

Legislative Council

Thursday, 6 June 1991

THE PRESIDENT (Hon Clive Griffiths) took the Chair at 2.30 pm, and read prayers.

MOTION - WORKERS' COMPENSATION AND ASSISTANCE AMENDMENT REGULATIONS 1991

Disallowance

HON MURRAY MONTGOMERY (South West) [2.35 pm]: I move -

That the Workers' Compensation and Assistance Amendment Regulations 1991 published in the *Government Gazette* on 26 February 1991 and tabled in this House on 20 March 1991 under the Workers' Compensation and Assistance Act 1981 be, and are hereby, disallowed.

The Government has once again failed to consult with the community. It has introduced regulations and it stands back and waits to see who will bite or object. The parent Act was assented to in November 1988 and the Government has had two years to consult with all industries. It has not done that. It has had some consultation with the Confederation of Western Australian Industry and with one chapter of the Chamber of Commerce and Industry. It did not consult with the Chamber of Commerce in my town, which was aware of the introduction of the Act but has not been consulted about the regulations.

The Government failed to consult with the rural sector, which provides this State with a fair amount of its wealth. This State cannot do without that wealth, yet the Government did not see the need to consult with the rural sector before introducing regulations that will affect rural sector employers. The farming community has between 10 000 and 15 000 employers. Members opposite may disagree with those figures, but they are a fair estimation. Many people who work on farms, directly control the farms, but are employees through their own choosing; they work for family companies, so these regulations also cover them. The Government is not concerned that it has introduced regulations that may put employers outside the law. The Government should have tried to spell out to those employers what they had to do.

Problems are being experienced in ascertaining what constitutes a workplace and the criteria which apply to that workplace. Part of the regulations which appeared in the *Government Gazette* on 26 February 1991 - and this is different from the information sent to people in the rural sector - stated that a prescribed workplace is -

For the purposes of clause 10 a prescribed workplace is a workplace or part of a workplace where a worker is receiving or is likely to receive, noise above the action level specified in subregulation (2).

(2) For the purposes of this regulation -

"action level" means -

- (a) an L peak of 140 dB(lin); or
- (b) a representative LAeq,8h or 90dB(A);

"L peak" means the maximum unweighted sound pressure level recorded with an instrument equipped for measuring peak values in accordance with S 1259.1-1990;

That is fine as long as we are provided with an interpretation of that subregulation. How many members understand what that subregulation is saying? I certainly do not understand it and yet the department is asking farmers to understand. The Workers' Compensation and Rehabilitation Commission has sent farmers a leaflet which contains a definition of a prescribed workplace which states -

A prescribed workplace is one which has a high noise level in which workers receive a personal dose of noise of 90 decibels per 8 hour day or equivalent.

To experience a volume of 90 decibels your workers would need to be exposed to noise which is the equivalent of constant heavy truck engine noise for 8 hours every working day.

Hon Mark Nevill: You get more noise than that from a hi-fi system.

Hon MURRAY MONTGOMERY: I have not come to that matter yet. Does that mean eight hours for five days a week or seven days a week? Many farmers work seven days a week and I am sure that some politicians also work seven days a week. That explanation does not specify what is a working week. It could involve only one day.

A definition of a representative working day is provided in the workers' compensation amendment regulations which was not spelt out in the information sent to farmers. A representative working day is described as "a working day during which the noise level to which a person is exposed is representative of the employee's long term working exposure". What does that really mean? What is a "long term working exposure"? Does it mean 30 years or 30 days? The regulations do not specify that. The regulations are not clear. We are not provided with a clear definition of what is a prescribed workplace or a comfortable noise level in a workplace. No-one seems to know what they are. Perhaps this House is a prescribed workplace? Has anybody done any noise tests when members are debating in this Chamber? Perhaps if someone did we would all need to go outside or be given ear plugs.

Hon Garry Kelly: Do you realise that it has taken 10 years to get these regulations?

Hon MURRAY MONTGOMERY: It may have taken 10 years, but the consultations should have been taking place in the past two years. Ample time was available to do that.

Hon Garry Kelly: Farmers are supposed to comply with the Occupational Health, Safety and Welfare Act.

Hon MURRAY MONTGOMERY: Perhaps that is true, but that should have been examined at an earlier stage. I am addressing what is happening here and now. Perhaps an amendment should have been made to the Occupational Health, Safety and Welfare Act.

Hon Garry Kelly: Would it not be better to amend the regulations instead of disallowing all of them?

Hon MURRAY MONTGOMERY: That is possible, but it is up to the Government to do that. Who is responsible for the enforcement of these regulations? Presently, these regulations will mean that farmers will be breaking the law, because they will be unaware that they are not complying with the regulations. No-one has tested a workplace to find out whether they fit into the categories specified in the regulations. Does anybody know what is the noise level in the cab of a tractor when the radio is on? I do not know. What is the noise level in the cab of a tractor which is spraying an orchard? Orchardists in the south of the State are required to spray up to 15 times a year.

Hon Garry Kelly: I understand the Farmers Federation has received certain assurances from the Minister that sample tests will be done on farms.

Hon MURRAY MONTGOMERY: It is interesting that the Minister is now consulting with the farming community.

Hon John Halden: You know that. Do not be surprised.

Hon MURRAY MONTGOMERY: I am surprised that it has taken so long for the Minister to recognise that a group in the community was not consulted. I am aware that the Minister has given that assurance and I am also aware that the Western Australian Farmers Federation appeared before the Joint Standing Committee on Delegated Legislation today. I know that steps will be taken to settle this matter, but a resolution has not yet been reached; it will take some time, as Hon John Halden well knows. However, the point I was making is that a tractor being used to spray an orchard can create a noise level of at least 100 decibels. It takes at least two or three days to spray an orchard.

Hon Garry Kelly interjected.

Hon MURRAY MONTGOMERY: I did not hear that interjection.

Hon Garry Kelly: Perhaps you have a hearing problem.

Hon Sam Piantadosi: Perhaps you are having problems with Hon Derrick Tomlinson behind you.

Hon Derrick Tomlinson: I object to that.

Hon MURRAY MONTGOMERY: I am merely trying to emphasise that there are areas in which problems will arise about what noise levels are appropriate. Tests have not been done in many of these areas. Another instance may be a shearing shed in which the men working in the shed are employed by contractors, not necessarily by the farmer. Often the noise levels in a shearing shed, when a radio is playing, are very loud and one has trouble hearing oneself talk. Obviously, the noise levels will be considerably higher than they should be if one is not to have one's hearing impaired.

Hon Garry Kelly: An employee has to be tested if the noise level is above 140 decibels.

Hon MURRAY MONTGOMERY: The regulations state that an employee must have his hearing tested if the noise level is above 90 decibels and I have no quarrel with that. However, I would not like to be the person to go into the shearers' shed to tell the shearers that they must turn off their radio because the noise level is too high. They would probably show me the door and tell me where to go. I did witness somebody telling the shearers what to do one day and he was run out of the shed; he found that his car was his closest place of refuge. I know it is another matter, but at the time it was rather humorous.

One can find three types of shearing equipment in shearing sheds. First, the electric overhead gear which has been around for years and operates very well; second, the electric shearing head which is not as noisy as the electric overhead gear; and, third, the single stand driven by an engine. It is up to the people carrying out the survey to determine the difference between the noise levels in those three types of operations.

It could be said that the shearers should have their ears tested at their expense. I said, "at their expense", because they may go from shed to shed and if a claim were made it would be up to the Workers' Compensation Board to determine who was the responsible employer and that could be extremely difficult to do. In the literature forwarded to the farming community it is stated that the employer is responsible for the cost of the employee's hearing test. Even though an employer has paid for the test he may not be told the result of the test. It may be determined that the employee requires further tests and the employer will have to pay the additional costs which could be as high as \$175. At the end of the day it may be proved that the employee is suffering from a disease which is not workplace related, but the employer has had to pay for all the tests. It is fine if the employee acknowledges that it is his problem and he offers to pay for those tests, but the regulations state that it is the responsibility of the employer to meet the cost of those tests.

Hon John Halden: It does not apply to farmers only.

Hon MURRAY MONTGOMERY: I am sure Hon John Halden will take up that point. It is unreasonable in this instance for the employer to be responsible for something which he is not responsible and at the same time he has to pay associated costs such as travelling. Members would know that an employee may have to travel many kilometres to visit an audiologist, most of whom have registered offices in major country towns but they actually reside in the metropolitan area. The Workers' Compensation Board has compiled a list of audiologists and many of them have offices in Perth, Northam, Kalgoorlie, Albany, Bridgetown and Manjimup, but they cannot be in all those places at the same time. As an employer I may have an urgent need to employ someone. For example, it may rain today and I may need assistance on the farm for five or six weeks. I will grab someone from the Commonwealth Employment Service but I will be required to make provision for that person to undergo a hearing test.

Hon Garry Kelly: He will only need to undergo a test if he is working in a noisy workplace.

Hon MURRAY MONTGOMERY: If I am to operate within the law and I do not know what constitutes a noisy workplace, I will be required to make provision for that employee to have those tests.

Hon John Halden: Who should be responsible?

Hon MURRAY MONTGOMERY: We have to determine what is a noisy workplace. Is a 60 horsepower tractor considered to be a noisy workplace? I do not know whether it is. It may even be determined that working on a 200 or 500 horsepower tractor is considered to be a noisy workplace. Perhaps the whole farm will come under that category. I do not know.

Hon John Halden: You do know. You can't suggest that it is the whole farm; that is outrageous.

Hon MURRAY MONTGOMERY: The machinery which is considered to cause a noisy workplace should be identified and then everyone will know where they stand. At the moment they do not know that and we must all accept that most machinery is noisy. A machine may be considered by one person to be noisy, but another person may consider it not to be noisy.

Hon John Halden: It depends on how deaf you are.

Hon MURRAY MONTGOMERY: Is this House to be defined as a noisy workplace? An employer has no way of knowing whether an employee is partially deaf and he may place him in a situation where he is at risk. An employer must have some understanding of the levels of noise that can be tolerated by his employee.

Hon John Halden: That could impede the ability of somebody to get a job. That is why the confidentiality requirement was agreed by both Houses of Parliament.

Hon MURRAY MONTGOMERY: That is saying that a worker wishing to get a job does not have to have any hearing at all, so long as he can see. I suppose that is fine.

Hon John Halden: That is why background testing is done in the first place.

The PRESIDENT: Order!

Hon MURRAY MONTGOMERY: If an employee is tested the employer still does not know whether that employee has a hearing problem and may put that person into a workplace that is a threat to their health. The employer may place that employee in an accident prone situation. That needs to be considered. Does the employee have some responsibility to tell his employer if he has his ears tested and a problem is found? There is no compulsion on the employee; it is always on the employer. The Government should look hard at this matter to ensure that it does not place employers in the position of asking an employee to do something that puts that employee in a dangerous situation.

Hon John Halden: Does not the requirement for background testing mitigate against a claim? If a person is half deaf when he starts the testing will reveal that.

The PRESIDENT: Order!

Hon MURRAY MONTGOMERY: Even though the employer does not face a claim he could still place an employee at risk, not knowing that he has done so. The Minister should clarify the situation relating to an employer placing an employee at risk without knowing it when the employee does know. Who is responsible? That is what the Minister needs to consider. An interesting side issue is where a noisy workplace can be. There are a number of properties that work cattle. Yarding or driving cattle can be an extremely noisy process. Saleyards are noisy at certain times of the year. Has thought been given to the fact that those areas need to be checked for levels of noise? Employers and their employees may work in such areas on only one or two days a week. However, taken collectively with all other operations on a farm they may be - and I say may be because I do not know - working in a noisy workplace in the same way as this place is sometimes noisy.

Hon John Halden: Is it likely to go over the limit each week?

Hon MURRAY MONTGOMERY: I do not know what is the limit for a week and the document the Minister sent to me does not spell that out. It states that there may be eight hours to every working day. I do not know what "every working day" means to some people. As I indicated previously, that could be eight hours for five days a week, 40 hours a week, or it could be eight hours a day for one day. What is classified as "a working day"? The explanations to people about this matter have been a little brief. It is the information the Government has sent to people that has confused them.

Hon John Halden: The level -

The PRESIDENT: Order! I will not allow the Chamber to deteriorate to the extent it did yesterday. This is not a question and answer session. The member is addressing a motion. When he is finished other members will have an opportunity to put their point of view. In the meantime, I suggest that the member ignores all questions and gets on with the reasons why he thinks the motion should be disallowed.

Hon MURRAY MONTGOMERY: Employees should carry some responsibility in this area. All employees, irrespective of where they are employed on farms, should carry some responsibility. If they turn up at the workplace and say, "I have had a base level hearing test," they do not have to say what the result was so long as they have a current piece of paper to say they have had that test. That would obviously save many problems and hassles. An employer wants workers now, not tomorrow or next week. That is a problem when considering such areas. This matter was not thought through by the Government or the department by considering all the options available.

Maybe there could be exemptions from part of these regulations. I suggest that the farming community be exempted until such time as agreement has been reached with them and the organisations that represent farming groups so that the regulations can proceed and the prescribed workplaces in the community area are identified. It may be that that exemption should be given through the regulations. It has certainly not been disagreed to, as I understand, by other sectors of the workplace. I have been told that the rural community feels it has not been consulted, does not know, and is confused about these regulations as they stand at the moment.

Debate adjourned, on motion by Hon Fred McKenzie.

MOTION - LEGISLATION

Orderly Management of Business

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.09 pm]: I move -

That the House advise the Government that in the interests of improving the quality of legislation and the proper carrying out of the House's function -

- (1) That it requests the Government to -
 - (a) seek to introduce legislation into this House in an orderly manner so that there is adequate time for the House to deal properly with each item of legislation;
 - (b) where possible inform the Opposition of the likely legislative workload; and
 - (c) seek to avoid the end of Session rush of legislation.
- (2) That it will not, except in exceptional circumstances, attempt to complete legislation prior to a significant break where that legislation is introduced into this House in the last two sitting weeks prior to that break or where it is part of an end of Session rush of legislation.

It is necessary for members to read carefully the exact words of this motion so they do not misinterpret the Opposition's intention in presenting it to the House. For instance, no threat is contained in the motion as some members of the Government may have assumed before they read it carefully. It is a motion inviting the consideration of the Government to improve the orderly management of business through this House and makes certain requests to the Government related to doing so. The motion makes it clear that where possible the Opposition would like to be informed of likely legislative work loads, and that it particularly seeks to avoid the end of session rush of legislation that we have seen in the Legislative Council from time to time.

Hon Mark Nevill: When?

Hon GEORGE CASH: All that interjection indicates is that Hon Mark Nevill quite clearly has not read the motion and has not been doing any research on this matter, because if he were to refer to *Hansard* of recent years he would see that at the end of each session there has been a rush of legislation in this House.

Several members interjected.

The PRESIDENT: Order!

Hon GEORGE CASH: I will be fair. I did not think this would be a very contentious motion, but if Government members want to make it contentious they should remember that I have unlimited time to help them and would be only too happy to oblige.

Hon J.M. Brown: Not today!

Hon GEORGE CASH: Paragraph (2) of the motion contains a statement which indicates that the Opposition will not, except in exceptional circumstances, attempt to complete legislation prior to a significant break where the legislation is introduced into this House in the last two sitting weeks prior to that break, or where it is part of an end of session rush of legislation. I emphasise that there is no intention to threaten the Government, but there is an intention to try to set out to the Government the requests, the needs and the requirements of the Opposition, both Liberal Party and National Party, to ensure an orderly flow of business through this House.

On 12 July last year the Legislative Council was in its final day of sitting. On that Thursday we were invited to consider a motion by the Leader of the House that the Council should sit beyond 6.00 pm. Debate ensued and the Opposition agreed to sit beyond 6.00 pm because it wanted to see certain business completed. Reference was made in that debate to a prior agreement between the National Party, the Liberal Party and the Government to complete certain Bills. Hon Eric Charlton representing the National Party and I were keen to see that the commitments we gave to the Government were carried out, and indeed they were. *Hansard* also reveals that the Legislative Assembly rose on Thursday, 5 July last year, and because such a backlog of work was shoved through to the Legislative Council, the Council needed to sit an additional week to consider much of that legislation so that it could be cleared through this House. We were prepared to cooperate last year, but in cooperating I made the point on a number of occasions that there would be a need for the Government to manage better the flow of business through this House.

I did not believe that this motion needed to be a contentious matter, but since I gave notice of it about two weeks ago, the leader of the Government has obliged both me and the Leader of the National Party in this place by keeping us informed of Bills this House could anticipate receiving from the Legislative Assembly. We have worked fairly closely to see suitable arrangements made by all parties in this House to ensure that Bills which the Government believes have priority are dealt with as expeditiously as possible.

Another reason for this motion is the fact that two weeks ago there was no sight at all of the Supply Bill, the Loan (Financial Agreement) Bill and the Treasurer's Advance Authorization Bill from the Legislative Assembly. At the Liberal Party meeting some weeks ago some members indicated that they had made plans based on the timetable set down by the Government and they invited me to inform the Leader of the House that we did not want to be faced with a log jam at the end of this session. That is part of the reason for this motion.

The intention of the motion is to indicate to the Government that we want an orderly flow of business through this Parliament. We do not want to be caught in a log jam. We want sufficient time put aside by the Parliament to ensure that important Bills will be given the time they deserve for proper, orderly debate in this Chamber. Although in recent weeks the Leader of the Government has been obliging in his discussions with the Leader of the National Party and me on legislation generally, I need to restate the situation as it is seen by the Liberal Party. We would like the Government to sit a lot earlier in the year than it has done in recent times. This year the first full parliamentary week commenced on 19 March. We sat that week, and the following week, commencing 26 March. The third week, members will remember, was the week before the Geraldton by-election, and for reasons which only the Government knows it decided not to sit that week.

Hon J.M. Berinson: The Opposition parties agreed.

Hon J.M. Brown: The House decided.

Hon GEORGE CASH: I am making the point that we would be happy to sit earlier in the year rather than be faced with a situation where members are advised, as in this case, that the House will rise on 13 June, only to find a massive log jam of legislation and that the earlier agreement by the Government cannot be met. I am not spoiling for a fight; what I am saying is that when the Government indicates that the House will rise on 13 June members of the Liberal Party and the National Party, and indeed Government members, make plans and would prefer that those plans were not upset. If we were to sit for a number of additional weeks, some members would be embarrassed by having to rearrange previously agreed programs.

This is only the seventh week that the Parliament has sat this year. We are nearly half way through the year, and to think that the Legislative Council has sat for only seven weeks is surprising in itself, given that this is not an election year.

Hon J.M. Brown: We have put through a lot of Bills; we have worked well.

Hon GEORGE CASH: Hon Jim Brown was going well until that interjection. He may have interjected somewhat in jest, because he knows that this session is one where we have been battling to stretch debates out long enough for Bills to be sent through from the Legislative Assembly.

Hon J.M. Brown: We are getting better.

Hon GEORGE CASH: I agree, but the only reason we have survived so far this session without having to close down a lot earlier is the fact that the National Party, the Liberal Party and the Government have worked closely together to ensure a reasonable flow of business through the House.

Hon J.M. Berinson: I think what Mr Brown meant was that we have passed a lot of Bills through to the Legislation Committee.

Hon GEORGE CASH: That is not necessarily accurate either.

Hon J.M. Berinson: We have passed on four major pieces.

Hon GEORGE CASH: The committee is still working on those. We acknowledge the merits of the committees - in particular, the Legislation Committee established by this Parliament last year. My point is that the Opposition wants an orderly flow of business through the House. I acknowledge that the Leader of the House has worked closely with the Opposition in recent weeks to ensure that orderly flow of business. I also acknowledge that yesterday a major part of the day was taken up with Opposition business in the form of the motion by Hon Muriel Patterson regarding the formation of a Select Committee, and the continued debate on legislation introduced by Hon N.F. Moore in respect of non compulsory guild membership and fees.

I urge all members to support the motion.

HON J.N. CALDWELL (Agricultural) [3.22 pm]: I support the motion. Hon George Cash mentioned that perhaps we should return to this place each year earlier than 15 March. I am not sure that members would like to do that unless this place were air-conditioned. In that case, we would welcome such a return. Many times during the year we sweat it out in the heat in this place, although no-one likes to do that at the end of the session in December each year. At that stage, everyone is looking forward to the Christmas break, and tempers can become frayed, especially at two o'clock in the morning. It is in the interests of everyone to attempt to pass business through this House without undue delay. Hon George Cash referred to the progress of Opposition business yesterday. The slow progress of that business was not altogether due to the actions of the Opposition. Government speakers took more time debating those matters than did Opposition members. Perhaps if the Government had control of Government members it would have been possible to deal with a couple more orders of the day. It is not always the fault of the Opposition that business is stretched out.

Hon J.M. Brown: It is not usual that the member talks nonsense.

Hon J.N. CALDWELL: It is not nonsense; it is a fact. Both Hon Tom Helm and Hon Tom Stephens spoke at some length during debate yesterday.

Hon J.M. Brown: As is their right.

Hon J.N. CALDWELL: Yes; however, the Government should not always blame the Opposition for the length of debates in this place. Every member must play his or her part to ensure that business passes as correctly and quickly as possible through this House. One could say that in this House we do not actually fire as many shots as are fired in the other place. Sometimes I say that the other place makes the bullets and we try to fire them straight. In many cases, our accuracy is good.

Hon J.M. Brown: You are looking down the barrel now.

Hon J.N. CALDWELL: We sort out the jumble that the Legislative Assembly sends to us. As has been demonstrated in the past, after the other place has finished with some legislation

our job is to sort it out. In many cases, we need to consider hundreds of amendments in one Bill. We do attempt to get on with business as correctly and in as orderly a manner as possible. However, sometimes Orders of the Day are altered without the National Party being informed. That occurred last week when I was caught out after an alteration in the orders of business. I did not recall that I had taken the adjournment, and subsequently I did not make the best of speeches. If the Notice Paper is altered, the National Party would appreciate some warning so that we can be prepared. The National Party is at a disadvantage because of our lack of numbers, especially today.

Hon J.M. Brown: The quality is here today.

Hon J.N. CALDWELL: I suppose that is so. I am not very confident though.

Hon Sam Piantadosi: You are handling the situation very well.

Hon J.N. CALDWELL: We have progressed well as a result of the cooperation between the three parties this year. I hope that will continue. I support the motion.

HON PETER FOSS (East Metropolitan) [3.27 pm]: I have pleasure in supporting the motion. There is a certain degree of embarrassment involved when we must put up a motion such as this, because it is entirely in our hands how the business of the Chamber is conducted.

Hon J.M. Brown: Do you think this is the first time this has happened?

Hon PETER FOSS: No. The main point is that it is important from time to time that we, as a House - not members on this side only - think about the way we should conduct our business. I say that it is somewhat embarrassing to support the motion because I am sure the public would think that this is what we should be doing anyway; that they would believe we are doing these things. We should have legislation introduced in an orderly manner and the Opposition should know about the likely workload; we should seek to avoid an end of session rush of legislation. The motion is not framed in terms of "this" Opposition or of "this" Government; it is in terms of "the" Opposition and "the" Government. It is a motion which should be put on the books, not because of anything this Government or anything this Opposition thinks but because we, as a House believe - I hope, unanimously - this is the correct way to do things. More importantly - so far as I am concerned - in time, when we become Government, one of the reasons I wish the motion to be passed is because it will be on the books, and we will observe the same rules as set down in the motion.

The points of the motion are unarguable. This is the way to conduct business. If we do not, we as a House have only ourselves to blame. We as a House will receive the contempt from the public that we deserve for not carrying out our business appropriately. The motion is also necessary. I do not for one moment believe that the end of the session rush is, generally, at the behest of the Government in this House. We must keep in mind that the term "House" refers to the 34 members of this place and reference to the Government includes the three members in this House who happen to be the Ministers charged with putting that business in the House.

[Debate adjourned, pursuant to Standing Order No 195.]

SHARK BAY MARINE PARK

Disallowance of Order

Order of the Day read for the resumption of debate from 5 June.

Debate adjourned, on motion by Hon Fred McKenzie.

CONSERVATION AND LAND MANAGEMENT AMENDMENT BILL 1990

Third Reading

Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and returned to the Assembly with amendments.

JOINT SELECT COMMITTEE ON THE CONSTITUTION

Assembly's Message - Report Presentation Extension

Message from the Assembly advising that it had resolved that the date for presentation of the report of the Joint Select Committee on the Constitution be extended to 26 September 1991, and requesting the Council's concurrence therein, now considered.

On motion by Hon Tom Stephens (Parliamentary Secretary), resolved -

That the resolution be agreed to.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Second Reading

Debate resumed from 5 June.

HON N.F. MOORE (Mining and Pastoral) [3.35 pm]: Last night I neglected to thank the Government for providing the House with the opportunity to debate this Bill. I appreciate the fact that Government members decided to put the Government's point on this issue. I am also pleased we are in a position today to make a decision on the Bill and, if it is passed, to send it to the Legislative Assembly.

One of the advantages of having had one's speech on the previous day interrupted is the ability to read comments made by members that day before one continues. I read with some interest this morning the debate in *Hansard* which took place yesterday and I took on board some of the issues raised by members which I had not picked up at the time because of the way in which the debate was taking place. I was interested in a remark by the Minister, Hon Kay Hallahan, suggesting that somehow or other I was an old man sitting here with very firm entrenched conservative views about matters and that the Bill was a reflection of my attitudes and conservatism. In an issue like this, the true conservatives are Government members and their union supporters. They remind me a little of the Russian generals one sees in the Politburo who are termed the Russian conservatives with very strong, entrenched, left wing views who since 1917 have not been prepared to change anything. Conservatism means hanging on to things of the past and refusing to acknowledge that times have changed. In a sense, I am a conservative because I do not believe in rushing to change society. I believe it should change as a result of community demand for change, not by my getting out in front and telling the community how it should change because that is the way I think it should be changed. In that sense I am a conservative.

Hon Tom Stephens: Extreme reaction.

Hon N.F. MOORE: No; it is not reaction. The Minister and her colleagues, who sit on the Government benches like the Russian generals and refuse to acknowledge that there is a better way of doing things, are the conservatives. In that sense my motion, which seeks to provide some liberty and to take away compulsion, represents a radical view reflecting a changing attitude in the community. The second time I brought this Bill to the House I referred to changing attitudes in Eastern Europe and how people there are sick to death of compulsion, totalitarian Governments and authoritarianism; they want freedom to make their own decisions. This Bill is an example of how, in Western Australia, we can provide students at our tertiary institutions with the freedom to choose whether they join the student guild. That freedom is a reflection of the times. In that context I have no doubt that the true conservatives on the issue are Government members and their supporters. Regrettably, I must also include in the group of true conservatives the vice chancellors.

Hon T.G. Butler interjected.

Hon N.F. MOORE: The Minister said last night that I was in my dotage by indicating that the vice chancellors supported the current system of compulsion. That may or may not be the case; if it is, I suggest the present vice chancellors are following the paths of some of their predecessors who went to extraordinary lengths -

Hon T.G. Butler interjected.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I suggest Hon Norman Moore ignore the interjections and direct his comments to the Chair.

Hon N.F. MOORE: I was indicating that what the vice chancellors are now saying is no different from what they have said in the past. Vice Chancellor Robert Street, a vice chancellor of some years ago, had some very strong views about the matter. During the late 1970s and early 1980s, when the amenities and services fee applied, memoranda were sent around the University of Western Australia indicating that students who had not paid it were to be denied the privileges of the university community. That included not attending lectures, seminars and tutorials, and not using the library nor sitting for examinations. That, therefore, means that the university administration, under the control of the vice chancellors, was prepared to deny an education to students who refused to pay the fee. Clearly and regrettably that attitude seems to be persisting to this day. It is extraordinary that this one issue can be used by the university administration to deny an education to students.

Hon T.G. Butler: That is nonsense.

Hon N.F. MOORE: Interestingly, the Minister mentioned twice in her speech last night that the student guild was a training ground for leaders of tomorrow. I refer to the recent history of the guild and to some of the leaders of today who were students of yesterday; it is obvious what the Minister meant when she was talking about the training ground for leaders of tomorrow.

I will mention a couple of names of the people who were "guild masters" in years past and who are now "leaders of our community". Those people include Hon Bob Pearce, Minister for the Environment and former guild president of the University of Western Australia, who introduced a Bill in 1983 as his first piece of legislation as Minister for Education to get rid of the amenities and services fee and to reintroduce compulsory membership of the guild. That was his number one priority as a Minister. Another "leader" of today who was formerly a guild leader is David Parker. He has demonstrated to us, if we believe the evidence given to the Royal Commission, that the leadership he learnt at the guild is not the leadership that leaders of tomorrow need. Another so-called "leader of tomorrow" is Jim McGinty who is, now he has entered Parliament, a threat to the current Premier and may become leader of the Labor Party.

Hon T.G. Butler: Your arguments always fall down for their lack of commonsense.

Hon N.F. MOORE: I am happy to throw that one in. If he is not, it will not matter who on the opposite side becomes Premier. However, Mr McGinty, who is a power broker in the Labor Party and was a powerful man in the union world, received his training in the guild at the University of Western Australia. Another person who vied to become Treasurer of Australia recently, Mr John Dawkins, also learnt his wares at the University of Western Australia guild. That is the same John Dawkins who, as Minister for Education, threatened tertiary institutions of Australia and Parliaments of the State that if they introduced legislation to allow voluntary membership of guilds he would cut off their Federal funding. That is the same John Dawkins who learnt his tricks of trade at the University of Western Australia guild. And so on. It is no wonder that the Minister for Education thinks that we should have compulsory membership of guilds so that organisations with all the money they get can provide an opportunity for future Labor Party functionaries to receive their training to become members of Parliament and Cabinet Ministers down the track. I am a bit surprised the Minister said that, because what has happened in the past demonstrates a vested interest on the part of the Labor Party in this matter.

I was interested to read a previous speech that I made on this matter because it refers to the training ground to which the Minister referred. In my second reading speech in 1987 I said -

It has long been my belief that the Labor movement used the guilds as a very effective, compulsorily funded, training ground for future politicians and union officials. In a letter to *The West Australian*, written as a response to an article entitled, "Where have all the Radicals Gone?", the then president of the university branch of the ALP, Mr Keating - not the Federal Treasurer - wrote as follows -

The answer is remarkably simple - they are now running the country in Federal and State Government. The guild of undergraduates honour boards for the past 30 years now read like a Who's Who of Federal and State cabinets.

That is what it is all about. That is an acknowledgment by the then ALP university branch

president that the guild is a training ground for future State and Federal Cabinet Ministers of the Labor Party. I am surprised, therefore, that the Minister should mention that as a reason for having compulsory membership of guilds. The Minister said also in her speech last night that I had been talking to the *Fremantle Gazette*. I did not hear her when she said that because I would have interjected. I spoke to a reporter from the *Fremantle Focus*, a different newspaper.

[Debate continued below.]

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

NEWSPAPERS - COUNCIL CHAMBER

Reading of Newspapers, Publications Ban

THE PRESIDENT (Hon Clive Griffiths): I advise honourable members that the rule that applies in this Chamber relating to the ban on reading newspapers applies equally to the reading of any publication that has nothing to do with the debate before the Chamber. I ask honourable members to observe that longstanding rule.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Second Reading

Debate resumed from an earlier stage of the sitting.

HON N.F. MOORE (Mining and Pastoral) [4.22 pm]: Prior to the afternoon tea suspension I told the House that the Minister for Education, in her comments last night, reported that I had talked to the *Fremantle Gazette* about this Bill and that I had said to a representative of that newspaper that I believed young people lacked the experience to handle financial matters. The fact is, and I hope the Minister will take this on board, that I did not speak with the *Fremantle Gazette* but with the *Fremantle Focus*. This morning I rang the journalist to whom I spoke the other day and read out what I believed the Minister had said, and he agreed with me that that was not what I had said at all. I had said words to the effect that guilds had no reason to respond to students' needs because they had an assured income. That is not a reflection on their ability to handle finance at all.

Hon P.G. Pandal: It is not the first time that the Minister and her Press secretary have tried that stunt.

Hon Kay Hallahan: It was nothing to do with my Press secretary.

Hon N.F. MOORE: I think the Minister had taken the word of a person in the gallery last night that what I had said to this journalist was what that person had placed his own interpretation upon. However, it was not correct, and it is unfortunate that people should make that sort of comment. The Minister went on to say that the student guilds resented my comment. It is strange that they should resent a comment I had not made, and I wondered how that matter had actually come to their attention and then to the attention of the Minister, who quoted it in the House. I happen to believe that many of the people involved in guilds do an excellent job. They do it voluntarily in most cases, and in a very competent way. It is an excellent learning experience for young people.

Hon Kay Hallahan: I agree.

Hon N.F. MOORE: The trouble is that on a couple of odd occasions decisions are made about how the money should be invested and spent, and if members look at the history of student guilds they will see that we have a whole litany of expenditure of funds on the most extraordinary ventures, and funds being donated to a whole range of political organisations which would not in anyone's imagination represent the interests of Australians.

The PRESIDENT: Order! The level of audible conversation is reaching the stage where it sounds a little like the supporters in the grandstand when the Eagles play Collingwood. I want honourable members to remember that this is a House of the Parliament. A member is addressing the House, and I suggest we listen to him.

Hon N.F. MOORE: Thank you, Mr President. We have had the situation of the Edith

Cowan University investment, which can clearly be described as a most unfortunate investment where more than \$700 000 of students' funds, compulsorily acquired, are to go down the tube - regrettably, down a tube created, in a sense, by the Government, which recommended to people that the Western Women group was an organisation in which they could quite safely invest their money.

Hon Tom Stephens: Weren't the Young Liberals in charge of that?

Hon N.F. MOORE: I do not care who was in charge of it. It is not a question of who was in charge of it, but a question of people getting money out of other people's pockets compulsorily and then using it in a way that is not in the best interests of the people who contributed the money in the first place. It makes no difference to me whether they are Liberals, Calathumpians, Labor, or whatever.

Hon Tom Stephens: But were they Young Liberals?

Hon N.F. MOORE: I really do not know.

Hon Kay Hallahan: Everybody says they were.

The PRESIDENT: Order!

Hon N.F. MOORE: If they were, it makes no difference to my argument. The fact is that they should not be using the funds in a way which puts them at risk. It is interesting that the Western Australian Higher Education Council has decided that something should be done about it and has suggested that some restrictions be placed upon the way in which investments can be made. It is also interesting that the Minister should accuse me of having some derogatory views about the capacity of student guilds to handle their finances when she makes a virtue of the fact that the Western Australian Higher Education Council intends to impose some restrictions on how the funds should be utilised.

Hon Kay Hallahan: It is just recommending; the senate must consider it.

Hon N.F. MOORE: Yes, and the Minister raised the proposal as a virtue.

Hon Kay Hallahan: I thought it would be of interest to members, given the experience of the Edith Cowan University guild.

Hon N.F. MOORE: But it was in the context of the Minister's argument. The Minister also said last night - and I find this interesting as well, although I have not had a chance to confirm the figures - that only 22 per cent of the income of the University of Western Australia's guild came from student fees.

Hon Kay Hallahan: That is what they advised me.

Hon N.F. MOORE: I will accept that as being an accurate figure. The extraordinary thing about that is that if not one person joined the guild the revenue of the guild would reduce by only 22 per cent.

Hon Kay Hallahan interjected.

The PRESIDENT: Order!

Hon N.F. MOORE: The Minister told me last night that if we got rid of compulsory membership the guild would collapse.

Hon Kay Hallahan: The guild would collapse.

The PRESIDENT: Order! I ask the Minister to come to order.

Hon N.F. MOORE: That guild would still receive 78 per cent of its income from its investments. We have heard about the millions of dollars the University of Western Australia guild has stashed away in investments. That rather unfortunate example used by the Minister as a reason we should have compulsory membership backfires completely when we look at the factual situation.

Hon Kay Hallahan: Guilds are not made up of finance, they are made up of people.

Hon N.F. MOORE: The Minister said the guilds were very capable and well managed organisations, but in fact only 22 per cent of their income comes from membership; the rest comes from their very good investments. That argument destroys totally the argument the Government put forward in respect of compulsory membership. If not one person joined the guild, the guild would still receive 78 per cent of its current income.

Hon Kay Hallahan: What a hopeless argument!

Hon N.F. MOORE: The guild would not collapse. Therein lies the crux of my argument.

Hon T.G. Butler interjected.

The PRESIDENT: Order! I ask the Deputy Government Whip, as the senior person in those ranks at the moment, to indicate to his members that a couple of them are going dangerously close to not continuing in this Chamber this afternoon. I will not warn members again. Interjections are to cease.

Hon N.F. MOORE: Thank you, Mr President. It stands to reason, for anyone who is prepared to be sensible about this, that a very small proportion of the income of the guilds is derived from compulsory membership, and if we took away that compulsory membership I believe 80 or 90 per cent of students would still join anyway. However, even if no-one joined, the reduction in income would be only 22 per cent, which is hardly grounds for saying that the guild would collapse. In fact, the Government is telling its own departments that they must take budget cuts of 10 per cent and will still be expected to carry out their functions properly; so the argument is destroyed by that single fact, which the Minister herself delivered to the House.

Last night Hon Tom Butler read out some rather extraordinary statements from a document provided to him, I understand, by the guild of the University of Western Australia. I meant to ask him to table that document at the end of his speech and I forgot to do so, but he indicated in his speech that he would provide me with a copy of it, and perhaps he could do so. I understand that he read out the view of the student guild of the University of Western Australia regarding my Bill. The member referred to the catering division of the guild and how it was responsible for the refectory, the milk bar, the Hackett Hall coffee shop, the Reid Library coffee lounge, the Acorn Wholefood Restaurant and the vending machines. The guild is responsible for all catering activities on the campus; however, we were told that those services can be provided only by a guild based on compulsory student membership. I would have thought that those services would be quite capable of standing on their own two feet. When looking at the books of the guild, it can be seen that it makes a profit from the catering services. However, this was given as a reason for maintaining compulsory membership. If guild membership was not compulsory, it would be sensible to encourage people to use the facilities because the more they are used the greater the profit derived.

The guild provides other services, such as aerobic sessions, a sports store, table tennis rooms, tennis and squash courts, a gymnasium, a health and fitness centre and an exercise room. These services are provided by the guild, it is argued, because compulsory membership is in place.

Hon T.G. Butler: Nonsense.

Hon N.F. MOORE: If a person wanted to use these resources, he would be happy to join the guild. If he did not want to improve his fitness, play table tennis or buy anything from the sports store, he should be able to choose not to engage in these activities or pay the fee. Hon Tom Butler mentioned that no mechanisms would be provided for the guild to set or collect subscriptions under my legislation. My amendment would remove from the Statute the provision which refers to the way in which the fees will be set and collected. That should be determined by the guild within its own jurisdiction; it should be part of the constitution and the decision making process within the guild, and should not be provided for in legislation. Another extraordinary claim made by Hon Tom Butler was that if the guild had voluntary membership, only the wealthy would be able to join.

Hon T.G. Butler: That is right.

Hon N.F. MOORE: The member argued that with a compulsory membership guild everyone can join because the guild provides low interest rate loans!

Hon T.G. Butler: Are you arguing against that?

Hon N.F. MOORE: He also suggested that a voluntary organisation could not make low interest loans to students. That is presumptuous; why could such an organisation not offer loans? Mr Butler also referred to the fact that because the student is prepared to pay the loan, he or she is better off; however, such a person would have to find the money to pay the loan, along with interest.

Hon T.G. Butler: That is deliberately misleading.

Hon N.F. MOORE: In that case, the students are paying the interest on top of the membership fee. The simple fact is that the proposal put forward by the member contains no logic.

Hon T.G. Butler: The member should read what I said.

Hon N.F. MOORE: To claim that a compulsory membership guild favours a poor person presumes that assistance would not be provided by a voluntary membership guild. However, it is more likely that a non-compulsory guild would go out of its way to encourage people to join; that is the idea of non-compulsion. I would suggest that such a guild should allow students to pay off the fee over time with no interest. The honourable member suggested that compulsory guilds look after the poor in the community; that is nonsense, as we all know.

Hon T.G. Butler: What do you mean, "as we all know"?

Hon N.F. MOORE: We all know that the number of poor has increased since 1983, even if the Minister tries to tell us that the unemployment rate is one per cent less.

Hon Kay Hallahan: The statistics tell us that.

Hon N.F. MOORE: The economic situation has been caused by the Federal and State Labor Governments. Hon Tom Butler completed his comments by suggesting that I had some intention of destroying guilds -

Hon T.G. Butler: Hear, hear!

Hon N.F. MOORE: - and that I was trying to destroy the concept of student unionism, if that actually exists. The guild is a service provider to the tertiary institution; it is not a union. If guilds were unions I would be arguing in the same manner because I oppose compulsory unionism. The member referred to this Bill as preparing the ground for the Federal Liberal Party's higher education policies. Somehow he argued that this would lead to the introduction of full fees for students. Also, I find it interesting that the UWA guild provides information for Hon Tom Butler to read out, because I doubt whether the member understood it.

Hon Sam Piantadosi: We never get to see any policies. Do you know what the Federal Government's higher education policy is? I have been asking for a copy for 12 months.

Hon N.F. MOORE: The honourable member somehow or other suggested that a Federal Liberal Government would introduce student fees; however, the fact of the matter is that student fees were introduced by the Hawke Labor Government following the recommendations from the Wran committee. It was not the action of the Liberal Party. After many years of saying that it would not introduce student fees - as it did with the gold and capital gains taxes - they were introduced.

Hon Kay Hallahan: Where do you stand on the consumption tax, Mr Moore?

Hon N.F. MOORE: The student guild, which is supposed to represent the students on campus, suggested that this legislation is a forerunner to the Federal Liberal Party policies. It forgets that student fees were introduced by the Hawke Government.

Hon Derrick Tomlinson: It was a Labor Government which made UWA a fee charging institution; until that stage it was the only free university in Australia.

Hon Sam Piantadosi: Will you provide a copy of the Liberal Party policy?

Hon N.F. MOORE: I will be happy to do so.

The final sentence of the opinion provided by the guild read -

V.S.U. -

That stands for voluntary student unionism, although I do not approve of that phrase. The sentence continues -

- is an ideological quest that has been harnessed to the chariot of Dry libertarianism.

That is supposed to represent my attitude and my policies. However, it reflects the fact that some people sitting down at the University of Western Australia guild have political cliches flying around inside their heads; these people allocate labels, and they have labelled me a dry libertarian.

Hon Kay Hallahan: That is pretty kind for you.

Hon N.F. MOORE: I do not mind being called a libertarian because I support liberty. If I am a dry, I am happy to be called a dry.

Hon Kay Hallahan: You are very dry.

Hon N.F. MOORE: The last sentence of the opinion demonstrates that the people from the guild, who are advising Hon Tom Butler, are seeing this legislation in the wrong political context. It involves one fundamental issue; that is, freedom of choice and association. That phrase is contained in the Labor Party platform, and the next time the Minister speaks I hope she will explain how freedom of association is part of her platform. This is not a battle of right and left, wet and dry, or centre-left and centre-right, or whatever factions are prevalent opposite.

Hon Tom Stephens: You have all shades of extreme right over there.

Hon N.F. MOORE: In conclusion, the Minister has told us in her own words that the University of Western Australia guild relies on membership fees for only 22 per cent of its income. That very simple statistic demonstrates clearly the absurdity of their argument that if compulsory guild membership is taken away the guilds will collapse. Is the Minister saying that if we take away 22 per cent of its income the guild will collapse?

Hon Kay Hallahan: How do you think the guilds built up their finances to be able to provide those services? They are a trading concern and in order to provide services they need a basis on which to operate. You silly person.

Hon T.G. Butler: That is the reason he is not the treasurer of the Liberal Party.

Hon N.F. MOORE: If the guilds had no members they would lose 22 per cent of their income, but I have no doubt that the vast majority of students would voluntarily join a guild because they provide the sort of services students want.

Hon T.G. Butler: Leave them alone then and do something constructive.

Hon N.F. MOORE: I am tired of that nonsense from the other side, Mr Deputy President.

The DEPUTY PRESIDENT (Hon J.M. Brown): Order! I have been generous with the debate and I have allowed members on all sides of the House to respond to the member's remarks, as the member has responded to interjections. So that the member does not have to respond to any more tiresome interjections, I ask Hon Norman Moore to direct his remarks to me. The member can then sum up in the appropriate way.

Hon N.F. MOORE: I apologise in a sense for my comment, because I understand that members feel inclined to interject from time to time. Although I am not one of those persons, I can understand their feelings, but I wish that interjections were other than inane and contributed to the argument, rather than personal reflections on the person making the speech.

It should be obvious to anybody that the finances of the guilds are not a problem; they have enough money to survive without one member joining. But in reality that would not happen with voluntary membership; they would still be very wealthy and very capable organisations able to carry out their affairs.

The main reason I brought the Bill to the House is to defend that basic principle of freedom of association. It is a fundamental right of all persons in this country to be able to join or not to join an organisation, and the guilds are no different from any other organisation. I will keep bringing before this House Bills which demonstrate my view that the freedom of the individual is paramount in our society. It is a trend throughout the world that people who live in societies with no freedoms are getting rid of the shackle of compulsion and turning to governments that will provide them with fundamental freedoms. This is only a small issue in that great area of human rights, but we in this House can easily correct it by passing this Bill and allowing students who attend our tertiary institutions the right to opt out if they wish -

Hon T.G. Butler: They have that right now.

Hon N.F. MOORE: - and not be compelled to spend the money if they do not wish to because they do not wish to use the services of the guilds. I will keep arguing for that. I hope the Government will give more thought to this in the other House than it has here, and

that the Government will forget about the ideological blinker that this is something to do with compulsory unionism - it is not. The analogy I used of the Commonwealth Parliamentary Association or a tennis club is a far better analogy than compulsory unionism, because the guilds really are big clubs, so there is no reason to use the compulsory unionism argument in the context of this debate. I ask the House to support the Bill, and in the event that it is passed in this House, that the Government looks at it and we get some freedom at our educational institutions - places where one would expect that would be taken for granted.

Question put and a division taken with the following result -

Ayes (12)		
Hon J.N. Caldwell	Hon Barry House	Hon Derrick Tomlinson
Hon George Cash	Hon P.H. Lockyer	Hon W.N. Stretch
Hon Reg Davies	Hon N.F. Moore	(Teller)
Hon Max Evans	Hon P.G. Pandal	
Hon Peter Foss	Hon R.G. Pike	
Noes (11)		
Hon J.M. Berinson	Hon John Halden	Hon Tom Stephens
Hon J.M. Brown	Hon Kay Hallahan	Hon Doug Wenn
Hon Cheryl Davenport	Hon Garry Kelly	Hon Fred McKenzie
Hon Graham Edwards	Hon Sam Piantadosi	(Teller)
Pairs		
Hon D.J. Wordsworth	Hon B.L. Jones	
Hon Margaret McAleer	Hon Tom Helm	
Hon Muriel Patterson	Hon Bob Thomas	
Hon E.J. Charlton	Hon Mark Nevill	
Hon Murray Montgomery	Hon T.G. Butler	

Question thus passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon N.F. Moore, and transmitted to the Assembly.

PUBLIC WORKS AMENDMENT BILL

Second Reading

Debate resumed from 9 May.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.50 pm]: This Bill comprises three parts. The first is to delete the definition of "resident magistrate" from section 2 of the principal Act. It is also proposed to amend section 5A by adding -

- (f) the Minister of the Crown to whom the administration of the department known as the Office of Government Accommodation, established under section 21 of the *Public Service Act 1978*, is for the time being allocated,

Section 5A of the Public Works Act deals with the delegation of authority. Already, the Minister empowered by Public Works Act has the authority to delegate, either generally or as otherwise provided by notice published in the *Government Gazette*, to a number of other Ministers including the Minister in charge of the administration of the Land Act, the Minister in charge of the administration of the Main Roads Act, the Minister in charge of the State Energy Commission Act, and the Minister in charge of the Water Authority Act. It has been suggested by the Government that the reason for delegating authority to the Minister who has responsibility for the Office of Government Accommodation is to enable that Minister to

sign various leases and other documents in respect of land transactions carried on regularly by the Office of Government Accommodation. The Opposition has no objection to including paragraph (f) in the principal Act. I ask that during his reply to this debate or in the Committee stage, Hon Tom Stephens, who is handling this matter on behalf of the Government, explain whether the proposed delegation of authority relates only to those Acts the Minister in charge of the administration of the Office of Government Accommodation could be reasonably expected to administer on behalf of that office or whether the delegation relates to the whole of the Public Works Act. If one reads the principal Act carefully, there is some question about the extent of the delegation of the authority proposed.

The third part of the Bill repeals section 89 of the principal Act which deals with special provisions on heavy traffic. The Minister said in his second reading speech that this section of the Public Works Act has not operated since about 1921 and is therefore redundant. Members who question whether there is a need for special provisions for heavy traffic will be aware that those provisions, since updated to take into account changed technology, are now part of a number of other Acts, in particular the Road Traffic Act and, in part, transport legislation.

The consequences of the Bill are not so significant that they should raise alarm from the Opposition benches and we support the Bill. However, as we are talking about the Office of Government Accommodation, I remind members that that office played a role in leasing certain office space in the Westralia Square and Central Park developments in the central business district of Perth. Discussions are now taking place on whether the State Government Insurance Commission and the Government Employees Superannuation Board should have made those investments at that time and under the conditions of the investments. The two main players from the private enterprise side, Messrs Packer and Anderson, are probably reasonably happy with the deal they struck with the Government. It has taken the tabling of documents in this Chamber for members to understand the various ramifications of those deals.

An interesting article on those developments was published in the June 1991 edition of the *Eye*. While I do not want to waste the time of the House - I know that there have been negotiations to proceed with other business - it is worth noting that a huge area of leased office space has been guaranteed by the Government at a rental of approximately \$400 per square metre per annum. My investigations today indicate that one building has 32 000 square metres available. However, I have not been able to ascertain how much of that the Government has guaranteed. My point relates not to the number of square metres that the Government has guaranteed to lease but to the fact that it has agreed to lease this office space at \$400 per square metre per annum when the going rate for comparable space in the city is approximately \$270 per square metre per annum. The documentation tabled at the request of Hon Max Evans last year indicates that interesting deals were done in respect of the Westralia Square and Central Park developments. The Government, through the Government Employees Superannuation Board and the State Government Insurance Commission, provided a huge amount of capital for the construction of those buildings, with interest rates on fairly favourable terms being made available to the Anderson-Packer consortium in such a way that the interest was capitalised so that, in real terms, the consortium did not have to outlay any funds for a considerable period. There is no doubt it was a gold seal deal for that consortium and, as I said, I suppose they are reasonably happy with the deal. However, many people involved in property development and leasing of office space in the central business district are still perplexed about the reasons behind the Government's being prepared to guarantee such a huge volume of office space at prices above the average rental price for that type of space in the city. Nevertheless, the Opposition is prepared to support the Bill.

HON J.N. CALDWELL (Agricultural) [5.00 pm]: The National Party has no reason to oppose the Public Works Amendment Bill. The Public Works Act currently provides for the delegation of powers and duties of the Minister for Works to the Ministers responsible for authorities such as the Main Roads Department and the State Energy Commission of Western Australia. I understand that the purpose of this Bill is to provide for the delegation of powers and duties of the Minister identified in the Act as the Minister for Works to the Minister responsible for the Office of Government Accommodation.

In Bills like this there is always a winner and a loser. It appears that on this occasion the

winner is the Minister responsible for works because his workload will diminish and the loser will be the Minister responsible for the Office of Government Accommodation, whose workload will increase dramatically. I wonder what responsibility the Minister responsible for works will have now that he will no longer be in charge of the Office of Government Accommodation. Perhaps Hon Tom Stephens is in a position to inform me.

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [5.02 pm]: I was sitting back enjoying the Leader of the Opposition's very clear and thorough explanation of the intent of the Public Works Amendment Bill, and thinking that he was doing such a marvellous job that there would be no need for me to contribute anything to the debate.

Hon Barry House: He is getting in practice to become a fine leader of the Government.

Hon TOM STEPHENS: I hope he practices for many years to come.

After giving such a clear and detailed explanation of the intention of the Bill, the Leader of the Opposition asked me to explain the relevance of the clause which deals with the powers of delegation of the Minister identified in the Act as the Minister for Works. I hope that the answer which I will extract from the second reading speech and my briefing notes will assist him with his query. It is clear from the Public Works Act that the Minister for Works is able to delegate responsibility for the operation of this Act to specific Ministers, such as the Minister for Lands and the Ministers responsible for the administration of the Main Roads Department, the State Energy Commission of Western Australia and the Water Authority of Western Australia.

Hon J.N. Caldwell: That is what I said.

Hon TOM STEPHENS: Yes, that is what Hon John Caldwell said and I will sing his praises shortly. However, having sung the praises of the Leader of the Opposition I will answer his question first. The clause to which the Leader of the Opposition referred enables a further delegation of powers from the Minister responsible for works to the Minister responsible for administering the Office of Government Accommodation. I hope that clarifies the situation for the Leader of the Opposition.

Hon John Caldwell indicated the National Party's general support for the legislation and asked what the Minister responsible for works will now do. I do not know and my briefing notes do not tell me. However, I will ask the Minister concerned and I can assure the member that I will advise him following the passage of this Bill through the Parliament.

Question put and passed.

Bill read a second time.

Committee and Report

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

Third Reading

Bill read a third time, on motion by Hon Tom Stephens (Parliamentary Secretary), and passed.

SUPPLY BILL

Second Reading

Debate resumed from 30 May.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.08 pm]: The Opposition supports the Supply Bill. It is a Bill to apply out of the Consolidated Revenue Fund the sum of \$2.7 billion and out of the General Loan and Capital Works Fund the sum of \$200 million for the service of the year ending 30 June 1992. Members will be aware that this Bill is introduced into the Parliament at about this time each year. It allows the Government to continue providing the services of Government from 1 July until the Appropriation Bills are introduced into the Parliament, which is usually around September or October each year. The funds are given approval by the Parliament, but clearly there are some restrictions on the use of those funds and these are set out in clause 4, which is headed "Sums Available for Purposes Voted by Legislative Assembly" and reads -

The sums referred to in section 3(1) shall be available to satisfy the warrants under the hand of the Governor, given under the provisions of the law now in force, for any services voted by the Legislative Assembly during the financial year ending 30 June 1992.

When considering the current budgetary position of the Government, it is interesting to note that the 1990-91 Budget indicated that it would be a balanced budget and that revenue and expenditure would be in the order of \$5 072.5 million. At the time the Budget was brought down last year there was great fanfare about the fact that the Government had managed to balance the books but, quite clearly, as time progresses the Government must acknowledge that revenue from various areas will be substantially lower than anticipated. I refer in particular to the tax revenue area. The Government now anticipates that its revenue to 30 June this year will be down by approximately \$80 million. It is anticipated that the revenue from Westrail will be down by \$22 million on earlier projected figures. The depressed rural economy has been responsible for some of that reduction in revenue and one hopes that, as a result of the wheat that farmers are now seeding, revenue collections will increase next year from the massive rail cartage of record crops to the various ports and holding areas.

The revenue from the sale of land will be lower than anticipated. Members will be aware that the Asset Management Taskforce is charged with the disposal of certain Government land, and it was a feature of the last Budget that the Asset Management Taskforce would dispose of a fair amount of land to inject much needed revenue into Government coffers. I note that the latest Government figures indicate that revenue from the sale of land disposed of by the task force will be down by approximately \$57 million. The Government will be in a difficult situation and the Treasurer in the other place has announced the way in which the Government intends to try to reduce expenditure to compensate for the reductions in revenue.

One of the areas the Government has said it will continue to concentrate on is microeconomic reform. It has established a Cabinet subcommittee to escalate and improve the coordination of the reform process and to ensure active and continuing review of all the State's economic institutions, policies, attitudes and practices. I support the Government very strongly in that area because with proper microeconomic reform we shall see some proper review of the State's economic institutions, policies, attitudes and practices. Microeconomic reform is a word oft used in the community, certainly in recent years, and I wonder at times how many members of Parliament or members of the community understand what the process of microeconomic reform is all about. That area is one of the elements I wish to cover in my contribution to debate on the Supply Bill this year. A number of definitions have been used to describe microeconomic reform. The publication I have in my hand, entitled "Progress and Priorities: An Overview of the Western Australian Government's Approach to Microeconomic Reform" was published by the Government in December 1990 and it defines microeconomic reform as -

an ongoing process of reviewing, reassessing and reforming the State's economic institutions, policies, attitudes and practices.

That is a definition favoured by some people. I prefer the more objective definition of the Westpac Banking Corporation, contained in an article by Mr Paul Brennan in the December 1990 issue of the journal, *Economic Papers*, published The article defines microeconomic reform as follows -

Micro-economic reform covers a wide range of policies and programmes designed to make public sector activities and markets more efficient.

The definition of microeconomic reform is not a critical factor. Indeed, the critical factor is whether there is an adequate process for reviewing the various areas to which I referred. It is true that microeconomic reform must, as its main focus, create opportunities for growth, and remove impediments which prevent resources from being employed most productively or limit the flexibility of workers and enterprise. One has only to look at the Federal Government's record on the waterfront in Australia to recognise that the words I have used fit the statements made so many times by the Prime Minister and his Ministers when trying to establish a proper process of microeconomic reform on the Australian waterfront. Many of the impediments that microeconomic reform attempts to identify and, indeed, remove, result themselves from Government regulations. As such, they clearly require action by the Government.

Other areas of reform can be addressed directly by business and the union movement, but the prime process is to review and continue to review the economic institutions, policies, attitudes and practices within the community. In the foreword to the document to which I referred, the Premier, Dr Lawrence, stated -

The objectives of microeconomic reform are to improve efficiency, dynamism and international competitiveness of the individual parts of the State's economy to produce sustainable economic growth, create employment opportunities and further improve living standards . . .

The Premier said that this was one of the important areas the Cabinet subcommittee would be looking into. There is no doubt about the desperate need for sustainable economic growth to provide employment opportunities in Western Australia. One has only to refer to question time in this Parliament today when the Minister for Employment and Training indicated that Western Australia has a very high rate of unemployment. The Government has recognised that and is attempting to reduce it. The Premier would have us believe that the present Labor Government has been pursuing a policy of microeconomic reform since it was elected in 1983. The Premier claimed, when she addressed the Western Australian conference for microeconomic reform last October, that the State was not just beginning in that area but that its economic performance had probably been the most abiding concern of the Western Australian Labor Government since it was first elected. I therefore ask the question: If it has been of such abiding concern for eight years, what has it achieved? We know that the rate of unemployment in Western Australia is higher than at any other time since the Depression of the 1930s, and that bankruptcies among small business people are at an all-time high. Some of the factors that have contributed to that situation are of international magnitude; for instance, world commodity prices are certainly beyond the control of State Governments and, some would argue, any Government. However, opportunities and solutions exist such as digging this country out of the foreign debt hole it has been put into in recent years. That can be addressed by Governments. I accept that our foreign debt is more a Commonwealth than a State responsibility. However, there are matters related to microeconomic reform that can be addressed by this State Government and many other matters that need to be addressed to remove some of the impediments currently facing private industry in an attempt to improve its efficiency.

We should be considering the burden of taxes imposed on businesses and the community by the State Government. The Premier has from time to time promised that there would be no further increases in payroll tax and stamp duty. If one goes out into the community and asks business to cite two of the big burdens imposed on it by the State Government it will nominate payroll tax and stamp duty. Members would be aware that the State Budget, which I said earlier is this year of the order of \$5.072 billion, gets \$1 billion of its revenue from payroll tax and stamp duty. The Premier stated recently that she would be proposing an end to payroll tax and stamp duty at the special Premiers' Conference to be held in July, I understand. She claims that these taxes could be replaced by a guaranteed share of income tax from the Federal Government, provided Canberra agreed.

The Opposition has considered the Premier's comments, and while it agrees that something must be done about payroll tax and stamp duty it does not want to have to go cap in hand to Canberra to sort out the State's problems. The Liberal Party in Opposition has proposed as part of its policy to win the next election and return to Government to put an immediate moratorium on the payment of payroll tax for new employees. Members would be aware that payroll tax is a direct tax on employment, and Western Australian industry should not be prevented from taking on any more workers during this difficult economic time. Obviously the moratorium would have to apply to the number of people hired above a company's present work force. It will be put in place as soon as we are returned to Government and will remain in place for the following 12 months, during which time we will review the situation with a view to increasing the period of the moratorium or increasing opportunities in that area; that is, allowing it to cover more than just new employees.

Members are aware that just prior to the State election in 1989 the Liberal Party announced that it intended to phase out payroll tax in its first two terms in Government. This is another indication that the Liberal Party recognises that payroll tax is a burden on business and private industry and that something must be done to reduce that tax burden. The other area of importance in microeconomic reform is job training. No other area is as important to concentrate on, because a huge number of school leavers are out of work in this State.

I referred earlier to the document "Progress and Priorities" published by the Government in December 1990. If members study that document closely they will find that the Government was congratulating itself for the progressive reform it believed it had implemented of the TAFE system. What it was really saying was that it had cut the real level of expenditure on vocational training, an area important in creating opportunities for new jobs through job training. The 1990-91 State Budget provides an increase of only \$1.9 million in TAFE funding. If one works out the inflation rate one finds that in real terms there has been a cut of the order of seven per cent. I argue that the Government was wrong in congratulating itself on its microeconomic reform in the job training area. However, the Liberal Party does have a blueprint for that area and has called on the Government not to decrease funding for TAFE but to increase it, recognising that many young people in Western Australia need to gain the knowledge, skills and experience that employers are looking for.

Microeconomic reform within the public sector was mentioned in the policy statement the Government published in 1990. Westrail was singled out for particular praise. I join the Government in recognising the tremendous work that Westrail has done and the remarkable turn around it achieved during the 1980s from what was a debt ridden, heavily subsidised Government body to a more streamlined and commercially geared transport authority which is seen by many as a success story of which the Government can be proud. That is not to say that Westrail has completed its reform process. Certainly, the Commissioner for Railways, Dr Jim Gill, is entitled to be congratulated on the achievements of Westrail in recent times. Mr Jim McCullough, the former commissioner, was also responsible for much reform in that area. In his address he gave to the Western Australian conference on microeconomic reform last October, Dr Gill discussed the transformation of Westrail as an example of microeconomic reform. He pointed out that the authority had reduced its deficit in real terms since 1984 by 80 per cent, from \$68 million to \$13 million, while at the same time reducing its freight rates by almost 33 per cent in real terms.

Also appearing in the "Progress and Priorities" document to which I referred earlier is the Government's statement about the State Energy Commission of Western Australia. The Government has said that SECWA has a lot of room to continue to reform its organisation. The Government again congratulated itself on what it had done to date. If one researches the situation of SECWA and analyses just what changes have been made to that organisation in recent times, one finds that since 1984-85 SECWA has more than doubled its output in gigawatt hours sold per employee and has increased the number of customers served per employee by almost 40 per cent. On the surface that is commendable, but while some progress has been made by SECWA in that particular area, there is no mention in the Government's document of the reason that cheaper electricity prices for industry have not accompanied the impressive increase in productivity that is reported by the Government.

One of the biggest inhibitors to Western Australia's gaining more employment opportunities through increased industry is the high cost of power in this State. Until such time as we can complete the reforms that are necessary to SECWA - and part of those reforms is the need for commercialisation of SECWA's operations and, more than that, competition with SECWA by the establishment of private enterprise power stations - we will not see cheaper electricity prices, even though the Government has promised a reduction in the price of electricity over the next few years as a result of recent negotiations it had with the Collie Coal Miners Union and the coal companies in that area.

I referred earlier to the article written by Mr Paul Brennan of the Westpac Banking Corporation. Mr Brennan has also analysed the reforms of SECWA, and states -

Despite large employment reductions in State energy commissions during the second half of the 1980s, analysis undertaken by the industry commission suggests that if labour productivity levels applying in some overseas countries . . . had been achieved in all State electricity systems, electricity costs could have been reduced by about \$380 million in 1987-88.

The Government suggests also that one of its microeconomic reform priorities is industrial development. The Opposition is more than happy to work hand in hand with the Government to try to achieve that objective. However, in the end microeconomic reform is not about the Government's producing glossy magazines and brochures aimed at giving the Government self-praise and self-congratulations for what it has achieved to date.

Microeconomic reform is all about achieving the real objectives. It seems to me that even with the assistance of the Opposition, if the current Labor Government were to remain in office for much longer in this State, it would be a case of yes, the Government tried, but it did too little, too late. The Liberal Party and the National Party remain committed to microeconomic reform in this State, and we will continue to try to achieve our objectives.

I turn now to parliamentary regulations or, as that is sometimes referred to, delegated legislation. I have noticed in this House and, indeed, when I was a member of the other place that a proliferation of regulations, by-laws, determinations and orders seem to be made by the Government. It is true that these laws are made by Government Ministers outside the Parliament but are the subject of Parliament's authority; that is, in respect of regulations, the Standing Orders provide that regulations can be disallowed under certain circumstances. One of the reasons that I raise the matter of delegated legislation tonight is that I recently had reason to look at the *Government Gazette* which was published on 17 May 1991.

Hon Reg Davies: Did you have to purchase the *Government Gazette* yourself?

Hon John Halden: That is absolutely inane. It is probably the best he could do.

Hon GEORGE CASH: I recognise the interjection by Hon Reg Davies because it refers to advice that we received recently from the Government that the Opposition parties would no longer be provided with a copy of the *Government Gazette* because the Government could not afford to provide them with one. Members would know that the *Government Gazette* is generally published on a weekly basis. I say to Hon John Halden, who is a Parliamentary Secretary in this Chamber, that the comments of Hon Reg Davies have a considerable amount of merit because Hon Reg Davies is a member of the Standing Committee on Delegated Legislation and he knows the importance of members being kept up to date on what regulations, orders and other matters are published in the *Government Gazette*. It is a matter of regret that Opposition parties are no longer provided with the *Government Gazette* to enable them to carry out their duties in a responsible manner.

I received a copy of the *Government Gazette* of 17 May this year, and noticed in that particular publication that in that week alone no fewer than 39 statutory instruments were gazetted under six separate Acts. That is 39 matters which Opposition members or members generally would be required to consider to ensure that they are discharging their obligations to their constituents and understand just what the Government is doing in the area of regulations and orders. The questions that I pose, given that the use of delegated legislation is increasing at an alarming rate in this State and, indeed, also at the Federal level, are: First, should that trend continue or should it be regarded as a threat to the authority of Parliament; and, secondly, are the current safeguards against the creation of undesirable rules and regulations adequate? We must look at this issue not just as parliamentarians but also from the point of view of those whose lives and businesses are affected by delegated legislation, and understand that while we in the Parliament have access in a limited way to the regulations that are published weekly in the *Government Gazette* and, indeed, are tabled in this House, many people in the community have no idea at all about just what regulations are coming into operation from time to time.

Hon Fred McKenzie: We used to have a copy of the *Government Gazette* available outside the Chamber. Has that now gone?

Hon GEORGE CASH: As I understand it, a copy of the *Government Gazette* is made available to all members and is located in the corridor, just outside the Chamber. I think that is still there. The point I was making is that the Secretary of the Parliamentary Liberal Party was in fact given a copy of the *Government Gazette* every week, and because that copy was the secretary's personal copy or the party's personal copy, matters in that *Government Gazette* were raised at various party meetings, and it was obviously an important part of the parliamentary procedure. I remind members that copies of the *Government Gazette* are also available in the Parliamentary Library, so it is not as though they cannot be found. It seems to me that, to restrict members' proper access to what is a very important Government publication, is an interesting way for the Government to try to save money.

Hon Fred McKenzie: I cannot believe it. It is so pointless.

Hon GEORGE CASH: That is the point I am making. When we talk about microeconomic reform and look at some of the other areas which require microeconomic reform - and we

support the Government in many of the areas on which it is working in respect of microeconomic reform - I do not think that refusing to provide the Secretary of the Parliamentary Liberal Party with a copy of the *Government Gazette* each week will make a huge difference to the economy of this State. In fact, many would argue that if we were given the *Government Gazette* we might be able to discharge our duties in this Parliament a little better.

Hon Fred McKenzie: It may be an overzealous bureaucrat; I will look into it.

Hon GEORGE CASH: I agree with the honourable member. In fact that is part of the argument I want to develop on delegated legislation. Members should recognise the role of the bureaucrat in producing regulations. While we see various Bills coming into this House, and we as members have an opportunity to speak on any clause of any Bill, the Chairman of Committees and his deputies go out of their way to see that every member here has an opportunity to speak. There is no question about that. When it comes to regulations, however, because they are developed by the bureaucrats and because they are produced in the volumes that they are today, quite often Ministers do not have the time to understand many of them fully. It seems to me that, with the obligations members of Parliament have on their time, laws are being made in the form of delegated legislation which are not receiving the attention I would like to see them receive in the Parliament. I accept that this Parliament has a committee charged with the responsibility of considering delegated legislation. In fact Hon Margaret McAleer from the Liberal Party side is the deputy chairman of that committee, and Hon Reg Davies from the Liberal Party is our other member on that committee. I know the amount of time they put into that committee to consider various regulations. I understand, Mr Deputy President (Hon Garry Kelly), you were once a member of that committee. It is interesting to look at the terms of reference of that committee.

The DEPUTY PRESIDENT: I am a little worried; I believe I am still a member.

Hon GEORGE CASH: I note here, Mr Deputy President, that you still are; that is right. The terms of reference of the committee, as stated by its chairman, Hon Tom Helm, are that it should consider and report on any regulation that -

- (a) appears not to be within the power or not to be in accord with the objects of the Act pursuant to which it purports to be made;
- (b) unduly trespasses on established rights, freedoms and liberties;
- (c) contains any matter which ought to be dealt with by an Act of Parliament; or
- (d) unduly makes rights dependent upon administrative, not judicial, decisions.

That comes from the latest report of the Delegated Legislation Committee tabled in this House not so long ago. However, despite the tremendous work done by that committee, the Parliament should consider whether the way in which the Parliament considers regulations, orders and other determinations published in the *Government Gazette*, and which become law without the scrutiny I would like to see by the Parliament, is the way for laws to be made. A number of safeguards can be put in place, and I am sure that the Delegated Legislation Committee would argue that they are in place. I want to note those before concluding my comments on this area.

The first safeguard, which is obviously a very important one, is the fact that the delegation of legislative power should not be vested in a person or a body not accountable to the Parliament. That raises the very important question of accountability to Parliament. The second safeguard which must be in place is that the parent Act must incorporate restraints against the potential abuse of delegated legislation. To put it in another way, the parent Act must be worded precisely enough to lay down specified limits within which the Minister or the local authority may make regulations. The third area which must be considered is that adequate publicity must be given to delegated legislation, because without the publication of the regulations, and without the publication of the legislation, it could be said that the community is being governed by secret laws. The fourth area is that there must always be an opportunity for the Parliament to ensure that the means are available to review the delegated legislation and rescind that delegated legislation if the Parliament so desires. The area of delegated legislation is a huge one. It is not one I shall have sufficient time to speak on at length tonight, but I have a particular interest in it, and from time to time I shall pursue that interest to ensure that regulations, orders and other determinations which come into this

House receive the scrutiny which the community would expect from their members of Parliament.

Another area I want to touch on is a matter which affects the Minister for the Environment, Bob Pearce. Comments attributed to him appeared in the Press following a decision of the Full Bench of the Supreme Court in April of this year. A Bill was introduced into the other place to amend the definition of "pollution" under the Environmental Protection Act. I make it clear that any comments I make will not impinge on the Standing Order which would prevent my discussing matters which are currently under debate in that other place. I will refer to comments directly attributable to the Minister for the Environment on the Supreme Court decision by the three judges who comprised the Full Bench when they considered an appeal from a magistrate's decision on the question of pollution at the Nullaki peninsular in the south west of the State. That gives members a brief background to what I want to discuss, but in more specific terms I refer to statements reported to have been made by the Minister for the Environment on 10 April 1991 and published in *The West Australian*. He was quoted as saying that the Full Bench of the Supreme Court of Western Australia was wrong in its decision to allow the appeal by Palos Verdes Estates Pty Ltd against a conviction under the Environmental Protection Act of 1986. I would argue that some of the Minister's comments are a contempt of the Supreme Court. Mr Pearce was reported as having said that the Supreme Court -

- (a) Had made "The strangest decision I have seen in all my born days"
- (b) "The verdict was a great shame"
- (c) "I would have thought that Judges at that level would have been a bit more sensible"
- (d) "I found it bizarre that a case could be dismissed on a ground like that"
- (e) That he considered that it was not up to the court to decide what Parliament had in its mind

In a radio interview on the morning of 10 April 1991 the Minister for the Environment admitted to having read the Reasons for Judgment and advised the public on radio in the following terms -

"If you read the Judgement you would see the sort of twists and turns that the court had to go through to try and pretend or to rule that the clear words of the Act are not to be taken seriously, because the Act itself as drawn is very wide."

In stating that he would introduce legislation to preclude such a judgment in future, the Minister for the Environment went on to say -

"The last thing we can afford is to have this rushed in a way that could give the scope for a quirky court decision in the future which just undoes all our work again."

I continue to quote from my review -

1. Given that each of the three Judges found with relevant reference to precedent that they were obliged to dismiss the case due to the administrative incompetence of the Minister for the Environment in authorising the prosecution.
2. All three Judges found that they would also be obliged to dismiss the case as the section of the Act chosen to make the prosecution required such a wide definition that it would render the bulk of the population liable to prosecution at the whim of the Minister and that this was clearly not the intent of the Parliament when passing the legislation.

Hon John Halden: What were the administrative problems?

Hon GEORGE CASH: I will raise that in a moment. In fact, for Hon John Halden's benefit I will table the document so that what I am saying is quite clear, and that will allow the Minister or others to make a response to the matters that I raise. I say these matters are very serious and are viewed by some - and I say "some" to include members of the legal profession in this city - as having been a contempt of the Supreme Court.

Hon Garry Kelly: That was rubbish.

Hon GEORGE CASH: No doubt members will be aware that I have raised questions with the Attorney General in respect of this matter. I will continue to quote from my review -

3. These matters of law were clearly set out in the "Reasons for Judgement" published by the Supreme Court and that the Minister had read these Reasons prior to making the statement.

I contend

- a. That the Minister for the Environment should immediately apologise to the court to remedy the unwarranted public denigration of its competence and integrity.
- b. That the Minister for the Environment went beyond the bounds of reasonable criticism and thereby brought the Supreme Court into ridicule.
- c. That failure to remedy the incorrect statements made by the Minister for the Environment to the public will be judged to be conduct unbecoming of a Minister of the Crown, particularly in view of the relationship that exists between the Executive and Judicial arms of Governance.
- d. That a failure to remedy the incorrect advice given by the Minister for the Environment to the public is a serious abrogation of the terms of his Ministerial Oath of office.
- e. That the Attorney General in failing to admonish the Minister for the Environment has seriously neglected his duty to ensure that our Courts are not subjected to unwarranted and unreasonable ridicule by Members of the Government.
- f. That the Attorney General should report as to whether the Minister for the Environment has any reasonable matters of fact to support his statements and if not what action he will take as the Government's senior legal representative to ensure a true public perception of the Supreme Court's integrity in this matter.

I said in response to an interjection by Hon John Halden that I would be pleased to table my report, which I have entitled "A review of the propriety of the Minister for the Environment in reflecting adversely on the competence of the Supreme Court of Western Australia", and in a moment I will seek leave of the House to do so. I point out that there is a need for interested members to read the review - which, I might say, has taken me some weeks to consider and to collate - and the accompanying Reasons for Judgment handed down by the Full Bench of the Supreme Court, and to read them together, so that there cannot be any misunderstanding of my intent in publishing this document or any misunderstanding or misinterpretation of the reasons given by the Full Bench of the Supreme Court for its decision in this matter. The contempt that I say occurred when the Minister for the Environment made certain statements in respect of the judgment of the Full Bench of the Supreme Court really does touch on the question of the doctrine of the separation of powers between the Legislature, the Executive and the judicial arms of the State, and that area is covered in this report.

In response to an earlier request by a member on the Government benches, I seek leave to table this report and I trust the House will grant that leave so that members may gain a proper understanding of the comments I have just made.

Leave granted.

[See paper No 413.]

Hon GEORGE CASH: I thank the House for granting that leave. The matters I raise in this document are serious. I have said I believe that the Minister for the Environment is in contempt of the Supreme Court in this State because of remarks that were attributed to him and remarks which he has admitted having made in the Parliament.

It is clear that from the time left in today's debate I will not be able to cover this matter in any great depth. I therefore invite members to consider the report that has now been tabled. Again I indicate the Opposition's support of the Bill.

Hon Fred McKenzie: Before you sit down, due to some good work on the part of the Secretary of the Parliamentary Liberal Party, the provision of the *Government Gazette* has been reinstated.

Hon GEORGE CASH: I thank Hon Fred McKenzie for his interjection, and the advice it contained. It refers to an earlier comment I made that the Government, as part of its cost cutting exercise, had advised the Parliamentary Liberal Party that it could no longer afford to provide a free copy of the *Government Gazette* to the Secretary of the Parliamentary Liberal Party on a weekly basis. I am pleased to hear now that, through the good offices of Hon Bill Stretch, the matter has been redressed and that publication will be made available.

Debate adjourned, on motion by Hon J.N. Caldwell.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON KAY HALLAHAN (East Metropolitan - Deputy Leader of the House) [5.58 pm]: I move -

That the House do now adjourn.

Adjournment Debate - Environment - Liberal Party Policy

HON SAM PIANTADOSI (North Metropolitan) [5.59 pm]: I will not keep the House long, but as I indicated during the week, I will endeavour to set the record straight on the Liberal Party's environmental policy. In fact, I have managed to obtain a copy of it.

Hon Garry Kelly: They are hard to come by - they are as scarce as hens' teeth.

Hon SAM PIANTADOSI: Yes, they are, and I can understand now why Hon Phillip Pental, the Opposition spokesman on the environment, proposed to put a highway through the Gngara pine plantation.

Hon George Cash: We have never proposed the construction of a highway through Gngara.

Hon SAM PIANTADOSI: It is here in writing. Page 12 of the document clearly indicates that that is the case. Nowhere does that policy, especially in respect of water, touch on ground water - which is where 70 per cent of the supply for the metropolitan area comes from. Of course, the Gngara mound is probably the largest supplier of ground water to the metropolitan scheme -

Hon Reg Davies: Your Government wanted to build an airstrip there.

Hon SAM PIANTADOSI: I can understand the proposal of Mr Pental -

Hon P.G. Pental: I didn't make that proposal - not that the facts should interfere with your story.

Hon SAM PIANTADOSI: Over the next week during the debate on the Supply Bill I hope to touch on this policy and a few other policies of the Opposition. I will try to set the Opposition on the right path regarding what occurs with water.

Hon W.N. Stretch: Do you have any water policies?

Hon SAM PIANTADOSI: I do this out of respect for the constituency - and that is where Mr Pental has lost his way.

Hon P.G. Pental: This is to salve your conscience, after putting cockroaches in the water supply.

Hon SAM PIANTADOSI: Hon John Halden pointed out that Mr Pental was visiting the family - so Mr Pental should not talk to me about cockroaches. He is of the opinion that the member knows more about this than I do. On 1 May, Hon Phillip Pental directed a question to the Minister for Education representing the Minister for the Environment as follows -

- (1) Why did the Environmental Protection Authority in late 1987 approve the ammonia project on the Det Norske Veritas risk analysis of a "risk-exclusion" area of 500 metres and the immediate loading/unloading facility and then, in 1990, alter the range to 2 000 metres?
- (2) At what point was it believed that any risk warranted such an alteration?

The answer received from the Minister for the Environment was as follows -

- (1) The Det Norske Veritas risk analysis prepared in 1987 for the ammonia-urea project did not refer to a risk exclusion area of 500 metres.

Wrong again!

Hon P.G. Pental: The Kwinana Shire Council disagrees with you. You are making a fool of yourself.

Hon SAM PIANTADOSI: Over the past week, we have corrected the honourable member on three occasions.

Hon P.G. Pental: You have not done that at all.

Hon SAM PIANTADOSI: It is obvious that the member is in desperate need of help. This document is further proof of that. I suggest that the Minister representing the Minister for the Environment in this place consult that Minister and seek an undertaking to allocate an officer of his department to assist the honourable member with the drafting of his questions, and to assist the Opposition with policies, because it is obvious Mr Pental either has lost touch or has never been in touch with these matters. If these are the policies by which he is guided he will never be in touch. If by chance Mr Pental becomes the Minister for the Environment, I would only say: God save Western Australia!

Adjournment Debate - Resource Assessment Commission Questionnaire

HON R.G. PIKE (North Metropolitan) [6.03 pm]: The House should not adjourn until it has considered the following information: One of my constituents recently received a request to complete a questionnaire from a Federal Government agency - in this instance, the Resource Assessment Commission. By way of background information, the commission was established under the Resource Assessment Commission Act 1989 and, in that legislation, its stated functions are as follows -

The functions of the Commission are to hold inquiries, and make reports, in respect of resource matters in accordance with this Act.

The letter accompanying the questionnaire, signed by the commission's chairperson, Mr D.G. Justice Stewart, states -

The Resource Assessment Commission has been asked by the Australian Government to conduct an inquiry into options for the use of Australia's forest and timber resources. I am writing to ask if you would help with this important national project by completing the attached questionnaire.

The questionnaire asks for your personal views on a range of issues concerning Australia and its forests.

Also:

Your name has been chosen from a random sample taken from the Commonwealth electorate roll. All information will be kept confidential.

My concern over this document arises because of the nature of the questions which are asked in the questionnaire. Under section A, General Issues, question A.7 asks -

In political matters, generally speaking, do you usually think of yourself as closer to any particular party - the Liberal Party, ALP, the National Party, or what?

- | | |
|--|---|
| Closer to the Liberal Party | 1 |
| Closer to the Labor | 2 |
| Closer to the National (Country) Party | 3 |
| Closer to the Australian Democrats | 4 |
| Other (please specify) | 5 |

Now, if that were not incredible enough in itself, question A.8 asks -

Would you call yourself a very strong, fairly strong, or not very strong supporter of that party?

Very strong supporter 1

Fairly strong supporter 2

Not very strong supporter 3

What has this to do with Australia's timber resources? One may well ask! Furthermore, it is very disturbing to realise that participants' names are given a code number, and that all information supplied is then entered into a computer where it is stored permanently. My concern is about the reason questions of this sort need to be asked in the first instance. I was under the impression that one's vote in a democratic country is a personal and private matter, and does not have to be disclosed to anyone whatsoever. Although some respondents may choose to freely give this information, there may well also be a certain percentage who think it is compulsory to give such information because it is being requested by a Government agency. That happens a lot in our community. Migrants and elderly people are two such categories which spring to mind. These questions should never be asked.

Confidentiality of information is a sorely vexed question in these days of mega-computer networks. I understand that various Federal Government departments, including the Department of Social Security, the Department of Veterans' Affairs and the Taxation Office are mounting a campaign now against social security fraud by comparing and checking data from their respective data bases, which will involve the transfer of information on individuals from one department to another. In the case of the community attitudes survey from the Resource Assessment Commission, which comes under the ministerial portfolio of Prime Minister Hawke - and that is the one I am talking about - we are assured that no interdepartmental transfer of information will occur. This is the same line which all Government departments fed us in days gone by, but the example quoted shows there are no longer any guarantees that this will not change at some future time. Some of the questions on the survey could be construed as nothing more than thinly veiled attempts to extract personal information under the guise of needing to know what the community feels about environmental matters. For example, in section B, headed The Environment, question B.9 asks -

For each of these groups and movements, could you indicate how likely you are to join each of them, or are you already a member?

Groups campaigning to protect the environment

Groups concerned with stopping the mining and export of uranium

Anti-war and anti-nuclear weapons movements

Four answer categories follow -

1. I am a member
2. I'm not a member but I have considered joining
3. I'm not a member and I haven't considered joining
4. I certainly would not consider joining

I cannot imagine how this information will assist the Federal Labor Government to make better decisions regarding the use of our natural timber resources - and I remind members that that is the purpose of the questionnaire - but I can easily imagine that information of this nature taken from a wide cross-section of the Australian population would give the Federal Labor Government a much clearer perception of voters' attitudes and would be enormously valuable in determining popular environmental policies come election time. This scenario is particularly valid given the importance of the green vote in the last Federal election.

These questions are a gross violation of the privacy of the individual; it is disgraceful that they should ever have been included in the survey at all. How dare this quango ask for such information and such questions, which respondents are lamely assured will be kept confidential, when the confidence has already been breached! I assume the commission's bureaucrats are hoping that the majority of respondents will be like the frog in the fable which was placed in a saucepan of cold water and did not notice the gradual increase of

temperature until it was too late; I can come to no other conclusion, especially when I read the final section relating to personal background. In this section, respondents are asked to provide all manner of personal information, including sex; year of birth; marital status; age on leaving school; tertiary education details; trade or other qualifications; occupation details, including full job title, award or Government designation; what one produces and the tools worked with; employer details or whether self-employed; and whether trade union or staff association membership is held.

We are seeing the tentacles of a Federal Labor Government dedicated to centralist control reaching into the personal lives of individuals in this once great democratic country of Australia. I urge all Australians, and Western Australians in particular, to resist the erosion of their right to privacy, to resist the subtle - and not so subtle in this case - attempts by Government and bureaucracies to extract unnecessarily invasive personal information which is to be stored on computer in Canberra. People must resist the Hawke Labor Government's Orwellian, 1984-type tactics and defend the rights of the individual while these rights remain.

It may be that this House of Parliament is divided into three parties, and we may have association with our designations in the Federal sphere. However, I indicate to Labor and National Party members in this House that if this type of pervasive activity into the rights of the individual is allowed to continue, we will become the model set by George Orwell. This was seen when the Hawke Government allocated \$36 000 to each of its members to send letters to constituents. That matter was defined in the High Court as illegal, and later ratified. The information given to the Federal bureaucracy in the name of a questionnaire on timber resources is an absolute manifestation of an intrusion into one's home and an abrogation of one's rights! There is no better time for this matter to be brought to the attention of the people of Western Australia.

Adjournment Debate - D-Day Anniversary

HON GARRY KELLY (South Metropolitan) [6.13 pm]: I remind the House that today is the forty-seventh anniversary of the allied invasion of occupied Europe which ultimately led to the defeat of Nazi Germany and the end of the Second World War. It is appropriate to remind members of this significant day in world history. The allied invasion of German-occupied Europe on D-Day in 1944 has led to a profound change in the face of Europe, and some of those changes have only been unravelled in the last few years through the collapse of communism in the Eastern Bloc. In drawing this anniversary to the attention of the House I hasten to add that, unlike some venerable members of this House, I do not remember D-Day; I came along a couple of years later. I remember seeing the film *D-Day the Sixth of June* in the 1950s when I was six or seven.

Hon P.G. Pandal: Mr Berinson was in the film!

Hon J.M. Berinson: I was too old to participate at the time.

Hon GARRY KELLY: An event in the history of the world as significant as D-Day should be remembered by the House.

Question put and passed.

House adjourned at 6.14 pm

QUESTIONS ON NOTICE

AMMONIA PROJECT - DET NORSKE VERITAS RISK ANALYSIS
Risk Exclusion Area 500 Meters - Environmental Protection
Authority Approval

363. Hon P.G. PENDAL to the Minister for Education representing the Minister for Environment:

- (1) Why did the Environmental Protection Authority in late 1987 approve the ammonia project on the Det Norske Veritas risk analysis of a "risk-exclusion" area of 500 metres and the immediate loading/unloading facility and then, in 1990, alter the range to 2 000 metres?
- (2) At what point was it believed that any risk warranted such an alteration?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Det Norske Veritas risk analysis prepared in 1987 for the ammonia-urea project did not refer to a risk exclusion area of 500 metres.
- (2) Not applicable.

FOREST FOCUS - LANDSCOPE
Members of Parliament's Copies

479. Hon D.J. WORDSWORTH to the Minister for Education representing the Minister for Environment:

- (1) In the past, were members of Parliament placed on the mailing list for *Forest Focus* in an endeavour to ensure that they were fully conversant with the objectives of Government and departmental policy?
- (2) Why are members not sent complimentary copies of *Landscape* when requested by those members?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) All members of Parliament are sent a copy of *Landscape* and *CALM News* on publication. Departmental records indicate that the member remains on the mailing list. I will ensure that the member is provided with any copies he has not received.

INDUSTRIAL AND COMMERCIAL EMPLOYEES HOUSING AUTHORITY -
KARRATHA RESIDENCES

486. Hon N.F. MOORE to the Attorney General representing the Minister for Housing:

- (1) Does the Industrial and Commercial Employees Housing Authority own any residences in Karratha?
- (2) If so, is it correct that existing tenants are being required to vacate the premises?
- (3) If so, why?
- (4) What arrangements are being made to find alternative accommodation for the evicted tenants?

Hon J.M. BERINSON replied:

- (1) Yes, 68 houses.
- (2) Yes.
- (3) Due to the completion of work on the Burrup Peninsula in 1990 and prior to Woodside Petroleum being awarded a contract in Karratha, many commercial and industrial companies closed or rationalised their operations in the town

and vacated the Industrial and Commercial Employees Housing Authority's houses. As there was no demand from the ICEHA applicants the vacant houses were placed with real estate agents to be let privately. Currently 40 properties are managed by agents on ICEHA's behalf. The agents when letting the houses to private tenants informed the tenants that should ICEHA require the houses due to demand from their clientele they would be required to vacate the accommodation.

Since the award of the contract to Woodside demand for accommodation has returned from industry and commerce and the return of houses managed by the agents has been requested by ICEHA. Sixteen private tenants have been given 30 to 60 days' notice depending on the terms of their tenancy by the agents.

- (4) ICEHA has arranged a meeting with the member for Ashburton and the State Development Department, who are supporting the establishment of industry and commerce in the town, to discuss the accommodation shortage and possible ways of alleviating this.

HOSPITALS - KALGOORLIE REGIONAL HOSPITAL
Elective Surgery Operations

487. Hon N.F. MOORE to the Minister for Education representing the Minister for Health:
Further to question on notice 337, will the Minister advise -

- (a) the number of elective surgery operations that were conducted during the month referred to in the question and answer; and
- (b) the reasons for the 25 cancellations of elective procedures last month, other than the three referred to in part (4) of the answer to question 337?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

- (a) There were 162 operations conducted for elective surgery during the month in question.
- (b) There were 25 cancellations.

Two operations were cancelled for personal reasons by the patient -

Two were cancelled for medical reasons.

Six were cancelled because the local surgeon was unavailable.

Three were cancelled to accommodate emergencies.

One caesarian was cancelled as the patient delivered unassisted.

Two cancelled because the patient ate during fasting period.

Three cancelled because visiting surgeon was unable to attend.

One cancelled because of the unanticipated length of time taken in an earlier operation.

Two cancelled for personal reasons by surgeons.

In addition, three operations were cancelled due to temporary bed shortages as previously advised.

POLICE - ABORIGINAL POLICE AIDE SCHEME
Reviews and Recommendations

504. Hon GEORGE CASH to the Minister for Police:

- (1) How many reviews of the Aboriginal police aide scheme have occurred since the scheme was established?
- (2) What recommendations have flowed from the various reviews of the scheme?
- (3) What action has been taken to implement the recommendations?

Hon GRAHAM EDWARDS replied:

- (1) Two reviews of the police aide scheme have been held since it was established. One in 1987, the other in 1989.
- (2) Forty recommendations flowed from the 1987 review and 31 from the 1989 review.
- (3) Thirteen of the recommendations of the 1987 review had been introduced by the time of the 1989 working party. Eleven others were being addressed and taken on board by the working party conducting the 1989 review. Sixteen were considered no longer relevant, necessary or were impracticable. The review was submitted to Cabinet on 20 October 1989 who in turn submitted the review to the Commissioner of Aboriginal Deaths in Custody and the report of the Royal Commissioners is presently being considered by Government and its agencies.

NATIONAL PARKS - YANCHEP NATIONAL PARK

Road Works and Car Park Proposal

505. Hon GEORGE CASH to the Minister for Education representing the Minister for Environment:

- (1) Is the Minister aware of the concern expressed by the Friends of Yanchep National Park in respect of the proposed changes to the road system within Yanchep National Park?
- (2) What is the likely cost of the proposed road works and car park?
- (3) Given the deterioration of many of the long standing park facilities why is the expenditure not directed to improving those facilities?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) \$190 000 - \$205 000.
- (3) Some expenditure is being planned for improving other facilities. The McNess House, for example, is currently being restored, according to the management plan. Other facilities are also listed for improvement. The expenditure in (2) above is funded from a specific allocation from Main Roads Department. It is also at the highest level of priority in the management plan. The consequent works will improve vehicle circulation, lessen the impact of vehicles near the lake, and markedly improve the layout of entry into the lake area.

ENVIRONMENTAL PROTECTION AUTHORITY - SEAGRASS MEADOWS

Expert Officers Employment

506. Hon GEORGE CASH to the Minister for Education representing the Minister for Environment:

- (1) Does the Environmental Protection Authority employ officers who have expert knowledge on seagrass decline and regeneration?
- (2) If the answer is yes, has the Minister asked the EPA to assist the Swan River Trust to prevent seagrass meadows in the Swan River from dying?
- (3) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

No. Some Environmental Protection Authority staff are specialists in marine ecology which is the interrelationship between animals and plants in the marine environment. The EPA commissions expert advice on seagrass decline and regeneration from the CSIRO,

particularly Dr Hugh Kirkman of Marmion. However, the species of seagrass common in the Swan River is a minor species in the marine environment off Perth.

(3) Not applicable.

WASTE MANAGEMENT AUTHORITY - GOVERNMENT ESTABLISHMENT

507. Hon GEORGE CASH to the Minister for Education representing the Minister for Health:

- (1) Is the Government to establish a waste management authority?
- (2) If not, why not?
- (3) If the answer to (2) is yes, which department will have responsibility for the establishment of this authority?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

(1)-(3)

The Government is currently reviewing the coordination of waste management in WA. The review has not been completed and no decision about the future administration of waste management made.

**POLICE DEPARTMENT - CO-OPERATIVE BULK HANDLING WEIGHBRIDGE
DOCKETS
Assessments**

510. Hon E.J. CHARLTON to the Minister for Police:

- (1) Are the police accessing or attempting to access, Co-operative Bulk Handling weighbridge dockets?
- (2) If yes to (1) for what purpose and under what authority?

Hon GRAHAM EDWARDS replied:

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

**POLICE DEPARTMENT - WARRANTS ON OFFENDERS
Average Cost - Unpaid Fines**

512. Hon GEORGE CASH to the Minister for Police:

- (1) What is the average cost to the Police Department to send officers to serve warrants on offenders?
- (2) Why is it that some unpaid fines dating back to 1972 are only now being followed up for collection?

Hon GRAHAM EDWARDS replied:

- (1) There are no statistics kept of costs involved in the serving of warrants on offenders by police.
- (2) There are approximately 85 000 unserved warrants, dating back to 1967, held on computer at the Central Warrant Bureau. Inquiries are continually being made to satisfy these warrants, which can result in the execution of warrants issued in 1972.

**PRISONERS - COUNTRY POLICE STATIONS
Meals**

526. Hon P.H. LOCKYER to the Minister for Police:

- (1) What arrangements are in place with regard to feeding of prisoners in country lockups?
- (2) How much is paid for each meal?
- (3) How are the meals paid for?

- (4) What checks are made to make sure the system is being carried out satisfactorily?

Hon GRAHAM EDWARDS replied:

- (1) The officer in charge of country policy stations is responsible for providing meals to persons held in lockups.
- (2) As from 1 January 1991: \$4.67 North West; \$4.24 all other areas.
- (3) The officer providing meals submits a meal claim with substantiating records attached. On a monthly basis these are scrutinised before being forwarded to the appropriate authority for payment -

Sentenced and remand prisoners - Department of Corrective Services

Unsentenced prisoners - Police Department

Juveniles - Department for Community Services

- (4) Systems in place for checking claims are -
- The regional police officer is required to satisfy himself of the authenticity of claims prior to forwarding.
- A commissioned officer from the regional police office conducts regular audits of station procedures and bookkeeping.
- The commander of the inspectorate carries out periodic reviews of accountable procedures at stations.
- The finance division provides periodic audit reports in accordance with the Financial Administration and Audit Act.

WITTENOOM RACE CLUB - RACE MEETING APPLICATION

531. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Has the Minister received any correspondence from the Wittenoom Race Club requesting permission to conduct one race meeting this year?
- (2) If so, when was that letter received?
- (3) Has a reply been sent?
- (4) If so, when?
- (5) If not, why has a reply not been sent?
- (6) Does the Government support the Wittenoom Race Club application to run a race meeting?
- (7) If not, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

- (1) A joint letter was received from Councillor Frank Soter, Shire of Ashburton, and Mr Umberto Favero, Chairman - Wittenoom Gorge Race Club.
- (2) 10 April 1991.
- (3) Yes.
- (4) 16 May 1991.
- (5) Not applicable.
- (6)-(7)

The allocation of race dates is the responsibility of the Western Australian Turf Club. Neither the Government nor the Minister has the power to intervene in this dispute.

WESTERN AUSTRALIAN TURF CLUB - LOSS, 1992

532. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Racing and Gaming:

- (1) Is the Minister or Government aware that the Western Australian Turf Club expects to face a \$3.5 million loss next year?
- (2) Does the Government realise that this would require drastic reductions in stake money which would devastate the racing industry?
- (3) Will the Government take steps to reduce the tax burden on the racing industry?
- (4) If not, what steps are being taken to offset the hundreds of jobs that will be lost in the racing industry?

Hon GRAHAM EDWARDS replied:

The Minister for Racing and Gaming has provided the following response -

- (1) Yes.
- (2) The Government is aware that stake moneys cannot be maintained if this level of debt is to continue.

(3)-(4)

The Government recently announced a package of financial concessions, involving tax relief, which will return the racing industry approximately \$3.6 million over a seven month period. An important part of the package was a commitment to undertake a thorough financial analysis of the Western Australian Turf Club and the Western Australian Trotting Association in an endeavour to identify possible inefficiencies and provide the basis for effective planning for the future. This analysis has already begun.

LAND VALUERS LICENCING AMENDMENT REGULATIONS 1989 - RECTIFICATION

Joint Standing Committee on Delegated Legislation - Annual Report Recommendation

539. Hon PETER FOSS to Hon John Halden representing the Minister for Consumer Affairs:

With reference to the annual report of the Joint Standing Committee on Delegated Legislation which was tabled in May 1991, would the Minister advise why no action has been taken to rectify the Land Valuers Licensing Amendment Regulations 1989 as recommended in that report?

Hon JOHN HALDEN replied:

The ministry was concerned that the regulations were published in August with a date of operation from 1 July which in effect was retrospective. Parliamentary Counsel advised that as the ministry had not charged the new fees until after the date of publication and that as legally the regulation could not operate retrospectively there were no problems and that no further action was necessary. Administrative arrangements were then made to ensure that in future cases the operative date for charging fees would be the date of publication in the *Government Gazette*.

SIR JAMES MITCHELL PARK - FORESHORE DEVELOPMENT
Expressions of Interest - City of South Perth, Swan River Trust

541. Hon P.G. PENDAL to the Minister for Education representing the Minister for the Environment:

I refer to the expressions of interest called by the City of South Perth and Swan River Trust in foreshore development on Sir James Mitchell Park and ask -

- (1) What progress, if any, has been made to establish what will, and will not, be permitted in the area?

- (2) Will the Minister table all details of what policy has been adopted, or draft proposals arrived at?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) The Swan River Trust has advertised for public comment on a number of applications to build a kiosk-type development on the Sir James Mitchell Park foreshore. The trust has worked closely with South Perth City Council and will be reporting to me in the near future.
- (2) No specific policy has been adopted by the trust or myself for development on the foreshore. Government policy on development on the Swan River generally and the South Perth foreshore in particular is set out in the Swan River management strategy, which is widely available.

EDUCATION - HOME TUITION *Registration Requirements Draft Report*

542. Hon MURIEL PATTERSON to the Minister for Education:

With reference to the draft report on the requirements for the registration of home tuition providers, would the Minister advise -

- (1) What other Government authorities does the Superintendent of Education intend consulting with to ensure the home is a suitable learning environment?
- (2) Under what regulation is the District Superintendent entitled to do this?
- (3) Why must home tuition only be conducted by the parents of the children concerned?

Hon KAY HALLAHAN replied:

(1)-(3)

The document to which the member refers was an internal working document produced as a first draft during a review of home tuition procedures within the Ministry of Education. The proposed requirements referred to in questions (1) to (3) are no longer in the document which is soon to be submitted to me as a final draft.

LAND ADMINISTRATION ACT *"Proposals for a Land Administration Act" 1990 - Authors' Names*

543. Hon MURIEL PATTERSON to the Minister for Education representing the Minister for Lands:

With reference to a report entitled "Proposals for a Land Administration Act" dated August 1990, would the Minister advise the name or names of the people who were involved in writing the proposals?

Hon KAY HALLAHAN replied:

The Minister for Lands has provided the following reply -

The report was prepared by a consultant, Mr R.W. Mickle, a former senior officer within the Department of Lands and Surveys and the Department of Land Administration, with input from various senior officers within DOLA and with preliminary consultation involving other Government instrumentalities and the WA Municipal Association.

HOSPITALS - ROYAL PERTH HOSPITAL *Curtain Lead Weights*

544. Hon MURIEL PATTERSON to the Minister for Education representing the Minister for Health:

Is lead shot used in curtains that are made for Royal Perth Hospital and other hospitals?

Hon KAY HALLAHAN replied:

The Minister for Health has provided the following reply -

Circular lead weights are used in curtains either made by Royal Perth Hospital or purchased - via contract - for the hospital. Lead weighting of curtains is a common practice in the industry and it would be probable that other hospitals would have similarly fixed materials.

**COMMUNITY SERVICES DEPARTMENT - YOUTH ACCOMMODATION
KARRATHA**

Criminal Investigation Branch, Karratha Inquiry

547. Hon N.F. MOORE to the Minister for Education representing the Minister for Community Services:

- (1) Is the Minister aware that the Karratha office of the Criminal Investigation Bureau has investigated the affairs of Youth Accommodation Karratha and is of the view that gross mismanagement of YAK's financial arrangements has occurred?
- (2) If so, what action has the Minister's department taken to -
 - (a) rectify the problems concerned; and
 - (b) recover the outstanding moneys?

Hon KAY HALLAHAN replied:

(1)-(2)

As a result of a report from the Internal Audit Branch of the Department for Community Services, the Karratha office of the CIB has investigated the affairs of Youth Accommodation Karratha. The department has ensured that the recommendations of the internal audit report have been implemented in full by Youth Accommodation Karratha. The continuing operation of financial management procedures at the agency is being closely monitored through departmental divisional staff in Karratha. The department has requested bank statements covering the period of alleged financial mismanagement. The department has asked the Criminal Investigation Bureau in Perth to investigate the affair.

POLICE DEPARTMENT - SHIRT CONTRACT

Successful Tenderer's Quote

549. Hon GEORGE CASH to the Minister for Education representing the Minister for Services:

With reference to the answer to question without notice 38 given on Thursday, 21 March 1991, would the Minister advise -

- (1) Whether the successful tenderer was requested to quote for the shirts on a made up basis using police fabric?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for Services has provided the following response -

- (1) Yes.
- (2) Not applicable.

FISHING - EXMOUTH

Singapore Aquarium Fishing Licence

552. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Fisheries:

- (1) Has any company or person associated with Singapore interests applied for or received a licence to take fish for aquarium purposes from the Exmouth area?

- (2) If so, when was the application received?
- (3) How many fish will be taken?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following response -

- (1) I understand a local Western Australian company is taking fish for aquarium purposes from the Exmouth region for sale in Singapore.
- (2) November 1987.
- (3) There are no specific restrictions on the number of fish which may be sold. I am advised only a small number so far has been taken.

QUESTIONS WITHOUT NOTICE

PRISONS - EUROPEAN TRIP

Delegation Members

316. Hon GEORGE CASH to the Minister for Corrective Services:

- (1) Who will accompany the Minister on his proposed visit to Europe to study the prison systems in Europe?
- (2) For what period will the delegation be away from Australia?
- (3) Will delegation members be visiting countries other than those in Europe?
- (4) If so, which countries?
- (5) What is the estimated cost of the overseas visit by the delegation?

Hon J.M. BERINSON replied:

- (1) The delegation to travel from Perth includes His Honour Chief Justice David Malcolm; the Chief Stipendiary Magistrate, Mr Con Zempilas; the Executive Director of the Department of Corrective Services, Mr Ian Hill; Director of the Strategic Services Division, Department of Corrective Services, Dr Bob Fitzgerald; and me. Hon Phillip Pendal has been under consideration for this trip, but we do not as yet have a positive response to that proposal!

Hon P.G. Pendal: My passport is ready.

Hon J.M. BERINSON: We shall be joined in Europe for at least part of the time by the Solicitor General, Mr Kevin Parker QC, who is already there as a member of an Australian delegation to the United Nations. I will be accompanied by my wife, but not at departmental expense.

(2)-(4)

The delegation will leave Perth on 25 June. It will conclude its work in London on Monday, 8 July. I will conclude my participation in the delegation on Saturday, 6 July and will extend my stay overseas in a private capacity and at my own expense. I will return to Perth on 22 July. The Chief Justice and the Chief Stipendiary Magistrate will extend their stays in their private capacities, at their own expense, and will return to Perth on 14 July. Mr Hill will return to Perth on 23 July after a visit on departmental business to the United States and Canada. He will be accompanied by Dr Fitzgerald. Dr Fitzgerald will extend his stay, at his own expense, and return to Perth on 28 July.

- (5) Approximately \$68 000.

HOMESWEST - NEERABUP DEVELOPMENT PROPOSAL

Ground Water Control Area

317. Hon GEORGE CASH to the Attorney General representing the Minister for Housing:

I refer to the proposed Homeswest development at Neerabup and ask -

- (1) Is the development in a ground water control area?
- (2) Is water drawn for public consumption from the catchment area in the immediate vicinity of the proposed development?
- (3) If so, will the development have any adverse impact on the ground water in the immediate area or the catchment area?
- (4) Will all the lots created be deep sewerred and fully serviced before they are offered for sale?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) Yes, known as the "Wanneroo Groundwater Area" as proclaimed under the Rights in Water and Irrigation Act.
- (2) Possibly by private semi-rural residents.
- (3) No.
- (4) Yes.

WESTERN WOMEN FINANCIAL SERVICES PTY LTD - FAMILY LAW COURT
Funds Investment Advice

318. Hon P.H. LOCKYER to the Attorney General:

Is the Attorney General aware that on at least one occasion, and possibly more, counsellors at the Family Law Court directed people to invest funds in the Western Women group?

Hon J.M. BERINSON replied:

No.

UNEMPLOYMENT - STATISTICS
Decrease Trend

319. Hon BOB THOMAS to the Minister for Employment and Training:

It is pleasing to note today's unemployment figures which show that the unemployment rate in Western Australia has decreased from 11.1 per cent in April to 10 per cent in May. Will the Minister indicate whether that is a trend?

Hon KAY HALLAHAN replied:

I thank the member for his question on this very important matter.

Hon Barry House: Give us a Paul Keating answer - read a set of numbers.

Hon KAY HALLAHAN: The Government is very pleased with that figure -

Hon P.H. Lockyer: You should be ashamed of a figure of 10 per cent.

Hon KAY HALLAHAN: I ask the member not to frown at me in that way; a decrease from 11.1 per cent to 10 per cent is pleasing.

Several members interjected.

The PRESIDENT: Order! I think Hon Bob Thomas would prefer the Minister to ignore all interjections and answer the question.

Hon KAY HALLAHAN: While the level of employment is still a matter of concern, and certainly the Government is not complacent about it, and realises that a number of things must be done to improve the situation even further, the reduction in the figure is pleasing because it is an early sign of recovery. The Government is not suggesting that the figure will fall by that amount next month, because it is anticipated that the figure will fluctuate around the same percentage point for another two months, but the Government would then look for improvements of a consistent nature.

Another area of interest in Western Australia is the creation of 8 000 new jobs

in May. In April 6 400 jobs were created and that figure is of some significance. Western Australia has recorded the highest level of new job creation nationwide and it certainly outstripped any other State in this area last month.

Another area of concern, but which again is improving, is the rate of teenage unemployment. That has fallen from the extraordinarily high figure of 27.5 per cent in April to 25.1 per cent in May.

Hon P.G. Pental: That is really good!

Hon KAY HALLAHAN: I am not claiming that everything is rosy but members must be encouraged, if they are concerned about the people in their electorates, and they must recognise that downward trend. The Opposition wants to paint the worst possible picture, but it cannot do so with all honesty. Although I agree that the figure is still too high, Western Australia now has the second lowest rate of teenage unemployment in Australia. The national figure is 26.8 per cent. Based on the longer term trend figures from the Australian Bureau of Statistics, an upward trend is apparent in only two States - New South Wales and Western Australia. The Government is not suggesting by any means that the present situation is satisfactory, but it is moving in the desired direction and it is certainly much better for the unemployment figure to be down one per cent than for it to rise by one per cent. I cannot believe that members of the Opposition do not agree with that sentiment.

WESTERN WOMEN FINANCIAL SERVICES PTY LTD - FAMILY LAW COURT *Funds Investment Advice*

320. Hon P.H. LOCKYER to the Attorney General:

Will the Attorney General give an undertaking to the House that he will make urgent inquiries with the Family Court of Western Australia to ascertain whether any counsellors have recommended at any time, and on more than one occasion, that people invest money with Western Women; and be in a position to answer a further question next week?

Hon J.M. BERINSON replied:

I am happy to make inquiries about that but it would be helpful if the member were to provide me with any background which he might have that would give some direction to the inquiry.

QUESTIONS - POSTPONED QUESTIONS

Answers

321. Hon BARRY HOUSE to the Leader of the House:

In respect of the list of postponed questions on today's Supplementary Notice Paper, I have 10 questions which are unanswered: Questions 126, 256, 439, 564, 565, 572 - 574, 587 and 588. Some of these questions have been on the Notice Paper for some months. Can I reasonably expect an answer before the House rises next Thursday for the winter recess?

Hon J.M. BERINSON replied:

Without my knowing the questions and the Ministers involved, I cannot provide a definite answer. I notice that we are now up to question on notice 591, so what looks to me to be about 50 or 60 postponed questions is not bad on the law of averages.

Hon P.G. Pental: About as bad as your unemployment record - 10 per cent!

Hon J.M. BERINSON: If I understood Hon Phillip Pental, he was congratulating the Minister for Employment and Training on her splendid achievements over the last 30 days.

Hon P.G. Pental: Record unemployment.

The PRESIDENT: Order!

Hon J.M. BERINSON: I am happy to see whether anything can be done to expedite these answers, but I cannot go beyond that.

EMPLOYMENT - NEW JOBS STATISTICS
Evidence

322. Hon MAX EVANS to the Minister for Employment and Training:

In respect of the statement that 8 000 new jobs have been created this month, can the Minister elaborate for us how that statistic is worked out?

Hon KAY HALLAHAN replied:

I do not have the formula that the Australian Bureau of Statistics provides us with, but the ABS has faxed to us a package of figures, which indicate that in Western Australia the new jobs that have been created are within the mining, finance and manufacturing sectors.

EMPLOYMENT - NEW JOBS STATISTICS
Evidence

323. Hon MAX EVANS to the Minister for Employment and Training:

The Minister said that 8 000 new jobs have been created; I presume that means that an additional 8 000 people have been employed. Where does the Minister get those statistics from? I know as an employer that employers do not send to anyone records about whether they have employed extra persons, because a person may be employed because somebody else has left. If the Minister cannot give a reply at this stage, can she answer at a later stage?

Hon KAY HALLAHAN replied:

It would be interesting if the member were to put that question on notice because it may require some research. I would not like to sit for an examination on the way the Australian Bureau of Statistics conducts its surveys, but I am told that it is probably the fairest and most accurate representation of the statistics. I may prefer another set of statistics, but I am told the ABS statistics are the most accurate and fair statistics to use, so I constrain myself to the use of the ABS figures.

INDUSTRIAL DEVELOPMENT - WILBINGA OR BRETON BAY
Heavy Industrial Site Decision

324. Hon GEORGE CASH to the Leader of the House representing the Minister for State Development:

Some notice of this question has been given. Has any decision been made in relation to the selection of a heavy industrial site at either Wilbinga or Breton Bay and, if not, when is it anticipated that a decision will be made?

Hon J.M. BERINSON replied:

The Minister for State Development has provided the following reply -

No. A decision will be made when Cabinet has fully considered all the issues involved.

HOMESWEST - NEERABUP DEVELOPMENT PROPOSAL
Road Construction and Facilities Installation

325. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

Some notice of this question has been given.

- (1) When does Homeswest anticipate that road construction and the installation of facilities will commence on its proposed 385 hectare development at Neerabup?
- (2) When will Homeswest commence building on the land at Neerabup?
- (3) When is it anticipated that the first homes will be ready for occupation at Neerabup?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

- (1) During the latter half of the 1992 calendar year.
- (2) Early 1993.
- (3) During the first half of the 1993 calendar year.

HOMESWEST - NEERABUP DEVELOPMENT PROPOSAL
Homeswest Rental Accommodation Percentage

326. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

Some notice of this question has been given. What percentage of the proposed Homeswest Neerabup estate will comprise Homeswest residential accommodation and what percentage will be available for sale for private sector development?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

It is proposed that 11 per cent of lots yielded will be utilised for Homeswest rental accommodation and the balance will be offered for sale under various schemes.

SUPERDROME - SWIMMING POOLS
Future Decision

327. Hon MAX EVANS to the Minister for Sport and Recreation:

As it is near the end of June, has the Minister made a policy decision about the swimming pools at the Superdrome? I understand it is very costly to maintain those pools during the winter months.

Hon GRAHAM EDWARDS replied:

A decision has not been made at this stage. However, I remind members that it has always been the stated intention to close down over winter the large 10 lane pool at the back of the Superdrome because of the cost of keeping that pool going. That closure is now in place. The pool which was used for the synchronised swimming is being used and is very popular, I am pleased to say. The other pool - which is really what the member's inquiry centres on - is the warm pool to the north of the Superdrome which was used for water polo. That is the pool to which consideration is currently being given, and as soon as a decision is made I will let the member know.

SPORT AND RECREATION - COMMUNITY SPORTING AND RECREATIONAL FACILITIES FUND
Port Hedland \$2 Million Grant

328. Hon MAX EVANS to the Minister for Sport and Recreation:

- (1) I refer to the \$2 million grant made to the Shire of Port Hedland from the community sporting and recreational facilities fund. Is that grant still going ahead?
- (2) Can the Minister indicate what that money will be used for, given that it is one of the largest grants ever made out of that fund?

Hon GRAHAM EDWARDS replied:

(1)-(2)

That grant was made a number of years ago, on the basis that a matching grant would be made from the local authority. The grant was made with the intention that a major sporting and recreational facility would be constructed to service that area. There is some ongoing discussion with the local authority, and my understanding is that the Premier discussed this matter when she was recently in Port Hedland. I am not sure what is the current

position, although I will be visiting Port Hedland in the near future and I will then be in a better position to ascertain exactly what is the position. I understand that the original concepts and plans have changed, and that the local authority is now reluctant to meet the \$2 million grant with a matching grant. This is a matter which will be considered in the process of consideration of the Budget.

**SPORT AND RECREATION - COMMUNITY SPORTING AND RECREATIONAL
FACILITIES FUND**
Port Hedland \$2 Million Grant

329. Hon MAX EVANS to the Minister for Sport and Recreation:

I do not understand the full terms and conditions for payment from that fund, but can the grant still go ahead if it is not matched by a grant from a local authority, or will the conditions for payment of that grant be changed?

Hon GRAHAM EDWARDS replied:

That is a decision that Cabinet would have to make, being aware of all the circumstances.

HOMESWEST - NEERABUP DEVELOPMENT PROPOSAL
Expenditure

330. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

Some notice of this question has been given. I refer to the announced \$128 million Homeswest development at Neerabup and ask, will this expenditure cover -

- (a) the cost of land purchases;
- (b) clearing of land;
- (c) roadworks;
- (d) installation of utilities?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

(a) No.

(b)-(d)

Yes, \$128 million is the estimated development cost - today's costs - over 7 500 lots to be yielded from the total development involving Homeswest and others.

HOMESWEST - NEERABUP DEVELOPMENT PROPOSAL
Land Rezoning

331. Hon GEORGE CASH to the Leader of the House representing the Minister for Housing:

Some notice of this question has been given. I refer to the proposed development by Homeswest at Neerabup and ask will it be necessary for the land to be rezoned; and if yes, when is it anticipated that this rezoning will occur?

Hon J.M. BERINSON replied:

The Minister for Housing has provided the following reply -

Yes, early to mid 1992.
