 and 1987 respectively?

Hon. PETER DOWDING replied:

(1) Yes, but the rate of attrition of salaried staff will be slower than for wages staff due to the greater impact of technological change on labour-intensive functions.

(2) As indicated in the reply to question 841 (2), planning has not been determined and neither Westrail nor the Government is committed to any given planning option at this stage. However, Westrail's preliminary planning indicates that, depending on the rate of natural attrition, the number of Westrail staff other than wages positions could be 1 800 in 1985 and 1 700 in 1987.

894. *This question was postponed.*

STATE FORESTS

Pine: Treloar Report

895. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

When were the working plans mentioned in part (4) of question 834 of Tuesday, 3 April 1984, sent to the State Information Office?

Hon. D. K. DANS replied:

The plans were delivered to the State Information Office to coincide with the Press release of 31 January 1984, and are available for public inspection on request.

LAND

Burns Beach

896. Hon. P. H. WELLS, to the Leader of the House representing the Minister for Lands and Surveys:

Will the Minister advise the current situation with regard to the request by the Shire of Wanneroo in relation to

converting the leasehold tenancies to freehold title for Reserve No. 11630 at Burns Beach?

Hon. D. K. DANS replied:

The member will be aware of the long history associated with proposals to grant freehold title to leaseholders at Burns Beach.

The present situation, as I understand it, is that the Shire of Wanneroo is in consultation with the Town Planning Board and the Metropolitan Region Planning Authority in regard to a subdivisional design for the area.

The Department of Lands and Surveys will consider the method of disposal when all parties have agreed to the design.

STATE FORESTS: PINE

Manea Committee: Report

897. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Can the Minister give me a time scale under which the Manea committee is expected to report?

Hon. D. K. DANS replied:

Not at this stage, for the reasons outlined in answer to question 834 of 3 April 1984.

FUEL AND ENERGY: ELECTRICITY

Meters: "Read-it-yourself" Cards

898. Hon. W. N. STRETCH, to the Minister for Planning representing the Minister for Minerals and Energy:

With regard to the State Energy Commission collection costs—

(1) Has the SEC considered using the system of sending "read-it-yourself" cards to electricity consumers in country towns, as well as to farm connections?

(2) Is the SEC able to give comparative costs of the above system, against the practice of sending meter-readers house-to-house in isolated towns?

(3) Has the "honour" system mentioned in part (1) above been abused by consumers?

(4) If "Yes", to what extent?

Hon. PETER DOWDING replied:

(1) Yes.

(2) No. The decision to either use or not use self-reading cards is influenced by size or location, number of meters, etc., and it is not possible to do a simple cost comparison.

(3) No.

(4) Not applicable.

STATE FORESTS

Pine: Treloar Report

899. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

With reference to question 834 of Tuesday, 3 April 1984, what is to be done with the properties purchased in the Manjimup Shire?

Hon. D. K. DANS replied:

Suitable soils on one property will be used in 1984 for field trials of agro-forestry treatments with radiata pine. On the other property suitable soils will be planted with radiata pine in 1984 and 1985.

EDUCATION

High Schools and Primary Schools: Road Embayment

900. Hon. P. H. WELLS, to the Minister for Planning representing the Minister for Education:

(1) From which schools in the northern metropolitan area has the department received requests to share in the construction costs of road embayment adjacent to the school?

(2) Which of the above schools are still awaiting approval of the expenditure?

(3) Has any request under the scheme for the Education Department and the local authority to share the cost of road embayments at schools been refused?

Hon. PETER DOWDING replied:

(1) to (3) The data requested by the member demands a lengthy search through files. I will endeavour to have whatever information is readily available collected for a reply by letter.

STATE FORESTS

Pine: Treloar Report

901. Hon. A. A. LEWIS, to the Leader of the House representing the Minister for Forests:

Was it intended by the Government that page 30 of the Treloar report be omitor was it only left out in the copies that went to myself and the shires affected in the area?

Hon. D. K. DANS replied:

Page 30 of the report entitled "A Feasibility Study concerning the Lease of Manjimup Farmland for Pine Forests", was omitted at the request of Mr Treloar. It has been left out of all copies of the report, and regrettably the remaining pages were not renumbered before printing.

QUESTION WITHOUT NOTICE

COURTS

Legal Information Retrieval System

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

(1) With reference to the answer to question 882, is the Attorney General aware that the contract referred to involved an arrangement for the Commonwealth Government in respect of access to Commonwealth laws and judgments?

(2) Did the State Government object to this arrangement which effectively gave priority of the system to users in New South Wales and Victoria?

Hon. J. M. BERINSON replied:

(1) and (2) This is a matter on which I have to refresh my memory, and I will take that question on notice.