

# Legislative Council

Wednesday, 27 March 1991

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

## **SUPREME AND DISTRICT COURTS (MISCELLANEOUS AMENDMENTS) BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [2.36 pm]: I move -

That the Bill be now read a second time.

This Bill deals with two matters: The first concerns an amendment to section 32 of the Supreme Court Act 1935 to allow State courts to award interest on damages when they are exercising Federal jurisdiction. The second matter deals with procedures for the expedition of Supreme Court and District Court hearings.

**Interest on judgments:** Section 32 of the Supreme Court Act provides that in any proceedings for the recovery of money the court may order that interest be paid at such a rate as it thinks fit on the whole or any part of the amount in the judgment. That interest can apply between the date when the cause of action arose and the date when the court's judgment takes effect. Section 32 applies also to the Local Court, and the District Court has the same powers as the Supreme Court, so that this amendment will apply also to the District and Local Courts. It is doubtful that section 32 enables interest to be awarded when Federal jurisdiction is being exercised. The Federal Court in the case of *Pavich v Dobra Nominees* expressed the view that section 32 does not empower the Supreme Court to award interest when exercising Federal jurisdiction. This conclusion was based on the view that section 32 does not add to the substantive rights and remedies arising from a cause of action which is created by a Federal law so that the Supreme Court, when determining such an action, cannot apply section 32 to award interest.

Section 51(1)(a) of the Federal Court of Australia Act 1976 does, however, confer power upon the Federal Court to award interest when exercising its Federal jurisdiction. Therefore, when a Federal cause of action is litigated in the Federal Court rather than the Supreme Court, interest on judgments can be awarded. Uncertainty arises as to whether a State court can award interest when exercising jurisdiction under the Cross Vesting (Jurisdiction of Courts) Act 1967.

In summary, the position is likely to be that a plaintiff can obtain interest when a State court is exercising State jurisdiction and when a Federal court is exercising Federal jurisdiction. However, plaintiffs cannot obtain interest from a State court when it is exercising Federal jurisdiction. The amendment to section 32 rectifies this anomalous situation by making clear that section 32 confers on the Supreme Court power to award interest in all situations; namely, when the court is exercising State jurisdiction, Federal jurisdiction, or Federal jurisdiction pursuant to cross vesting legislation.

**Expedited hearings:** The Bill also amends section 167 of the Supreme Court Act 1935 and sections 88 and 90 of the District Court of Western Australia Act 1969. Members may be aware that new procedures have been implemented in the Supreme Court to deal with cases which require urgent hearing. The advantages of the expedited lists are already apparent. Although most aspects of the new procedures have been implemented, some require amendment to the Supreme Court Act before appropriate rules of court can be proclaimed. Outstanding matters include the following -

- a requirement that parties deliver signed written statements of witnesses to all other parties before trial;

- acceptance of those statements as the evidence in chief of the witness;

- authority for the court to admit plans, photographs, models, etc, without formal proof if the other parties do not object after receiving notice before trial;

authority for a referee to conduct proceedings in the manner thought most appropriate and without being bound by rules of evidence.

The amendments to the District Court Act will also give that court capacity to have an expedited list. The Chief Justice and the chief judge of the District Court have, of course, been consulted in relation to these amendments and support them. I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

## **ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Hon N.F. Moore, and read a first time.

## **ANGLICAN CHURCH OF AUSTRALIA SCHOOL LANDS AMENDMENT BILL**

### *Introduction and First Reading*

Bill introduced, on motion by Hon J.M. Berinson (Attorney General), and read a first time.

### *Second Reading*

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [2.42 pm]: I move -

That the Bill be now read a second time.

The Perth Diocesan Trustees have sought an amendment to section 5 of the Anglican Church of Australia School Lands Act to permit them to apply certain moneys for the education of children. At present the Act requires those moneys to be applied for the education of boys only. The land which is the subject of this Act is located in St George's Terrace where Mt Newman House now stands. Section 5 of the Act provides for the trustees to provide certain moneys not required for other specified purposes as follows: Nine-sixteenths to Guildford Grammar School; five-sixteenths to Christ Church Grammar School; and two-sixteenths for the education of boys in the Diocese of Perth including either or both of the schools previously referred to. The trustees wish to be able to apply the two-sixteenths portion to the Anglican Schools Commission for education in any school under the jurisdiction of the commission. As the obligations imposed on the trustees by the Act constitute a statutory trust, the Supreme Court of Western Australia has no jurisdiction to vary the trust but the amendment proposed in the Bill will meet that objective. I commend the Bill to the House.

Debate adjourned, on motion by Hon Derrick Tomlinson.

## **MOTION - SELECT COMMITTEE ON STATE INVESTMENTS RELATING TO PETROCHEMICAL INDUSTRIES LTD, WESTERN AUSTRALIAN GOVERNMENT HOLDINGS LTD, ROTHWELLS LTD**

### *Reappointment*

Debate resumed from 26 March.

**HON PETER FOSS** (East Metropolitan) [2.44 pm]: When time ran out yesterday I was about to say that one thing I thought needed to be made clear about the first interim report of this committee, which appears to be somewhat incorrectly understood from what the Attorney General had to say, is that the report was in two parts: The part in which most of the quotes appeared, and a small report by the two Government members. Members should understand that the content of the first part of the report was agreed to by the committee as a whole. Nothing was left out of that part of the report and nothing was put in which had not been agreed by all members of the committee. The contention was about whether the report should be published at all. That matter of contention was contained in the supplementary part of the report made by the Government members. I do not want anyone to think that the "selection" - the word used with considerable emphasis - of the parts to be quoted, or the words said about them, was not in any way a selection which all members of the committee participated in. It was something agreed by all members of the committee. The qualifications and reservations Government members held were expressed in their report. The first part must be seen in that context.

The second matter relates to the Attorney General's remark that the committee published its evidence without commenting on or adopting it. The Attorney General continues to make that point with complete disregard for what happens in a court of law every day and for what would have happened had this committee been sitting in full public session, which I believe would have been a good idea. It was not put in the terms of reference of this committee because of concerns about affecting the McCusker report or current court cases. It would have been far better had the committee been able to meet in public session as a general rule. Had that happened it would have been like the situation one sees in many hundreds of courts throughout Australia every day and not just in Western Australia - that the evidence emerges. More importantly, people could see that it is purely evidence. It is what people say is the case. Some of that evidence was a direct statement by people of what they knew. This is not an unusual or a peculiar thing to happen. It would have been improper had the committee said that it was making findings half way through. However, it was careful to say, "This is what has emerged to date. This is the evidence and we are putting it before you without comment." That is not a matter for criticism or a reason for saying it was a political statement; it was quite the opposite. Had the committee wanted to make political statements or findings it could have done so. It is to be commended for the fact that as a group of five people it was careful to abstain from making any comment whatever on the evidence that emerged. That was a perfectly proper thing to do.

I do not quite understand how the Attorney General has come to a conclusion which results in his asking rhetorical questions which seem to be suggesting that the further evidence heard by the committee after the first interim report was not evidence in rebuttal and was not some of the people involved having an opportunity to reply or people being called to test the evidence first given. I do not know on what basis he made that suggestion. If it were a purely rhetorical question and he was not suggesting for one moment that he actually knew what were the deliberations of the committee, I do not see how he could have adopted the tone of voice that he adopted, a tone which unfortunately does not appear in *Hansard* but was evident to members of this House, through which he was seeking to suggest -

Hon J.M. Brown: Hon Peter Foss's tone of voice does not appear, either.

Hon PETER FOSS: Exactly. I will try to give Victor Borge-type quotations, if I can. The Attorney General was seeking to suggest that the committee had not called witnesses whose evidence would have enabled matters raised by witnesses in the first interim report to be dealt with, explained, and so forth. I will obviously not tell the House what the committee did. However, until such time as the committee reports nobody can say what will be the overall result of the further evidence taken. If it is not complete, or if people are not satisfied that enough witnesses were called or insufficient people had an opportunity to reply, there is only one person members can blame; that is, Dr Carmen Lawrence, who decided to bring the committee to a hasty conclusion in January this year. I do not know where the Attorney General got the idea that the committee was not to meet again until March. I was not aware of that fact. I knew I was not available for the first two weeks in January.

Hon Fred McKenzie: You have not read the minutes of the last meeting.

Hon PETER FOSS: Nor were officers of this House available. I was not aware of the fact that the committee would not meet until the beginning of March.

Hon J.M. Brown: To which committee are you addressing yourself? Yours or Mr Pike's?

Hon PETER FOSS: Perhaps Hon Fred McKenzie can correct me, but I was not aware that we were not going to meet until March. Even if that were the case, we would have been able to hear witnesses and carry on. The important thing is that the committee has done work. It is work which was done for this House, and it must be reported to this House. It is an essential aspect of any committee set up by this House that it must report to the House. Another thing which Hon Fred McKenzie complained about at great length, and I think Hon J.M. Brown also, is the fact that people were engaged by the House to assist the committee, and they did a considerable amount of work. It is not just a matter of handing over transcripts and documents; work has been done in the meantime, and the value of that work would be entirely lost unless the product of the reading of the voluminous documentation and the drawing together of the evidence could also be handed over by the committee to this House and to the Royal Commission. It would be disingenuous if people merely took the opportunity to hand over the documentation without the benefit of the perusal of that documentation which had already been obtained by the committee.

Nobody seems to have dealt with the subject of item 3 of the motion, and I would have thought that it was a matter of some considerable concern. The suggestion is that there may have been some retribution against a witness who gave evidence to the committee. There is no evidence of that at this stage, but I can inform the House that I have been advised that such retribution took place on a person who gave evidence to the committee. All I have is information, but having received that information, it causes me some considerable concern, and I hope it causes considerable concern to all members of this House, that a witness, having appeared before a committee, should be subjected to any form of retribution by a person who did not like his giving that evidence. Leaving all other matters aside, that is a matter of considerable concern and one which should be investigated.

I have great pleasure in supporting the motion before the House.

**HON J.M. BROWN** (Agricultural) [2.53 pm]: I do not support the motion, and it is my intention to move an amendment. The member who has just sat down gave a remarkable version of the interim report which needs correction. First of all, he said that the report was agreed to by all members. He must have had a lapse of memory and not understood that when the committee deliberated each clause there was a lot of opposition and many different points of view were put forward. The minority members accepted the report, but added a disclaimer to it. While the report was signed, as any member would sign a Select Committee report, those members did not agree with it. It is important for members to understand that point. The honourable member said that the committee should have been held in public. This House made a determination that the hearings were not to be held in public, and that is why they were not held in public. He went on to some other matters; and I am unaware of the retribution aspect.

I give notice that I intend to move an amendment to clause 1(a), in the first line, to delete the words "second interim". I have circulated that amendment.

Hon R.G. Pike said the publication of the majority report, with the truth and the facts corroborated with evidence, will speak for itself. I do not know what he means by that because that has not happened with the interim report. I do not know whether he thinks the next report will be a majority report, but that is the opposite to what Hon Peter Foss has just said about the minority report and the majority report.

#### *Point of Order*

Hon E.J. CHARLTON: Has Hon J.M. Brown moved an amendment and is he now debating the amendment, or is he continuing with the original motion?

The PRESIDENT: He is continuing with the motion. He will formally move the amendment in due course. I take it that is what Hon J.M. Brown is doing.

Hon J.M. BROWN: The reason I gave notice to members is, as I said at the outset, that I oppose the motion. I suppose I should have said that I can also count, and so I will move an amendment trusting that some sense will prevail in the Chamber so that the amendment will attract proper and fair debate.

The PRESIDENT: What the honourable member should do, and I took it that he was doing this, is forewarn the House that at the conclusion of his speech he will move that amendment. If the honourable member does as Hon E.J. Charlton is suggesting and moves the amendment first, he is restricted to speaking to the amendment. Normally I expect a member to indicate fairly early in his speech that he will be moving an amendment. I hope I did not misunderstand the honourable member.

Hon J.M. BROWN: Thank you, Mr President.

#### *Debate Resumed*

Hon J.M. BROWN: Hon R.G. Pike also said -

We also know that the two Labor members had significant success in bringing their minority report to the attention of the media.

I do not know anything about that because we did not attend the media conference. Hon R.G. Pike continued -

They had the absolute right to publish what they liked in their report. What did they say? They said *inter alia* that the majority on the committee had

published selected evidence. Let us look at those words. They allege that the majority members of the committee had looked at the evidence, to which they had access, and had selected evidence in a biased way.

I should refer to what was stated in clause 3 of the report on page 1. The committee said -

Some of the evidence received by the Committee has reflected adversely on individuals, corporations and Government. The Committee will of course give parties, persons, corporations and Government - whose actions have been the subject of evidence the opportunity to place their versions before the Committee and if necessary to rebut imputations against them. In this report selected passages in the evidence of witnesses are quoted. Although The Hons J Brown and F McKenzie do not question the relevance of the passages quoted, they do question the need to quote before the persons named have given evidence to the Committee. They are concerned about fairness to those people. The Hons R Pike, E Charlton and P Foss are not unmindful of this point but think it is necessary to quote from the evidence. Further it should not be supposed that the issue of subpoenas brings with it an imputation of guilt, wrongdoing or refusal or failure to co-operate, but it is intended to place the conduct of the Committee's business on a footing on which each witness is dealt with in precisely the same fashion.

The point I make is that Hon Fred McKenzie and I said at the start we were strongly opposed to making selected quotations. That has been our position all the way through, so it is timely to advise the Chamber of what we said in our Select Committee report.

The report reads -

We refer to Orders of Reference Article 5 and express our concern that advice received from both the Special Investigator, Mr. Malcolm McCusker, Q.C., and the Crown Solicitor, Mr. Peter Panagyres, was effectively ignored.

These Orders of Reference were included to ensure that the interests of justice of the State were not prejudiced.

We regret that Hons. R. Pike, P. Foss, and E. Charlton did not give those submissions the weight which, in our opinion, was warranted.

As expressed in our qualification on clause 3 page 1, we are strongly opposed to the presentation of the report at this stage. The report could easily be misunderstood as reflecting on named persons who have not had an opportunity to respond.

I ask the House, and Hon Peter Foss in particular, whether that sounds like a statement endorsing the first interim report of the committee. Far from it! That shows how helpless the situation was for the people who did not have an opportunity to come before the committee prior to the release of the report. If I understand the motion correctly, no opportunity will be provided for further witnesses to come forward. I do not disagree with that; the sooner the committee is wound up the better off the Parliament will be. In that case the committee members would be able to follow the pursuits they should be following instead of wasting their time investigating these matters. The investigations have proved fruitless in the past, as I wished to indicate on a past occasion when I asked for a further interim report to be presented to the House. I am of the opinion that we should provide all the papers to the Royal Commission. Hon Max Evans did not understand the papers in his possession, so he gave them all to the Royal Commission. We should do the same with ours. We should bundle them together and give them to the Royal Commission because nothing in the report warrants further investigation or study.

My one regret is that the people mentioned in the past have not had an opportunity to come before the committee to clear themselves. I consider some of the matters raised against these people to be scandalous. If one believes that our one minority report which was included in the first interim report of the committee received public acclaim, one should look at *The West Australian* on Saturday, 21 April - the day after the chairman of the committee, Hon R.G. Pike, released his report and held a Press conference. The article contains no reference to the disclaimer. The *Sunday Times* also contained an article which not only made no reference to the disclaimer but also ignored the fact that in paragraph 2 of the report it was emphasised

that the committee "had not reached any conclusions or made any findings". The Press covered various matters, including Gofair Investments Ltd of all things. That company existed long before the committee was established, and it had nothing to do with the activities of the committee. However, someone tried to make it appear that the company was involved with the committee and also had an association with the Government. Gofair existed long before anyone thought about establishing the petrochemical project. The single page minority report submitted by Hon Fred McKenzie and me did not receive any publicity whatsoever. It is a shame that it did not because it is the crux of the whole issue. It is important that an alternative view was provided because it is necessary to know both sides of a story before one develops a full appreciation of what has taken place.

Even in the time since the Parliament has been back in operation the majority of people who were listed as future witnesses have not had the chance to come before the committee. I will not violate our terms of reference and mention the names of those who came, and those who are to come, before the committee - that is something at which the chairman is well skilled. I shall also not mention the deliberations of the committee - it never has been my intention to do so.

It is important that the continued denigration of the Premier by the chairman of the committee, Hon R.G. Pike, and today by Hon Peter Foss, receives some comment. Hon Bob Pike said in the House that -

The contemptuous act of Premier Lawrence in proroguing the Parliament has resulted in a loss of three months, which means that unfortunately we are now debating the re-establishment of this committee, which had it been left to complete its proper inquiries would have concluded in the normal run of events and reported to the House prior to the sittings of the Royal Commission.

The classic comment reads as follows -

The editorials in *The West Australian* and the *Australian*, and the public at large, have already made judgments.

The article in *The West Australian* on Saturday, 5 January was titled "So much for the institution of Parliament!" and read in part -

The recent history of the Select Committees of the Western Australian Parliament has not been a happy one.

If the article is referring to the Select Committee on Rothwells, PICL and WAGH, it is certainly correct. However, I have been on many other Select Committees and I have never encountered such difficulties before. I will not read all of the article.

Hon D.J. Wordsworth: Mr Pike did not write that article.

Hon J.M. BROWN: It stated -

Admittedly the two committees should have been wound up weeks ago. If the two Liberal committee chairmen, Bob Pike and Peter Foss, had been interested solely in uncovering the facts on the sordid WA Inc episode and the Stirling bribery allegations, they would have called off the dogs as soon as the Government committed itself irrevocably to a royal commission into the same matters.

That happened nearly two months ago but the committees have pressed on and there has been more than a hint of political point-scoring about their activities. It seemed strange that the Foss committee decided to throw open its proceedings when Brian Burke's former ministerial services officer Vince Shervington gave evidence when others were heard in private.

The article suggests that the Select Committees should have been wound up weeks ago, and I agree with that. However, not to be outdone, Hon Bob Pike gave his usual dissertation in a letter to *The West Australian*. He wrote -

The system failed in the main because the Premier and Cabinet were able to subordinate the Parliament. Surely recommendations to prevent a recurrence should be the main item that a parliamentary committee investigating WA Inc must consider.

I will not waste the time of the Parliament by reading the rest of the letter. I can tell

Hon Peter Foss that the committee was not to meet again until late February or March; that was recorded in the committee's minutes. However, it was more than Hon Fred McKenzie and I could tolerate in reading all the nonsense taking place, so we wrote to *The West Australian* as follows -

Dear Sir,

Your editorial comment that the Pike committee should have been wound up weeks ago was absolutely correct.

As members of that committee we are in a position to say that Mr Pike's attempted defence of it (West, 10-1-91) bears no relation to what the committee has actually done.

It was frankly embarrassing to be associated, even as dissenting members, with the Interim Report of the committee. Considering that the report was supposed to represent six months of activity, it was appallingly superficial. It was also unfair to the persons mentioned in it, who had been given no opportunity to be heard.

It is also striking that when we moved in the Legislative Council for a further committee report after 12 months, Mr Pike led his colleagues in rejecting it.

Mr Pike's other recent complaint that prorogation has put the committee's work three months behind is nonsense. The committee last met on 12 December and he knows as well as we do that it was not to meet again before late February or March.

Mr Pike now claims that information which the committee can provide will be helpful to the Royal Commission. We are bound by the secrecy provisions of the committee but the least we can say is that this claim is absurd and any available information, will be available to the Royal Commission in any event.

The Opposition has said on a number of occasions that nothing would make them happier than to put the committee on hold once a Royal Commission was called.

This is precisely the position we now have, and any attempt by Mr Pike to revive the committee might serve his ego but no useful purpose.

The Royal Commission is clearly the proper forum for any further inquiry and the Pike committee should not be reconvened.

Yours sincerely,

Jim Brown MLC  
Fred McKenzie MLC  
10 January 1991.

I want to go a stage further than that. Listen to what was said in June 1990 on the ABC's 6WN 7.00 pm news -

The parliamentary select committee inquiring into the State Government's investments in the petrochemical project and Rothwells, may be retired if an acceptable royal commission is appointed to investigate WA Incorporated.

The chairman of the Upper House committee, Liberal backbencher, Bob Pike, says it's a recommendation he's prepared to put to the Legislative Council, if a suitable and credible royal commission is appointed by the Government.

Mr Pike made the following comments -

And more than that, I'd be prepared to recommend that the totality of the evidence and research which we have on hand, which is, as you would know, considerable, be transferred to the royal commission for his use.

Nothing could be more correct than to do that. Hon R.G. Pike said he was considering taking that action. Do not let us be fooled by his saying he does not change his mind, because he does constantly - I have pointed that fact out to the House. When the Leader of the Opposition, Barry MacKinnon, suggested a Royal Commission should be held, Hon R.G. Pike said the Select Committee into Government investments could do that work and we did not need a Royal Commission. Two days later he retracted that statement and said he thought Barry MacKinnon was right. That is the sort of comment which goes on with the Select Committee.

Hon Fred McKenzie: You have a fantastic memory; I congratulate you.

Hon J.M. BROWN: The committee chairman takes action as soon as he sees a headline. The headline on the article in the *Sunday Times* says "I will tell all: Connell". Rest assured, at the next committee a subpoena would be sent out to bring him in.

Hon P.G. Pendal: Do you believe the truth should come out?

Hon Garry Kelly: What is the Royal Commission supposed to do?

Hon J.M. BROWN: I do not want to place all my dissatisfaction on Mr Pike's side. He takes action on behalf of the Liberal Party; he is their appointee to the committee. I do not want to leave out Mr Foss. Standing Order No 302 allows the committee to terminate discussions by motion - you would know that well, Mr President, with your years of experience. However, Mr Foss changed our Standing Orders and introduced his own that a chairman should have authority to determine a timetable for the despatch of business on the agenda, and upon reaching the time shown on the timetable for the completion of the business the chairman, thereupon, can put without further debate (a) the question before the Chair and (b) any other question related to the matter then moved and which the chairman at his discretion determines is proper then to deal with. They even have the audacity -

Hon J.M. Berinson: You are not saying Mr Foss has given dictatorial -

Hon P.G. Pendal: Is that Standing Order No 302?

Hon J.M. BROWN: Hon P.G. Pendal should read Standing Order No 302. It gives adequate power for the chairman of a Select Committee to operate the committee system or the President to operate the Parliament in accordance with terms and conditions laid down. However, the Opposition members on the committee wanted to have another rule to prevent Hon Fred McKenzie and me from participating in a fair and equitable hearing. Not satisfied with that, and despite Standing Order No 307 concerning a conflict of interest, Mr Foss continues to sit on the committee, withdrawing on occasions.

#### *Point of Order*

Hon PETER FOSS: Hon J.M. Brown is reporting proceedings of the committee prior to the committee's having reported. He is also dealing with matters which have already been the subject of a ruling and he is moving incorrectly according to that ruling.

The PRESIDENT: Attention is drawn to the comments made by Hon Peter Foss. I suggest Hon J.M. Brown refrain from that line of discussion.

#### *Debate Resumed*

Hon J.M. BROWN: I am mindful of the point of order. I would not like Hon E.J. Charlton, who has left the House, to think I was not concerned about his activities. Although he is the one non-Government person who showed some commonsense during the activities of the committee and enabled it to operate in a more equitable manner than it would have done otherwise, I do have some concerns. However, as he is not here, in fairness I will not pursue the matter.

On numerous occasions Hon R.G. Pike approached the Press and made reports and comments without reference to the committee. I will wind up my remarks by reading a letter dated Monday, 2 July 1990 which I wrote to the Secretary of the Select Committee, a copy of which I gave to my colleague, Hon Fred McKenzie, and one of my parliamentary friends.

Dear Mr Marquet

NEXT COMMITTEE MEETING - MONDAY 2 JULY 1990

I refer to your advice stating that the Select Committee is to meet on Monday 2 July and Wednesday 4 July, to take evidence from Mr L R Connell.

Members should understand that the newspaper article in the *Sunday Times* was the reason he was called before the committee. The letter continues -

I am writing to express my grave concern at the manner in which the Committee's deliberations are being allowed to proceed. As you will be aware, the interim report was based on evidence received by a number of people who made allegations against others. At this stage we have not accorded any of those people the right of reply or



even finished dealing with a number of matters concerning the evidence of Mr Judge. On that basis, I am absolutely at a loss to see why the Committee is proceeding to interview a further witness without clearing up those matters which it has before it, and providing some semblance of natural justice to those people who have been subject to allegations made under privilege, but who have not been given the right of reply.

*Point of Order*

Hon R.G. PIKE: I have been listening to the member with difficulty but have now determined that the letter to which he refers contains matters that have been discussed by the committee. Since those matters are not able to be publicly ventilated and as the letter is now the property of the committee, that letter should not be discussed in this place. I would be delighted if it could be, but the rules say it cannot.

The PRESIDENT: Order! The same comments that I made to Hon Jim Brown before apply now. He has to understand that members who are not on the committee are not familiar with the information that was discussed or matters that are the property of the committee. If the letter properly belongs to the committee, certainly the member is not allowed to quote from it or mention it. However, he is in a position to know that. The chairman of the committee has indicated that it is such a letter.

Hon J.M. BROWN: I accept your comments, Mr President. My colleagues have seen this letter. I sent a copy to Hon Fred McKenzie as a colleague, not as a member of the committee. It is a letter similar to that from Mr McCusker to the committee which has been read in this Chamber. However, acknowledging your comments, I do not wish to disobey the rules of this place.

The PRESIDENT: If the letter is not confined specifically to members of that committee, the member can proceed to deal with it. However, I am not in a position to be able to rule on whether you should quote from it because I am not familiar with it. The member, as a member of the committee, is in a better position than anyone else to know whether the letter properly belongs to the committee. If it does not, the member can use it; if it does, he cannot.

*Debate Resumed*

Hon J.M. BROWN: I stand by exactly what I said before. I do not wish to violate the rules of this Chamber or of a Select Committee. Therefore, I do not intend to pursue the matter further.

Members of the Government have been denigrated in this place. Mr Grill, in particular, has been the subject of fierce allegations. I consider his conduct to be exemplary -

Hon D.J. Wordsworth: So do all the farmers.

Hon J.M. BROWN: Hon Peter Dowding and Hon David Parker have also been denigrated. It is public knowledge that they wanted to appear before the committee. They offered to appear before it but were not given the opportunity. In fact, I do not think they will ever have an opportunity to do so. Those former members and the Premier deserve better treatment than being used for political point scoring. All that does is denigrate this Parliament, especially when there is no truth in the accusations.

Hon George Cash: If the committee is re-established, do you believe that Mr Grill and the others you mentioned should be entitled to meet with the committee?

Hon J.M. BROWN: It is up to the others. However, whether Mr Grill appears before the committee is a matter for the Legislative Assembly. That House was unfairly denigrated by this Chamber and on the radio by Opposition accusations that the message went to the Legislative Assembly with only six sitting days remaining before the House was due to be dissolved. Those members were also denigrated for not being prepared to appear before the committee. They were, because I asked them myself.

Hon Peter Foss: Why did they not deal with the message?

Hon J.M. BROWN: The Government was concerned about getting through as much of its business as possible. Its priorities are not the same as the Opposition's priorities. The message was received and put on the Notice Paper. However, there were only six days in

which to deal with it. It was never debated. We are reflecting on the way the other place conducts its business by making those allegations.

Hon J.M. Berinson: Surely it is too late to remedy, given that the Royal Commission will deal with all of these matters. It should have been done 10 or 11 months ago if it was going to be done.

Hon J.M. BROWN: That is exactly right. The motion seeks to have the committee reinstated under the terms and conditions included in the Notice Paper. I believe the motion should include the provision for seven days' notice to members of committee hearings. I often receive a message that the committee will meet the next day and my attendance is required. That is the ad hoc way in which the committee operates. I wrote to the committee and asked it to pay members the courtesy of giving them seven days' notice of hearing dates in writing. We should not be given a few hours' notice of meetings. On one occasion, Hon Fred McKenzie and I allowed the committee to meet, despite the absence of a quorum caused by the non-appearance of Opposition members within 15 minutes of the advised commencement time, thereby contravening Standing Orders. Hon Fred McKenzie allowed it because he is a real softie. However, the Standing Orders were violated. On other occasions, Opposition members of the committee were not able to attend, but we allowed the committee to continue its deliberations, when, if we had chosen to retire, the committee would not have been properly constituted. We have never tried to harass other committee members in any way. However, our goodwill and commonsense have never been reciprocated by members of the Opposition, who have a majority on the committee. I believe that we are entitled to seven days' notice of meetings. All members who understand the commitments of members of Parliament will agree. That notice has never been given and on many occasions we have disagreed about this matter.

The sooner the committee is wound up the better off Western Australia will be. The Royal Commission should be given all of the evidence, including the information on Western Collieries which I was responsible for the committee having. We should give all of it to the Royal Commission and make it available to members of this Chamber. There is nothing to hide and nothing to be gained by trying to hide anything. I strongly urge the Council to support my amendment.

#### *Amendment to Motion*

Hon J.M. BROWN: I move -

To delete the words "second interim" appearing in the first line of paragraph 1(a).

This will enable the committee to report to the House so that the matter can be closed.

HON R.G. PIKE (North Metropolitan) [3.30 pm]: The Opposition opposes this amendment on the very simple basis that the exclusion of the words "second interim" mean that this will be the final report of the committee.

Hon Garry Kelly: You guessed it.

[Resolved, that motions be continued.]

Hon R.G. PIKE: It is the intention of the substantive motion to tell the committee to proceed without delay and with absolute despatch to conclude its report and to hand over all the witness details, research and information. That point needs to be emphasised because I read in the Press this morning a report indicating that the Attorney General is saying we should hand the material over but the Opposition is opposing the handing over of the documents; that is not correct. The Opposition is equally in favour of doing that but it believes a further report should be made. That is the nub of the question. The proposed amendment will have the effect of doing the very things the Attorney General and other speakers on that side of the House have been very vocal about; that is, it will deny people the opportunity to subsequently give evidence in rebuttal. There is an urgency about this report, of which we are all aware, but we are not in favour of that denial.

It would also affect paragraph 3, in which we specifically ask for authority to deal with the failure of a witness to answer a summons and with any indications we have been given of intimidation or making of retribution upon any witness by reason of his giving evidence to the committee. It will preclude the committee from dealing with those matters. That is clearly not our wish and we therefore oppose the amendment.

**HON FRED McKENZIE** (East Metropolitan) [3.32 pm]: I support the amendment. I am disappointed to hear that Hon Bob Pike wants to keep this committee running and that he is not satisfied with reporting in accordance with paragraph 1(b) of the motion "as soon as practicable". I did not think he would want to report time after time. He refers to the second interim report; how many reports will there be? Hon Bob Pike refers to the "second interim report without calling for any further witnesses". He is now speaking about other witnesses who may appear for rebuttal purposes. Those people should have appeared before the committee when it was operating and after its first interim report was published. That report stated, for example, that Mr Judge would be recalled. I regarded that as a matter of priority, but it has not been realised. I want nothing more to do with the committee; I see no point in it. With due respect to other members of the committee, it cannot do the job as well as the Royal Commission can. Why do we want to continue with it?

I note also that paragraph 3 refers to "the failure of a witness to answer any summons". I do not know what Hon Bob Pike has in mind in that connection and I ask him to clarify the matter. I am not aware of anyone failing to answer a summons. Perhaps Hon Bob Pike can enlighten us. Furthermore paragraph 1(b) states "To report to the House as soon as practicable the Committee's progress to date." I thought that when we reported to the House it would be as soon as practicable and I seek further clarification from Hon Bob Pike on this matter. He alone, as the mover of the motion, knows how long he intends the committee to run or what he intends to investigate. We do not know what he has in mind. I see no purpose in this committee running in parallel with the Royal Commission. I thought the motion of which I gave notice on the opening day of Parliament was far better. The Royal Commission can do the job better and it does not face the difficulties encountered by the committee. I have referred previously to the difficulties facing these types of committees: On the one hand Opposition members want to remove the Government from office - I assumed that was the purpose of the committee, although I thought the problem of Supply had been finalised - and, on the other hand, Government members have a sense of loyalty to their colleagues and want to protect the Government. Committees of this nature are not appropriate within the Parliament. It was fine to keep it going until the Royal Commission was established. As Hon Jim Brown said, Hon Bob Pike indicated on a radio interview that if a credible and suitable Royal Commission were established, the committee would cease its activities. Is he suggesting that the Royal Commission is not credible or not suitable, or both?

Hon R.G. Pike: I am not saying that.

Hon FRED McKENZIE: Hon Bob Pike clearly stated in an interview broadcast on the radio that he would be happy to hand over the matter to the Royal Commission because he did not think the Government would accede to that proposal. In accordance with the Premier's stated intention all along, once the McCusker inquiry had been finalised, the Government appointed the Royal Commission. Under those circumstances Hon Bob Pike still wants to soldier on.

The PRESIDENT: Order! The member must relate his comments to the deletion of the two words, and not to the whole of the motion. I ask him to tie his comments to the amendment.

Hon FRED McKENZIE: I do not wish to transgress but I am somewhat restricted in the comments I can make. The purpose of the amendment is to ensure that this is the final report, but I would like to comment on other matters. I am in a difficult position and I feel I must cut short my comments. Shall I have another opportunity to speak on this matter?

The PRESIDENT: Yes, after the amendment is disposed of.

Hon FRED McKENZIE: I repeat that this is not a pleasant committee on which to serve and the sooner it is out of the way, the better. These matters should be left to the Royal Commission and, therefore, this should be the final report of the committee. I do not know why Hon Bob Pike wants it to continue, unless he likes the atmosphere.

Hon J.M. Berinson: Or perhaps the company!

Hon FRED McKENZIE: He must like the company. He said at one stage in his speech that committee members were competent. I know he has reminded us on a number of occasions that he is a fair chairman. I do not know how Hon Jim Brown feels about that statement. I must say that he is a much more pleasant person outside the committee than he is within it,

but I am aware that he has considerable training in Standing Orders and endeavours to be fair. Of course, the chairman of any committee or organisation is in a very powerful position. You would know, Mr President, that a chairman has the opportunity to give the call to certain people; and I want to make it perfectly clear that I am not casting any aspersions on you because I know you do not do that. However, I have been a chairman, and I must be honest with people here and say that when I was chairing a meeting, if someone wanted to move what I believed was the right sort of motion I would give him the call because he would have the right of reply and other advantages under our Standing Orders. I thought Hon Bob Pike would have been fair and would have disposed of the committee by having it make its final report as soon as practicable. I would be very disappointed if at the end of the discussion on this matter he did not recognise and agree with the point I am making. I know he is not inflexible and that he listens to good argument, and I think I have put to him a good argument. I have told him how fair he has been as a chairman, and I hope that will be enough to sway him into believing that we should make the next report the final report and let the Royal Commission deal with the matter, rather than the committee's having to deal with the likes of Hon Jim Brown and myself on this side.

**HON E.J. CHARLTON (Agricultural) [3.41 pm]:** Absolutely no benefit will be gained by our agreeing to this amendment because the basis of the operations of the committee is that it will give a detailed report to the Parliament so that this matter can be properly completed in a businesslike and efficient way. If we now deleted that portion of the motion referring to the interim report we would not achieve anything in an efficient manner. I cannot understand the reasoning behind Hon Jim Brown's amendment because there has been a great deal of activity by the committee. It has been faced with a continual demand to report and to advise the Parliament of what has taken place. The statement in the motion that the interim report is to be activated as soon as the committee is reconstituted will enable that to be done, and we can deal with the other aspects at a later time.

Amendment put and negatived.

Question put and a division taken with the following result -

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Ayes (14)

Hon J.N. Caldwell  
Hon George Cash  
Hon E.G. Charlton  
Hon Reg Davies  
Hon Max Evans

Hon Peter Foss  
Hon Barry House  
Hon N.F. Moore  
Hon Muriel Patterson  
Hon P.G. Pandal

Hon R.G. Pike  
Hon W.N. Stretch  
Hon Derrick Tomlinson  
Hon Margaret McAleer  
(Teller)

Noes (13)

Hon J.M. Berinson  
Hon J.M. Brown  
Hon T.G. Butler  
Hon Cheryl Davenport  
Hon John Halden

Hon Kay Hallahan  
Hon B.L. Jones  
Hon Garry Kelly  
Hon Mark Nevill  
Hon Sam Piantadosi

Hon Bob Thomas  
Hon Doug Wenn  
Hon Fred McKenzie  
(Teller)

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Pairs

Hon P.H. Lockyer  
Hon D.J. Wordsworth  
Hon Murray Montgomery

Hon Tom Stephens  
Hon Graham Edwards  
Hon Tom Helm

Question thus passed.

*Sitting suspended from 3.51 to 4.00 pm*

**ADDRESS-IN-REPLY - FIFTH DAY**

*Motion*

Debate resumed from 26 March.

**HON BOB THOMAS (South West) [4.01 pm]:** I welcome the opportunity to reply to the

Governor's Speech when he officially opened the third session of the thirty-third sitting of this Parliament a few weeks ago. I acknowledge the Government's good program outlined in that Speech, and in particular the action by the Government to support our primary producers. I also acknowledge the Government's commitment to ongoing microeconomic reform, particularly in addressing the problem with uncompetitive State Energy Commission tariffs in Western Australia when compared with our Eastern States trading partners. The Government has also indicated a desire to implement other measures to improve the efficiency of our Government trading enterprises. I was pleased that the Government will do something to resolve the conflicts regarding the question of whether mining will be permitted in national parks. As well, I am pleased that the Government is addressing the social justice issues, such as criminal injuries compensation, home-buyers' contracts legislation, motor vehicles dealers' legislation and the ban on discrimination in employment by age through equal opportunities legislation. I wish to refer specifically today to an issue raised by the Governor regarding the Government's efforts to create employment in the face of the economic downturn brought about by our Commonwealth Government's recent policy decisions.

Before I refer to that issue, I wish to extend to the family of Syd Jarvis my sympathy on his passing a couple of weeks ago. Syd Jarvis was a close friend of my family; our friendship extended back to 1970 when he moved to York where we were living at the time. He was raising three young children at that time following the death of his wife and my family got to know him and his family very well. As a young lad I relied fairly heavily on Syd for a great deal of guidance; many of the values I adopted, which I still hold today, were formulated through discussions with Syd. He was someone who disliked injustice and worked very hard to achieve as much as possible for those people who were less well off than he. My most pleasant memories of Syd involve the discussions we had regarding his involvement with the Labor and industrial movements and his association with the Midland Trades Hall during the Depression. He worked at an enormous number of jobs and had a great deal of life experience. However, I found his most interesting experiences to be those involving the Midland Trades Hall. I enjoyed listening to his stories about how as an unemployed person in the Midland area during the Depression he would walk around the streets with chalk and write on the pavement to advertise that certain meetings were to be held at the hall; and thereby encouraging people to attend. Following the Depression he was one of the people given Government assistance, to the tune of £1 per week, to establish a gold mine at Mt Magnet. This was a way of combating unemployment and creating a new wealth for our fledgling State. After this period he was recruited to the Army during World War II. He became a commando and fought in Timor. Unfortunately, he was caught behind enemy lines when the Japanese invaded that country, but he was assisted by the Timorese for a number of months before he escaped back to Australia. Syd Jarvis was probably one of the most genuine people I ever had the pleasure of knowing, and I record my deep regret at the passing of a fine person.

I refer now to the courageous decision by the State Government to guarantee a minimum price for this year's wheat crop. Everybody is aware that a linkage exists between the activity of our wheat farmers and other industries in country towns. I refer specifically to the linkage between the wheat industry and other industries in my home town of Albany. The great southern region in the agricultural hinterland around Albany produces about one-sixth of the Western Australian wheat crop, and about 95 per cent of that crop is exported through the Port of Albany. The crop is handled by Co-operative Bulk Handling Ltd in Albany, which has 55 full time workers. The company also recruits an additional 12 casual employees during the peak season for the loading of ships and other activities on the wharf. The CBH operation is a major activity for the Albany Port Authority as it provides the largest amount of freight to pass through the port in any one year. Therefore, it is responsible for a further 20 or so employees at the Albany Port Authority. Also, a further 18 or 19 waterside workers are employed for these purposes. All of these persons are employed directly as a result of the activities of the wheat producing industry in the agricultural hinterland. We know that for every dollar that is spent within an economy, a multiplier effect of 1.5 to two applies. Every dollar spent by people employed by CBH and the port authority affects the local economy in the retail, wholesale and recreational service industries and generates further jobs. Therefore, the 100 or so jobs at CBH and on the wharf probably relate to about another 150 or so jobs in Albany. If wheat growers did not have the confidence to plant

another crop this year a significant reduction would occur in the amount of wheat sown. Therefore, activity by CBH and on the wharf would have a significant influence on Albany.

Another industry which depends on wheat growing is CSBP and Farmers Ltd. Normally, at this time of the year CSBP is operating at peak production; however, this year it is operating at a reduced rate. In fact, demand for its product is down by 50 per cent. Normally, CSBP would employ a full time permanent work force as well as another 40 casuals. This year, owing to the reduction in demand, it has not employed any of those casuals. That means 40 fewer jobs are available in Albany. On top of that the permanent work force has been reduced through retrenchment and attrition. That has a direct influence on the economy and the jobs available in Albany.

I commend the Government for having had the courage to decide to support our farmers and encourage the economic activity which results from wheat planting. It compliments the other actions taken by the Government, including the creation of an extra four full time employees with the Rural Adjustment and Finance Corporation to help process applications from farmers, the Government's quick moves to reduce the Rural Adjustment and Finance Corporation's rates when the magnitude of the problem became evident, and the decision by the Government not to implement the 1¢ per tonne levy on wheat and fertiliser carted by road where there is an existing rail service.

The Governor's Speech outlined the State Government's commitment to the creation of employment in Western Australia in order to compensate for the consequences of the Commonwealth Government's policies. I accept that the Commonwealth Government has had to take action to tackle some of the structural economic problems which have developed in the Australian economy over the past 40 years. I am referring to the Australian economy becoming reliant on exporting unprocessed primary products and minerals and importing value added manufactured products. At the same time, we allowed our manufacturing base to run down. The manufacturing industries that remained were allowed to operate behind protective tariff barriers which did not expose those industries to international competition. Now that the terms of trade have worsened, Australia is facing trouble because it is no longer able to buy sufficient imports for the money it receives from its exports. Australia's balance of payments problems need to be overcome.

Hon Barry House: Mr Keating keeps telling us that they are a beautiful set of numbers.

Mr THOMAS: I am about to address that matter. Had no action been taken these sorts of problems would have worsened. The Commonwealth Government did the right thing by tackling the problem in a three pronged approach: A wages policy using the accord which has helped to contain wage growth, a fiscal policy which has produced a series of surplus budgets, and a monetary policy. In my view, however, the Commonwealth Government persisted with the monetary policy for too long; it should have taken the screws off earlier than it did. The Commonwealth should have eased its monetary policy in the middle instead of at the end of 1989. The Australian economy slowed down more than was expected and that was compounded by the banks' not responding as quickly as expected and decreasing interest rates. Professional rates have decreased by six per cent since November 1989; however, the interest rate on my mortgage has come down by only three per cent. It is the same for everybody else in Australia including business people. People who are highly geared are still finding it hard to cope with high mortgage rates. The Commonwealth could have eased monetary pressure earlier. The banks have contributed to the worsening effect of that.

Albany is not insulated from the downturn which the rest of Australia is experiencing. That fact was driven home to me early last year when one of my constituents, a retailer, came and saw me and expressed concern that he was receiving unfair competition from people known as "raider traders". They are people who come into town and retail out of the back of a van, usually at a service station. These people do not contribute to the local economy in any way; they do not employ labour or pay rates or rent. They usually skim the cream off the top of local retailers' markets and sell high turnover goods, such as lambswool products. My constituent felt that these traders were starting to eat into his bread and butter and that on top of the national downturn in the economy, this unfair competition would lead to his having to put off one of his staff. He employs about four staff who have been with him for a number of years; he feels committed to them and is most reluctant to sack them.

I have also assisted my local Adult Worklink committee by supporting its application for further funding. The arguments I put to the Government related to the need to keep a service such as Adult Worklink fully operational in Albany because it offers a good service. Not only does the program offer training for people who are in employment and need to upgrade their skills but also the program offers a service to those people who are unemployed and need some help to improve their skills to compete for existing jobs or to audit their skills so they have an idea where they best have a chance of securing employment. My research on this issue indicated growing unemployment in Albany and for that reason I considered an agency like Adult Worklink was necessary. Having had a great deal of experience in the area of unemployment, having worked in the Commonwealth Employment Service for seven years, I felt it was imperative that the State Government maintain funding to the Adult Worklink project in Albany to allow it to act as an early intervention agency and to help prevent the tragedy I witnessed in the recession of the early 1980s. At that time I saw large numbers of people becoming long-term unemployed which presented a social cost which we should not accept again. Many of these people were competent, worthwhile members of the work force and when they became unemployed they lost all sense of self-esteem and reached the stage where they felt the skills they had were no longer relevant. As a result of their low self-esteem some even arrived at the position that they did not have the ability to learn new skills to again become worthwhile members of the work force. It is important for the State Government to have an early intervention strategy to prevent what occurred in the early 1980s from recurring.

In the course of my research on this subject many people told me they felt that the Albany economy is better prepared now to cope with the effects of a recession than it was in the early 1980s, although they believed the recession would not be as deep seated this time around. They were quick to point out that not only did Albany suffer from the contraction in the total economy of Australia in the 1982 recession, but also other contributing factors made the situation worse for that town. In the late 1970s a significant industry in Albany, the whaling industry, was terminated, and on top of that the local economy was too dependent on too few industries. The agriculture industry was suffering from the effects of the drought and farmers were experiencing a downturn in income. People in the Albany region are now telling me that the local economy is much more diversified and can sustain the effects of this recession much better than it did in the 1982 recession. Some of the reasons given are that the agricultural industry is much more diversified. The Albany region now has a vibrant winegrowing industry which is recognised as producing excellent quality wines. I am not in a position to speak authoritatively on this subject because I am not a wine drinker.

Hon Reg Davies: I have tasted the wines from the great southern and they are very good.

Hon BOB THOMAS: Some of the branch members of the Labor Party in Albany are experts on this subject and they tell me that the wines grown in the great southern are comparable with, if not better than, those wines grown in the Margaret River area.

Hon Derrick Tomlinson: They are not comparable with those grown in the Swan Valley.

Hon BOB THOMAS: I do not have any evidence to challenge the member.

Hon Barry House: I would be careful if I were you because Margaret River is in your region.

Hon BOB THOMAS: I am aware of that.

The wildflower industry is adding a new dimension to agriculture in the Albany region. Renewable resources is a new and dynamic industry and it involves the picking of local wildflowers, drying them and exporting them. Approximately 30 people are employed in the industry at Albany and up to 100 pickers are employed during the picking season. In addition a number of farmers pick wildflowers for renewable resources and they earn quite a large sum of money through that activity. Tree growing or sharefarming arrangements between the Department of Conservation and Land Management and local farmers is increasing and approximately 2 000 hectares of sharefarm pines are growing in the Albany district. This is providing a source of income which was not available during the last recession. I understand that this year an additional 800 or 900 hectares of pines will be planted and CALM will aggressively promote its blue gum plantings.

The prognosis for horticulture is for a good future, although it has some problems associated with competition from dumped products from overseas and the Eastern States. The local

producer, Southern Processors Ltd, has responded in an aggressive way and has introduced 40 or more new lines to compete with overseas and Eastern States products. It has had to build up stocks worth about \$1 million to maintain its continuity of supply and this has placed some pressure on the company's cash flow, causing it to experience trouble meeting its payments to growers. However, its market share is quite high and is being maintained. As soon as it can overcome its cash flow problems the company believes it can sustain an excellent horticulture industry in the great southern region.

In addition, several tourist-type developments initiated by farmers have been established. I refer to the rabbit farm concepts and to the small afternoon tea venues which are being operated by local farmers on their properties. A large number of people from Albany visit those venues during the weekend. The agriculture base in Albany's hinterland is much more diversified than it was in the 1980s and income to that industry has had its booms and busts levelled out to some extent. For example, when there is a downturn in one product farmers are able to earn an income from other products. The diversification of the agriculture industry has produced positive benefits for the region and for the town of Albany. The town is becoming an attractive retirement destination. It has a unique and beautiful environment and a more civilised climate than that in Perth, and it does not have the hustle and bustle of the metropolitan area. Albany is relatively close to Perth and with modern information technology people in Albany are able to conduct their business without suffering because of the town's "isolation" from the city. There is a constant flow of retirees moving to Albany and they are buying houses and having renovations done. They all have a fixed income which is having a steadying effect on the economy in general. The Albany Chamber of Commerce, the Town of Albany and the Shire of Albany have commenced a lifestyle campaign to sell to people in Perth the benefits of living at Albany which is much more pleasing aesthetically than Perth and provides an excellent lifestyle.

A couple of other important things are happening in Albany which are giving many people optimism and a belief that the effect of this recession will not be as deep as the previous one. I refer in particular to the events being organised in Albany and the diversification of the local industrial base. A deliberate policy has been adopted by a number of people in Albany to increase the number of high profile people participation events taking place in the town. We recently experienced one of the most successful of those on the weekend of 9 and 10 March when we had the inaugural Rainbow Coast Air Show. We also recently had the inaugural Rainbow Coast race round. At the end of next month we will have the yachting masters and in September around the houses vintage car racing. Next year, in place of the air show, we will have a military tattoo. These events attract many people to the town and build on the positive tourist figures that are starting to emerge in our region. Latest figures show that the number of tourists visiting the great southern region has grown significantly recently. In 1988-89, 199 700 people visited the region as tourists. In 1989-90 the number rose to 217 600, a phenomenal increase of nine per cent. That increase has been more significant over the past year and the latest figures I have show a four per cent increase in the September quarter of last year. That increase was far more significant than that in any other country region in Western Australia. In fact, some regions are experiencing a decrease in tourism numbers.

One of the largest, and probably one of the best, events that could have been staged in Albany was the recent air show. Initial estimates show that about 10 000 people attended the show on the Saturday and a further 12 000 to 15 000 people attended on the Sunday. The Western Australian Tourism Commission undertook a survey at the air show, and although I have no feedback from that survey rough estimates indicate that about a third of the people attending came from outside the region. That was a good thing for local tourist operators and accommodation providers. People could not get a bed in Albany for love or money for a week before and some days after the air show. Albany has 1 054 beds in hotels, motels and guest houses which were all booked, and all the 1 379 caravan park sites in Albany were taken, so it had a huge impact on those providers. The multiplier effect from all the money brought in by those tourists was good for the region. It went further as there was a spill over from Albany into outlying areas for accommodation. People had to go to Mt Barker, Narrikup, the Porongorups and Denmark to get accommodation on the weekend of the air show. It was good for the region in general and a good fillip for the tourism industry and accommodation providers who did not have to spend a cent to promote the weekend. All the



people who came into the town and region for that event were a new market as they were people who would not normally come to Albany. Those people had the benefit of seeing what Albany offers and many will go away and talk positively about it, encouraging other people to visit the place.

The air show was a huge success. There were 236 participating aeroplanes ranging in size from ultra-lights to a Caribou which had a huge stream of people walking through it to look at it. There were Gypsy Moths, Tiger Moths, the Roulettes acrobatic team and the RAAF acrobatic team. Some of the visitors came from as far away as Queensland and said they would return for our next show in 1993. I alluded to the fact that this year we had our inaugural rainbow coast race round. I compliment the local racing and trotting fraternity for having the initiative to go out and promote the event in the way they did. Previously the Albany Racing Cup was held on a Tuesday and usually attracted about 1 000 people. This year it was decided that the Mt Barker Sprint, the Albany Pacing Cup and the Albany Cup would combine in a race round to attract as many people as possible for the round. It was a huge success by anyone's standards. It commenced with about 1 500 people attending the Mt Barker Sprint on the Thursday. A large number of people were at the pacing cup on the Friday, which I was unable to attend. Over 3 000 people, a record number, attended and bet a record amount of money on the Albany Cup on the Saturday. That also was a huge fillip for the industry in general. I think it will be repeated in future years and can only grow from the success it had.

Another event of significance to be undertaken in the last week of April is the Yachting Masters. It is the brainchild of a local yachtsman, Jack Baxter, who was one of the crew of, I think, *Australia II* in the America's Cup races. The Yachting Masters is a joint project of the Princess Royal Yacht Cup and the Rainbow Coast Events Foundation set up by the Great Southern Development Authority. The masters will be staged around a series of yacht races between 10, 36'er yachts captained by some famous yachting people of the calibre of Rolly Tasker, Sir James Hardy and Ken Beaschel. All of the captains have either had America's Cup experience, Admiral's Cup experience or Olympic experience. They are people of the highest quality who have kindly agreed to participate in the event and also in an adjunct to the masters of coaching clinics for young people who will have an opportunity to go out with these skippers to learn first-hand the ropes associated with yachting. The Yachting Masters is not expected to bring as many people to Albany as the air show did, but it will still have a major impact on the tourist and accommodation industries. Over that week or so, some national television coverage will be given to it, and that will be beneficial to Albany because people will be able to see how beautiful the town is and how beautiful its waterways are. The result will be an increase in tourism into the Albany region. I commend the people responsible for developing that event.

Hon Reg Davies: It seems obvious to me that Albany has benefited from having a Liberal MLA. There must be some good spin-offs there.

Hon BOB THOMAS: In spite of that, Albany is being well looked after by the Labor Government and GSDA, and that will continue.

Several members interjected.

Hon BOB THOMAS: I do not wish to take any credit which is not due to me, but the State Government can take a lot of credit for what it has done in Albany. I now wish to talk about some of the industrial innovations which are doing good for the long term economic future of Albany. In simple terms, when people try to describe to me what has happened in industry in Albany over the last 10 years or so, they say one should go down to Chester Pass Road and see how long the industrial area there is. They say that in the 1982 that industrial area was not half as long as it is now. There has been a lot of innovation, and some good, solid industries have been established in that Albany industrial area. That is something that we can develop.

In particular I address myself to the efforts of a group of people who have taken the initiative to promote and market aggressively what is available in Albany. I refer specifically to a combined promotional stall from the great southern which was taken to the Albany Woolarama on 9 and 10 March this year. The genesis of this came from a friend of mine, Neil O'Day. Neil is one of my quiz night partners. He developed a revolutionary type of torsion bar suspension system which allows each wheel on a four wheel trailer to act

independently of the others; it gives a very stable ride over the roughest of terrain. In trying to market that development and obtain some business for it he struck up a friendship with a person called Drew Postuma who was working as a journalist in Albany with a now defunct newspaper. Drew has a quite extensive mechanical and technical background, and he could see the value of this product. He took an interest in it and became actively involved in its marketing. He and Neil took the product to a local engineering firm, Contach Products, and the three of them developed an adaptation of that suspension system for a boom spray. On rough terrain it was particularly good because it countered the problem of the booms digging in over contours and tipping up over depressions.

They realised that this invention had a lot more potential than they first anticipated. At the same time they realised that many other innovations in Albany were as good but they were not reaching the production stage, or if they reached the production stage they did not reach the marketing stage, because the developers did not have the necessary marketing and promotional expertise. They felt that a combined approach, with one person handling the marketing and promotion, was the way to go. They felt that the first task was to take a combined promotional stall at the Woolarama. I think 16 individual companies participated in that promotion this year, and I will refer to three in particular. Noddy's Electrics had the suspension and also an anti-theft device for trailers. Garry Wilson from Torbay had a three point linkage development for buckets on front-end loaders and a bale handling device to make it easier for farmers to move bales around the farm. Contach Products took its invention for animals and a standard bale invention which allowed wool classers to throw tailings into bales. The device stands the bale up and can be removed once the bale is full. When the bale lies open on the floor it is very difficult to fill it. The result of the combined marketing approach at Woolarama this year was that two of the four inventors' awards were won by these inventors. Neil O'Day won first prize in the general division for his suspension system, and Contach Products won second prize in the wool handling section.

A further offshoot is that the Lions trade fair this year will make a special area available for inventors to promote their products. This has never been done before, and it is a step in the right direction. The combined group from Albany now intends to go to the Dowerin field day and to the Newdegate field day. As well, they have already had orders from the Woolarama for the products they displayed there. I congratulate those people who have had the initiative to promote the wealth of manufacturing expertise and inventions which abound in Albany. It is very good for the local economy because it will help the industrial base to diversify even further.

Another person in Albany who is doing a lot to diversify the industrial base is Robert Siegal from the Albany Business Centre. He has several interesting projects and I want to refer briefly to a couple of them. Robert is quite a colourful character and has some very interesting sayings; one of those is that people moving to the area are refugees from Perth. They are sick of the hustle and bustle in Perth and many of them own their homes or have a lot of equity in them. They sell these properties and come to Albany where they can buy a better quality home and still have some money left to put into a business enterprise. Some of the enterprises which Mr Siegal has helped include two small furniture manufacturing operations: One is an outdoor furniture manufacturer, and the other specialises in colonial furniture. These companies are at the fledgling stage, but they will offer employment opportunities in Albany in the near future. A hearing aid manufacturer also moved from Perth to Albany and he now employs seven local people who otherwise would not have a job. The town also has a high fashion leather manufacturing operation which employs a designer and one other person. The owner moved to Albany because she found the rents and retail costs in Perth too high; she has found it far more profitable to move to Albany to produce high quality leather jackets. This enterprise also uses local products, which is good for the community. One of the leathers is made from fish skin and people tell me that a huge market exists for this. This manufacturer will give the production of that material a kick start.

The town of Albany also has a company operated by Joe Sharp which produces high quality jumpers. The operation employs 25 people. The Albany Business Centre concentrates a great deal of its energy on encouraging business development through the new enterprise scheme. It is interesting to see that in the whole of Australia six per cent of new business enterprise activity emanates from the Albany Business Centre. When members consider that Albany represents 0.02 per cent of the Australian population, that represents full marks to the people on the committee and to Robert Siegal.

Hon Fred McKenzie: Is the woollen mill still going well?

Hon BOB THOMAS: It is still operating three shifts and creating many employment opportunities for the people of Albany and the surrounding districts.

Hon J.N. Caldwell: The trouble is that it imports 90 per cent of its wool from New Zealand!

Hon BOB THOMAS: That is because it is a lesser quality wool.

Hon Muriel Patterson: It is a coarser wool.

Hon BOB THOMAS: I stand corrected: It is a coarser wool which is not produced in Australia in sufficient quantities to be able to supply Albany Woollen Mills Ltd. However, a definite move is evident with more Australian wool producers now growing that coarser wool.

Hon Fred McKenzie: What does the mill manufacture?

Hon BOB THOMAS: It manufactures a yarn which is sold for carpet manufacture and other industrial purposes.

I refer now to an announcement by the Great Southern Development Authority to station a country towns development officer in the towns of Tambellup, Cranbrook and Katanning. This is a step in the right direction. The authority should move towards relocating more of its staff into the agricultural hinterland and away from Albany. The authority has a good record in Albany, but the fact remains that the wealth of the area is generated in the agricultural hinterland. The authority has the responsibility to develop the social and economic health of the community in which the wealth is created. If we allow those communities to disintegrate or run down, we shall no longer have the ability to create the wealth on which service towns like Albany depend. It is imperative that the Great Southern Development Authority, sooner rather than later, undertakes this relocation of officers

I borrow an analogy from my days working in the employment service office: I would always find in places like Manjimup that when a company laid off skilled tradespersons those persons were lost to the town - they were unable to find comparable employment and they usually went to the cities or elsewhere in search of work. However, when the economy in the area picked up it was difficult to attract those skilled people back to the community. When I was recruiting people in the smaller areas, the job applicants would always ask about the educational and child care facilities and what the Government agencies were like in the area -

Hon Derrick Tomlinson: What the health care is like?

Hon BOB THOMAS: That is one of the first questions they would ask. I always found it very difficult to attract people back to those communities even if the employer was offering above award wages. If the social infrastructures are not in place, it is difficult to attract people to an area. Therefore, it is imperative that the Great Southern Development Authority should actively promote the development of those towns in the agricultural hinterland so that we can maintain the ability to create wealth.

In conclusion, I refer to one of my pet projects in the Albany area; that is, the development of the Homeswest area at Lockyer.

Hon Garry Kelly interjected.

Hon BOB THOMAS: It is as rough and tumble as Hon Phil Lockyer. This suburb was developed in the 1950s and the houses were prefabricated dwellings which were shipped from Scandinavia. The suburb is three miles from the Albany town centre and it has heavy, clay-based soil. As members would be aware, Albany is very wet in winter. This poses all sorts of problems for the residents of Lockyer. As the houses are prefabricated they are on stumps so that they are not affected by water. Incidentally, the houses are well past their economic life and it is now more costly to renovate and maintain them than it would be to redevelop them. At the same time the associated problem arises of sheets of water lying on the ground during winter because of the clay based soil in Lockyer not allowing the water to drain. This has been exacerbated by the asbestos sheeting fencing built by Homeswest which prevents the water from running away. It therefore lies under the houses in sheets and is compounded by the clogging up of the drainage system which was put in over 30 years ago.

Hon Derrick Tomlinson: Do they have asbestos roofs?

Hon BOB THOMAS: No, only asbestos sheeting fences. As I said, the houses have passed their economic life and need to be redeveloped.

[Questions without notice taken.]

Hon BOB THOMAS: Before questions I was addressing my remarks to the redevelopment of Lockyer. It is a Homeswest area built in 1952 in response to the development of the fishing fleet in Albany. The houses are prefabricated and were shipped to Albany from Scandinavia. They have long passed their economic life.

[Leave granted for the member's time to be extended.]

Hon BOB THOMAS: It would be more expensive to maintain those houses than to redevelop the suburb. I support the actions taken by the Albany town planner, Nick Ayton, and the local Homeswest office to try to get this project up and running. Their efforts to date have involved conducting a survey in the area to assess the needs and views of the local residents. An application has been made to the Department of Planning and Urban Development for funding under its review of residential regulations program. I had the great pleasure in August last year, when the Cabinet met in Albany, of taking the Premier, Dr Carmen Lawrence, to the Piess Street self-help house in Lockyer so that she could present a cheque for \$20 000 to the Mayor of Albany, Annette Knight, to allow the work to continue. It is now anticipated that some work on the redevelopment can take place this year. It will involve the construction of a new super block of houses along the Hanrahan Road and Menzies Road area, near Dead Man's Lake. When they are constructed people from another super block will move into them, and the super blocks vacated will be demolished to allow a new set of houses to be constructed. The development will continue for a number of years until the whole suburb has been redeveloped. The area is poorly drained and the sheet water lying on the surface causes heating and health problems. The redevelopment will improve the drainage system, and allow for a reduction in the size of the housing blocks from 1 000 square metres to 650 square metres. They will be better drained and people will have the amenity of a block of land they can use all year round. At the moment they have large blocks, much of which cannot be used all year because of the surface water. The reduced block sizes will allow more housing to be built in Lockyer, and it is anticipated that the number of houses in the area will increase from the present 350 houses - 90 per cent of which are owned by Homeswest - to approximately 500 houses. It is hoped that 50 per cent of the new houses will be in private ownership. I believe the work will start some time this year. This is the most important project in my electorate and, to show my commitment to this project, I have made sure that three successive Ministers for Housing have been kept up to date with the development. I have taken the Premier to visit that area, and as soon as Jim McGinty was elected to the Ministry I asked him to visit Albany and the Lockyer area to look at the project. I wanted to maintain the momentum begun by Yvonne Henderson when she was the Minister for Housing. It is a worthwhile project, and I will continue to fight for it to be undertaken as soon as possible by the State Government.

Recapping, then Mr President, I believe that the State Government should be complimented for having taken the step to guarantee a minimum price for the wheat crop this year. It is necessary because of the direct linkage between activities in the wheat industry and dependent industries in the town of Albany, on the wharf, and at CSBP and Farmers Ltd and Co-operative Bulk Handling Ltd. Many of the opinion leaders in Albany are optimistic that the effects of this recession will not be as deep seated as the effects of the previous recession. Their reasons are that the agricultural industry base in our hinterland and the industrial base are now more diversified, and many people with a lot of initiative are marketing the industrial products and inventions which are available in Albany.

Hon J.N. Caldwell: The potato and vegetable growers are having a hard time.

Hon BOB THOMAS: That is because Southern Processors Ltd has taken an aggressive marketing approach to try to compete with the products which are being dumped in Western Australia by interstate and overseas competitors. It has established 40 new product lines in the Western Australian market and has had to build up large supplies of stocks to maintain a continuity of supply. That has had a serious impact on its cash flow.

Hon J.N. Caldwell: The Government should try to help those growers also.

Hon BOB THOMAS: A deputation came up from Albany last night, which included Brent Griffiths, Bruce Shirley and John Barnsby, and also Monty House, Leon Watt and Murray Montgomery. The deputation presented one of the best submissions of any deputation with which I have been associated as a member of Parliament. The information it supplied last night to the Minister, Hon Ian Taylor, was succinct and well put together, and I congratulate its members for their efforts. I was pleased to see that Hon Ian Taylor was prepared to listen to their case for a guarantee to help Southern Processors meet the pressure on its cash flow and the need to pay its producers. Growers are now in a position where Southern Processors is not able to make payments to them. It is time for growers to plant this year's crop, but they have not yet received payment for last year's crop. They have received some acknowledgment from Southern Processors that it will pay them in stages over the next nine months, but the banks are not too keen to do business with these people. They want to see the money up front. Hon Ian Taylor, to his credit, was prepared to listen to the argument put to him last night, which was very professionally put, and he went away to look at the deal which the deputation proposed. I commend the motion to the House.

**HON MURIEL PATTERSON** (South West) [5.33 pm]: I have pleasure in supporting the motion moved by Hon Jim Brown on the opening day of Parliament on 14 March 1991. I wish to bring a number of matters before the House. I realise that the Minister for Education has not had held that portfolio for long, but I want to draw her attention to a draft report on the requirements for the registration of home tuition providers. The draft proposes far wider powers for the Ministry of Education than are allowed in the relevant Education Act regulation. The Act has no provision for the registration of home tuition providers. The draft states -

The District Superintendent of Education may consult with other government authorities to ensure the home environment is a suitable learning environment.

It does not specify what Government authorities. Why not? Under what regulation is the district superintendent entitled to do this? Point four states that home tuition may only be conducted by the parents of the children concerned. Why? What about the School of the Air? What about when there is illness in a family and a governess must be brought in? I believe that is not a fair and proper qualification.

The draft contradicts the Education Act with regard to procedures for obtaining exemption from school attendance. The draft states -

In order to obtain permission to provide Home Tuition, parents must be able to satisfy the Minister for Education that there is a case for such permission to be granted . . . Children must continue to attend a government or other school registered as efficient until written permission has been obtained from the Ministry of Education.

Education Act Regulation No 8(1) states -

Where a parent of a child who has not reached leaving age informs a welfare officer or the chief executive officer that the child is under regular and efficient instruction at home or elsewhere, a Superintendent may after examining the child, grant that child a certificate exempting him from attending school.

I ask members to note the contradiction between the plain sense of the Act and the proposed Ministry of Education regulations. The Act states that the parent may inform the department after an alternative instruction program has begun: The draft tries to impose a demand that the child remain at school until permission has been granted. The Act requires a parent to inform an education officer of a regular and efficient instruction: The draft attempts to coerce parents into asking permission to conduct home school. The Act states that a superintendent may, after examining the child, grant exemption: The draft wants to examine the qualifications of the home tutor. The title of this draft completely contravenes the Education Act. No Statute in Western Australian law requires home tuition providers to be registered. The law is very specific. A school aged child is required by law to attend school unless he or she is under regular and efficient instruction elsewhere. In that case, a certificate of exemption may be granted to the child. There is nothing in this Act to allow the department to enforce the registration of home tuition providers. The child only is under the jurisdiction of the department officer, who must determine, specifically, whether the child is

receiving regular and efficient instruction. The home tuition provider, parent or non-parent is completely out of the jurisdiction of the Ministry of Education.

The draft states in respect of the withdrawal of registration that -

The Minister for Education may withdraw registration of the program if changes, as directed by the District Superintendent, or other nominee, have not been effected within two months of the direction being given.

The Education Act regulation states that -

A Certificate of Exemption so granted may, by notice in writing served on a parent of the child, be cancelled by the Director-General if it appears to him that there has been an alteration of the circumstances under which the certificate was granted.

The Education Act requires a parent to demonstrate a regular and efficient method of instruction at the commencement of a home tuition program. Thereafter the Ministry of Education must be satisfied that this course of instruction is being carried out. A letter dated 6 March 1991 sent to a constituent from the Albany District Education Office is very enlightening. It states -

I would appreciate receiving the completed home education documents from you by March 22, 1991, in order that the exemption from school attendance for your children may be reviewed. Failure to comply with this request may lead to home tuition approval being withdrawn. If this occurs your children will be required to attend an efficient school forthwith.

The person to whom that letter was written has said -

There are several contradictions between the Act and the Department of Education procedures worth noting here. The Education Act provides for the withdrawal of exemption if the method of instruction which was originally approved is discontinued. This letter threatens to cancel the exemption if I do not complete documentation designed by the Department of Education and totally irrelevant to my method of instruction.

My current method of tuition has already been approved by the Albany District Education Office, and there is no suggestion that I have made any changes to this instruction.

Even the Draft Requirements allow a two month notice of any cancellation of exemption, if a Home Tuition Provider fails to comply with directions. This letter dated March 6, threatens to withdraw exemption if directions are not satisfied by March 22.

The letter, of course, is a bluff. Exemption "may" be cancelled! The letter is a useful illustration of the misuse of bureaucratic power. I ask the Minister to give her personal attention to the matter. The families concerned receive the highest regard of their neighbours. They are far better qualified than is the average school teacher. I seek the Minister's support to ensure that these families are not the subject of further harassment from the bureaucracy.

I turn now to another major concern; that is, sewage outlets. It was once possible to say out of sight out of mind and for problems such as sewage disposal to disappear apparently forever. However, if there is one lesson the conservation movement has taught us it is that what one sends around can come around today - and we are currently seeing the closed circuit of global cause and effect. It is against this background we must now view homely, humdrum matters such as the disposal of Albany's effluent. On the face of it, it is a matter of purely local concern; that is, until we remind ourselves that where Albany is today, other growing centres of population will be tomorrow. Some towns and cities have reached that stage already. We have seen publicity regarding the Geographe Bay residents who are deeply concerned about the suggestion regarding the ocean outlets for their sewage disposal. Therefore, the ripple effect of the Western Australia Water Authority's decision to dump secondary treated sewage into the Southern Ocean will affect other towns when they need to extend or replace existing sewerage systems. It is the first time ever that I am of the same mind as the Builders Labourers Federation. Last Saturday morning when I went for my usual early morning swim at Middleton Beach, I noticed the banner on top of the Esplanade

Hotel complex, "No ocean sewage". I am glad to see that I am on the same wavelength as the BLF at least once.

Let us imagine for a moment that partially treated sewage is piped to Sandy Patch or some other remote or isolated area on the coast and lost at sea. This is currently the cheapest and most direct method of disposal. What sort of economy is it which runs the risk of producing a mini Manly Beach along one of the world's most unpolluted coastlines? We have a beautiful coastline along that southern area; let us keep it that way. What sort of economy is it which imperils the new shellfish hatcheries or any other fishing industry? The rigorous inspection procedures they will be subject to before sale will detect the slightest impurity, and one contaminated batch of shellfish from Western Australia could be the excuse for competitors to move in. Even if these arguments can be satisfied, how can anyone allow the deliberate waste of almost fresh water at the edge of the world's most arid continent? We hear from the Minister for Water Resources about the possible construction of an \$8 billion pipeline from the north of this State with branches into the once water rich south west. It sounds good; or does it? If that project ever came to pass, and a much expanded Albany was connected to it, we would have the insane prospect of at least some of the water being pumped from the tropics so that we can flush our toilets into the Antarctic Ocean. That would be such a waste of finite resources, beyond the bounds of reason. This project could only be justified if no other way were possible - and that is not the case in Albany - or to future locations around the coast.

There is an alternative. It is one which is moral, ethical, and economical. It is not some wild-eyed greenies' pipe dream, but it would be the outcome of sober judgment by the Town Council of Byron Bay in New South Wales. Faced with similar problems to those of Albany, the council proceeded with what has become known as the artificial wetlands system. As nearly as possible, the system replicates nature's own waste water cleaning system. Byron Bay's engineering services manager, Brian McNee, says that the proposal to look at other alternatives to dumping sewage at sea met with total resistance from State Government agencies which resent deviation from the normal way of doing things. What may have been acceptable in the past, when there was less population and less industry, is no longer acceptable today. However, Byron Bay council saved \$2.5 million and, in passing, has done much to save the environment which is as unique as our own along the south coast.

I urge the Government to support my efforts to keep our oceans free of sewage. Today I received a copy of a letter addressed to the editor of the *Busselton Margaret River Times* by Bernie Masters, an environmental and earth science consultant. It reads -

The Busselton Shire's concerns (Times, March 21) about using the waters of Geographe Bay for disposal of wastes may be well founded.

In the northern hemisphere summer of 1989, there were two major environmental problems in Europe that were reported around the world.

In the North Sea, a virus killed in excess of 17,000 seals.

Although the cause for this epidemic is still unknown, the most likely culprit was the enormous amount of liquid waste (sewage effluent and industrial discharges) that still enter this marine area.

Although the North Sea is large, it has a restricted circulation with the Atlantic Ocean and pollutants are believed to have been building up over many decades until finally, two years ago, serious environmental problems arose.

In the Adriatic Sea off the north east coast of Italy, an algal bloom hundreds of times larger than those seen in Mandurah's estuaries covered some 200 kilometres of tourist beaches with thick layers of rotting algae.

Here, authorities agreed it was the uncontrolled discharge of sewage waste into a marine area of very restricted circulation that allowed nutrient levels to build up to excessive levels.

There are very good grounds for opposing the Water Authority's plans to pump partially treated sewage into Geographe Bay.

Instead, full tertiary treatment of sewage followed by on-land disposal of the remaining liquid as a nutrient source for large tree plantations is a viable option, now being introduced in the eastern states at places like Geelong and Bendigo.

Experience from Europe where past practices have caused serious economic and social problems should not be allowed to occur here.

The people of Geographe Bay are not happy about such sewage outlets and neither are the people of Albany.

I move now to the rural crisis; perhaps I should refer to that as the country crisis. A great deal has been said on the subject, but we should not allow the repetition of these cries from country areas harden us. It is a real problem and in many instances it is a desperate one. It would be very difficult for city people to understand that one of the greatest problems during hard times in country areas is the restriction of movement as a result of the lack of finance. Such isolation brings with it its own social problems. I will not recap on the many rural hardship stories that have been told in this House, but I will bring to the attention of the House a problem that could be remedied by the State Government. I find it a sad indictment of the Australian Government that it said in December 1989 in its policy statement on rural and regional committees it had concern for social justice and fair access to necessary services for all Australians, when the education of rural children is excluded from the national commitment given to all other Australian children. The most frequent calls for assistance that come to my office concern the education of country children. It is in this area that the State Government could provide relief. The national responsibility for education of rural children is replaced by an assets income assistance allowance. Why? Rural children are Australians too. Set against the Commonwealth Government's documented policy, this discriminating education policy is indefensible. Many members are aware that the Commonwealth Government will provide between \$1 500 and \$3 235 to eligible students under the 1991 assistance for isolated children scheme. To help members of this House who are not familiar with this scheme, the children must satisfy certain criteria before they receive assistance; they are -

Must live more than 56 kilometres from school.

If you are more than 4.5 kms from the nearest transport (bus) to school.

If you are more than 16 kms from nearest transport to school.

If travel to and from school by available transport takes at least 90 minutes each way.

Special circumstances:

Impassable roads, temporary isolation.

Physical, psychological or behavioural problems, or a medical condition.

Special courses - eg. special talents such as Music, Aeronautics, Drama etc.

Special remedial tuition.

Special diagnostic testing.

Itinerant family.

Approximately \$1 800 is the figure required to keep a child at home based on the W.A. Council of State School Organisations Inc. submission to Government several years ago (then \$1 600).

This figure can vary. The Australian Family Institute did a study and included books, education expenses, but the above study only includes such things as water, electricity, food (basic requirements)

If you qualify under any of the above criteria, the Commonwealth Govt. automatically gives you \$1 500 and the State Govt. \$500.

To get the maximum allowance of \$3 235 you are assessed on what is called a Family Income Test - the adjusted family income. From your income, you are allowed to deduct \$1 200 for your first child, and \$2 500 for the second and other children.

For example, to receive the maximum, your income must be equal or lower than \$19 300, which would be \$23 300 after you have taken off the \$4 000 they allow for your children.

The Government does not allow any deductions for school fees.



Hon Sam Piantadosi: Most farmers' incomes are in excess of \$23 000. That is a far cry from what they have been claiming.

Hon D.J. Wordsworth: Let her finish.

The DEPUTY PRESIDENT: Order!

Hon MURIEL PATTERSON: Many secondary boarding schools charge fees above \$10 000 and therefore parents are paying over \$20 000 for two children. With an income of only \$23 300 they could not possibly pay those fees plus income tax. Do members wonder why I say that country people are victimised? And how is this for an anomaly: The family allowance is payable to parents with a taxable income of \$62 000 or less regardless of where they live or what the education needs of their children are. They could be living next door to a college or high school and still be eligible for a family allowance. Put aside red herrings about farmers' incomes and assets. The real issue underlying the education of isolated children is the State's responsibility for the education of all its children.

Hon Sam Piantadosi: People in country areas have good facilities.

Hon MURIEL PATTERSON: Yes, in regional towns, but I am talking about isolated children. It is unacceptable that the WA Government contributes no more than \$500 to the direct cost of educating eligible AIC scheme students. There are 3 149 students receiving assistance under the isolated children scheme in Western Australia; there are not 3 149 Government school hostel places exclusive to those AIC scheme students. Nor are there 3 149 Government school hostel places for students living away from home wishing to attend Government schools. This means that many parents are forced to place their children in boarding schools at crippling costs with no assistance with fees. As isolated students have a right to live in and to be educated in a safe and stimulating environment, sufficient quality Government school hostels should be provided for these children. As such facilities are not available to all AIC students, boarding schools currently provide excellent and necessary alternatives. It would cost this State less than \$8 million if an extra State allowance of \$2 500 were added to the \$500 already being paid for tuition fees of AIC students in boarding schools.

Several members interjected.

Hon Reg Davies: Are Government members talking about money? I thought they made their own.

The DEPUTY PRESIDENT (Hon Doug Wenn): Order!

Hon MURIEL PATTERSON: I believe this would be a relatively inexpensive way for this Government to begin to meet its responsibility for the education of these students and to overcome the present discrimination. This may be a good time to remind members of this House that the Labor Government has been a strong proponent of the United Nations Convention on the Rights of the Child and expects third world countries to adhere to its articles. I will quote from article 28 -

1. States Parties recognise the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) make primary education compulsory and available free to all;

- (b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

- (c) make higher education accessible to all on the basis of capacity by every appropriate means;

- (d) make educational and vocational information and guidance available and accessible to all children;

The Government has been a strong proponent of equal opportunities and human rights, which is what country people are asking for. I would like the Premier, as Minister for Women's Interests, to answer this question: Cannot the education of country children be at the heart of women's interests?

Hon J.N. Caldwell: And the maintenance of staffing levels.

Hon Reg Davies: And increasing them in some schools where there are disadvantaged elements.

Hon MURIEL PATTERSON: I have in my hand a competition entry form which asks "Are you in the race for the good life? 30th birthday sweepstakes \$30 000-worth of holidays to win on a 50¢ fling." That is from the Totalisator Agency Board. Why am I interested in this subject? When I saw a small article on the Quin report I notified the Albany Christian Action Group and asked its opinion before presenting this to members. The advertisement looks pretty good; it has an alluring image, a laughing man lounging on the beach, binoculars in one hand and an exotic drink in the other.

*Sitting suspended from 6.00 to 7.30 pm*

Hon MURIEL PATTERSON: The explicit message is that if a person gambles with the TAB he may get to live a life of ease. I ask, at what cost? Before I present to the House the submission prepared by the Albany Christian Action Group I refer members to *The West Australian* of 21 February 1991. The editorial is headed "TAB finds it heavy going" and it reads -

It was always a fair bet that the State Government would not please everybody with its decision to provide a further \$3.6 million to help WA's troubled racing industry.

Further on it states -

New TAB chairman Bill Quin faces a big challenge to revive TAB fortunes. . . .

But his zeal for lifting the TAB's financial performance should not be allowed to overshadow the social dangers in his earlier ideas to improve its marketing operation. Those ideas included putting betting machines in shops and newsagencies, streamlined at-home betting, more Pubtabs and provision for punting on credit. They have worrying implications.

On page 11 of the same issue of *The West Australian* there appears an article written by Michael Southwell headed "Tired TAB loses grip on market". The article reads -

. . . the Totalisator Agency Board has lost its grip on the increasingly competitive social gambling market.

And it has now become a potential political liability.

The TAB is one of the state's vital statutory authorities. Handling turnover of nearly \$500 million a year, it provides nearly \$30 million a year in turnover tax to the State Government and around the same amount for the racing, trotting and greyhound racing industry.

For 25 years the TAB had rolled along nicely, producing steadily increasing returns until the mid-80s when it ran into competition from instant lotteries and the casino.

Further on the article reads -

This week's appointment of Bill Quin as TAB chairman is the first sign, 14 months after his report was lodged, that Mrs Beggs wants to implement its findings which suggest a complete new marketing strategy and revitalisation of outlets.

Mr Quin said this week his first task would be to improve morale at the TAB and to give staff a focus and direction.

The last paragraph reads -

Mr Quin was hand-picked for the job of chairman by Mrs Beggs and she took it upon herself to pay him 11 times more than Mr Jarman was getting, so she needs him to get things right in a hurry.

Hon Bob Thomas: To be fair, Mr Jarman was only required to work half a day per fortnight, but Mr Quin is required to work three full days per week.

Several members interjected.

Hon MURIEL PATTERSON: I do not know Mr Jarman; I was reading from the article.

The submission from the Albany Christian Action Group was forwarded to the Minister at

the end of 1990. Apart from an acknowledgment that the submission had been received by the Minister's department the group has had no reply to it. I present to the House what I believe is an extremely good submission and one which I heartily endorse. It reads -

The Albany Christian Action Group's concerns regarding the proposals laid out in the Quinn Report can best be summed up from the Report's introduction which states:-

"The aim of the recommendations in this report is the maximization of the TAB's turnover and more importantly, surplus.

To achieve this implies an encouragement to bet and a maximization of betting opportunity."

The moral and ethical consequences at the social level of this implied "encouragement to bet" have clearly not been addressed as stated in the following paragraph:-

"It has not been our place to be judgmental about the moral rectitude of such policies".

It thus appears that, whilst the Quinn Report purportedly is designed to develop and streamline the profitability of the T.A.B. operations it will thereby increase the revenue derived by the W.A. Government.

It is the considered opinion of The Christian Action Group that the increased revenue which will be recouped by the W.A. Government by the implementation of the proposals of the Quinn Report, will be at the expense of the moral and ethical standards of the general community at a social level.

The Minister for Racing and Gaming in a press release on 3rd September 1990 stated -

"Among the main recommendations are:-

- \* that the present board structure based on industry representation be replaced by a small board comprising people with expertise in business, financial management and marketing.
- \* development of a compensation scheme for franchised agents (and contracted agents) demonstrably affected by the installation of Pubtabs.
- \* that in concert with the master plan, the T.A.B. should establish a firm policy of the future of the franchised agency system, and
- \* that the T.A.B. should encourage betting on sports other than racing.

In the recommendations of the Report it would appear that the Minister for Racing and Gaming will have control over the Board structure as the Chairman and at least two or three members of the new reduced board will be appointed by the Minister. As there is a question mark over the way in which the Chief Executive will be appointed there does seem to be an overdue power placed in the hands of the Minister and thus the Board can only be viewed to be in a position of potential influence from the Government of the day.

The Christian Action Group and the franchised and contracted agents may appear to be strange "bed fellows" but on this occasion, the introduction of Pubtabs can only be viewed with deep concern by both parties mentioned.

I have contacted the TAB agents and they are very unhappy about the whole report. The submission continues -

It should be noted at this stage, that it is only a reasonably short time ago that families suffered deprivation and hardship because workers gambled their whole pay away on the Australian game of Two-up which subsequently had to be controlled.

Pubtabs will also be the venue for the introduction of betting to those who would otherwise not be influenced to participate in such practices. Those at most risk and therefore of greatest concern, are the young and those in the lower socio-economic group who may be tempted to participate through ready availability and peer pressure.

Addiction to gambling is a well documented social problem and this will increase seriously if the recommendations of the Quinn Report are implemented. The Minister should consult with the Minister for Mental Health Services and with those agencies, both government funded and private, as to the social problems and deprivations incurred by families where gambling addiction is a problem. It seems ironical that the Government is taking steps to stamp out the alcohol/driving addiction (purportedly to cut the enormous cost to the taxpayer incurred by road accidents and deaths) whilst openly encouraging the problems associated with gambling.

The Minister only needs to take an objective overview of the pawnbroking industry growth in recent times and the areas in which they are situated to realise that gambling does have serious social implications - once again it will be the taxpayer who will be called upon to "come to the rescue" at the bandaaid level if this gambling addiction is allowed to develop.

Another area of concern is the phone account betting. The Report states:-

"Phone account betting is a far more significant contributor to the turnover in the Eastern States than it is here" (W.A.).

Presumably phone account betting, whilst having administrative problems, could become a big industry and once again can add to the gambling addiction problem.

The "ideal T.A.B. System of the future" (P.47) includes the spread of "super" agencies, traditional agencies redesigned and upgraded, Pubtab installations, manned outlets in venues such as newsagencies, self-service terminals in shopping centres, clubs and other venues where the public gather, extended home-based betting systems - phone accounts and Viabet systems, limited credit betting, availability of fixed odds tote betting, a diversified range of betting and games products.

Such a proliferation of betting opportunities will see the Government entering into a gambling education program where Western Australia will become known as the "Gambling State of Australia".

As reported on Page 51, many of the proposed changes appear to be aimed at encouraging an increased participation in gambling by women.

On the question of credit betting, the Report states:-

"Credit is now a widely accepted form of payment and we favour the T.A.B. having an ability to use credit, but with strict limitations".

The report continues:-

"Obviously before allowing credit the T.A.B. would have to satisfy itself as to the credit worthiness of the client".

From thirty (30) welfare agencies contacted, the general consensus was that the "plastic card" and credit arrangements are a serious social hazard and it is clearly obvious that betting on a "bet now-pay later" basis, will have serious social implications especially amongst the lower socio-economic groups whose ability to repay, is in serious question. Whilst the Report does state that the "worthiness of the client" is a necessary requirement, the policing of such a situation is another matter - one which general store, finance agencies and banks find difficult to control, a situation highlighted by the number of bad debts being experienced by all the forementioned agencies.

With the recommendation for:-

"The T.A.B. to review its product mix with a view to:-

- (a) diversifying its range of "games" or "numbers" products as permitted under its present charter;
- (b) seeking an expansion of its present charter to allow it to operate on a wider range of games and betting products"

we, the Albany Christian Action, would indicate that this is just another ploy to gain more revenue with the ultimate result of reducing sport to the level of monetary gain at the expense of gamesmanship and sportsmanship. It also leaves such a sports at

the mercy of the "Big Money Bags" where forces can be applied via financial gain for teams or individual sportspeople to "throw games or sports". The implications of such moves are already a serious problem at certain levels of sport (an assertion supported by the introduction of drugs into certain areas of sport). The introduction of betting at a general level in certain areas of sport will only see the deterioration of sport to the level of the "fixed sport".

The Report also states that:-

"The facts of life as far as the T.A.B. is concerned is that what it sees as the bogy of Government intrusion is not likely to go away. The Government has every right and indeed statutory responsibility to take a keen interest in the activities and performance of the T.A.B."

The report goes on to state that the adoption of the principles of the Report:-

"will also serve to protect the T.A.B. - and indirectly the racing codes - against Government influenced decisions which might have adverse effects on the profits of the T.A.B."

With a Board in a position of potential influence by the Minister, it seems a contradiction in terms to assert that the T.A.B. can ever hope to be protected from undue Government influence.

It would also appear that a great deal of money and effort is to be put into T.A.B. marketing. Page after page of the Report deals with this very issue. It would seem that this gambling industry is setting out to become "big time" within the community and this can only be viewed with concern by those of us who value the moral, ethical and social developments within society.

It can only be deplored that the Government which spends large amounts of money attempting to legislate against the destructive influences of smoking (both active and passive), drink driving, drug addiction and reducing the crime rate (increasing as a result of the rising numbers of unemployed and the underprivileged), should set itself on a path which will be for its own self gain through increased revenue, but which, at the same time, will add to the social degradation of large sections of the community through the direct confrontation with Government sponsored and condoned hunting opportunities.

If the Government is serious in its concern to increase the general standard of living in Western Australia, they will reject this Quinn Report as being an instrument of social destruction which can only rebound on them, or some future Government, should it be adopted and implemented.

We therefore, respectfully call upon you, the Minister for Racing and Gaming, to accept this, our submission, and so inform the Premier and Parliament of our objection to the implementation of "The Quinn Report".

D.R.Boulger

Chairman

Albany Christian Action Group

I might add that the Christian Action Group represents 4 500 people in the Albany area alone, and definitely many more in the State.

I guess by now the Minister for Education is tired of hearing complaints and problems in connection with country schools. In this case I cite the inadequate condition of the toilets at the Denmark Agricultural District High School.

Hon Kay Hallahan: I have never heard about so many inadequate toilets as I have in the past two weeks.

Hon MURIEL PATTERSON: Last year the parents and citizens' association raised the problem of the inadequate toilet facilities at this school, which proved totally ineffective because, although it received reports and letters on the matter, no action was taken. Those members who know the people involved in the Denmark Parents and Citizens' Association will be aware of the enormous parental pride taken in upgrading facilities and helping, where possible, to improve conditions for the teachers and the children.

Hon Kay Hallahan: I have met a delegation from the Denmark school. Mr Monty House arranged a deputation which came to see me at my ministerial office a couple of weeks ago.

Hon MURIEL PATTERSON: On this subject?

Hon Kay Hallahan: Yes.

Hon MURIEL PATTERSON: Then I will not pursue it.

Hon N.F. Moore: You should not assume that the Government will fix it up.

Hon Peter Foss: I would repeat it just to make sure it is on the record.

Hon MURIEL PATTERSON: I refer to the inadequate toilet facilities at that school which create hygiene problems and, in turn, health problems. To make matters worse, the school has no changerooms and the children involved in swimming and other sports must cram into the toilets to change their clothes. When I attended school it was considered very backward to have to change one's clothes in the toilet.

I heard that Hon Barry House mentioned the conditions at the Bridgetown High School last night. Therefore, I will not pursue that matter, except to say that at the evaluation of the school in 1984 a list was made of the work required to upgrade the school, which was built in 1950. However, nothing has been done to improve the unsatisfactory conditions outlined at that time. I understand that an updated submission has been forwarded to the Minister and I urge her to attend to the matters raised.

During the parliamentary recess it was my good fortune to be asked to accompany the Leader of the Parliamentary Liberal Party, Mr Barry MacKinnon, the Leader of the Opposition in the Legislative Council, Hon George Cash, and my colleague, Hon Phillip Pandal, on a trip to India. Unfortunately, I cannot relate an anecdote as colourful as that told by Hon James Brown about Vietnam, whereby a movie talent scout recognised his great potential and asked him to participate in a movie about love. Alas, my talents will remain forever undiscovered.

For almost 200 years Britain's relationship with what used to be called the Far East was largely based on wishful thinking. It was said that if every Chinese person bought a handkerchief the demand created would be so vast all the cotton mills of Lancashire would be unable to keep up with the demand. Having just been on this 10 day trade policy mission to India I sense an inherent risk in our attitude to trade with that country. If only 10 per cent of Indians were to buy woollen winter jackets that would amount to 90 million pieces of worsted cloth and would turn Australia's surplus wool into a handsome profit. What a hope, and if only! This is not to argue that Western Australia has only a limited future as part of the Indo-oceanic trading zone; quite the reverse. There is no question that our region is destined to become a major economic force within the lifetime of the children at our high schools.

The Indian Ocean remains what it has always been, 75 million square kilometres of opportunity for those nations fortunate enough to share its coastline. Its trade winds powered the trade routes between Africa and the Spice Islands of Asia long before the first European merchantman rounded the Cape of Good Hope. As a youngster attending a two room country school I read stories of the roaring forties and the trade winds and saw romance and excitement in the vision. Today I will skip the romance, but I still see the excitement of such trade. Three of the Indian Ocean's 10 great ports are to be found on the Western Australian coastline: Port Hedland, Perth and Bunbury. Those ports are equivalent to Singapore, Madras, Colombo, Bombay, Karachi, Mombasa and Durban in regional and strategic importance. Geographically, we are almost overendowed with assets on which to build a profitable relationship with India. However, as we have just seen in Britain's trade with China, there are social and emotional dimensions which unless kept in mind have the potential to negate everything else.

Perhaps the hardest thing for Australians to understand is that India is an uneasy confederation of mutually suspicious, often hostile, States, castes and religions. The effects of this are very apparent in the current political crisis. While we were in India there was an enormous uproar in the Parliament of 600 members. I understand that it was taking the Speaker up to 20 minutes to get order. There then was order for a short time before someone said something and the uproar started again. It was therefore no surprise to us to hear of the resignation of the governing party. Paradoxically, India remains a cohesive society held

together by a need to survive. Therefore, our plans to raise the level of Western Australia's long term trade with India will have to be tempered with prudence and understanding. For instance, there is little to be gained by confining our contacts to the normal Government to Government contacts. Governments do not establish trade. They can assist and set the climate, but business establishes trade. Having talked to businessmen over there regarding Pakistan, the USA and other unfriendly countries they assured us that they were not unfriendly in trade; their saying was, "business is business". Indeed, I believe we should restrict political contacts to a workable minimum. After all, today's Parliament is out tomorrow. Australia's representatives should not become too closely identified with either side in the volatile political atmosphere in New Delhi.

The question then is how ought we to approach trade in India. We have an excellent start. There are no linguistic barriers. Both countries have a British heritage and from that an understanding of each other. The timing is right. Where once Russia was a large trading partner because of its economy it has almost ceased to trade in that area, so India must extend its overseas trade to expand and I believe we went there at the right time. We looked for plans of action using the nationwide chambers of commerce as a road map across the unfamiliar and often baffling Indian mindscape. We did not meet with politicians throughout our tour but with businessmen and men of industry. At times good old fashioned goodwill works well. We were warmly welcomed by Mr Chidambaram, Chairman of the Madras Chamber of Commerce, who spoke in glowing terms of Western Australia's hospitality and especially of the Legislative Council President, Hon Clive Griffiths, acknowledging their presence from the Chair. Mr Chidambaram said that to be so recognised as a visitor to our State was one of the highlights of his visit.

Australia is not the flavour of the month in India and there is a lack of awareness on both sides. A recent trade fair held jointly with another country, I think this year by India and Germany, hosted over 300 major exhibitors but not a single entry from Australia. We must start from the beginning, introduce ourselves and create an awareness. We should not look for quick profits. India is a long haul project. However, we should avoid the mistake of being overeager to please and concede points in trade negotiations. At all times we should test every proposal with the question, "What is in this for Western Australia?" That is an attitude well understood by Indians, who make it very clear, "No benefit, no deal." The Government will not open doors into the large industrial Indian base unless it is for India's benefit.

India's perception of Australia is very basic and is, in a word, "profit". Unlike Australia, where there is still a sizeable body of opinion critical of the profit motive, India and Indians have no such hang-ups - everything is negotiable if the price is right. From the industrial princes of the cities to the sweepers who recycle the city's garbage for a living, everybody is in trade. If one goes into the countryside one goes there to trade. The welfare system encourages people to work and help themselves. There is a great potential for Australian expertise in natural gas production. The Indians were very keen to learn more about our technology, paper pulp, coal, mineral sands, technology to combat land degradation, and food packaging and storage. Indians want joint ventures of lasting duration. Mr Raju from the Madras Chamber of Commerce in his address told us he was a party to the first joint venture between Australia and India in the 1960s which related to automobile ancillary industries. The two companies involved were Indian-Pistons and Repco and Bimetal Bearings. It involved Australian equity of 49 per cent. The company maintained an uninterrupted dividend record for 30 years; so it can be, and has been, done.

Hon J.N. Caldwell: We ought to send Rod Marsh and Dennis Lillee over there as they would be great trade commissioners.

Hon MURIEL PATTERSON: They certainly would be as the Indians are heavily into cricket.

How do we capitalise on these opportunities? I think a good place to start is educational programs. We should start at home. I talked about a long haul project. Warwick Senior High School has just set up an Asian studies program, the first of its kind in Australia, to teach students about life in China. That is reported in the *Education News* on pages 16 and 17. It is an excellent project that is good for the children to concentrate on and learn a lot from about one country. I see great potential in that idea and strongly suggest that another

Western Australian school be chosen to develop an understanding of the world's second most populous nation, India. Since I have been back I have written to one of the high schools and made that suggestion. I suggest that we provide Rotary scholarships, Chamber of Commerce and Industry exchanges for middle and senior management, and revive the very successful Indian Ocean cultural festival - perhaps at Bunbury - to focus attention on what I have already called the Tradewind Coast; and I hope members will notice that I am determined to use those words. Sir Charles Court initiated this cultural festival during his Liberal leadership, and I have no doubt that the next Liberal Premier of Western Australia will reintroduce it because it was considered to be a very good contact between both countries. We must not confine our attention exclusively to India but must always keep in mind the larger regional picture. Africa, Arabia and South East Asia are part of the same mosaic of opportunities. To that extent, India, through its own network of trade and overseas Indian populations, is a natural bridge into those other cultures, markets and regions.

An example is the Ballard Estate Mills where only Australian merino wool is used, and that mill has expanded into Kenya. At the woollen mills we saw the wool being processed from the dump bales through to scouring. I was ashamed to see that scouring take place. I would have thought that with today's automation, Australia could at least have done the scouring in this country and perhaps sent on the wool tops for further manufacturing. We saw the dyeing, weaving, research and testing of the fabrics, and the full components of tailoring, and were extremely impressed with what we saw. We also saw where \$200 million to \$300 million of Western Australian Kimberley Argyle diamonds are cut and set. We do not hear much about that trade because it goes via Belgium.

I digress at this stage to say that at a function in New Delhi I met a man by the name of Geoff Beecher, and was delighted to hear the story about his father, who managed a cattle stud in Mt Barker, in the great southern, and who discovered the technical process for separating ilmenite. That method is still being used today and is known in the mining fraternity as the Beecher method.

Hon Peter Foss: That process is ecologically sound.

Hon MURIEL PATTERSON: Yes. We also visited the Madras port, which was a very clean and efficient place. We discussed future trade with Mr Pardhasaradhi, who suggested that Western Australia consider the shipping of woodchips in jumbo bags for their pulp mills. I have never heard of using jumbo bags to ship woodchips.

[Leave granted for the member's time to be extended.]

Hon MURIEL PATTERSON: We must consider that proposal closely because in six, seven or eight years the woodchips from the blue gums and other trees being planted today in our south west region will become available, and the use of jumbo bags will make it more convenient to send those woodchips overseas.

The Government of today and Governments of the future must look for every opportunity to highlight the possibility of joint ventures with India and to learn more about India. India is an extremely interesting country and one about which I have mixed feelings, but I was very pleased to have had the opportunity to visit it. I support the motion.

HON SAM PIANTADOSI (North Metropolitan) [8.04 pm]: I rise in support of the motion, and before I refer to certain issues I want to clarify an interjection which I made during the previous speaker's address. I made an interjection about the closure of agricultural schools when Hon Muriel Patterson raised the issue of the Government's looking at expending more money for education in country areas with respect to allowances. I meant by my interjection that there is a lot of duplication of resources in some of the agricultural schools, and if those areas of duplication were corrected it might provide other sources of income. I suggested to Hon John Caldwell that he would agree with me, and I am sure he still will, and so would two former members of this place, Hon Colin Bell and Hon Robert Hetherington, because we all agreed with a report made on this subject and were unanimous in our findings. I ask Hon Muriel Patterson and other members on her side of the House whether they would agree to the closure of some of those resources in order to provide better resources to achieve part of their objectives?

I am sympathetic towards the plight of farmers, and I think members opposite are aware that I sympathise with the farming industry. I have a strong interest in farming. About six years



ago, a few comments were made - and Hon Margaret McAleer may recall them - by members opposite who found it strange that a person who had come from the trade union movement could raise matters other than industrial relations issues and have other interests. They were surprised that I had some interest in and knowledge of farming.

Hon Margaret McAleer: That was only because we heard your public utterances on particular subjects, mostly to do with water supplies.

Hon P.G. Pandal: Cockroaches!

Hon SAM PIANTADOSI: If the member wants me to touch on the cockroaches issue -

Hon P.G. Pandal: That story was not true, was it?

Hon SAM PIANTADOSI: Unfortunately Hon Graham MacKinnon is no longer with us. He had a strong interest at the time in what was happening because he was the Minister. He remembered me in his final speech to the House, and it made me feel good that I had at least some effect on him.

I point out that even though we may have different interests, when it comes to a crisis situation we on this side of the House are not entirely unsympathetic to problem areas. Hon Mark Nevill indicated in his urgency motion his interest in serving his electorate and meeting its needs. I believe I can say that for many people. Even though I represent a city electorate, we must remember that when one heads out past Wanneroo to Two Rocks, or to the Wanneroo area itself, one finds a big horticultural industry.

Hon Mark Nevill: Are you a West Perth supporter?

Hon SAM PIANTADOSI: No. I do not stretch a friendship. I am an East Perth supporter.

I have pointed out time and time again that the question which we and the farming industry need to ask is whether farmers are capable of being on the land, and whether they should be on the land. Are our traditional methods sufficient in today's environment? Is producing only wheat and sheep sufficient? Should farmers be looking at different qualities of wheat? What about different marketing approaches to different countries? I had a chat with Hon Bill Stretch about China as a market. Hon Muriel Patterson mentioned India as a big potential market. So is China. Two weeks ago I spoke to Hon John Caldwell about a request from some Chinese contacts for 100 tonnes of wool, but it was the wrong type of wool. The industry must prepare itself to meet the new needs which may arise during this decade and further into the future. Planning should take place within the industry to ensure that agriculture can take its share of the market and not allow others to take advantage of it. We frequently hear what the EEC and what the Americans are doing with their wheat; how they are taking advantage of the market. Farmers generally need to canvass those markets and take advantage of the opportunities.

Hon Muriel Patterson mentioned joint ventures. Numerous delegations, including many from China, visit Australia looking for joint venture partners. Perhaps a cooperative from Katanning could take part in a joint venture with Su Chow in China. The Chinese would welcome it because it would enable them to bypass the central system through which they must now buy wool. The local community would also benefit as it would not be taxed by the central system. Many people are encouraged by that. Delegations come here monthly seeking joint venture partners in a number of areas, and this is one matter the farming community should examine. Perhaps we should have delegations from Katanning, Narrogin or wherever visiting Chinese towns and entering into joint venture arrangements. Once a joint venture has been entered into, a secure market for the product will be provided; but unless these people undertake some of these initiatives, two, three or even four years down the track we might be faced with the same problem. It may very well be that members opposite will be in Government and will have to make some of the sorts of tough decisions that we have had to make over the last few weeks. Colleagues of members opposite in New South Wales decided not to support the farmers. While members opposite put pressure on the Government in Western Australia, the actions of their colleagues in other States has left a lot to be desired. Who is right and who is wrong with respect to those decisions? I hope I am here when members opposite have to make a decision whether to give that sort of support. Some 15 years ago predictions were made that unless farming practices changed this sort of problem might arise.

Hon Derrick Tomlinson: Surely it is the marketing practice rather than the farming practice?

Hon SAM PIANTADOSI: I think Hon John Caldwell will remember a visit to Muresk Agricultural College where a marketing course is run. It was made very clear there that farmers tended to rely on gut feelings rather than on practical, business and marketing considerations. Courses were initiated to assist farmers to reach those markets. Until then decisions based on gut feelings were made and people often suffered as a result of making such decisions rather than ones based on practical business considerations after looking at the market. That was very evident, and is part and parcel of the problem which needs to be addressed. If a similar situation arose again, it would be very difficult to repeat this assistance, especially if the people concerned are not prepared to look at themselves and ask whether it is the system or themselves at fault.

Hon J.N. Caldwell: The marketing courses are not linked in with languages and this is one of the factors which is holding us back overseas. Languages are not taught during those marketing courses, and they could be incorporated.

Hon SAM PIANTADOSI: That is a big factor. I do not disagree with what the honourable member is saying, but unless we overcome the attitude that we seem to have, not only in farming but in other areas, we will always be behind the eight ball.

Hon J.N. Caldwell: I do not think there are any courses in Arabic. I think there is one in Japanese.

Hon SAM PIANTADOSI: One needs to take into consideration the cultural structures of other countries. If people fail to do that, their chances of success are minimised. One needs to look at diversity. What crops do these countries want? Farmers here need to be prepared to diversify and produce other crops for the market; not what they think the market wants and what they place for sale in the marketplace.

Hon N.F. Moore: Quite right!

Hon SAM PIANTADOSI: Those changes need to be made. On several occasions I have talked about diversity, not only with wool but also with cereal crops. There are other crops and markets, and we could take advantage of them. Europe has a big market for lupins. Some farmers have taken advantage of that and are now producing lupins. They are using lupins also as feed for their stock.

Hon J.N. Caldwell: What do they do to the animals?

Hon SAM PIANTADOSI: I do not want to go into detail because if the previous speaker heard some of our comments it might make the situation difficult. We should look at diversifying production and markets. As Hon J.N. Caldwell pointed out, we have diversification in education; I think we are getting there. However, there is a duplication of education resources in country areas and country schools. The technical and further education system is beginning to change, but in some of the small institutions the system has not changed at all.

The effects of dumping by European Economic Community countries and the Americans is a real problem for our markets, but it is not just what is happening overseas that is causing problems. In Western Australia we do not see much of what is happening in the horticultural industry, but on the eastern seaboard fruit and vegetables are being dumped from the American market, making it very difficult for horticultural growers in the Eastern States. We do not need to go overseas to see what is happening; our allies the Americans are doing it on our own doorstep on our eastern seaboard. Evidence of this is found at the central markets in Sydney and Flemington. This is happening here in a small way with citrus fruits and small vegetable lines, such as garlic. On the eastern seaboard, that is the problem. The problem also exists here with the dumping of vegetables by the Americans. Consideration should be given to the problem. I support the comments of the Deputy Premier and the Leader of the National Party regarding the setting of some ground rules for our so-called American allies. Are we the allies of the Americans in name only? Can the United States of America do anything it likes; and must we cop it? We should take a stand; we should indicate that Australians will no longer tolerate the behaviour of the Americans over the last three or four years.

Hon N.F. Moore: The member should not forget that several hundred people are employed

directly by the Americans at Exmouth, at the North West Cape, not to mention the thousands employed indirectly. Those people should be looked after.

Hon SAM PIANTADOSI: I understand that. We should question the social cost of the visiting warships.

Hon Barry House: What about the social benefits?

Hon SAM PIANTADOSI: We receive monetary benefits, but members should check on the social diseases that occur in many parts of the world where American bases have existed for some time. I refer to the Philippines, which is not a rich country, and its decision to do something about the social cost and the medical costs of the existence of such bases in that country, even though it gets about \$700 million to \$800 million a year from the lease of those bases. However, the social cost is higher than the benefits received in the short term.

Hon N.F. Moore: Is the member talking about social costs at the North West Cape?

Hon SAM PIANTADOSI: I am talking about facilities generally. Does the member wish to be specific about the North West Cape? I include all facilities utilised at ports of call for ships.

Hon N.F. Moore: Mr Taylor suggested that we should threaten to remove the Americans from the bases if we do not get a better deal for agriculture. One base is at North West Cape, and it employs people whom Hon Sam Piantadosi would normally support. If the base were closed, those people would lose their jobs.

Hon SAM PIANTADOSI: Many small businesses close down at other places, but people find other jobs after a while. The member would agree with that. I do not advocate the closure of the North West Cape base - which is what the member wishes I would say. I include all facilities, including North West Cape. If the Deputy Premier has made an announcement in that regard, and if Hon Norman Moore is asking my opinion about the comments of the Deputy Premier, I will not offer it. A decision is up to the Deputy Premier. However, the time has come for serious negotiations with the Americans regarding their activities, not only in markets overseas but also our local markets. If the member agrees that the Americans should dump vegetables on markets, he should make his position clear.

Hon N.F. Moore: I do not think we should use the bases as a negotiating point for other matters.

Hon SAM PIANTADOSI: How would the member negotiate? Would he telephone the Americans and say that this situation is not good enough?

Hon N.F. Moore: The American farmers do not want to go broke any more than do Australian farmers.

Hon SAM PIANTADOSI: We do not dump goods on the Americans' doorstep but they are dumping on ours.

Hon N.F. Moore: We need antidumping legislation.

Hon SAM PIANTADOSI: That is virtually telling the Americans what we think of them and what we want.

Hon N.F. Moore: We do not support dumping; we support proper, free trade.

Hon SAM PIANTADOSI: I will be interested to hear the comments of the member during the Address-in-Reply debate.

I now move away from wheat and wool to other areas of agriculture which are more than holding their own. Poultry farming is increasing, and we are looking towards exports. Horticulture is expanding, and I would like to mention some of the areas in my electorate. Mr Moore will be interested in these comments. I refer to the Ord River, Broome, Carnarvon, Wiluna and Kalgoorlie. Kalgoorlie has been a strong rural area for certain vegetables, especially onions, in the past. They were probably the best produced onions of all, as a result of the quality of the soil in the area. A similar situation occurred in Wiluna with melons and citrus fruit. However, the industry there lacked the basic commodity needed in some quantity - water.

Hon N.F. Moore: There is no problem with water in Wiluna.

Hon SAM PIANTADOSI: In Wiluna specifically, transport is the problem. If a water supply were fed into the area more places like Wiluna would open up and thereby expand the industry.

Hon N.F. Moore: The problem there is transport.

Hon SAM PIANTADOSI: Perhaps we need to build an international airport at Wiluna. The quality of the product deserves that. The desert gold melons produced from Wiluna were in great demand. People could not get enough of them.

Hon N.F. Moore: They are not grown there any more.

Hon SAM PIANTADOSI: Produce of good quality is grown in areas such as the Ord River, Carnarvon, Wiluna, Broome and Geraldton. The growing conditions are excellent, but obviously transport problems and the distances involved are of prime consideration. Decentralisation is another issue; if that part of the country were opened up we could reap the benefits of exports to South East Asia with certain lines of fruit and vegetables. The market would be large, considering that some melons sell in Japan for about \$A70 each. If our farmers received only \$5 for each melon, the quantity to be supplied from the Ord River alone would be of benefit to the industry.

Hon Max Evans: It all comes back to quality control. The quality of a kilo of grapes there is never seen in this country.

Hon SAM PIANTADOSI: I know that. However, we would have no problem with melons. We have a large variety of melons for which people in those areas are prepared to pay more. One grower received about \$1 million a month from the export of melons to South East Asia, so the possibility to expand exists. I was glad to hear the Minister announce two months ago that he was about to release some 70 000 hectares to allow expansion of the industry in the area. Down the track, if we are able to establish an international airport in the Wyndham or Kununurra areas to take the heavy 747 transport aircraft, our access to the South East Asian markets will improve and we will be able to sell many more primary products. I agree with Hon Norman Moore about the transport factor. It does not matter whether the freight is from Carnarvon or Perth and going to Singapore, there is a problem. Carnarvon has an export market to Singapore, and that has been in place for many years. However, the problem is internal and involves taking the goods onto the export market, and that is the biggest single problem we have in that regard. The Government must look at that to help our trading position. A number of other areas such as Manjimup, Margaret River, Warren, Harvey and Jarrahdale are very good growing areas, although some of them have been lost to salinity. Manjimup is increasing as a growing area because it has a good water supply.

This brings me to the next issue on which I will speak, the Kimberley water pipeline proposed by Hon Ernie Bridge.

Hon Derrick Tomlinson: I thought we would get to that.

Hon SAM PIANTADOSI: I am glad to see that I have generated some interest from members opposite. The cost for the pipeline has been put at \$8 billion.

Hon N.F. Moore: It is \$8.5 billion.

Hon Max Evans: Was that billion or million?

Hon SAM PIANTADOSI: It was billion - one does not get much for \$8.5 million these days. The pipeline is being discounted by some people as being too costly to operate, and other proposals have been mooted and considered. These include desalination plants and even icebergs.

Hon Bob Thomas: From the North Pole.

Hon D.J. Wordsworth: They are not that far away.

Hon SAM PIANTADOSI: To bring icebergs to Western Australia?

Hon D.J. Wordsworth: That is right.

Hon SAM PIANTADOSI: Is the member going to kill another industry in this State? It annoys me when we have interjections which show not a lack of intelligence - the member is an intelligent man - but someone going astray and making silly mistakes. If icebergs were brought to our doorstep, what does the member think would happen to our lobster industry?

Hon Derrick Tomlinson: We will have frozen lobster.

Hon SAM PIANTADOSI: It would kill off the industry. I am glad that the member is not in charge of water supplies or fisheries. If he were, he would not be there for very long. Fishing is a primary industry, and members opposite have not mentioned over recent weeks the plight of the lobster fisherman and the bad seasons he has faced.

Hon N.F. Moore: Have you been up to Geraldton this week?

Hon SAM PIANTADOSI: It is the same as with the horticulture industry; if some areas are having a bad season, it does not mean that the whole industry is doing so. If the member talks to me in two weeks' time, we will see how well the Geraldton lobster fishermen are doing. If the member speaks to the fishermen at Fremantle, Two Rocks, Seabird, Green Head, and down to Mandurah, he will be told that these people have had to make trips to see their bank managers. These people are fortunate in that they have boats and pots and licences against which they can obtain loans; however, they are suffering because they have had three bad years and another is expected next year.

Hon D.J. Wordsworth: An iceberg dragged into Albany harbour will not change the situation.

Hon SAM PIANTADOSI: I can provide the member with scientific information from the CSIRO at Waterman which indicates that a half degree drop in temperature would greatly affect the lobster industry. Was the member the Minister for Fisheries?

Hon D.J. Wordsworth: No I wasn't.

Hon John Halden: Thank goodness for that.

Hon D.J. Wordsworth: An iceberg in Albany harbour would not cause a half degree drop in temperature.

Hon SAM PIANTADOSI: The currents coming down the coast are already having an effect, and it cannot be stopped. If an iceberg were brought into our waters -

Hon Mark Nevill: It would flood the coastal plain.

Hon Peter Foss: It would not be a very big drop in temperature.

Hon SAM PIANTADOSI: A half degree drop is enough to ensure that the lobsters do not move. The members who proudly represent primary industry have not mentioned the plight and difficulties of an industry which brings in \$300 million-odd a year in export earnings to this State.

Hon N.F. Moore: We are not advocating icebergs.

Hon SAM PIANTADOSI: The member's friend is.

Hon N.F. Moore: I am not.

Hon SAM PIANTADOSI: The member is not on the fisherman's side if that is what he would do in the future. Is that what a possible coalition Government would do in the future? A proposal regarding icebergs was first mooted during the time of the Court Government. That demonstrates that the conservative elements within our society have been in Government for a lot longer than we -

Hon N.F. Moore: Thank God for that.

Hon SAM PIANTADOSI: - yet they did little to ensure that we had an adequate water supply. During their time in office nothing happened.

Hon N.F. Moore: Are you saying that we do not have an adequate supply of water?

Hon SAM PIANTADOSI: No, we do not.

Hon N.F. Moore: What are you doing about it; what have you done about it in the last eight years?

Hon SAM PIANTADOSI: The Minister for Water Resources' proposal will help to eliminate the problem.

Hon W.N. Stretch: There is adequate water until 2045, and you know it.

Hon SAM PIANTADOSI: Members opposite expanded the metropolitan area without

providing the services to help prevent underground water pollution. They allowed subdivisions to go ahead with septic tank systems without allowing for the service facilities so that the sludge was treated and removed. If any member can deny that, he should make a public statement claiming that it did not happen.

Hon N.F. Moore: The Minister said in the Legislative Assembly tonight that there was no underground water pollution.

Hon SAM PIANTADOSI: Does the member believe that we have no underground water pollution?

Hon N.F. Moore: The Minister tells me that there is no pollution.

Hon SAM PIANTADOSI: The member does not know - that is the strength of it.

Hon N.F. Moore: I do not know.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: Mr President, I had to respond to the two interjections because one member wants to bring an iceberg to the State and another claims that we have no ground water pollution.

Hon N.F. Moore: The Minister said that this afternoon.

Hon SAM PIANTADOSI: I raised the issue of ground water pollution in 1979 when I was the secretary of the water supply union, and I embarrassed a then Liberal Government Minister who was subsequently dumped from the Court Ministry. This Minister would not heed the warnings in the information we presented to him and eventually ground water pollution eventuated. At that time the Minister in question accused me of being a scaremonger and said that I did not know what I was talking about. However, he closed the bores around the rubbish tip because the water could not be drawn. That is not bad for someone who did not know what he was talking about and who was a scaremonger trying to alarm people! However, they found that in reality there were problems.

Hon Peter Foss: Are there still problems?

Hon SAM PIANTADOSI: There are problems.

Hon Peter Foss: Are you telling Mr Bridge about them?

Hon SAM PIANTADOSI: I have told Hon Ernie Bridge. It is quite obvious that members opposite have no interest in the past otherwise they would realise that the conservative parties were in Government when that was allowed to happen. The Leader of the Opposition in this place, Hon George Cash, mentioned decisions made by people in the cities of Perth and Wanneroo who acted in good faith some 10 years ago. Twelve years ago I warned those people about liquid waste dumping, and about its leaching into ground water. Some two or three years later those people were still making that decision "in good faith". Members opposite took the soft option at the time and now we are paying the price.

The PRESIDENT: Order! Will the honourable member not continue to engage in conversation with other members and direct his comments to the Chair.

Hon SAM PIANTADOSI: Mr President, I am, but members opposite are directing their comments to me.

The PRESIDENT: Order! I suggest you ignore them.

Hon SAM PIANTADOSI: I will do my level best, but it is most difficult, as you would understand by the nature of the questions.

Hon Mark Nevill: It is all your fault!

Hon N.F. Moore: Please read the answer that Ernie Bridge gave in the other place today.

The PRESIDENT: Order!

Hon SAM PIANTADOSI: Mr President, you can see my problem and how very difficult it is to disregard such an ignorant question. It is quite obvious that I was not in the Legislative Assembly. If Hon Norman Moore wants to provide me with Mr Bridge's answer I will be happy to read it to the House. I am not in a position to do that now and he should be cognisant of that fact. The member is hammering home his ignorance about water supplies.

Members on the opposite side of the House have shown the same ignorance over many years, and that has led to the problems we have because septic systems were installed rather than supplying the service facilities that would take the sewage away. If the member wants to tell me that that is not the case, he has problems.

Hon N.F. Moore: I am telling the member what Ernie Bridge said in the other place today.

Hon SAM PIANTADOSI: I am not an expert, but I have more of an idea about the system and have forgotten more about it than Hon Norman Moore will ever know.

Hon N.F. Moore: That is why I listen to the Minister's answers. What did the Minister say?

Hon SAM PIANTADOSI: The member should direct that question to the Minister by way of a question on notice.

Hon N.F. Moore: I will do that now.

The PRESIDENT: Order! Members have forgotten the rules.

Hon SAM PIANTADOSI: I support Hon George Cash's comments about the problems with the Mindarie tip. In October I raised the problems confronting our wetlands and ground water. We need to support options that will ensure that we are able to feed and refill our ground water areas. Currently we are drawing water from underground and it is not being replaced. This is where the Water Authority of Western Australia has failed us over the years. It relies on a good winter rainfall to solve our problems and for our stocks of water to be replenished. Unfortunately we have not had many good wet seasons. The fragile nature of the coastal plain is well known to members and if we continue to draw water without replacing it at the rate we are it will not be long before the ground water levels will fall below sea level. We are told that any heating of our atmosphere will produce an increase in sea levels, and at the same time that our ground water levels are decreasing. What will happen if ground water levels fall below sea level? Will we still have a coastal plain? It is an important issue requiring urgent consideration because without water there is very little that we in Western Australia will be able to do. It is a commodity that is most important and necessary. Ten years ago the Wungong Dam, which had been on the planning board since 1929, was completed. It is sad when one considers that it took 51 years to get it from the planning board to reality.

Hon Derrick Tomlinson: That is good forward planning.

Hon SAM PIANTADOSI: Yes, and if the member would care to look at the record he will see that the conservative parties were in charge. We had a problem because the conservative parties had that kind of foresight.

Hon W.N. Stretch: Does that relate to the management of recharge areas?

Hon SAM PIANTADOSI: I recall that when I was a young lad most of Perth had surface water and a system of drains was established to drain away that water. What has happened? We removed that surface water and we have gone a step further. We have drawn what remained of the surface water at a great rate through private bores for homes, market gardens and industrial use. But it has not been replaced.

Hon W.N. Stretch: We are neglecting the areas of recharge.

Hon SAM PIANTADOSI: Unless that is managed we will have real problems.

Hon W.N. Stretch: That is the other side of the equation.

Hon SAM PIANTADOSI: The biggest polluter is our road system. All the oils and chemical spills that occur on the roads are washed away in winter into the drains and leach into the ground water system. The drainage of the road system is one of the issues that local government needs to address. That oil and whatever chemicals have spilled onto the roadway are being flushed into the open wetland areas. In the past, members have heard talk of how the Swan River has changed over the years and been polluted by industry. However, most of that pollution runs off the road system.

Hon Derrick Tomlinson: They found that most of the pollutants were chemicals from suburban gardens.

Hon SAM PIANTADOSI: And from Cresco. If members tested the oil on an open drain in winter they would understand what I am talking about. There is a cleaning process of the

road system through heavy rains. However, it is being flushed into the soil and, in the case of the drain at Bayswater, much of it is going into the river and polluting the river. I believe there is an area there about which I will make suggestions to the Minister for Water Resources and the Minister for the Environment.

Hon Derrick Tomlinson: That very thing is being done on the Roe Highway extension where they have put in the things you are suggesting where the water is leached before it goes into the wetlands.

Hon SAM PIANTADOSI: Indeed. Rather than pumping sewage into the ocean, we should go one step further than the tertiary process at Beenup, which process involves the pumping of a green liquid into the ocean. If we went one step further we could reuse that water. In southern California, Arizona, Nevada and some areas of Texas, the waste water is used for swimming and also for drinking because it has been treated further. Rather than pumping water into the ocean, we should go that one step further and process it a fourth time for channelling back through the system. That has to happen. Unless we do that we will have real problems.

There are more modern methods of disposing of our rubbish than by putting it in a rubbish tip. Where most local government authorities used to collect all rubbish, including bricks, wood and tree clippings, they are now separating it. In the town of Bassendean where I live, the council is recycling tree clippings to chip and using that chip on gardens. The tree clippings are put through a machine and reused. That council is on the right track to ensure that the amount of waste is reduced. However, there are other areas where improvements can be made. It is the bacteria that gets into the ground water that causes pollution. Part of a Press release in *The West Australian* issued some months ago states -

The most likely cause of the elevated levels of ammonia - which is a naturally-occurring compound of nitrogen and hydrogen - is the breakdown of organic matter . . .

That was the cause of the problem. If that was burnt and dried it could be turned into compost. It is happening in some states of America. Nebraska, particularly, is taking the lead with cattle manure. Too often we have read of the problems caused by manure in Poland. Another article states -

Beef Cattle Manure - fresh beef cattle manure contains about 85 percent moisture. The moisture content of feedlot manure depends on climate and length of exposure. In Nebraska's climate feedlot manure averages about 50 per cent moisture. When composted, beef cattle manure changes from large sized masses which are difficult to spread uniformly, to small particles which can be applied as easily as commercial fertiliser.

That quote is taken from a book entitled *Brown Bear - Composting*. If members want a photocopy of the article I am only too happy to supply it. It is interesting what can happen if we think ahead. We could overcome many of the problems that will occur with the Tamala Park tip by turning the refuse into compost and fertiliser. We should ensure that the risk of polluting our underground water supplies is minimised. The Chinese are able to fully utilise their waste. They use waste for cooking to generate energy, both electricity and gas. Some of the garbage is fed to the animals and other waste is put back into the land. They have demonstrated what they can do by feeding such a large population for so many thousands of years. They can teach us all a lesson about waste management.

The lesson we learnt from the Mandurah experience about better farming techniques was necessary. We know now what can happen when certain fertilisers are applied to our soils. The problem that occurred there was that farmers tried to maximise the return from poor quality sandy soil and the end result was that the fertilisers leached not only into the ground water but also into the rivers that fed into the estuary. Hon Derrick Tomlinson referred earlier to backyard pollution. It is the same sort of thing. We need to educate people about fertilisers and some of the liquids that can be utilised that will have a minimal effect on our aquifers and ground water supplies. At the moment people do not know what they are buying.

Hon Derrick Tomlinson: They buy whatever is on special at the local nursery.

Hon SAM PIANTADOSI: Yes, they take advantage of that and many of those fertilisers go



into the ground water system and pollute it. We cannot be sure what ecological damage that may be doing. In years to come our children will be able to remind us of the legacy we left them. We are beginning to experience many of the problems that can be attributed to the past managers of this State who made the easy decisions and took the soft options rather than considering the potential dangers to the environment. With the environmental problems that exist today, we should look at the systems we can utilise and at what is necessary for this State. Many people consider the proposal for the \$8 billion pipeline a pipe dream. However, so was the Kalgoorlie pipeline. If that pipeline is constructed from the Kimberley to Kalgoorlie, we may reach a stage when water will be pumped the other way - from Kalgoorlie to the coast.

Hon Derrick Tomlinson: It is downhill.

Hon SAM PIANTADOSI: It is downhill to South Australia also. The Minister's proposal has a lot of merit. Some people have said it is nothing but fantasy on the part of the Minister, but I am sure that 100 years ago people said the same about C.Y. O'Connor when he proposed the Kalgoorlie pipeline. With the technology available to this State the Minister's proposal would be an easy exercise compared with the adversity confronted by C.Y. O'Connor. We must secure a future for Perth, which is one of the fastest growing cities in Australia. People are coming from the Eastern States to settle in Perth, and if its current rate of growth is to continue we must be able to provide adequate water resources. I urge members to consider the situation of insufficient water in the metropolitan area. Unless we turn the tide in respect of ground water pollution, this State will not have much of a future. Perhaps if there had been better management of our water supply in the past we would not be confronted with these problems today. I ask members opposite to consider the failings of conservative Governments in the past.

Hon Derrick Tomlinson: Perhaps you would be charitable and say, "Our failings" instead of "Your failings".

Hon SAM PIANTADOSI: I am referring to the member's colleagues when they were in Government.

Hon P.G. Pandal: We did not send the State bankrupt.

Hon SAM PIANTADOSI: If members opposite consider the opportunities which their colleagues passed by when they were in Government I am sure they will agree with me.

Hon Derrick Tomlinson: Have a look at the history of Governments since 1946.

Hon SAM PIANTADOSI: I invite the member to visit my office when I have completed my speech and I will provide him with information about who made the decisions with respect to our water supply. It is imperative that members support this concept. We do have problems with our water supply and there is plenty of water available in the north of this State. Taking water from the south west is a short term solution and is not an option. Already problems have been encountered with the Harris Dam. We talk about decentralisation; the pipeline would present the opportunity to further that concept and to develop this State fully. I urge members to support the proposal. I support the motion.

Debate adjourned, on motion by Hon Derrick Tomlinson

## LOCAL COURTS AMENDMENT BILL

### *Second Reading*

Debate resumed from 20 March.

**HON DERRICK TOMLINSON** (East Metropolitan) [9.04 pm]: The principal effect of the proposed amendment to section 30 of the Local Courts Acts is to exclude from the jurisdiction of Local Courts the hearing and determining of actions for personal injury arising out of the use of a motor vehicle. I understand that few, if any, such actions are pursued in Local Courts, principally because under sections 30, 31 and 32 of the Act the jurisdiction of Local Courts is limited to cases in which claims do not exceed \$10 000.

The Law Reform Commission, in its report on Local Courts - project No 16 Pt I - published in June 1988, recommended that the jurisdiction be extended to \$15 000, but as yet that has not been acted upon. Therefore, the jurisdiction remains limited to claims which do not

exceed \$10 000. Because of the limitation on the value of claims which may be pursued the preference is to initiate action in the District Court where such limitation does not apply. As the Attorney General said in his second reading speech very few, if any, such actions are initiated in the Local Court and the effect of the proposed amendment is to establish at law what is so in fact. In that respect the amendment before the House is a seemingly trivial one. The explanation given by the Attorney General for this seemingly trivial piece of legislation is that it will enable the District Court to deal expeditiously with claims arising out of the use of motor vehicles. That justification is somewhat tenuous because the District Court already acts on such claims. Whether it acts expeditiously depends entirely on the point of view of a person. Even though the amendment is seemingly trivial it establishes the matter of jurisdiction and it also establishes that claims arising out of the use of a motor vehicle henceforth will not be heard by a Local Court. I repeat that it establishes at law what is so in fact and for that reason alone the Liberal Party does not oppose the legislation.

I wish to raise further matters dealt with in the Law Reform Commission's report to which I referred previously. The recommendations of the report on Local Courts, together with the Law Reform Commission's report on a review of administration decisions - appeals, project No 26 of 1982 - and the report of the Court of Petty Sessions - constitution, power and procedure, project No 55 Pt II 1986 - together make some particularly pertinent recommendations for the review and restructuring of the court system in Western Australia. It was recommended in the report of the Court of Petty Sessions, and reaffirmed in the report on Local Courts, that there should be a merging of the Local Court with the Court of Petty Sessions to form a new court which they chose to call the Magistrates Court. The latter of those reports recommended that the Magistrates Court should have five divisions - an offences division, a civil division, a small debts division, an administrative law division and a family law division.

The latter of those two reports identified two advantages: Firstly, it would enable a rationalisation of the existing court structure and, secondly, it would be conducive to magistrates becoming specialists in particular fields of jurisdiction. Recommendations for the rationalising of existing court structures have certainly been made cumulatively by successive reports of the Law Reform Commission, but extending back for almost a decade. It is somewhat disappointing that we should deal with a seemingly trivial amendment to delete from the jurisdiction of the Local Courts actions arising out of the use of a motor vehicle, whereas those more adventurous amendments, and those much wider in their implications, have not been dealt with. I hope the Attorney General will be able to tell us it is a matter the Government has in hand and that it will introduce legislation in a short time. Certainly it is a concern and desire within the legal profession of Western Australia that there be some rationalisation and reorganisation of the court structure, in particular relating to the recommendation of the Law Reform Commission that magistrates be enabled to specialise in particular fields of jurisdiction. Rather than magistrates, and indeed judges in the Supreme Court, having to deal with a range of cases they might become specialists in civil jurisdiction, administrative law, family law, criminal law and so on. Hence, the expertise they would develop might enable more predictable, rational judgments in the various jurisdictions. I noted that the Attorney General indicated he would respond to that and I look forward to his response. If, indeed, the Government has found good reasons why it cannot proceed with the more momentous reforms, I look forward to hearing them. If the Government has found otherwise, and it is proceeding with a much more adventurous review and restructuring of the court system in Western Australia, I likewise look forward to hearing that. While we await the more momentous reforms, we have before us this limitation in the jurisdiction of the Local Court to which the Liberal Party has no objection. It supports the amendment that is the purpose of the Bill. However, we suggest that the matter of the Local Court's jurisdiction over suits for breach of promise of marriage be also considered. In fact, there is an amendment in my name for the deletion of that paragraph from the Bill.

**Hon Garry Kelly:** It is better to have breach of promise than a broken marriage.

**Hon DERRICK TOMLINSON:** I will explain the reason for so moving. When the Law Reform Commission reviewed the Local Courts it looked at each of the exceptions to the jurisdiction of the Local Court contained in section 30 of the Act and dealt with each in turn. It recommended that the present exclusion be continued for action in ejectment and action in which the title to land is in question, and so on. On matters of seduction and breach of

promise of marriage, it made the observation that actions for the seduction of a spouse have been abolished by section 120 of the Commonwealth Marriage Act 1975. Therefore, actions for the seduction of a spouse are not actionable. Actions for seduction of a child are still possible but the Law Reform Commission made the observation that these are possibly better dealt with in courts of another jurisdiction, in particular the Children's Court. Although the Law Reform Commission did not deal with it, I understand seduction of a servant is likewise actionable but perhaps better dealt with by another jurisdiction, such as the Equal Opportunity Commission. Having made the recommendation that the present exclusions be continued, given the fact that some aspects of seduction are still actionable, it turned its attention to breach of promise of marriage, and noted that the actions for breach of promise of marriage were abolished by the Commonwealth Marriage Act of 1976. While Hon Garry Kelly may prefer to have breach of promise of marriage rather than a broken marriage, a broken marriage is not prohibited by law but actions for breach of promise of marriage are prohibited by the Commonwealth Marriage Act of 1976.

Hon Garry Kelly: Would you say it is a rather quaint provision?

Hon DERRICK TOMLINSON: It has been abolished and nothing could be more quaint than that!

Hon Garry Kelly: And do you want to bring it back?

Hon DERRICK TOMLINSON: I will go through the matter slowly for Hon Garry Kelly once again: Under section 30 of the Local Courts Act actions for breach of promise of marriage are excluded from the jurisdiction of the Local Courts. I am suggesting it is now a redundant provision and, therefore, it can be deleted from the Bill now before the House without any harm whatsoever. It will do nothing whatsoever for the threats to marriage, but it will certainly do something for the threats to breach of promise of marriage. The Liberal Party supports the Bill with the proviso of the amendment foreshadowed.

**HON J.N. CALDWELL** (Agricultural) [9.18 pm]: The National Party signifies its support for the Bill. An anomaly arose under the existing legislation whereby cases involving claims for personal injury incurred in a motor vehicle accident which exceeded \$10 000 would generally lapse. The Bill before the House provides that such cases will no longer be dealt with in the Local Court. The National Party considers this a logical conclusion.

**HON PETER FOSS** (East Metropolitan) [9.19 pm]: I mentioned in my speech yesterday that certain Bills before this House deserved the appellation of "the most useless Bill of the year", and I hinted that one on the Notice Paper could be a suitable entry in that contest. This is the Bill. Although it manages to cover an impressive three pages, all it does is contained simply in lines 20 and 21 of the second page; that is, it removes the bringing of actions for personal injury caused by or arising out of the use of a motor vehicle. The rest of the Bill falls into two other types of provisions: Firstly, it is a shuffling by the parliamentary draftsman of the bits and pieces of the words into a format more easily read than was the original Local Courts Act. The first part puts in a subsection appellation and puts everything else into subparagraphs. It is a worthy effort to make the Bill more easily read but it does not change the law. The fourth section was introduced purely because of the problems that can arise from changes being made. Although it is necessary if one has made the changes, that seems hardly an end in itself. That brings us back to the single thing: Eliminating the bringing of actions in the Local Court that nobody brings anyway. I could understand, if we were amending the Local Courts Act for other reasons, that while doing it we might tidy up this little anomaly on the way through. However, to bring a Bill before this Parliament specifically to abolish something that nobody is doing anyway seems to be totally ludicrous and a waste of the Parliament's time and the time of every legal practitioner in Western Australia who will have to take this Bill and amend his copy of the Act. If he does not do that, every time he refers to the Local Courts Act he will have to look through the Statutes to ascertain whether this amendment is doing something worthwhile and note it at that time. That is a totally useless and irresponsible use of the time of this Parliament and of the time of practitioners in Perth. It will lead to extra costs in the conduct of the law in Western Australia.

The most useful thing that has come out of this entire exercise was the erudite speech by Hon Derrick Tomlinson who used his time to draw the attention of the House to the parts of the Law Reform Commission's report that matter. That was probably a worthwhile exercise

because he brought the matter to our attention and I hope that will cause something to happen about those parts of the report. Apart from that I am struggling to see any use whatever being made of the time of the House in dealing with this matter. I suppose to some extent the fact that this Bill could get started and reach the stage where it is pointed out to the Parliament that breach of promise of marriage is not in fact an action that exists any more and we are going to the trouble of stopping the Local Court from dealing with it is of some use. Perhaps for the benefit of Hon Garry Kelly we could exclude things such as personal injury resulting from accidents arising out of the use of unidentified flying objects, or some other useless thing that never happens in the Local Court. I seriously nominate this Bill for the most useless Bill of the year award to await the end of the session when we will have seen what other useless Bills have been put forward.

Hon Mark Nevill: What about Hon N.F. Moore's Bill?

Hon PETER FOSS: Which one?

Hon Mark Nevill: Both of them.

Hon P.G. Pendal: Mr Foss may have to agree by the end of the session that the Government has outdone itself more and more.

Hon PETER FOSS: This is merely nomination time; we have not reached the Academy Awards yet. I am prepared to hear from anybody about this, including Hon Mark Nevill.

Hon Mark Nevill: I have my own awards.

Hon PETER FOSS: I know, but Hon Mark Nevill forgot to give them last year. If he is able to establish a case we will listen carefully to him before the awards are given.

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.23 pm]: I thank members of the Opposition for their general acceptance, if not positive support, of this Bill. I take Hon Peter Foss' point to heart. He had not given his speech to the Address-in-Reply at the time this Bill was drafted and perhaps we would have given it further consideration had we heard his warning earlier. I do not pretend for a moment, nor do I suggest, that this Bill represents the peak of the legislative ambitions of the Government in the current session and as early as tomorrow I will be offering Hon Peter Foss and other members yet another opportunity to look at what I think all members will agree is an important measure related to the area of law enforcement. It relates to the foreshadowed Bill to create the Office of Director of Public Prosecutions.

Having said that, I am not suggesting that this Bill is of major importance. I should at least indicate, however, that it is not as useless as Hon Peter Foss has suggested. It was advanced at the urging of one or more practitioners specialising in this field who have perceived difficulties with current arrangements. Hon Derrick Tomlinson raised the question of the outstanding recommendations of the Law Reform Commission in respect of both the Local Court and the Court of Petty Sessions. As he pointed out, these have been the subject of separate reports. If my memory is right, there has been more than one report in respect of each of them.

I was reminded in the course of Hon Derrick Tomlinson's address of the warning one thinks of when going into an auctioneer's premises; namely, not to scratch one's nose in case it is taken for a bid. The reason that came to mind is that Hon Derrick Tomlinson suggested in the course of his remarks that I had signalled to him an indication that I would be responding fully to the questions he asked. Actually, I was beginning a signal to him which would have ended up with a request for him to repeat the question because I missed it owing to a brief distraction for another discussion. I cannot satisfy his expectations.

Hon Derrick Tomlinson: That does not matter; you rarely do.

Hon J.M. BERINSON: I cannot satisfy his expectations for a comprehensive reply. Nonetheless, as I always do my best to respond to questions as fully as possible, I say that all the reports related to the Local Court and the Court of Petty Sessions have been the subject of at least some Cabinet submissions. Not all recommendations have been dealt with, but my memory is that approval has been given to commence drafting. The timetable for that Bill will depend mainly on our drafting program and the subsequent legislative program. I can only respond in the negative to any question about what the timing is likely to be by saying that I do not expect that I will be in a position to move comprehensively on the Magistrates

Courts during this session, although I hope there will be a number of measures introduced by way of Justices Act amendments which will impinge on the work of the Court of Petty Sessions.

I think that I am relatively safe in saying that we have some prospect of more substantial legislation affecting the Local Court and the Court of Petty Sessions as such by the time we get to the Budget session later in the year. Hon Derrick Tomlinson has foreshadowed his amendment and I foreshadow that I think it is a proper one and will agree to it. In fact it is impossible to think of any reason why it should not be agreed to. It was helpful to have that admittedly minor matter brought to my attention once the section involved was before the House. In relation to the foreshadowed amendments, I appreciated the approach taken by Hon Derrick Tomlinson in indicating his interest in that amendment at an early stage so that I was in a position to consider it and make a clear response by the time the matter came for debate. As it happens, the nature of the amendment is such that it would not have posed much difficulty in any event, but it is helpful to have the opportunity to consider proposed amendments and, if necessary, the opportunity in appropriate cases to discuss with members of the House proposed amendments. I appreciate that on this and on other Bills which the member is handling for the Opposition he has apparently adopted that regular approach, and I thank him for it. I commend the Bill to the House.

Question put and passed.

Bill read a second time.

#### *Committee*

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

Clauses 1 and 2 put and passed.

Clause 3: Section 30 amended -

Hon DERRICK TOMLINSON: I move -

Page 2, line 23 - To delete the paragraph.

Amendment put and passed.

Clause, as amended, put and passed.

Clause 4 put and passed.

Title put and passed.

Bill reported, with an amendment.

### **CHILDREN'S COURT OF WESTERN AUSTRALIA AMENDMENT BILL**

#### *Order Discharged*

HON J.M. BERINSON (North Metropolitan - Attorney General) [9.34 pm]: I move -

That Order of the Day No 9 be discharged from the Notice Paper.

The reason is that this item, which was the Privileges Bill, has now been superseded by the Children's Court of Western Australia Amendment Bill (No 2).

Question put and passed.

Order discharged.

### **MISCELLANEOUS REPEALS BILL**

#### *Second Reading*

Debate resumed from 20 March.

HON DERRICK TOMLINSON (East Metropolitan) [9.35 pm]: All but one of the Acts listed in schedule 1 of this Bill were the subject of a report of the Select Committee on Committee on Bill, which was appointed by this House and chaired by Hon David Wordsworth. That committee recommended that those Acts be repealed, and where it made particular recommendations about particular Bills, the Government accepted those

recommendations and moved accordingly. I make reference, as did the Attorney General in his second reading speech, to the Contraceptives Act, where the recommendation was that that Act not be repealed until the amendments to the Health Act were proclaimed. The other major area was in respect of Imperial Statutes. These dealt with the Justices Act and derived from a Law Reform Commission report which made some recommendations about the repeal of those Imperial Statutes. The exceptions which the Select Committee identified and said should not be repealed were listed in paragraph 5.1 of the final report of the Select Committee on Committee on Bill, and each of those dealt with the procedures for the appointment of justices. The committee accepted the advice given to it from various sources that a better method of appointment of justices should be adopted, and that until such a method were introduced the existing Imperial Statutes should remain on the Statute books. The Government has accepted that recommendation, and those particular Imperial Statutes are not included in the Bill. The single exception I referred to earlier is the Slander of Women Act, 64 Victoria No 36 of 1900. When the Miscellaneous Repeals Act was first debated in this House in 1988, the Slander of Women Act was included in the schedule of the Bill, but for reasons which were not explained it was not included in the terms of reference of the Select Committee and hence was not considered by the Select Committee and was not the subject of a recommendation by the Select Committee.

Hon J.M. Berinson: Did that reference of the Select Committee actually list the items?

Hon DERRICK TOMLINSON: Yes.

Hon J.M. Berinson: And this is the only one which was missed?

Hon DERRICK TOMLINSON: Yes. It was listed in the schedule of the Bill in 1988. It was not listed in the Bills to be considered by the Select Committee but it is listed in the schedule of this Bill. The Slander of Women Act might be regarded in contemporary society as a rather quaint anachronism. It contains a single clause.

Hon J.M. Berinson: It certainly sounds quaint.

Hon Peter Foss: It is admirable in its simplicity.

Hon DERRICK TOMLINSON: Yes, and perhaps some Ministers may learn a lesson from its simplicity. The single clause states -

WORDS spoken and published, after the passing of this Act, which impute unchastity and adultery to any woman or girl shall not require special damage to render them actionable.

In other words the very casting of aspersions on the fidelity of a woman was in itself considered to be injurious, and injury did not have to be demonstrated before an action for slander could be initiated. It is always instructive to return to the original debate.

Hon B.L. Jones: They are all pure.

Hon DERRICK TOMLINSON: All original debates are pure?

Hon B.L. Jones: I said we are all pure.

Hon DERRICK TOMLINSON: I always regard women as pure, and that is why I think this Act is not a trivial Act. Neither is it a quaint anachronism; it is only a quaint anachronism if one considers women to be impure.

Hon P.G. Pendal: Mrs Jones was telling us in her speech last night about some of her bad habits.

Several members interjected.

Hon DERRICK TOMLINSON: Perhaps I might return to the subject to which I was referring, which was the original debate in the Legislative Council when this Bill was introduced on 18 September 1900. It was introduced by -

Hon P.G. Pendal: Hon J.M. Berinson!

Hon J.M. Berinson: I remember it well!

Hon DERRICK TOMLINSON: It was introduced by one Hon M.L. Moss, whom the Leader of the House may remember well.

Several members interjected.

Hon DERRICK TOMLINSON: His reasons for introducing this Bill are indeed instructive. Having made the point that the Bill contains merely one clause, and having read that clause, he went on with this explanation -

This small alteration or amendment of the law has been in force in the old country since 1890, and is now in force in most other Australian colonies. Most writers on the law of torts have stigmatised as barbarous, the old common law which did not render an imputation of unchastity or adultery actionable in itself.

I can see Hon Beryl Jones nodding in agreement with the barbarity of the old law. Hon M.L. Moss proceeds -

It has always seemed to me a scandalous state of affairs in which a poor woman, to whom some blackguard may impute gross unchastity or accuse of adultery, should have no remedy in the way of getting damages. Any person in the conduct of his or her trade or business, against whom an imputation of incompetency is made, may bring an action for damages on that imputation itself, and I think that the imputation of unchastity to a poor woman, is a matter of much greater importance than one of incompetency in the method of carrying on a business.

I am not quite sure what imputation he was making about the business of women and the imputations of unchastity and adultery, but I think the sentiments are admirable.

Hon Peter Foss: She could sue if you said that she was an incompetent prostitute.

Hon DERRICK TOMLINSON: I do not think that would come under the Slander of Women Act; it would come under actions relating to a business or trade. While I characterised this earlier as a quaint anachronism, I took the liberty of sending a memo to the Attorney General asking for his opinion, because it was suggested to me that perhaps this matter was not as trivial as it seemed. The point was made to me by a person whose opinion I regard very highly that if she were to be called an adulteress she would be injured. Furthermore she reminded me that I too would be injured by that remark simply by the statement of her being slandered as an adulteress. That gave me pause, and I sought the opinion of the Attorney General. If the Attorney General does not mind I shall refer to his reply.

Hon J.M. Berinson: I suspect I am going to mind.

Hon DERRICK TOMLINSON: My question to him was, "Could you advise if you see any residual need for this Act, given possible inadequate provisions in the Criminal Code?" The reason for the question is that when I investigated the consequences of the repeal it was put to me that the provisions of the Criminal Code dealing with slander did not adequately deal with the matters dealt with in the Slander of Women Act 1900.

Hon J.M. Berinson: I do not remember my reply, but would it help if I told you now that we accept this amendment?

Hon DERRICK TOMLINSON: No, I am enjoying this.

Hon J.M. Brown: I am glad someone is!

Hon DERRICK TOMLINSON: The reply was -

It could be agreed that the repeal of the Slander of Women Act should wait until there is a substantial reform of the defamation laws in Western Australia. Given the history of defamation law reform in Australia, that appears to be some time away.

There seems to be some sense in what the Attorney General said. He went on to say -

On the other hand, the advice available to me indicates that claims under the Act are likely to be rare these days and the damages very trivial.

I think the Attorney's opinion is worthy of consideration. However, being a meticulous and careful fellow I sought another opinion, and the other opinion was to the contrary; in fact a senior litigation partner in one of the more eminent law firms in this State put it to me that the Slander of Women Act is a powerful instrument, and in actions taken under this Act damages have been very substantial indeed.

Hon J.M. Berinson: Could I ask you whether you were given any indication of how recently or how often that action was taken?

**Hon DERRICK TOMLINSON:** It was not a matter which I pursued, but I shall pursue that question and give the Attorney General an answer if he puts it on notice.

Several members interjected.

**Hon DERRICK TOMLINSON:** While it is true that our immediate response was to consider this Act as a quaint anachronism, there is in fact some consequence in the law. I have not foreshadowed the deletion of this Act from the schedule of the Bill for that reason. My foreshadowed amendment for the deletion of the Slander of Women Act has more to do with the procedures of this House. As I said at the outset, when the Miscellaneous Amendments and Repeals Bill was debated in this House in October 1988 an attempt was made to suspend Standing Orders because the treatment of the Acts in a single Bill was in contravention of the then Standing Order No 240. The Opposition of the day was unwilling to agree to a suspension of Standing Orders to deal with the Miscellaneous Amendments and Repeals Bill. It felt that there should be an opportunity for a more detailed review and consideration of the recommendations.

When the Bill was reintroduced in September 1989 the Attorney General moved that those miscellaneous Acts and the imperial enactments which were the subject of a recommendation of the Law Reform Commission be referred to a Select Committee for consideration. That was to overcome the impediment placed in the way of the legislation in the previous year. The problem is that the Slander of Women Act 1900 was included in the schedule of the Miscellaneous Amendments and Repeals Bill 1988. However, in the subsequent Bill of 1989, when those Acts were referred to a Select Committee - which became the Committee on Bill under the chairmanship of Hon D.J. Wordsworth - the Slander of Women Act was not included. That may have been a clerical oversight which was not picked up by the Attorney General or his staff before the Bill was presented to the House. However, I noted that when the new Bill, which is now the subject of consideration, was introduced, the Slander of Women Act 1900 was included. Given the reason that the first Bill was not dealt with is that it contravened Standing Order No 240 - now Standing Order No 224 - and given that the Slander of Women Act, for whatever reason, was not the subject of consideration and recommendation of the Select Committee, I believe that that Act should not be included in the Bill before us for the simple procedural considerations of this House. I also believe that this Bill, seemingly quaint, is a particularly important Act as a statement on the status of women in our community.

**Hon B.L. Jones:** That being the case, does the member think that in the interests of equal opportunity we should introduce laws to protect the morals of men?

**Hon DERRICK TOMLINSON:** Definitely! I would find it scandalous were people to suggest that I was unchaste or adulterous! But Hon Beryl Jones has pointed to the duality of standards in our society: We have one set of moral values for women and another for men. If a person were to impute adultery upon a male, he would probably "nudge, nudge, wink, wink" because there seems to be some macho value in such an imputation. If the same imputation were made against a woman it would be regarded as slanderous. That dual standard in our society is one which we might reconsider as we mature.

As it stands, the Liberal Party supports the Bill with the single exception of the Act for which an amendment has been foreshadowed.

**HON PETER FOSS (East Metropolitan) [9.54 pm]:** I draw the attention of the House to one of the Bills to be repealed, the Broome Local Court Admiralty Jurisdiction Act 1917. I do so to mark the passing of what has been a very historical Act and one which has received extraordinary academic interest over the years. Under the Colonial Courts of Admiralty Act it was made possible for the various jurisdictions around the world which operated under it, and many throughout the British Empire, to constitute by Act Superior Courts of Admiralty Jurisdiction and also for Limited Courts of Admiralty Jurisdiction. Within Australia nothing was done in order to constitute any of these Limited Courts of Admiralty Jurisdiction other than this Act, the Broome Local Court Admiralty Jurisdiction Act. As members may guess, that came about owing to the pearling industry in the north west, which mainly employed labour from Kopang and Timor, according to the second reading speech when the Bill was introduced in this House. The Bill was to enable the workers who found it hard to get work to have some protection through the local court at Broome, because it was unlikely that workers would have been able to bring an action in the Supreme Court in Perth.



That is not the reason the Act has been the subject of a large amount of academic interest; it was of academic interest simply because it was the only one. It was originally drawn to the attention of the legal academic world by me and Mr Robert Anderson, QC, in a paper we gave to the then Maritime Law Association of Australia; it is now the Maritime Law Association of Australia and New Zealand. That was the first paper to draw attention to the lamentable state of the admiralty law in Australia, which went back to Statutes of Richard II and, at the very latest, was subject to the Colonial Courts of Admiralty Act 1890. Having been mentioned once in that paper, it proceeded to be mentioned in every paper written on the subject after that time, including the report of the Zelling committee established by the Maritime Law Association of Australia and New Zealand, on which I served. It was reported in a report of the Australian Law Reform Commission on admiralty law, another reference on which I also served. It has been a legal curiosity through that period and has been cited regularly.

As far as I know, the one single problem it has had is that it has always been invalid, because under the Imperial Interpretations Act once the Commonwealth of Australia was founded in 1901 it became incompetent for the Western Australian Legislature to pass such an Act. It was always thought that this Act was void anyway. I do not know how many actions have been brought to the Broome Local Court pursuant to this Act; I do not know how much reliance has been placed on it other than by academics over the years. It is a shame, however, that this curiosity is at long last to disappear from the Statute books. Whatever the situation, it certainly ceased to have any validity with the introduction of the Australian Admiralty Act because the Commonwealth exercised its powers in regard to admiralty jurisdiction and repealed the Colonial Courts of Admiralty Act so far as Australia was concerned. So this Act is, for all intents and purposes - even if it ever was valid - completely and utterly dead now. It will disappear from our Statutes, and from our minds, but in my case it will not disappear from my heart.

**HON D.J. WORDSWORTH** (Agricultural) [9.58 pm]: As stated by the Attorney General, the House set up a Select Committee chaired by me to look at each one of these Acts. If members care to look at the report of that Select Committee they will find that we did so. That process took us some time, and we found it an interesting exercise. As pointed out by Hon Peter Foss, we perused some very interesting Acts, most of which were agreements to mineral exploration and the development of iron ore, and so on, although one involved street photographers. We also considered the controversial Contraceptives Act which was near to the heart of a former member of this House. We found that we had been given rather a controversy about whether we should repeal some of the early Imperial Acts on which the laws of this State had been founded. We found that while perhaps the Attorney General had just thrown them in with a whole lot of rubbish, he had in fact given us some hot potatoes.

Hon J.M. Berinson: From memory, these Bills came from the Law Reform Commission recommendations.

Hon D.J. WORDSWORTH: I believe the Acts themselves had. Quite a debate ensued over whether we had the right to repeal the English Statutes and we found that Magistrate McGuigan thought that we could not. I quote from his letter -

In any event the Imperial Statutes not having been adopted by Legislation in this State cannot be repealed by our Parliament.

That threw us into a quandary. I wrote to the Chief Justice thinking that we would get the final word on the matter; however, I received a letter from the Solicitor General who said that the Chief Justice had asked him to reply. It is the old story of writing to the Governor and receiving a letter back from someone else. The Solicitor General said that we could repeal the Act. As can be seen, we went around in dizzy circles.

Members might like to read the parts we included in the Select Committee report on the history of law in Western Australia. Upon being sent out to Western Australia with a small contingent of people, Captain Stirling realised that he had to administer a certain amount of law. He went down to the second-hand book store and bought a book on English law. That was the intelligent thing to do as it at least gave him some idea of law because he did not have anyone with him with a wide understanding of the law for its administration. His proclamation stated that upon the establishment of the settlement, "... the laws of the United Kingdom as far as they are applicable to the circumstances of the case do therein

immediately prevail". That was a great proclamation because who was to decide which laws prevailed and which ones did not? Regardless, he set up things that way because he could not administer the law himself. Certain gentlemen were made justices of the peace, and they administered the law. However, it was not until Britain recognised the colony of Western Australia and gave Captain Stirling authority that the law really had any authority.

I quote again from the Select Committee report -

By the Order in Council the Governor, the Senior Officer of the Land Forces, the Colonial Secretary, the Surveyor-General and the Advocate-General, or any three of them including the governor "shall have authority and power to make ordain and establish all such Laws and Ordinances and to constitute such courts and Offices as may be necessary for the peace, order and good government of His Majesty's Subjects and others within the said Settlements".

Once Stirling had received that authority, he was then free to carry out the law of Western Australia. He actually vested authority in one W.H. Mackie; he gave him authority over the Court of Petty Sessions and the Court of Sessions. I hope members will have time to read the explanation of the problems which occurred when the committee attempted to determine which laws applied to the colony and which ones did not. Select Committees and Acts of Parliament have tried to determine this and in 1986 the British Parliament passed the (UK) Australia Act which said that "no law of the Parliament of Western Australia is void or inoperative on the ground that it is repugnant to the law of England or to the provisions of any existing or future Act of the Parliament of the United Kingdom". At that stage we cut off the ties to Britain and we had the right to do what we wanted. We concluded from that that we had the right to repeal those English Statutes.

A concern was whether the laws which had subsequently been passed in Western Australia actually covered the ground of these English laws. Most of them referred to the issue of JPs and the manner in which they were able to administer the laws in the courts. The Select Committee made the recommendation that perhaps we had gone past the stage where members of Parliament of the day should have the right to nominate people from within their electorates to do certain things when others did not have the right. A former Attorney General was very unhappy with the fact that members of Parliament had become justices of the peace - he felt it was not our place. However, a need exists to look at that aspect, as was pointed out by the Minister.

Another matter the committee brings to the attention of the Government is contained in paragraph 2.7 of the report -

... some of the statutes listed for the Committee's consideration have incorrect dates, and that before legislation is introduced into Parliament it should correct this problem.

Otherwise I fear that we may repeal those Acts which are not there and not repeal those which are there!

**HON J.M. BERINSON** (North Metropolitan - Attorney General) [10.07 pm]: I thank members of the Opposition who have supported the Bill - I think. It is all very well for Hon Derrick Tomlinson to look back and quote from a lecture 19 years ago and extract some entertainment from the comments recorded in *Hansard*. I dread to think what legislators in 2082 will think of this debate.

Hon Derrick Tomlinson: There will be derision and laughter.

Hon J.M. BERINSON: They will wonder what we were on about. This is part of a cleaning up process and it pays to get rid of spent, unnecessary and superseded Acts, and Imperial Acts which have no further use. As I have indicated before, it is part of the process and we should not regard this as a high profile part of our activities; it should be moved along in some sort of orderly way.

Reference has been made to the Slander of Women Act, which was in the original schedule but was not listed when it was referred to the committee - however, it has appeared again. I am sorry that I cannot offer any explanation for that; it is a mystery. Given that inconsistency, I accept that the proposal of Hon Derrick Tomlinson that the item be deleted from the schedule is a reasonable one. It occurred to me, as Mr Tomlinson was going to no

small lengths to consider the value of section 1 of the Slander of Women Act, that one could call to his attention the inconsistency of that provision in relation to our current views about sexual discrimination. I confess that I did not expect that someone would raise it in the context of equal opportunity, but that is how Hon Beryl Jones raised it; I suppose she has a different way of approaching the same question.

Hon Max Evans: The Equal Opportunity Commission will sue for damages!

Hon J.M. BERINSON: Having indicated that the amendment is acceptable, I thank members for their general support.

Question put and passed.

Bill read a second time.

#### *Committee*

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

Clause 1 put and passed.

Clause 2: Commencement -

Hon PETER FOSS: Would the Attorney General let us know what it is about the Contraceptives Act 1939 repeal that requires it to be proclaimed. The mind boggles as to what is contemplated.

Hon J.M. BERINSON: I regret that that question should have been asked in such an accusatory tone! This question was dealt with in my second reading speech. If Hon Peter Foss is asking me why the Health Amendment Act and all the amendments referred to are not yet available, that is a question I cannot answer.

Clause put and passed.

Clauses 3 to 9 put and passed.

Schedule 1 -

Hon DERRICK TOMLINSON: I move -

Page 5, line 22 - To delete the line.

Hon PETER FOSS: I would like to draw the attention of the Chamber to the Fish Farming (Lake Argyle) Development Agreement Act 1976. That Act was passed when the Ord River diversion dam was constructed to prevent the flow of barramundi up river into Lake Argyle. Those members who know something about fish know that barramundi spend some of their time in fresh water and some in salt water. I cannot remember precisely where it is they breed but it is in one or the other, and they then proceed in the opposite direction afterwards. The problem that has occurred as a result of the construction of the diversion dam is that barramundi can no longer breed in Lake Argyle, or if they do they then go to the sea and cannot get back. That has led to an imbalance in Lake Argyle of the two main fish species, cobbler and barramundi. The large barramundi used to feed on the small cobbler and the large cobbler used to feed on the small barramundi and in that way they kept each other in a fairly reasonable balance.

Hon J.M. Berinson: There is a poem about big fleas and little fleas that is somewhat similar.

Hon PETER FOSS: When the barramundi left, the cobbler multiplied and there are vast quantities of enormous cobbler in Lake Argyle. One of the things that came about as a result of this Agreement Act was that the cobbler was given a new name - the silver cobbler. I was in a brain storming group that came up with that name and I have always been proud of it. It is one of the best cobblers I know. The plan of the Fish Farming (Lake Argyle) Development Agreement was to -

Hon J.M. Berinson: This seems to be very nostalgic.

Hon PETER FOSS: It is because I helped draft the Act. It was the first State agreement I was involved in. The interesting thing about all this is that the whole plan was to put barramundi into Lake Argyle and let them grow up eating small cobbler and when the call of nature came and they headed off down the river to the ocean they would pass down a race

and as they went through this race a large electric shock would be put through them and they would catch themselves. That was an extraordinarily clever idea. In order to breed up the barramundi it required that a large number of cobbler had to be caught. Unfortunately it never got off the ground, and that is why the Act is up for repeal now, but I felt the idea was such an interesting one that it should be recorded.

Hon Derrick Tomlinson: Will the cobbler clog Ernie Bridge's water pipe from Lake Argyle?

Hon PETER FOSS: The implications for the pipeline from the Ord River down to Perth are quite significant.

Hon Derrick Tomlinson: The cost of straining the cobbler could be horrendous - it could double the cost of the project.

Hon PETER FOSS: Yes, they might be able to combine the two. Instead of having the barramundi going down the race they could come down Mr Bridge's pipeline and they could be delivered fresh to Perth and electrocuted here.

Hon Derrick Tomlinson: Or farmed at Wiluna.

Hon PETER FOSS: This could be a very interesting development on the idea once the pipeline is put in from the Ord River to Perth. Perhaps while the Government is spending that \$50 000 the consultants might be asked to check whether it will take fish. One should never miss an opportunity for down stream processing! As I mentioned it was a very important Act and one of the times that people did attempt a good idea, but for reasons quite unassociated with the idea, it did not get off the ground. There is some suggestion of an alternative method of adding barramundi to Lake Argyle and that would be an excellent thing, because barramundi is a delightful fish. With such a huge area of water in which we could be farming barramundi, it does seem a shame that we are not taking advantage of that natural resource and that we are not developing this fish which would be a worthwhile activity for Western Australia. If the Government is able to take that on I would hope that it does so.

Hon D.J. WORDSWORTH: It was asked what connection the Contraceptives Act 1939 had with the Health Amendment Act. Members will realise that the advertising and sale of contraceptives has always been a contentious issue. Indeed much attention was given to the sale of contraceptives by vending machines. I think at one stage the university put one in its toilet and it was pulled out. We see them in airports which, of course, are under the Commonwealth's jurisdiction. The general principle was that, rather than having a separate Act covering this matter, it would be covered by the Health Act. However, that has not happened. That is why it was suggested that the department should handle the matter and formulate regulations so that the Contraceptives Act could be repealed.

Hon J.M. BERINSON: This discussion has already ranged so wide that I hesitate to add to it. However, having gone this far, I recall a small thought that came to my mind only last week when I was in the local pharmacy. It occurred to me then that, whereas in my days in pharmacy the analgesics were always at the front of the shop and available for self-service and the contraceptives were kept under the counter, today contraceptives are kept at the front of the shop and available for self-service and the analgesics are behind the counter. I do not know what significance that has for either the Contraceptives Act or the Health Act but I thought I might just join in the spirit of things.

**Amendment put and passed.**

**Schedule, as amended, put and passed.**

**Schedule 2 put and passed.**

**Title put and passed.**

**Bill reported, with an amendment.**

#### **ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON J.M. BERINSON (North Metropolitan - Leader of the House) [10.22 pm]:** I move -

That the House do now adjourn.

*Adjournment Debate - Pike Select Committee Timing Program Letter*

Hon J.M. BERINSON: I take this opportunity to correct an answer which I provided this afternoon. Question 95 - I am now reading from the greens - has Hon George Cash saying -

I refer to the letter the Attorney General transmitted to me yesterday at 8.55 am in which he set out a proposal to deal with the timing program for what is called the Pike Select Committee. I ask the Attorney General whether at the time of transmitting that letter he was aware of the decision of the Legislative Assembly not to sit in proposed week three of the parliamentary timetable?

I replied, "I do not believe so". I realised almost as soon as I had given that answer that I had misunderstood the question. However, by then question time was over and I did not have the opportunity to correct myself. I took an immediate opportunity to indicate to the Leader of the Opposition that I was not aware of the agreement in the Legislative Assembly that it would not sit in proposed week three until about dinner time yesterday. I had been confusing myself with the fact that I was aware at the time I forwarded the letter that the Government would be proposing that course of action to the other parties in the lower House.

*Adjournment Debate - Apex Club - Diamond Jubilee*

HON BOB THOMAS (South West) [10.25 pm]: This weekend, the Apex Club of Western Australia celebrates its diamond jubilee. I will therefore take a few minutes to acknowledge the value to the community of Western Australia's 65 Apex clubs. I am a member of the Albany Apex Club and transferred to it from the Manjimup club. It is a strong and dynamic club under the able leadership of Greg Duke and Dave Adams. It subscribes to the same ideals as every other club in Australia. They include: To make the ideal of service the basis of all enterprise; to develop by example a more intelligent and aggressive citizenship; to provide a means of forming enduring friendships, altruistic service and building better communities; and to promote international understanding and friendship.

To celebrate this diamond jubilee, Apex of Australia is holding a national convention at the Burswood Convention Centre. Hundreds of delegates from all over the nation will attend this convention over Easter and I wish the organisers every success. Our State president, and a constituent of mine, Darryl Hockey of Mt Barker, has put a lot of effort into organising the event. He is an extremely capable organiser and I have no doubt that he will leave his stamp on the convention. My old club, Manjimup, has taken the opportunity to have a local craftsman, Bernie Kristofferson, construct a jarrah table which will be presented to the national president for use at future board meetings. The table is in the shape of the traditional Apex triangle and will be presented by Tom Muir, Greg Maasihas and Doug Moyle at this weekend's convention.

This is an opportune time to reflect on the value of the contribution that Apex makes to the Western Australian community. To do this, I refer to the ideals that I mentioned earlier and to which each of the State's 65 clubs subscribe. The first is to make the ideal of service the basis of all enterprise. Each member of Apex is required to provide 40 hours of service to the community. The sorts of things we do is chop wood for pensioners and retirement villages - I have spent many hours in Manjimup doing that; mow lawns and clean gutters for aged people, pensioners and other people not able to do that work; and provide and maintain barbecues at Apex parks. One of the major services provided by the club in Albany is the annual Carols by Candlelight. The carols are held at Middleton Beach at Ellen Cove. We invite singers and members of the public and attract approximately 3 000 people each year. We also work at various functions to raise funds for charities. As a member of Apex, I have probably cooked thousands of hamburgers, made hundreds of cups of tea, catered at many functions and poured more glasses of beer than most bar persons. We also provide accommodation for civilian widows at our Point Peron camp. As the son of a civilian widow growing up in York, the only holidays I had were provided by Apex of York and we spent several very pleasant holidays at that camp at Point Peron.

The second ideal is to develop by example a more intelligent and aggressive citizenship. The examples of this in our local community are enormous. They include the quite interesting sponsorship of a move to introduce daylight saving to WA in the 1960s; a campaign to make wearing of bicycle helmets mandatory - that is a contemporary campaign by our Apex clubs; the formation of the Guide Dogs for the Blind in WA about 40 years ago; and the production

of a video called "Kids have Rights" to help overcome some of the child sexual abuse problems in our community. Public speaking plays an important part in meeting procedure and helps members build self-confidence to take leadership in community activities.

The third ideal is to build better communities. To this end, Apex has an enormous and impressive record, including: Introducing free milk for school children; establishing school dental health programs; providing ongoing support for the Royal Flying Doctor Service - we have purchased and maintained an aircraft in WA called *Miss Apex*; instigating compulsory tuberculosis X-rays from the 1940s onward; providing support for spastic children; raising money for research into autism, and many other things that I do not have time to mention tonight.

The final ideal I wish to mention is the promotion of international friendship and understanding. The centrepiece of this is the Asian students' program whereby we host Asian students from Perth at various clubs around Western Australia for weekend visits. We play host to Asian students for a weekend which gives them a chance to see another part of Western Australia. It is something that they would not normally do without this program. Members of Apex benefit also because they have the opportunity to mix with people from different cultures and that has an enriching effect on their lives.

Hon J.M. Brown: The foundation president will be at the convention.

Hon BOB THOMAS: Apex has done an enormous amount for the community in the past 60 years and I wish it every success in the future.

*Adjournment Debate - Sitzings of the House - Tuesday, 9 April*

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [10.31 pm]: I draw to the attention of the House a statement made last evening by the Leader of the House in which he acknowledged that there had been discussions between the leader of the National Party in this place, me and him in respect of whether the House should sit in week three; that is, the week commencing Tuesday, 9 April. It was indicated to members last evening that the House would not be sitting that week. However, I advise members that at a meeting between the Leader of the House, the leader of the National Party, and me earlier today I advised the Leader of the House that both Hon Eric Charlton and I, after discussions with our members, had formed the view that it was quite proper that the House should sit during the week commencing Tuesday, 9 April. The purpose of drawing this matter to the attention of members and to the officers of the Parliament tonight is to ensure that if they have made alternative arrangements following the announcement by the Leader of the House last night they should reappraise their schedule to take into account that we will be sitting that week.

Question put and passed.

*House adjourned at 10.32 pm*

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## QUESTIONS ON NOTICE

CONSERVATION AND LAND MANAGEMENT DEPARTMENT - HAZARD  
REDUCTION BURNING*Forests, National Parks, Nature Reserves*

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

In each of the years since the Department of Conservation and Land Management commenced operating -

- (1) How much hazard reduction burning was planned to be done in -
  - (a) forests;
  - (b) national parks; and
  - (c) nature reserves?
- (2) How much was actually done in each of these areas?
- (3) What areas have been burned by wildfire in -
  - (a) forests;
  - (b) national parks; and
  - (c) nature reserves?
- (4) Where were the wildfires of over 100 hectares located and what was the size of the area burnt, in each case?
- (5) What were the areas covered by hazard reduction burns in the last five years of -
  - (a) the Forests Department; and
  - (b) the National Parks Authority?
- (6) What areas were burnt by wildfire in the last five years of -
  - (a) the Forests Department; and
  - (b) the National Parks Authority?
- (7) How many of these areas were over 100 hectares?
- (8) Where were these located and what was the size of the burned area, in each case?
- (9) What amount of money has been spent on fire hazard reduction by CALM in each year since its inception?
- (10) How was this money shared between -
  - (a) forests;
  - (b) national parks; and
  - (c) nature reserves?
- (11) What has been the capital expenditure each year since CALM's inception, on fire fighting equipment?
- (12) Of this amount, how much was allocated to -
  - (a) forests;
  - (b) national parks; and
  - (c) nature reserves?
- (13) What has been the expenditure on fighting wildfires by CALM each year since it began operations?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

The information required by the member is largely of an historical nature and will require the diversion of considerable staff resources to provide an answer. It will take two officers four days to collate this information. The Minister is not prepared to divert this level of resources to answer the member's question. If the member has concerns in this area, he should ask a more specific question.

**BIRDS - NARETHA BLUEBONNETS BREEDING PROGRAM**  
*Conservation and Land Management Department Involvement*

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

- (1) Is it correct that the Department of Conservation and Land Management is involved in a breeding program of birds known as Naretha Bluebonnets?
- (2) How is this program to operate?
- (3) Has the project included taking a number of birds from the wild and distributing them to selected aviculturalists?
- (4) If so -
  - (a) how many birds were captured; and
  - (b) how were the aviculturalists selected?
- (5) Who will be viewed as the owners of the progeny of these captured Bluebonnets?
- (6) What is the estimated monetary value of a pair of Bluebonnets?
- (7) Was one of the Bluebonnet trapping syndicate members a former Western Australian Development Corporation employee?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

The Department of Conservation and Land Management is overseeing a breeding program in which aviculturists are to attempt to breed Naretha Bluebonnets in captivity under the supervision of a Naretha Bluebonnet breeding committee, involving CALM scientists and chaired by CALM. The breeding program operates under strict licence conditions imposed by CALM.

(3) Yes.

(4) (a) 40.

(b) The breeding program was proposed to CALM in 1990 and after extensive discussions, conditions were developed to cover the program which included agreement on aviculturists to be involved. All were vetted by CALM as to their qualifications, experience, and suitability to participate in the program, and were licensed accordingly.

(5) All captured Naretha Bluebonnets are to remain Crown property and are not owned by the aviculturists. With respect to progeny surviving beyond age three months, 50 per cent will be owned by the breeders and 50 per cent will remain Crown property.

(6) The 1990 price guide of the Aviary Bird Association lists the price for Naretha Bluebonnets as negotiable. The 1989-90 price guide of the Aviculture Society of Australia lists the price as \$2 500 per pair. Very few of this species are traded.

(7) Not as far as I am aware.



**MINDARIE REFUSE DISPOSAL SITE - ENVIRONMENTAL PROTECTION  
AUTHORITY**

*Proposals Reassessment*

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

- (1) Given a growing community interest in the recycling of waste materials and significant advances in viable alternatives to the traditional sanitary landfill method of wasted disposal and given the potential solutions from the Mindarie Regional Refuse site operations, will the Minister use the authority vested in him by the Parliament, as set out in the Environmental Protection Act to direct the Environmental Protection Authority to reassess the Mindarie Refuse Disposal facility proposals?
- (2) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) No.
- (2) My legal right to order a reassessment of the approvals already given is not as clear as the member seems to think. The member should take up his concerns with the Mindarie Regional Council, which owns and controls the tip, and with the three councils whose responsibility it is if he believes a different course of action should be taken. In any event, the delay in opening the Mindarie tip would result in undesirable continuation of operations at Brockway, Yirrigan and Badgerup.

**ROYAL COMMISSION - TERMS OF REFERENCE AMENDMENT**

*Need to Report*

69. Hon MAX EVANS to the Leader of the House representing the Premier:

- (1) As the present terms of reference of the Royal Commission into Commercial Activities of Government require it to "inquire" but is silent on the specific need to "report", will the Premier amend its terms of reference to include "to report whether there has been corruption, illegal conduct or improper conduct?"
- (2) If not, why not?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1)-(2) The commission issued by His Excellency the Governor in Executive Council already requires the Royal Commission "to inquire and report".

**ROYAL COMMISSION - TERMS OF REFERENCE AMENDMENT**

*City Properties Sale*

70. Hon MAX EVANS to the to the Leader of the House representing the Premier:

- (1) Will the Premier amend the Royal Commission into Commercial Activities of Government's terms of reference to include the sale of the city properties?
- (2) If not, why not?

Hon J.M. BERINSON replied:

- (1)-(2) I refer the member to terms of reference 1.4 as follows -

Central city property transactions entered into from 1984 onwards by the Western Australian Development Corporation, the Government Employees' Superannuation Board - formerly the Superannuation Board - and the State Government Insurance Commission - formerly the State Government Insurance Office.

**TOURISM - KIMBERLEY, PILBARA, GASCOYNE, MID WEST REGION**  
*Brochure Funds Reduction*

117. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Tourism:

- (1) Have funds allocated to the Kimberley, Pilbara, Gascoyne and mid west, combined tourism region to produce a brochure been reduced?
- (2) If so, what was the previous allocation?
- (3) What was the reason for its reduction?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following reply -

- (1) Yes.
- (2) Previous allocation - 1989-90 - was \$150 000; present allocation - 1990-91 - is \$90 000.
- (3) The first edition of the brochure consisted of a print run of 120 000 and cost \$190 000. The proposed edition, which will be in a new format consistent with market research, is to have a print run of 150 000 and cost \$90 000. More brochures are therefore being produced for less cost.

**ENVIRONMENTAL PROTECTION AUTHORITY - TECHNOLOGICAL AND  
SCIENTIFIC DATA IMPROVEMENTS**  
*EPA Bulletin 230 Recommendations Reconsideration*

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

- (1) Has improved technological and improved scientific data caused the Environmental Protection Authority to reconsider recommendations made in EPA bulletin 230?
- (2) If not, why not?
- (3) If so, what subsequent recommendations have been made to the relevant Government authorities?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

The recommendations in bulletin 230 call for preparation of an environmental management and monitoring program every five years to consider issues such as leachate control and ground water pollution. The first environmental management and monitoring program was prepared and approved by the Environmental Protection Authority in November 1989 and reflected technological and scientific data at the time. The Environmental Protection Authority will continue to keep abreast of technological information, and will further reconsider operations when the environmental management and monitoring program is reviewed in 1994.

- (3) In March 1990 the Health Department and the Environmental Protection Authority considered new standards for refuse sites, and concluded generally that tip lining was preferable to overcapping. In the context of Mindarie, however, the Environmental Protection Authority is satisfied that capping and ongoing monitoring is sufficient to ensure environmental protection.

**ROTTNEST ISLAND AUTHORITY - ACCIDENT STATISTICS**  
*Lighting Installation, Basin-Longreach Pathway*

136. Hon GEORGE CASH to the Minister for Police representing the Minister for Tourism:

(1) What number of -

- (a) accidents involving bicycles; and
- (b) other accidents

were reported to the Rottnest Island Authority for each of the financial years ended 30 June 1987, 1988, 1989, 1990 and for the period 1 July 1990 to 28 February 1991?

- (2) Does the Rottnest Island Authority intend to install lighting on the pathway between the Basin and Longreach?
- (3) If so, when?
- (4) If not, why not?
- (5) Do representatives of the Rottnest Island Authority and the Rottnest Medical Centre meet on a regular basis to discuss the type of accidents frequently occurring at Rottnest with a view to taking remedial action where required?

Hon GRAHAM EDWARDS replied:

The Minister for Tourism has provided the following reply -

(1)	(a)	(b)
1987	504	*
1988	343	*
1989	462	3
1990	506	243
to 28/2/91	330	*

\* Separate figures not kept for other accidents.

(2) No. The authority discourages use of bicycles after dark for a number of reasons -

- (i) pedestrian safety is compromised;
- (ii) less than 0.1 per cent of bikes on Rottnest have lights or reflectors;
- (iii)

The quokka is a nocturnal animal species and any increase in use of bicycles at night will inevitably lead to a higher quokka mortality rate as well as accidents caused to cyclists falling off their bikes as a result.

For this and related reasons the authority regards street lighting between settlement areas to be environmentally unacceptable. There has been a substantial upgrade of facilities and services at the Geordie Bay store to fully cater for visitors residing in the Geordie Longreach settlement.

(3)-(4)

Refer to (2) above.

(5) Yes. Formal meetings occur quarterly and informal discussions take place as the need arises.

**DRIVERS - BUS, RAILWAY, TAXI DRIVERS**  
*Medical Tests*

137. Hon GEORGE CASH to the Minister for Police representing the Minister for Transport:

At what intervals are -

- (a) bus drivers;
- (b) railway engine drivers; and
- (c) taxi drivers

required to undergo medical tests to ensure their medical suitability to hold their licence?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -  
Transperth -

- (a) The frequency with which bus operators are required to undergo medical tests is usually up to the discretion of the medical examiner. If the employee has no medical problems, the following applies -

Medical examination conducted on appointment to the position.

Under 45 years of age, a bus operator must undergo a medical every five years.

From 45 to 60 years of age a medical must be undertaken every three years.

After 60 years of age, every year thereafter.

Or, should a medical practitioner choose, a bus operator must undergo a medical examination as requested by the practitioner.

Westrail -

- (a)-(b)

One to five years depending on the age and medical history of driver.

Department of Transport -

- (c) Taxi drivers are required to undergo a medical examination before being issued with a licence. Thereafter, they are examined every five years, unless their medical practitioner specifies more frequent examinations. After reaching 60 years of age, taxi drivers are required to be medically examined every two years.

**RAILWAYS - ALBANY PLATFORM COST**  
*Hotham Valley Train, Rainbow Coast Air Show*

166. Hon MURIEL PATTERSON to the Minister for Police representing the Minister for Transport:

- (1) What was the cost of the platform that was erected for the passengers alighting from the Hotham Valley train for the Rainbow Coast Air Show on 9 and 10 March, in Albany?
- (2) Is the platform to remain in this position?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following reply -

- (1) \$4 840. The temporary hardstand will be left in place as long as

possible. It will be necessary to remove it in about three months' time so that track work can be completed. By this time agreement on a permanent solution should be reached with the Great Southern Development Authority.

(2) No.

### AUSTRALIAN SECURITIES COMMISSION - LEGISLATION

#### *Parliament - One Day Opening Cost*

185. Hon MAX EVANS to the Leader of the House representing the Premier:

Would the Premier advise detailed costings of the additional costs to the State of \$100 000 to open Parliament for one day to pass the Australian Securities Commission legislation?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

The estimate was based on the average cost of a sitting day relative to the total allocation to the Parliament from the Consolidated Revenue Fund. It is not the Premier's intention to incur further costs arising from the Opposition's indecision and inconsistency over the ASC by diverting further resources towards this exercise.

### "FTE" - DEFINITION

#### *Re-employed Contract Staff*

186. Hon MAX EVANS to the Leader of the House representing the Premier:

- (1) Would the Premier advise the definition of "FTE"?
- (2) Does this include any staff members who have resigned and been re-employed under contract?
- (3) If not, why not?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

- (1) A full time equivalent - FTE - is a standard unit of measure for all employees, regardless of employment conditions or funding source. One FTE is one full time job for one financial year. An FTE is calculated on the basis of the ratio of actual hours worked to normal award hours; that is, not including overtime.
- (2) The FTE count includes all categories of labour where a group certificate is issued, and would include officers employed under a contract of service.
- (3) Not applicable.

### QUESTIONS WITHOUT NOTICE

#### PRISONS - GNANGARA AREA

##### *New Prison Commencement*

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

- (1) Has planning commenced on a new prison in the Gnangara area?
- (2) If so, how far has the planning gone at this stage?

Hon J.M. BERINSON replied:

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

**PRISONS - GNANGARA AREA**  
*State Prison Site Proposal*

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

Has a site been chosen in the Gnangara area for the next State prison?

Hon J.M. BERINSON replied:

No. It may help the Leader of the Opposition and other members to know that I propose to make a comprehensive statement on prison accommodation within about the next month.

**PRISONS - GNANGARA AREA**  
*Metropolitan Prison Site Proposal*

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

Is it the Government's intention to site the next metropolitan prison in the Gnangara area?

Hon J.M. BERINSON replied:

No Government decision has been made on any detail relating to a new prison.

**EDWARDS, MR KEVIN - LEGAL COSTS**  
*Government Non-payment Assurance*

78. Hon PETER FOSS to the Attorney General:

I refer to page 4 of this morning's *The West Australian* which reports as follows referring to Australian Labor Party members -

The MPs believe the legal costs incurred by Kevin Edwards - who stood trial alongside Lloyd on related charges - can be met by the State Government because Edwards was a public servant at the time of the offences.

In view of that statement and the Attorney's answer to question 57 yesterday, can he assure me that the Government will not be paying Mr Edwards' costs?

Hon J.M. BERINSON replied:

I can give that assurance. Either the report was wrong or the persons being quoted were mistaken.

**SCHOOLS - DARKAN DISTRICT HIGH SCHOOL**  
*Downgrading Concern*

79. Hon J.N. CALDWELL to the Minister for Education:

Parents and teachers of the Darkan District High School have a fear that it will be downgraded and would like the Minister's assurance that that is not about to happen?

Hon KAY HALLAHAN replied:

I thank the member for giving me some notice of his concern. I have sent a letter to people who have written expressing similar concern, and I quote -

Education Act regulations state that a school which has an average daily enrolment of over 150 primary and secondary students, of whom at least 25 are following a secondary course, may be classified as a Class II district high school.

Although Darkan District High School currently has an enrolment of 36 secondary students, the total number of students is less than the minimum criteria as stated above. Consequently, in the annual review of all schools outside the classification, the case for the reclassification of this school is likely to be considered. . . .

The letter further states that -

As the classification of all schools is subject to regular review, it is not

possible to be specific about the future of a school with regard to that classification which it now has and which I understand it wants to retain.

#### ARTS DEPARTMENT - DEPARTMENTAL OR AGENCY HEADS

##### *Replacement Plans*

80. Hon P.G. PENDAL to the Minister for The Arts:

Are there any plans to replace departmental or agency heads under the Minister's control?

Hon KAY HALLAHAN replied:

No.

#### ROYAL COMMISSION - RUMOUR

##### *Premier's Press Conference - Premier's Denial*

81. Hon P.G. PENDAL to the Attorney General:

I refer to the Premier's Press conference after the Cabinet meeting on Monday at which she denied a rumour about the Royal Commission.

- (1) Was the Attorney General consulted about the Premier's decision to deny that rumour about the Royal Commission?
- (2) If so, did he support the Premier's proposal to go public on that rumour?

Hon J.M. BERINSON replied:

(1)-(2)

I was among a number of Ministers who discussed that situation with the Premier. Frankly, I do not recall whether we had a discussion relating to the timing of any statement she might make, but the nature of that statement was certainly understood in advance of its delivery.

#### ROYAL COMMISSION - RUMOUR

##### *Premier's Press Conference - Attorney General's Support*

82. Hon P.G. PENDAL to the Attorney General:

Did the Attorney General support the proposal to the Premier that she should go public on that rumour?

Hon J.M. BERINSON replied:

In the ordinary course of events I would be entitled to say that discussions between Ministers are confidential. However, I do not believe the question of the Premier going public on that issue arose because the issue was already public.

#### ROYAL COMMISSION - RUMOUR

##### *Premier's Press Conference - Discussions Attendance*

83. Hon P.G. PENDAL to the Attorney General:

- (1) Who else was present during any such discussions?
- (2) Was one of those people a Press secretary?

Hon J.M. BERINSON replied:

(1)-(2)

The honourable member must be joking!

#### SCHOOLS - SOUTH KALGOORLIE PRIMARY SCHOOL

##### *Asbestos Roof Tests - Teachers' Demands*

84. Hon N.F. MOORE to the Minister for Education:

- (1) Is the Minister aware that the teaching staff of the South Kalgoorlie Primary School have threatened to take action unless tests are carried out on asbestos roofs at the school?

- (2) If so, is the Minister prepared to accede to the teachers' demands and, if not, why not?

Hon KAY HALLAHAN replied:

(1)-(2)

I am unaware of that circumstance.

**EDUCATION - CAMPS**  
*\$25 Fee*

85. Hon J.N. CALDWELL to the Minister for Education:

Is it correct that teachers supervising educational camps will now have to pay a \$25 fee?

Hon KAY HALLAHAN replied:

A change to the fees has certainly been made regarding those camps. I suggest the honourable member puts his question on notice and I will have the correct information available for him.

**CENTRAL PARK DEVELOPMENT - \$5 MILLION PUT OPTION**  
*Solicitor General's Report*

86. Hon MAX EVANS to the Attorney General:

In October or November, the Solicitor General and the Auditor General were asked to report on the \$5 million put option raised in relating to Central Park Properties. I ask -

- (1) Has the Solicitor General finished the report?  
(2) When will it be tabled in Parliament?

Hon J.M. BERINSON replied:

(1)-(2)

A yes or no answer needs to be given to a question of that sort and I am not in a position to say either from memory. If the member puts his questions on notice, I will ensure that he has a prompt reply.

**BUILDING SOCIETIES - LEGISLATION AMENDMENTS**

87. Hon MAX EVANS to the Attorney General:

When can we expect to receive amendments to the building societies legislation?

Hon J.M. BERINSON replied:

I am being asked many questions today which I am entitled not to answer.

Hon P.G. Pental: That would not be breaking new ground.

Hon J.M. BERINSON: I really am reluctant to deprive a member like Hon Max Evans of some satisfaction. The building societies legislation comes within the portfolio of the Premier and Treasurer.

Hon MAX EVANS: I thought it was coming back to you.

Hon J.M. BERINSON: That is exactly what I was going to say. It is because everyone is expecting a transfer of that legislation to my portfolio within the reasonably near future that I am aware that drafting of the legislation is under way and it should certainly be available this session.

**PRISONS - ALBANY REGIONAL PRISON**  
*Effluent Discharge Concern*

88. Hon BOB THOMAS to the Minister for Corrective Services:

I have given some notice of this question.

- (1) Is the Minister aware that a number of groups in Albany have called for urgent action to resolve effluent discharge problems from the Albany Regional Prison?



(2) If so what is the current position?

Hon J.M. BERINSON replied:

(1)-(2)

I thank Hon Bob Thomas for some notice of the question. I am aware of approaches by a number of groups and, I should add, by a large number of individuals. The position is as follows -

The Department of Corrective Services employed consulting engineers CCD Australia to investigate the situation and tenders were called for remedial plumbing work. Knotts Plumbing Service was awarded the contract and was requested to commence work immediately. The work was to be completed by 20 March this year. Before any progress could be made on the work, the Shire of Albany contacted the department requesting details of the proposal to alter the existing effluent disposal system. This information was provided, but the shire sought additional information regarding sewerage maintenance. At this stage, the project is delayed pending reconciliation of objections from the Shire of Albany.

#### ROYAL COMMISSION - RUMOUR

##### *Premier's Press Conference - Comment Recommendation*

89. Hon P.G. PENDAL to the Minister for The Arts:

I refer to the Minister's remarks in the adjournment debate last night when she said "from the knowledge I have on this matter", that matter being rumours given circulation by the Premier at the Press conference on Monday. On whose recommendation was the action taken to comment on a mere rumour?

Hon KAY HALLAHAN replied:

Contrary to that which the member seems to believe, these rumours were the subject of questions to the Premier by members of the media.

Hon P.G. Pendal: One member.

Hon KAY HALLAHAN: The Premier made a statement in her post-Cabinet Press conference in response to that. The conjecture that the member tries to introduce into this matter really is very suspect. I do not understand his motivation.

#### SCHOOLS - CLOSURE

##### *Considerations*

90. Hon DERRICK TOMLINSON to the Minister for Education:

In 1990, the Ministry of Education considered 16 schools for closure, only one of which, Carmel Primary School, was closed from the beginning of this school year. Are the other 15 schools being considered for closure this year?

Hon KAY HALLAHAN replied:

The system of dealing with schools which are underutilised and the problems associated with rapidly growing enrolments is being considered at the moment. That process is ongoing. Until we have an agreed mechanism for considering these matters, schools will not be identified for any action. I understand that, in the normal course of events, the ministry closes four or five schools every year. However, a rather extraordinary situation applies. In some areas enrolments have fallen so dramatically that large numbers of classrooms are underutilised and there are some worries about the viability of programs for students at those schools. This is a very difficult problem for the community and will be the subject of huge debate in areas where these matters need to be addressed as they were at Carmel. Therefore, I have no doubt that members who are involved in their electorates will be hearing much more about this.

**SCHOOLS - CLOSURE**  
*Community Consultation*

91. Hon DERRICK TOMLINSON to the Minister for Education:

Is the process of community consultation before the decision for closure is made being included in the consideration that the Minister has described as ongoing?

Hon KAY HALLAHAN replied:

A committee is looking at those matters, including how the consideration will progress and how full community consultation would be involved, particularly when it means transferring students to another school. Perhaps out of that process we will find that facilities can be improved. That may make it attractive as people do have very strong attachments to schools. Certainly a huge amount of community involvement will be structured into the process.

**SMALL BUSINESS - RECESSION**  
*Government Training Assistance*

92. Hon FRED MCKENZIE to the Minister for Employment and Training:

- (1) Is the Government doing anything to assist people to establish their own businesses during the current recession?
- (2) Are any training programs available to people who wish to start new businesses?

Hon KAY HALLAHAN replied:

(1)-(2)

I thank the member for giving me some notice of the question because this is an interesting area. The Government has had a new enterprise scheme in place since 1984 and it has a very good record in business creation. Interestingly, the scheme offers disadvantaged people the opportunity to explore self-employment as one of their options, especially now when many people are having trouble finding a place in the work force. Small business has a very high failure rate. Our research indicates that only 30 per cent of people are still in business two years after starting up. In contrast, the good news is that, of the people who go through the new enterprise scheme, 70 per cent of new business proprietors are still in business after two years. I am happy to provide more information to anybody who wants it. In this economic climate, it is remarkable that those who go through a scheme that teaches people how to set up their own businesses survive.

**ROYAL COMMISSION - RUMOUR**  
*Premier's Press Conference - Bannister, Mr John, Discussions*

93. Hon P.G. PENDAL to the Minister for The Arts:

- (1) With regard to my earlier question, did the Minister have any direct discussions on the matter with Mr John Bannister, the Director of the Western Australian Museum?
- (2) If so, what was the nature of those discussions?

Hon KAY HALLAHAN replied:

- (1) Yes, I did have direct discussions with Mr Bannister from the Museum.
- (2) The Premier handled this matter in a very responsible way. She was concerned that there be no undermining of the Royal Commission and she was right in the action she took. I fully support her and I ask members of the Opposition to support the Royal Commission in the same way, rather than attempt to add to speculation and conjecture which is only unhelpful.

Hon P.G. Pendal: Which the Premier started.

Hon KAY HALLAHAN: The Premier did not start it. Mr Pendal is a liar and does not know what he is talking about.

*Withdrawal of Remark*

The PRESIDENT: Order! The Minister must withdraw that statement.

Hon KAY HALLAHAN: I withdraw the term "liar".

*Questions without Notice Resumed*

Hon Reg Davies: Disgraceful.

Hon KAY HALLAHAN: Who is disgraceful?

Hon Reg Davies: You are.

Hon KAY HALLAHAN: I think Hon Reg Davies is disgraceful, so the feeling is mutual.

The PRESIDENT: Order! Members tamper with the time allocated for questions without notice to the detriment of those who wish to ask questions. I suggest that members allow the Minister to answer the question whether or not they like the answer.

Hon KAY HALLAHAN: I wonder why members ask questions if, when they are given a straight answer, they suggest somebody associated with it is not acting on that information.

Hon George Cash: Why the sensitivity?

The PRESIDENT: Order! The Minister should ignore interjections; she is now doing the same thing that I am telling other members not to do. The Minister should answer the question properly asked and I suggest she not answer interjections.

Hon KAY HALLAHAN: I make the following point very clear to members of the House: I do not intend to further comment on the matter because no benefit is to be gained from pursuing this line of questioning or adding to speculation, since the matter has been dealt with very responsibly by the Premier. At all costs she wanted to support rather than undermine the Royal Commission, and I support that position.

**PIKE SELECT COMMITTEE - TIMING PROGRAM LETTER***Legislative Assembly's Sitting Decision - Attorney General's Awareness*

94. Hon GEORGE CASH to the Attorney General:

I refer to the letter the Attorney General transmitted to me yesterday at 8.55 am in which he set out a proposal to deal with the timing program for what is called the Pike Select Committee. I ask the Attorney General whether at the time of transmitting that letter he was aware of the decision of the Legislative Assembly not to sit in proposed week three of the parliamentary timetable?

Hon J.M. BERINSON replied:

I do not believe so.

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