

Legislative Council

Wednesday, 26 August 1992

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

HANSARD - MEMBERS' QUOTES

Copy Requirement

THE PRESIDENT: Honourable members, I need to bring to your attention a question that has been raised by the Chief Hansard Reporter. He wrote to me indicating that Hansard has difficulty from time to time in obtaining copies of material from which members have quoted. I wrote to the Chief Hansard Reporter as follows -

There has always been an accepted rule in the Legislative Council that Members must provide Hansard with a copy of any article or document that they have quoted from in the Chamber.

I think this situation could quite simply be remedied if I remind them of this obligation. Therefore, when the House next sits, I shall do this for you.

I did intend bringing this to the attention of the House yesterday, but I forgot. I remind members that when they quote from any article or document they are required to provide Hansard with a copy of it so it can be recorded accurately.

PETITION - BASSENDEAN PRIMARY SCHOOL

Covered Area Need

Hon Peter Foss presented the following petition bearing the signatures of 232 persons.

We, the undersigned citizens of Western Australia request that: -

The Legislative Council urge the Ministry of Education to provide Bassendean Primary School with a much needed covered area to allow children to eat their lunches and participate in educational and recreational activities during inclement weather. As the children have no access to any suitable covered area this is a matter of urgency.

[See paper No 338.]

PETITION - PORT KENNEDY AREA PROTECTION

Regional Park Creation Support - Golf Courses or Large Scale Tourist Facilities Disallowance

Hon P.G. Pandal presented a petition bearing the signatures of 616 citizens of Western Australia requesting the Legislative Council to support the creation of a regional park at Port Kennedy and to oppose any attempts to dispose of any part of this reserve or to develop golf courses or marinas there.

[See paper No 339.]

PETITION - INDUSTRIAL RELATIONS ACT AMENDMENTS

Musicians Union of Australia Request

Hon Peter Foss presented a petition bearing the signatures of 23 citizens of Western Australia supporting reforms sought by the Musicians Union of Australia to the Industrial Relations Act 1979 and requesting the Legislative Council to support the passage of amendments to the Act.

[See paper No 340.]

**MOTION - STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS
AND STATUTES REVISION**

*Women's Information and Referral Exchange-Western Women Financial Services Pty Ltd
Petition Inquiry - Progress Report Timetable*

Debate resumed from 4 June.

HON PETER FOSS (East Metropolitan) [2.40 pm]: I oppose the motion as it is misconceived. We now have a slightly better insight into the reason that this motion was moved because of the remarks purported to be made by Hon Mark Nevill which appeared in the paper this morning. This motion indicates some of the misconceptions held in relation to this matter in that it refers in particular to WIRE and Western Women and related matters. The petition was directed not to WIRE and Western Women but rather to the connection between any Government agency and the loss that occurred following the collapse of Western Women.

This is a matter with which I have been very much associated. I think I made the first speech in the Parliament regarding Western Women at the time it was still functioning. I drew to the attention of the House the fact that papers I had seen indicated plainly that an inconsistency existed between what was reported to have happened and the story that had been given to investors. I said that it appeared to me at that stage that what had been happening was a case of fraud. That is what subsequently emerged. Subsequently, charges were preferred to which Mrs Greenburg pleaded guilty. I think there is not only a legal responsibility but also severe culpability in Mrs Greenburg's case. Things often happen in society which involve no severe moral culpability but which involve a moral and legal responsibility nonetheless. There was obviously little point in the investors who lost their money through the activities of Robyn Greenburg suing the Western Women companies because they were bankrupt. There was little point in their suing Mrs Greenburg because she appeared to be equally bereft of assets.

That was not the end. Under normal funding situations one would not have expected this sort of thing to occur. Because of my concern to see these people get their money back I approached members of the Government to ascertain whether they would join with me in seeking to assist the people who had deposited money with Western Women in order to handle the matter in a bipartisan way. I believed at that time that some responsibility had been incurred by Government agencies. I will give an example. If two people are involved in a motor vehicle accident one is usually at fault. Such an accident can happen to anybody and is not normally something that people feel a terrible public shame about. The mere fact that people have had a motor vehicle accident is something they obviously regret and feel sorry about; however, they do not become a pariah or social outcast because they have had an accident. If people face up to their responsibilities and pay for the damage caused that is usually considered as their having observed their social responsibility.

A problem arises when someone who was plainly in the wrong and responsible for an accident fails to accept that responsibility. If instead of saying "Yes, I did not see you. I should have been paying more attention. I was momentarily directing my attention elsewhere, so it was my fault. I apologise. I am sure my insurance company will pay for the damage" the person makes excuses and covers up responsibility by trying to attribute blame elsewhere and thereby escape his social responsibility, then society's attitude to that person changes. Society will not accept people who are plainly responsible for something failing to take that responsibility, failing to own up, and failing to carry out the obvious consequences of accepting that responsibility.

I had hoped that when questions were raised, as they quite reasonably could be, about the activities of various Government instrumentalities this Government would be sensible and make an honest endeavour to do something, whether or not it had any responsibility for what had occurred. That is why I approached members on the Government side to ascertain whether they would assist the people who lost their money through Western Women. Those members were invited along to the first general meeting called by depositors. They were invited to serve on the committee related to Western Women but failed to do so. The Premier and various Ministers were invited by the Western Women action group to assist it, but failed to do so.

Point of Order

Hon MARK NEVILL: The member's comments have absolutely nothing to do with the motion, which calls on the House to ask the committee to table an interim report and a report on the first term of reference. I will seek later to amend the two dates.

The PRESIDENT: I do not believe a point of order arises. I suggest that Hon Peter Foss at least make passing reference to the words of the motion.

Debate Resumed

Hon PETER FOSS: I am raising this matter because I believe the motion is politically motivated. My intent is to show what that political motivation is.

Hon J.M. Berinson: Does the question of motivation go to the need for a committee to report in time?

Hon PETER FOSS: Yes, it does, and I will show why. This motion is not motivated by the need for there to be a report but by reason of this Government's trying to prevent the committee from doing its job.

Several members interjected.

The PRESIDENT: Order! I am quite capable of seeing an honourable member when he rises to his feet; he does not have to terrorise me! The Leader of the House may proceed to tell me what is his point of order.

Point of Order

Hon J.M. BERINSON: My point of order elaborates on the matter raised by Hon Mark Nevill. I put to you, Mr President, that the way in which Mr Foss is proceeding takes the latitude you have offered him beyond reasonable limits. The motion refers to the need for a committee to report in a timely fashion. It does not relate in any way to the merits of the WIRE inquiry or to the Government's actions in connection with that inquiry. Nor does it have any relationship to the motives of the Government. It relates to calling on the committee to report at a certain time.

The PRESIDENT: I understand the point raised by the Leader of the House. There is no point of order. I repeat to Hon Peter Foss that I take it that he is endeavouring to - and this is how I am ruling at this time - indicate the reasons why the report has taken so long, or why it is necessary not to report on a particular date. I think, however, that when two points of order have been raised the honourable member should start to get the message that perhaps he is drawing a long bow in reaching his conclusions. I will not rule the honourable member out of order at this time, but suggest that he at least bring his comments into line with the motion.

Debate Resumed

Hon PETER FOSS: Some time has elapsed since Hon Mark Nevill moved this motion. In support of the motion, and in saying why it was necessary to bring some of the committee's deliberations to an early end, he suggested that the committee was politically motivated. The suggestion that the committee was politically motivated is repeated by him in a report in today's newspaper. Hon Mark Nevill put that forward as one of the reasons for bringing the committee to an early end. I was seeking to rebut - and of course it is difficult to show what one is rebutting when such a long time has elapsed between the allegation and the rebuttal - the allegation that the reason for the committee's continuing is a political reason. I believe there is a political motivation in trying to cause this committee to bring in a premature report -

Hon Mark Nevill: An interim report.

Hon PETER FOSS: - and to bring its entire investigation to a premature end. I believe there are two reasons why the member's allegation is incorrect: Firstly, its establishment in the first instance was not in any way politically motivated; and, secondly, a political motivation is behind this motion. It is not a genuine motivation to bring the matter to an end but purely a political motivation, and that is the reason the motion should be defeated.

I will now justify those two statements. The first - the denial that the inquiry was, in the first instance, politically motivated - takes me back to the point at which I had arrived when I

indicated that when this matter was originally canvassed by me in the House I made every possible effort to see whether I could get bipartisan support to tackle a very serious problem that a large number of women, and men, in Western Australia had through their involvement with the Western Women group.

Hon Mark Nevill: If you were chairing this committee it would be well and truly on its way to being completed.

Hon PETER FOSS: I will apply myself to that remark later on. I listened to Hon Mark Nevill with considerable courtesy and I think he should extend the same to me. The fact remains that what has happened in this case is that what should and could have been an entirely bipartisan issue has become a political issue purely because of the attitude of this Government - an attitude which is further expressed in this motion. What did the Government do when the questions were raised as to its involvement? The first thing it did was to have a Public Service Commission inquiry which was nothing but a total whitewash of the Government's involvement. Instead of trying to make a genuine inquiry about the situation it tried to cover up. The Government is like the driver who, having closed his eyes and smashed into somebody else, takes the attitude that he can never take any responsibility and that the first thing he should do is cover up. That is exactly what this Government has done. All the way through this inquiry the Government has seen it as in some way being a conflict between itself and the investors. The Government, by its stupid attitude, has turned this into a political issue. If it had had the guts and common decency to look with its eyes wide open at its responsibility we would not have had people seeing the Government as at fault; they would have seen the Government exhibiting common, decent behaviour, acting to ensure that people were not in any way disadvantaged by what the Government had done.

Hon Kay Hallahan: Do you think Mr Pike is seen that way? It is the last way he is seen by the community.

Hon PETER FOSS: I think the Minister's reflections on Hon Bob Pike are most unjustified, and I think that is a furphy.

Several members interjected.

The PRESIDENT: Order! This is our second day back, yet one would swear we were at the end of the session and everyone was tired and irritable. We should be brand spanking new and tolerant. As I keep reminding members in this place, they do not have to like what other members say, or believe what they say, but they do have to listen to it. I suggest that members listen to Hon Peter Foss. If he says things with which they disagree, immediately he sits down I will protect them while they take the opportunity of expressing their point of view.

Hon Mark Nevill: Does that mean I can speak twice, Mr President?

The PRESIDENT: No, it means that when the debate is to be closed the member can close it. In the meantime, I must ask Hon Peter Foss to be a little more specific in relating his comments to the motion without going over the reasons why the motion was moved to have this committee inquire into the matter in the first place. He is mixing up the two issues at the moment and I suggest that he cease doing so.

Hon PETER FOSS: I believe this motion is politically motivated to try to prevent any further inquiry into the Government's role in any manner whatsoever. This motion has not been moved because the Government wishes to have an interim report, nor because it wants a final report no later than 22 October. This Government has caused this motion to be moved because it has become politically embarrassing for it to have the truth come out. That is why it wants to silence this committee; that is why it wants the committee to bring down a report on certain aspects while it is still halfway through its inquiries. Whatever it suits the Government to say, it will say. For instance, when a previous committee chaired by Hon Bob Pike brought down an interim report there was an outcry from this very same Government, saying, "How dare you report when you are only halfway through hearing the evidence? You have not heard the rest of the evidence. It is most unfair to bring down a report when you are only halfway through."

In this instance the committee is halfway through hearing the evidence yet the Government says, "This evidence is far too hot and is causing us amazing embarrassment in the community. How can we muzzle it? We will ask the committee to bring down a report

while only half of the evidence is in." I can imagine what the Government will say if a report is brought down. It will quietly ignore the fact that it was the one who insisted the committee report. It will say, "You have put in only half of the evidence." Just to show that this is exactly the same situation as before, on the previous occasion Hon Bob Pike asked this House to send a message to the other place to request that certain members of the Government - then Premier Dowding and then Deputy Premier Parker - be given permission to appear before the committee. However, when that message was received by the other place it was ignored - it was not even dealt with, because the Government controlled the other place. Yet when Mr Pike brought down the report the Government said it was unfair because the committee had not heard evidence from Mr Parker. It did not hear evidence from Mr Parker because Mr Parker did not go before the committee, and probably did not even want to, because the Government had not dealt with the message in the other place.

That is typical of the people in this Government; it is the two card trick. One day they say, "Bring down a report although only half of the evidence has been heard", and the next day they say, "But only half of the evidence has been heard!" That is the way this Government works. It depends on people having short term memories, and what it really wants to do is to stifle the inquiry, because so far all the inquiry has done is to hear the evidence of witnesses. There has been not one word so far from the committee itself, yet the Government stands condemned for its behaviour and for the fact that the people who gave evidence to the Public Service Commission inquiry had their evidence suppressed or changed. The impression created by the Public Service Commission report was distorted and wrong, and much of the evidence that it was distorted and wrong came from the Government's own people. That is why Government members are so embarrassed. Where did this political embarrassment come from? It came not from the mistake that was made in the first instance - if a mistake was made - but from the Government's failure to admit its responsibility. That has been typical of this Government all along the line. The Leader of the House is the classic example: He always denies that he is responsible and says, "I didn't actually do it myself; therefore, I am not responsible." This Government as a whole does not understand the concept of responsible government. It thinks its role is to duck the issue and to duck responsibility, and that is what it is trying to do in this motion - it represents another attempt to muzzle the Parliament.

Hon Mark Nevill: Then bring down a report!

Hon PETER FOSS: Do members remember all the things the Government said about the committee which inquired into the matters later investigated by the Royal Commission? Do members recall how the Premier prorogued Parliament, and later admitted she did so to shut the committee up? Here we go again! This Government cannot stand the truth. When the truth comes out, it looks for a technicality -

Hon Mark Nevill: Put it in the report.

Several members interjected.

Hon PETER FOSS: The Government has taken Hon Mark Nevill off the committee, obviously because it thought he was too much of a nice guy.

Several members interjected.

Hon PETER FOSS: Hon John Halden has been appointed in his place as he is more of an aggro-type person. I know what the Government is expecting of Mr Halden; it is typical. This Government is like mould, because it cannot stand the bright light of day.

Several members interjected.

The PRESIDENT: Order! The decorum of this place at the moment is appalling. Members must stop interjecting. I have been reading the introductory speech to this debate made by Hon Mark Nevill on - for his information - 4 June. Obviously, this was during a time that I was absent from the Chamber and it seems that this matter caused an incredible desire for members to interject, as Hon Mark Nevill's speech is riddled with interjections. I suggest that members proceed to the second part of the debate without interjections.

Hon PETER FOSS: This Government is like mould, because it cannot stand the bright light of day. Parliament's role is to bring the bright light of day into the activities of the Government.

Hon Tom Stephens: Report!

Hon PETER FOSS: Mr Stephens would be aware that it is not a good idea to report when halfway through an investigation.

Hon Mark Nevill: You did it last time!

Hon PETER FOSS: Undoubtedly, much more will come out with this inquiry. I know the Government's motivations as it has a long history of attempting to prevent the upper House from inquiring into its behaviour. I recall the criticism and abuse Hon Bob Pike and I received when inquiring into other matters. Government members said, "You are making it up; it is fairy tale stuff." However, the matters we uncovered in those committees were shown by the Royal Commission to be true. The Government does not like the bright light of day. Every time Government members become upset and complain, it indicates how sensitive they are to the truth being revealed.

Several members interjected.

Hon PETER FOSS: To date all that has happened with the committee is that people have told the truth about what Government people did. However, some of the evidence is not a moral reflection on the people involved.

I have no wish to attack WIRE, but I want the truth to come out and responsibility to be taken. In fact, I have considerable sympathy for the job done by WIRE, and it is unfortunate that the Government has restricted WIRE's activities. Generally speaking, WIRE did a very good job and my choice would have been for WIRE to continue in exactly the same role it had previously. But it is clear that the agency required more resources than those provided, as WIRE employees were operating under unreasonable pressure and expectations. Therefore it should not have been unexpected in the circumstances that some of the happenings took place. The people at WIRE should not be drummed out of society and treated as outcasts; considerable sympathy should be felt for the circumstances under which they operated. However the fact remains that as a result of those pressures things that should have been done were not done. I do not say that by way of moral criticism; I say that as a fact. These people were operating under extreme pressure.

I have sympathy for the operators at WIRE, but I have even more sympathy for the women who went to WIRE and were given an incorrect impression about Western Women. Those women lost hundreds of thousands of dollars, in some cases losing all their savings and their divorce and house settlements. When such things occur, society has a responsibility. It is not a matter of saying that the people at WIRE were naughty; it is a matter of suggesting that something went wrong and an accident occurred.

Several members interjected.

Hon PETER FOSS: Instead of trying to approach this issue in a bipartisan way, the Government has adopted the attitude that by admitting something went wrong it is admitting that it is unfit to govern. Frankly it is unfit to govern, but that is because it does not have the moral fortitude to admit when something has gone wrong and to accept responsibility.

What has been achieved so far with this committee? One of the most useful outcomes is that at long last the Premier has admitted that there may be cause for action with the depositors, and I am pleased - provided it goes far enough - that some legal aid will at last be provided. Through information provided to me by depositors, it appears that the Government agency which will have the maximum involvement in an investigation will be the R & I Bank.

Hon Mark Nevill: Will that not be part of the ASC inquiry?

Hon PETER FOSS: It has nothing to do with that inquiry. Ultimately the R & I Bank has the financial responsibility for the losses, and the bank must now accept the financial responsibility. As sole shareholders in this bank we should not make the depositors prove their case because, anyway, the depositors have no money left as a result of the collapse. I now explain why I believe the R & I Bank will ultimately -

Hon Mark Nevill: You are prejudging it.

Hon PETER FOSS: No.

The PRESIDENT: Order! I again remind Hon Peter Foss that while he is traversing the

issue of the inquiry, he should do so only to indicate why an interim report should or should not be produced. In other words, the substance of the inquiry is not the matter before the House. There is a fine line between the direction in which the member's speech is moving and the latitude the motion provides to him. The member cannot traverse the grounds of the inquiry; he can discuss this only to the extent that it assists his endeavours to convince the House to vote one way or another on the motion before the Chair. I hope the honourable member gets that message, otherwise this debate will be about the very substance of the matter which has been submitted to the committee. That is not the role of this debate.

Hon PETER FOSS: I had moved to paragraph (1)(b) of the motion, the date of the final report of the Standing Committee on Constitutional Affairs and Statutes Revision. I believe a sufficient bulk of inquiry is still to take place which would make it impossible for the committee to report by 22 October. I was hoping to indicate to the House the nature of the inquiries which still need to be made by the committee in order for it to complete its considerations. I seek your indulgence, Mr President, to indicate the very thing which should be inquired into by the Standing Committee. Obviously, at this stage I have information provided to me only by depositors which should be investigated by the committee to verify whether it is correct.

Hon J.M. Berinson: You heard Hon Mark Nevill indicate that he would seek leave to extend the time because of the delay in having this motion brought to the House. He is considering 26 November, which is the second last week of our sitting.

Hon PETER FOSS: I would be reluctant to impose on a Standing Committee a particular time, for a number of reasons.

Hon J.M. Berinson: If the committee does not report by the end of Parliament it will not report at all. Is that what you are after? Surely not.

Hon PETER FOSS: I understand what the Attorney General is saying. Unlike Select Committees, which have only one role to play, Standing Committees have a number of roles to play and consequently have more evidence submitted to them. When Parliament initially referred matters to the Standing Committee on Constitutional Affairs we started with dates, but we found that further burdens were put on the committee. For example, I handed in two petitions today and another one was handed in by another member. The workload of a Standing Committee like this fluctuates.

Hon J.M. Berinson: As I recall, your petition was about a covered area for a single school. How long do you believe that will take the committee to consider?

Hon PETER FOSS: The Attorney General is being a little silly. Is he saying that this is the only petition which will go before the Constitutional Affairs Committee? The other petition concerned the Musicians Union and the other concerned amendments to the Industrial Relations Act. I do not know what other matters will turn up from day to day. The other petition concerned the Port Kennedy development, and an inquiry into that could take a year. It is unwise in principle to fix reporting dates for Standing Committees, because by their very nature further matters can be referred to them from time to time.

The matter with which I was dealing, and which I believe will take the Standing Committee a considerable time to investigate if it is investigated properly, concerns the R & I Bank Ltd. Members may not know that the principal banker for the Western Women Group was the R & I Bank - the State bank - the one for which we are the responsible shareholders. Depositors did not think they were depositing with the Western Women Group; they thought they were depositing with the R & I Bank because they were told by Western Women that that was the case. They therefore made out their cheques to the R & I Bank and handed them to the Western Women Group, which deposited them in the company cheque account.

Hon Mark Nevill: The committee has been sitting for 10 months and has not looked at that.

Hon PETER FOSS: The committee must get on with that. Hon Mark Nevill has very cleverly pointed out the fact that this committee has been working at every possible opportunity dealing with only one small aspect while this larger aspect has not been commenced. I believe it is a very important issue.

Hon J.M. Berinson: Why do you feel the need to misrepresent -

Hon PETER FOSS: Perhaps the Attorney General may be able to assist on this matter. One

of the difficulties facing all the committees is obtaining sufficient people to assist with the legwork for the committees.

Hon Mark Nevill: Hon Bob Pike cannot hold staff; they resign as soon as they find out what he is like.

Hon PETER FOSS: Come, come! That is an insulting remark and it is not correct.

Hon J.M. Berinson interjected.

Hon R.G. Pike: I did not hear what Hon Mark Nevill said, but perhaps it is just as well.

Hon PETER FOSS: It is important that the committee be provided with proper resources so that in between meetings considerable research can be undertaken. That will allow the hearings to be more efficacious. As I said, one of the problems for the committee is obtaining staff. I am not referring only to this committee but to committees generally. The committee staff are overworked and more staff should be available to assist them so that the hearings can be held less frequently, but with more effect. Hon Mark Nevill raised a good point; that is, that the committee could be getting on with the inquiry into the Western Women deposits into the R & I Bank. However, before that can commence considerable research must be done to make sure it is a good inquiry.

As I said, the R & I Bank was the banker to the Western Women Group and it received cheques made out to the R & I Bank which were placed in the Western Women cheque account. The bank must have known what was the business of the Western Women Group. It certainly should have known the company was not authorised to receive deposits and that even as a licensed investor it was not entitled to receive moneys on behalf of other people for investment. If the bank did know that, and even if it thought the cheques were being received on behalf of other people, it must have known that they were trust fund cheques. Therefore, unless the R & I Bank thought that Ms Greenburg had earned approximately \$7 million in fees, which would make the Western Women Group one of the most successful -

The PRESIDENT: Order! I remind Hon Peter Foss that he is delving into matters in detail into which the committee is to inquire, rather than giving the reasons that the proposition by Hon Mark Nevill should or should not be supported. He should not need to go into the long explanation of what the inquiry is about. We have already been told that it has taken 18 months, but that it has not reached a conclusion. If Hon Peter Foss' speech is going to be anything like that we have a long, hard road ahead of us. He should not go over the details of the inquiry. He must stick to whether Hon Mark Nevill's proposition should be supported.

Hon PETER FOSS: I have said sufficient to indicate that a number of additional inquiries must be made into the Western Women Group affair and that this Standing Committee is not focused on only the one inquiry; it has other inquiries which must be run in tandem with this one and, therefore, cannot be deferred until after it is reported. It would be most unwise in the light of our experience with the Standing Committee to put a final date on the report. The reason that Standing Orders for Standing Committees, unlike for Select Committees, do not refer to a reporting date is that that is the sensible way for Standing Committees to proceed. In this instance we should not depart from the regime envisaged by the Standing Orders but should keep with the idea that the report time be determined by the committee. It is well within the competence of the committee to do so. I realise that Hon John Halden as a new member may be at a disadvantage in deciding when to bring the matter to an end, but I am sure Hon Bob Pike and Hon John Caldwell are capable of making that decision without requiring direction from this House.

I refer to another matter raised by Hon Mark Nevill or Hon Beryl Jones. It may be that it was irrelevant at the time it was raised but I would like to respond to it because I believe it was directed at me. It referred to the procedures of the committee. It was suggested that it was incorrect of the committee to engage in cross-examination of witnesses. Some people have a strange understanding of cross-examination. Firstly, many people do not know what it is and, secondly, they have some reason to think it is not allowable. I should put the second of those statements to rest. Many people's attitude to cross-examination is like their attitude to intestacy; they have always understood it was a terrible thing to happen but they did not know exactly what it was. One of the main reasons is that they thought it was not just the absence of a will but also the absence of something more fundamental. It dates from

Roman times when the pun was even more obvious and people had a horror of being intestate. The lay world seems to have a horror of certain legal terminology simply because in some circumstances it is referred to in hushed tones. The concern of people about cross-examination is as misplaced as their concern about intestacy. In an ordinary case before our courts the person on behalf of whom the witness is giving evidence is not allowed to lead the witness or to ask leading questions in cross-examination because usually they have had an opportunity beforehand to speak to the witness and to go through the evidence, and the court wants to hear that person give evidence without prompting from the person with whom they have been associated on one side or the other. However, the person whose witness it is not is fully entitled to question the witness and ask leading questions. There is nothing basically wrong with cross-examination and leading questions and, in fact, in some cases people restrict the number of leading questions simply because they want the witness to tell the story more easily in their own words. It would be quite wrong to indicate there is anything incorrect about a leading question. It has been quite clear in these proceedings that most of the witnesses have been fairly forthright in the giving of their evidence. Only one witness appeared to be highly reluctant to admit to what anybody could see was the obvious answer. The person referred to admitted that an advertisement provided information that was totally different from what was being done but would not admit that the advertisement was misleading and tried to say it was journalistic hyperbole. I hope that journalistic hyperbole does not happen to the extent that what is reported is totally the opposite from that which is happening. Generally speaking, the witnesses were sympathetic people who gave evidence forthrightly, and I do not believe there is any problem in the way they gave their evidence.

I also comment on the procedures set up by the Standing Orders of this House, which I think are very good. They provide that witnesses shall have the benefit of counsel and may consult counsel about how, or whether, to answer questions and so on. Witnesses in court do not have that benefit; they are put in the witness box, asked questions, and left to answer them by themselves. They are simply told to answer the question. It has been customary with all Houses of Parliament that when people appear before a committee of this type they have the benefit of counsel. They have the right to have sitting next to them in the witness box their own lawyer who, when they are asked a question, can advise them on the answer.

I must say that Hon Bob Pike has been meticulous - I defy anybody to contradict that statement - in ensuring that witnesses have the opportunity to privately consult their counsel, and to take as much time as they want to get full advice from their counsel and in no way to be hurried about answering the questions. If anything, he was at fault in the strict observance of the proprieties of the case. He has always gone to extreme lengths to make certain people were fully aware of their rights and of the situation, to make sure they were not hurried, and to give them the maximum opportunity to consult their counsel. Sometimes it did take more time.

There is no doubt that at times it made the proceedings more protracted than they would otherwise have been. I do not begrudge that because I believe it is important that we, as a Parliament, make sure people who appear before our committees have an opportunity to take the advice of counsel. However, that does not mean witnesses are entitled to avoid questions, defy the committee, be evasive or refuse to answer questions. The fact that they are given the benefits does not mean they do not have a duty to answer questions fully and forthrightly. They are fully protected by the privileges of the House and they have an obligation to be full and forthright in their answers; if they are not, the committee has a duty to make certain they realise it is contempt for the committee and that they have an obligation to do so. It is a matter of tempering a good and sensible procedure with a regard for the fact that the public and the Parliament are entitled to have proper answers and to insist upon proper answers where witnesses are evasive. We must balance this requirement and ensure when witnesses appear before the committee that the work of the Parliament is properly carried out. I oppose the motion for all those reasons.

Alteration to Motion

HON MARK NEVILL (Mining and Pastoral - Parliamentary Secretary) [3.28 pm]: I seek leave of the House to change the date in paragraph (1)(a) of the motion from 18 June 1992 to 10 September 1992, and to change the date in paragraph (1) (b) from 22 October 1992 to 26 November 1992.

Point of Order

Hon R.G. PIKE: I seek some direction from the Chair, Mr President. Inasmuch as the leave sought by Hon Mark Nevill constitutes a substantive alteration to the motion, I would prefer that it be changed by way of an amendment rather than by leave of the House. I do not want to be bloody minded, but I want an opportunity to speak on this matter which is now two months old. Can that be done?

The PRESIDENT: Order! Anything can be done. What is now proceeding to be done is a proper thing to be done; namely, the member is seeking leave to alter those dates, and it is quite proper for him to do that.

Leave granted.

*Motion, as Altered**Division*

Question put and a division taken with the following result -

Ayes (11)		
Hon J.M. Berinson	Hon John Halden	Hon Mark Nevill
Hon T.G. Butler	Hon Kay Hallahan	Hon Sam Piantadosi
Hon Kim Chance	Hon Tom Helm	Hon Fred McKenzie
Hon Cheryl Davenport	Hon Garry Kelly	(Teller)
Noes (11)		
Hon J.N. Caldwell	Hon P.H. Lockyer	Hon R.G. Pike
Hon George Cash	Hon Murray Montgomery	Hon Derrick Tomlinson
Hon Peter Foss	Hon Muriel Patterson	Hon W.N. Stretch
Hon Barry House	Hon P.G. Pandal	(Teller)

Pairs	
Hon Graham Edwards	Hon Margaret McAleer
Hon Bob Thomas	Hon N.F. Moore
Hon B.L. Jones	Hon D.J. Wordsworth
Hon Tom Stephens	Hon Max Evans
Hon Doug Wenn	Hon E.J. Charlton

The PRESIDENT: Order! The voting being equal, I give my casting vote to the Ayes.

Question thus passed.

PORT KENNEDY DEVELOPMENT AGREEMENT BILL*Receipt and First Reading*

Bill received from the Assembly; and, on motion by Hon Tom Stephens (Parliamentary Secretary), read a first time.

Second Reading

HON TOM STEPHENS (Mining and Pastoral - Parliamentary Secretary) [3.33 pm]: I move -

That the Bill be now read a second time.

The purpose of this Bill is to ratify the Port Kennedy Development Agreement, and to facilitate the implementation of the development. The Port Kennedy townsite comprises an area of 700 ha to the south of Safety Bay, covering the southern peninsula of Warnbro Sound, which is known as Becher - or Long - Point. The area is currently vacant Crown land, but is occupied by some 80 or so illegal and unsightly squatters' shacks.

During the Second World War the land south of Safety Bay, including the townsite, was used by Australia as a practice anti-aircraft artillery range. Apart from a short period in 1969, when the then State Electricity Commission proposed that part of the area be set aside for a

power station, it has always been identified as suitable for regional recreational use. In keeping with this, the metropolitan region scheme reserves it for public purposes.

As early as 1971 the area was planned as a recreational resort with a yacht club, hotel, shopping facilities and holiday accommodation. This plan was refined following a comprehensive report by the then Town Planning Department, and in 1978 State Cabinet approved that proposal in principle. This current development is based on the concepts outlined in that report.

The Port Kennedy area forms part of a larger precinct included in the System 6 recommendations. The System 6 conservation proposals were prepared on the understanding that the area - M106 - was to be used primarily for recreation and leisure uses, and as a result the recommendation is for M106 to be a regional park. The current development proposals broadly comply with the System 6 description of regional parks.

Following agreement by Cabinet in 1985, the State Planning Commission advertised for expressions of interest to undertake development on the Crown land in exchange for 10 ha of land, which would be converted to freehold land. This was re-advertised in 1986, with the area of freehold land being increased to 25 ha. Following detailed analysis of some 17 applications, Fleuris Pty Ltd was ultimately selected to undertake the project. The Western Australian Development Corporation later entered into a joint venture agreement with Fleuris, and participated in the preparation of a comprehensive environmental review and management program. The Minister for the Environment gave consent for the proposal to be implemented, subject to conditions, in October 1990. Following the Government decision to liquidate WADC, total responsibility for development was returned to Fleuris.

The reason for the development is to create a comprehensive recreational and leisure centre on coastal Crown land for use by the people of Western Australia, and by national and international tourists, at a minimal cost to the State. In return for a 50 year lease, with a 25 year option, of approximately 210 ha of land and the progressive granting of 25 ha of freehold land to the company as the development proceeds, in excess of \$150 million will be spent in the area. The development on the land to be leased will include a public golf course and club house, a hotel golf course, a town centre, holiday accommodation, picnic areas and car parking. A marina, complete with moorings and jetties, will be constructed at Bridport Point. Development on the land to become freehold will consist of a five star resort hotel and residential holiday accommodation. This development is detailed in schedule 2 of the agreement. Public facilities such as car parks, toilets and picnic areas form part of the development and will be constructed by the proponents.

The principal purpose of the Bill is to ratify the agreement to authorise its implementation and to allow the progressive granting of the 25 ha of freehold land to the company. Other actions are included in the Bill to facilitate the development, such as -

The subdivision of Peel estate lots and reserves and road reserves.

The vesting of new roads and reserves in the City of Rockingham, and of A class reserves in the Department of Conservation and Land Management.

As this land has previously been used as an artillery range, should damage or injury occur through an explosion of one of these old shells on leased land, the normal remedies at law would be available and appropriate compensation could be paid. In the case of land which becomes freehold, the Bill will ensure that a memorial is placed on the titles issued so that all future landowners are aware of the situation.

The creation of a Port Kennedy management board, comprising representatives from the City of Rockingham, Government departments and the local community. The board will be administered by the Government and will advise the Minister on the progress of the Port Kennedy development; the progressive allocation of the freehold land; future expansion of the development; maintenance; and the coordination of environmental monitoring and any other matter relating to the Port Kennedy development as agreed to by the Minister for State Development.

The simplification of the procedure for the removal of squatters' shacks. This will involve the notice of intention to remove the structures, the use of numbers on a registered plan to identify the structures, and a common date for the posting of

notices. The avoidance of the issue of a summons if non-compliance occurs, and the ability to dispose of unclaimed materials is also included.

To allow the development to be considered appropriately by the planning agencies, future freehold land will be deemed urban until the metropolitan regional scheme and the City of Rockingham town planning scheme are amended.

The agreement is between the State of Western Australia and Fleuris Pty Ltd. It provides for the company to undertake the development outlined in schedule 2 in exchange for 25 ha of freehold land and the lease of some 210 ha of Crown land.

In view of the detailed environmental monitoring and testing requirements, two years have been allocated for the submission of all detailed proposals, either in total or separately for each part of the works. At the same time the company will be obliged to furnish to the satisfaction of the Minister for State Development evidence of, firstly, the availability of finance necessary for the carrying out and completion of the project and, secondly, the readiness of the company to undertake the work. Unless all detailed proposals by the company are approved by 30 June 1996, the Minister may give three months' notice of termination of the agreement and may terminate the agreement if the company does not respond. Notwithstanding this, the agreement terminates automatically two years after the date of the approval of the final proposal. After this termination, the development, redevelopment or expansion would be subject to the lease agreement and to normal development procedures.

On the ratification of the agreement and acceptance that the proposal can proceed, the company will pay \$500 000 to the State, and each year after that a sum will be paid equal to 0.5 per cent of the total cost of the development on leasehold and future freehold land. Upon completion of works necessary to implement the project, the State shall grant to the company leases under section 117 of the Land Act. These shall be for a 50 year term, with an option for a further 25 years at a commercial rent. Development other than that shown in schedule 2 shall be at a commercial rent after the first 25 years.

The State shall progressively grant freehold land to the company. The percentage of the 25 ha of land to be granted in terms of its value shall always be less than the percentage of expenditure by the company to complete the project - that is, until the project is completed. Assignment of more than five per cent of the issued shares of Fleuris Pty Ltd will need ministerial approval.

Variation of the agreement is possible by way of a further agreement. However, any such further agreement is to be laid on the Table of each House of Parliament. The company is not exempt from State and local government requirements, and must comply with all Commonwealth and State legislation and all applicable written law.

Regarding the recent interim listing of Port Kennedy by the Australian Heritage Commission as part of the National Estate, it should be emphasised that during discussion with the commission the proposals for Port Kennedy were clearly outlined and the area was inspected by AHC officers. The Australian Heritage Commission, in its media statement, acknowledged that some of the area to be listed was proposed for development, and that the State was keen to pursue this. It also stressed that listing as part of the National Estate is not a land use decision. The areas that are most significant are already being set aside as public open space and conservation areas as a result of the decision by the Minister for the Environment in 1990.

It should be emphasised that this development is aimed at providing a public leisure facility for the future that will be at a minimal cost to the State, and which will result in this sector of the coastline remaining available to the people of Western Australia. The development proposed will result in the construction of attractive, coordinated facilities, and in the proper management and protection of the more sensitive parts of the environment.

I commend the Bill to the House.

Debate adjourned, on motion by Hon P.G. Pental.

ACTS AMENDMENT (JURISDICTION AND CRIMINAL PROCEDURE) BILL*Second Reading*

Debate resumed from 4 June.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.44 pm]: With your indulgence, Mr President, given the time factor, and as Hon Peter Foss is handling the Bill, I suggest we suspend for afternoon tea.

The PRESIDENT: The Leader of the Opposition is speaking on a Bill.

Hon GEORGE CASH: In that case, I will speak on the Bill. Having considered the Acts Amendment (Jurisdiction and Criminal Procedure) Bill at great length it was necessary for me to refer the legislation to my colleague, Hon Peter Foss, so that he could give it consideration based on his legal experience.

Sitting suspended from 3.45 to 4.02 pm

HON PETER FOSS (East Metropolitan) [4.02 pm]: The Opposition, encompassing both the Liberal and National Parties, has pleasure in supporting this Bill. The legislation contains a number of Government moves, but the one that appeals to me most is the introduction of videotaping of admissions of guilt. This will prove to be of certain benefit; it will get rid of the sort of allegations that are continually being made by people claiming to have been verballled in order to produce confessions. I am not sure where the truth lies with verballing, but wherever it lies it is in the interests of our society and community that, if the practice exists, it be stamped out, or, if the practice does not exist, the public doubt that it exists should be stamped out. One or other must occur as a result of this legislation, and I sincerely hope that the allegations of verballing and the subsequent disquiet of the community will disappear with the introduction of videotaping of interviews. The legislation has some technical problems. First of all, it says in proposed section 570A that the videotape of interviews be made available to the suspect, and in proposed section 570F that the Supreme Court may give directions as to the supply, copying, editing, erasing, playing or broadcasting of video tapes. It is very important as part of that, if there were any allegations of a Watergate type of alteration to the tape, that there be an opportunity for scientific examination of tape to show whether there has been any fiddling with the tape. I assume that the intent of proposed section 570A is to allow that sort of examination to take place; so again we do not have the bugbear of some form of false confession being raised against the police.

One of the limitations in proposed section 570D relates to an accused person as defined in the Bill; that is, a person charged with an indictable offence that is not triable summarily. That is a little bit confusing. First, some offences are triable summarily at the option of the accused, and with some offences the prosecution has the option to determine whether the defendant be tried summarily at the time the person is arrested and charged. Does that mean that if there were the slightest possibility it might end up as being a summary trial, this provision would not apply, or does it mean that one would not find whether it would apply until such time as the person elected for trial one way or the other? Perhaps what it should mean is that it is an indictable offence that is not triable summarily at the option of the prosecution. We should get some clarification. The second point relates to the Children's Court. All offences in the Children's Court are triable summarily. The Children's Court does not have juries. There should be special provision for videotaping in the Children's Court. I suggest that with regard to children all such admissions should have to be videotaped. I know the practice of using videotape in the Children's Court is growing. We should not use admissions by children unless they have been videotaped. It is possible that this provision will be interpreted so as not to protect children at all, which is the reverse of what the situation should be. It would take more than merely a statement by the Attorney General about the intent; some form of amendment is required if we wish to make a situation that all admissions by children should be videotaped. The new subsection could read, "An accused person means a person charged with an indictable offence that is not triable summarily or a child charged with an offence."

Hon J.M. Berinson: I do not have the file with me, but Hon Peter Foss will recall that we passed an Acts Amendment (Evidence of Children and Others) Act at the end of last session.

Hon PETER FOSS: I do not think that is relevant at all, although the Attorney could be

right. That legislation required a videotape mainly for the giving of evidence at a hearing.

Hon J.M. Berinson: I will review that to see to what extent that earlier Act covers this situation.

Hon PETER FOSS: It is my recollection that it was to facilitate the giving of evidence by children rather than to prohibit their giving evidence. That is something that should definitely be made clear. The principle should be that all admissions by children must be videotaped. They should automatically be accused persons for the purposes of proposed section 570D(1). Subsection (3) of that section is worrying. It states that it does not apply to an admission by an accused person made before there were reasonable grounds to suspect that he or she had committed the offence. In the days before breathalysers policemen must have attended evidence schools because one could recite along with the policeman the evidence that he would give as to the drunkenness of a driver. One could almost hear the entire court chanting along with the policeman, "I observed the defendant. His breath smelled of alcohol. His eyes were glazed. He was unsteady on his feet and his speech was slurred." A problem exists when a standard excuse is provided, "I had no idea that he was going to admit his guilt. It took me suddenly by surprise. I do not know what he was doing at the police station; at the time, I was questioning him on something totally different."

It seems that there is an opportunity for abuse in that clause and I am concerned about that. I do not know how we will keep an eye on such a clause. I would prefer to see it go out, but if the Government wants to keep it in, I think there should be some form of supervision by the court and statistics provided to see how often that exception is raised in the court as grounds for allowing admission to be accepted without a videotape. Clause 4 is more likely to be acceptable. However, evidence would have to be presented to support paragraph (a). Paragraph (d) of subclause (4) states -

The equipment used to video the interview malfunctioned.

"Malfunctioned" may become a bit of a problem also. However, generally speaking, I think the "reasonable excuses" in clause 4 must be included but they should be monitored.

I have read the second reading speech again and could not find an explanation for new section 570G(1), which states -

An accused person shall deliver, or cause to be delivered, to the Commissioner of Police any videotape within one month after being requested to do so by the Commissioner of Police.

The exception to that is proposed subsection (2), which states -

The Commissioner of Police shall not make a request under subsection (1) until the time for exercising any rights of appeal by the accused person in respect of legal proceedings in relation to the charge to which the interview relates have expired.

We know that the court has the power to make directions, and, under proposed section 570A, copies of the videotape can be made available to the accused. Why does the Commissioner of Police need to get back videotapes from the accused? Why should the accused not keep a copy whether or not he has been convicted? It is perfectly reasonable for him to have a copy and to retain it. I cannot think of one justification, when multi-copies of videotapes can be made, for allowing the Commissioner of Police to gather all of the evidence one month after the appeal is completed and keep it. The penalty is \$5 000. I believe that proposed section should be deleted. Proposed section 570H, which requires the Commissioner of Police to keep a copy of an interview in safe custody for at least five years, seems to be perfectly reasonable. The rest of the provisions relating to videotapes seem also to be okay. However, I cannot support proposed section 570G.

Clause 4, which inserts proposed section 19B into the code, allows for a plea of guilty being taken into account. We have read in the newspapers that judges have been allowing for that in their sentences, particularly when a victim of crime will be put through considerable trauma if he or she is put to the proof. I can see the reason for that clause. However, again it may be abused, because I have often heard people who have been convicted of an offence say, "I am innocent, but the police told me that I would receive an easier sentence or get off very lightly if I pleaded guilty. They told me that if I took it to court they would make it hard for me and I would be dealt with much more harshly." Of course, what happens is that when

that person pleads guilty he has the book thrown at him. He then says that the only reason he pleaded guilty was to avoid having the book thrown at him but it was thrown at him anyway and he asks how he can get out of it. By putting this proposed section in the Criminal Code, we will be regularising the opportunity for police to make those sorts of statements to an accused. They should not do it because it is improper already for police to offer an inducement to a person to plead guilty. Putting that new section in the Bill would cause problems. Some sensible moves in relation to people who plead guilty at a lower court level on an indictable offence have been included and I applaud them. I trust they will work; we will hear about it if they do not.

The next matter deals with jurisdiction in the civil area of the District Court. It again recognises some of the things that have been done already in that court to improve its jurisdiction. However, a change is proposed to the levels of jurisdiction of the Local and District Courts. Whenever the jurisdiction of a court is changed, the cases do not go away. We will not eliminate cases by changing the jurisdiction of the Local and District Courts; we change who deals with them. There are a number of reasons for our wanting to do that. Firstly, with the changing value of money in society, jurisdictions have to be changed simply to keep in touch with the real worth of the issue with which one is dealing. When I began practising, the jurisdiction limit was \$1 000. We would not bother suing for that amount these days. Another reason we may wish to change the jurisdiction is to justify putting more of that jurisdiction into another court. It worries me that as the Supreme Court becomes more and more overloaded, it hands some of its jurisdiction to the District Court, which in turn hands some of its jurisdiction to the Local Court. At certain times the Supreme Court has wonderfully smooth lists, the District Court has jammed lists and the Local Court seems to carry on regardless.

I know that the Supreme Court is attempting to improve the efficiency of its throughput, but I do not believe it has achieved the same efficiencies as the District Court. One of the reasons that the District Court has achieved those efficiencies is that it is continually being given more jurisdiction and the only way it can survive is to become more efficient. The Supreme Court is continually let off, because every time it becomes overloaded it passes a little more of its jurisdiction down the line. I am concerned that once again we are passing a little more down the line, because the jurisdiction of the District Court will be increased from \$80 000 to \$250 000. Even a Labor Government cannot say that the worth of money has deteriorated that much.

Hon J.M. Berinson: Even without any increase in the Supreme Court's jurisdiction, it has had a pattern of growth. For example, its appeal area occupies three judges for a time.

Hon PETER FOSS: The Attorney General has put his finger on a very important point. There are areas of growth and it should be addressing those areas of growth. It has to address the fundamental question of why its workload has been increasing. That is where its problem lies. The answer is not to say, "Let us give it to the District Court", because all one does is transfer the problem to the District Court.

Hon J.M. Berinson: How can you address the problem of an increased number of appeals?

Hon PETER FOSS: I am glad the Attorney General raised that point, because it seemed to me that I would have been picked up for being slightly irrelevant if I had raised it.

Hon J.M. Berinson: The fact that I interjected does not make it relevant.

Hon PETER FOSS: The Attorney raised a good point and therefore it must be relevant. One of the issues I wanted to raise relates to the masters of the Supreme Court. Seventeen to 20 years ago, the status of the master was changed. He ceased to be merely an officer of the court and became a member of the court. I do not have any objection to the raising of the status of a master; it is fine if it helps get a better quality of person into the job. However, one of the consequences of that was that, whereas before one could appeal from a master to a single judge by way of rehearing, the method of appeal from the master then became by way of appeal to the Full Court of the three judges.

That action had a number of consequences. First, if a person wanted to appeal from a master he was instantly using up the time of three judges. That is obviously a bad use of judges' time in the Supreme Court. Secondly, that is a far more expensive process than appealing to a single judge in chambers. When a person appealed from a master to a single judge in

chambers the judge got out the summons and heard the matter again as if he were the master. The alternative is a far more expensive process.

The worst thing that happened was that masters were made semi-judges - puisne, puisne judges, perhaps - because they then started deliberating far more on their decisions than they had previously. Masters of the Supreme Court used to function more like masters in the old bull ring in the United Kingdom. The system there is such that the masters have a summary jurisdiction and their role is to get administrative matters moving and decisions through. In the bull ring the master sits at a raised table and counsel appearing before him stand in front of that table with nothing in front of them on which to put piles of books. They have with them only what they can carry. That is a good system because people then do not turn up with 20 volumes of authorities and piles of paper but only with what they can hold in their hands. That is a good start. The lawyers are given about five minutes to say what they have to say. The master has usually read the papers prior to the appearance of the parties. If the lawyer gets it right, he will get the decision; if he gets it wrong, the decision will go against him. Whatever happens, in five minutes the people have a decision. In most applications all the people really want is a decision. One can argue for aeons about what is the right or wrong decision and never get a 100 per cent perfect answer. People want things moving and a decision to be made now. A time limit is put on people in which to give discovery, for instance. The master uses his gut reaction and knowledge of the law to give a quick decision. These masters usually know their law well.

In 99 cases out of 100 the parties are happy with the decision and leave. Most people take the attitude, "I won," or "I lost," and that is it. If a person feels that an injustice has been done in that situation he can appeal to a judge in chambers. The same application goes before the judge and the lawyers make their applications again. The one who did not win may have piles of authorities and may argue for an hour or so on the matter. Such matters are all argued terribly seriously and perhaps a reserved judgment or a lengthy decision is given, because by lodging that appeal the people have made clear to the judge that the case is not merely a matter of getting a decision but getting something decided seriously.

Making our masters here members of the court whose decisions are only appealable to the Full Court has affected their attitude, although there are some exceptions.

Hon Max Evans: There are some bad ones.

Hon PETER FOSS: And some good ones. I will not mention any names because if I praise one and omit another that could be seen as a criticism. Some masters take the attitude that they must give the right decision. One sees matters in masters' chambers being adjourned for weeks and people returning with more papers. One sees reserved decisions and decisions delivered in writing. This has turned the masters' hearings into mini trials when the role of a master is meant to be one that bangs things through and keeps them moving. As a result of this happening some things that should have been dealt with quickly have turned into Bleak House types of arrangements. Once a case goes that way it never seems to recover. If pleading and interlocutory proceedings are not done quickly the whole thing grinds down and people think of more things to do. The next thing that happens is that the trial goes on for weeks. People have an experience in life of something going wrong and from then on nearly everything going wrong.

Hon Max Evans: Murphy's Law.

Hon PETER FOSS: Yes, Murphy's Law. If things go right in the first instance everything goes right. That is what happens in masters' chambers now. Instead of there being a "Let's whack it through and if you do not like it you can appeal to a judge in chambers," attitude, things are being taken ponderously. I can understand why masters take that attitude, because if they get things wrong people have to appeal to the Full Court, which costs thousands of dollars. It costs thousands for an appeal book to be compiled and counsel to be briefed and the whole case then becomes a catastrophe.

Such happenings have an effect on the administration of the law at the interlocutory stage and, I believe, at the trial stage, because if the early stages of a case are not done properly the later stages are also not done properly. That fact has been recognised by the expedited list in the Supreme Court. One of the moves I have applauded taken by the Supreme Court is its expedited list, which has its ups and downs but which works on the idea that if a case is in

of the expedited list, and if counsel cannot expedite interlocutory matters, then it is sudden death. If a lawyer does not turn up on time, he is out. If a person is in default, he is out and an order is made against him and he is soon in deep trouble. The Supreme Court has recognised that the interlocutory stages of proceedings have an important effect on the remainder of a case.

If cases are long and drawn out then the whole legal process slows down. I do not know whether members have been involved with working for somebody who is slow with dealing with the work given to him. If one is giving work to somebody who gets it back quickly one responds quickly and everything happens. However, if one gives work to somebody who takes two months to return it, by the time it is returned one has forgotten what it was about and must look at it again to see how to deal with it before sending it back. The whole process grinds down in such circumstances. If everybody one works with is like that the lethargy descends on everybody and it is like boxing with a marshmallow.

Hon Derrick Tomlinson: In academe the person who takes longest to make a report gets promoted to the rank of Professor.

Hon T.G. Butler: What happens to lawyers who make long speeches?

Hon PETER FOSS: Hopefully they get fewer and fewer interjections so that they can bring their remarks to a sudden halt. The fact is that the whole foundation of the Supreme Court is being undermined by the interlocutory stage, which is making it difficult for judges to hammer things along to the final stage. Fundamental changes need to be made to Supreme Court procedures in order to get a single movement going so that judges are all part of an organisation that is getting on with things.

Some good steps are being taken. The computerised case management system being installed is part of those good steps. However, no point exists in having a computerised management system if there are no cogs in the mechanism that speed things up. I regard masters as the people who should have their role re-examined if the Supreme Court is to keep up with things. I believe that will help address the problems of the increasing workload on the Supreme Court with regard to appeals.

Another matter is the length of cases. Many cases it has are far too lengthy and that could be improved if there were a better process at the earlier stage of the interlocutory proceedings.

I am concerned that, once again, the District Court will have tipped on it a huge number of cases. I do not know how many cases are represented by a change in jurisdiction from \$80 000 to \$250 000 but I believe the number will be significant. The only good thing is that the Local Court jurisdiction has increased from \$10 000 to \$25 000.

A very peculiar amendment has been made to the Justices Act by clause 16 in part 4 of this Bill. That clause seeks to repeal the fourth and fifth schedules. I looked at the Justices Act to see what the fourth and fifth schedules did, and according to the reprinted version I was given they no longer exist, so I am not quite sure why we are bothering to repeal some schedules which are no longer there. Similarly, clause 23 seeks to repeal the sixth schedule, which, according to the reprinted version of the Act, also no longer exists. I admit that it has not actually been repealed, but the schedules were removed pursuant to the Reprints Act; they have obviously expired or become unnecessary with the passage of time. However, I query whether we will confuse matters by repealing schedules which, according to the latest reprint dated April 1992, no longer exist.

I understand that one of the things which will be done - again, it is an indication that the Local Court has been quite up to date in getting things done - is that many of the things in the Justices Act will be handled in a computerised fashion. That will probably make it far more efficient, and that is the reason given in this Bill for varying the proclamation dates. I believe that we should not have open ended proclamation provisions, particularly not on the basis of "day as is" or "days as are", but that we should specify those parts that we believe do not need to be separately proclaimed and they should be proclaimed at the latest on a certain date 12 months after assent. The only ones that should be left open ended are those which relate to these forms. I have raised this matter before and I do not intend to debate it at length, but I do not believe we should leave it open ended in that manner.

I think the District Court will have a problem with the vast number of cases referred down to

it, but I am confident that the District Court, which has a proven record of handling this sort of mass influx of cases, will handle it.

Hon J.M. Berinson: As well as the civil jurisdiction of the Magistrates Court being extended there is also an extension of the criminal jurisdiction, and that in turn will relieve quite a large number of cases even though they are not the sort of cases that necessarily take a lot of time each.

Hon PETER FOSS: Nor would they necessarily add a great deal more to the petty sessional jurisdiction, because most of those which go to the District Court have passed through part of their procedure in the Court of Petty Sessions anyway. I think what the Attorney General has said is true.

The District Court has shown itself over a number of years to be capable of absorbing an enormous number of new cases. I think there is a lesson in that, but it has had to adjust and adapt to very heavy workloads. Credit must be given to the District Court, because it was the first to make an effort at case management and to really succeed in bringing its workload a little under control. I think it is because, in the end, the District Court nearly always ended up with the greatest jurisdiction. Even though things are passed down to the Local Court, more tend to come down from the Supreme Court than are passed down the line. It is to the credit of the District Court that it has worked from an early stage to bring its case management under control. It is heartening to see that the Supreme Court is also devoting itself to improving its case management. Cases are not going away but are merely being reshuffled, so we are removing the burden from one court and placing it on another. With those reservations, the Opposition supports the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

STANDING COMMITTEE ON LEGISLATION

Crime (Serious and Repeat Offenders) Sentencing Act and Criminal Law Amendment Act - Special Report on the Premature Release of Contents of Second Report Tabling

HON GARRY KELLY (South Metropolitan) [4.36 pm]: I present a special report by the Standing Committee on Legislation on the premature release of contents of the second report on the Crime (Serious and Repeat Offenders) Sentencing Act and the Criminal Law Amendment Act 1992. I move -

That the report do lie upon the Table and be printed.

Question put and passed.

[See paper No 341.]

STANDING COMMITTEE ON LEGISLATION

Crime (Serious and Repeat Offenders) Sentencing Act - Transcript of Hon Garry Kelly's Press Statement, Tabling

HON GARRY KELLY (South Metropolitan) [4.37 pm] - by leave: Yesterday I formally tabled the second report of the Standing Committee on Legislation into the Crime (Serious and Repeat Offenders) Sentencing Act and sought leave to incorporate in *Hansard* a transcript of a statement made by me to a Press conference on 8 July; however, leave was denied. I now seek leave to table the document.

Leave granted.

[See paper No 342.]

SALARIES AND ALLOWANCES AMENDMENT BILL

Second Reading

Debate resumed from 3 June.

HON DERRICK TOMLINSON (East Metropolitan) [4.38 pm]: When the Salaries and Allowances Amendment Bill was presented to this House on 3 June there was some urgency for its passage, largely at the request of the magistrates themselves, because the Salaries and Allowances Tribunal was deliberating on its annual report and recommendations and the magistrates were keen to have this amendment enacted so that the tribunal might include

them in its deliberations. Since then, as we know, the report of the tribunal has been brought down and in its wisdom it recommended that, in the light of the dire straits of the economy, no changes in salaries and allowances be made this year. Consequently the magistrates lost nothing from the fact that the Bill was not passed before Parliament rose for the winter recess.

The Opposition supports this Bill, and gave an undertaking to the Government when the Bill was introduced in June - with the expectation that it would be debated and passed before the conclusion of the autumn session - that it supported its speedy passage. Nothing has changed.

The amendments proposed by the Attorney General are seemingly small and relate to amendments to section 4(1) of the Salaries and Allowances Act to amend the definition of remuneration to magistrates. These amendments will bring magistrates into equal consideration with judges of the Supreme and District Courts. However, the amendment to section 4(1) brings magistrates into equality with those other officers of the court only in as far as it relates to allowances, fees and emoluments not paid annually. Section 4(1) of the Salaries and Allowances Acts relates to salaries and any allowances paid annually to a series of persons excluding magistrates. However, it also relates to other allowances, fees and emoluments.

In 1990 the Salaries and Allowances Tribunal determined that travel allowances should be paid to judges of the Supreme and District Courts, and, at the same time, determined that judges of those courts should be provided with fully maintained motor vehicles. Therefore, the allowance and the provision of the fully maintained vehicle for judges did not apply to, or was not considered in respect of, magistrates simply because section 7(1) of the Salaries and Allowances Act prevented it. The section reads -

The Tribunal shall, from time to time as provided by this Act, inquire into, and report to the Minister on, the question whether any alterations are desirable in the remuneration payable to judges of the Supreme Court . . .

However, this applies to annual provisions and not to incidental provisions. Therefore, anomalies arise in that the Salaries and Allowances Tribunal can deliberate on rates, salaries and allowances of all members of the judiciary, including magistrates, when those salaries and allowances are payable annually. However, when it comes to incidental allowances and remunerations, the Salaries and Allowances Tribunal is not to consider those matters as they relate to magistrates. Section 4(1) of the principal Act does not include magistrates.

There is an historical explanation of this matter: Historically stipendiary magistrates were not considered an integral part of the judiciary, but were regarded as public servants. As such, magistrates were entitled to the provisions, for example, of State superannuation, and the provisions of the family benefit under The Superannuation Act. Amendments to the Salaries and Allowances Act in 1979 included magistrates within the purview of the Salaries and Allowances Tribunal, and magistrates continued to be eligible for the benefits of State superannuation, now known as the Government Employees Superannuation Fund. The Act specifically excludes magistrates from the incidental benefits available to other members of the judiciary.

Following the 1990 decision of the Salaries and Allowances Tribunal which made travelling allowances and other benefits available to Supreme and District Court judges, a substantial difference emerged in the travel allowance available to the judges of those courts and magistrates. Magistrates were excluded from the terms of the 1990 decision regarding travelling allowances and other benefits because they continued to qualify for the benefits available to public servants. The net result was that judges, for example, travelling to Broome would be paid one level of allowance and benefit, and a magistrate also travelling to Broome would be paid quite a different level of allowance.

Simply by this accident in history - which was not quite an accident in history because it was a decision made to protect superannuation benefits of magistrates - and following the decision of 1990, magistrates made an approach to the Government requesting an amendment be made to the Salaries and Allowances Act to enable the tribunal to consider magistrates in all of its deliberations. This applied particularly to incidental allowances. The Government was at first not willing to embrace their requests simply because it was mindful

of the historical precedents of the superannuation provision, which operated from the 1979 amendments.

Hon Peter Foss interjected.

Hon DERRICK TOMLINSON: The magistrates were not embracing anything; they wanted to be embraced. The Government made the decision earlier in the year to proceed with the amendments which the magistrates had requested in 1990. The Attorney General advised the President of the Stipendiary Magistrates Society in February that the Government intended to proceed. However, at that stage he was not confident that the legislation would pass through Parliament before the end of the autumn session, due to the pressure of business he anticipated before Parliament met in March. As I have already said, the Opposition advised the Attorney General that it would willingly support the passage of the Bill so that the request of the magistrates could be met and the tribunal could give due consideration to their remuneration. The Opposition supports the Bill moved by the Attorney General. Amendments have been circulated by Hon R.G. Pike and I understand some further amendments will be circulated at a later date on which I will not speak now. I commend the Bill to the House.

HON R.G. PIKE (North Metropolitan) [4.51 pm]: In general, the amendments I have circulated seek to alter the definitions under section 4 of the Salaries and Allowances Act. This section includes a long list of people who come under the jurisdiction of the Act. It covers the President of the Legislative Council, the Speaker of the Legislative Assembly, the Chairman of Committees in either House, the Leader of the Opposition in the Legislative Council; the Leader of the Opposition in the Legislative Assembly, the Deputy Leader of the Opposition in the Legislative Assembly, and the Whips in both Houses. Also included is -

The person who not being a Minister of the Crown is the leader of a party in the Legislative Assembly of at least 5 members other than a party whose leader is the Premier or the Leader of the Opposition;

My amendments seek to correct an anomaly by adding to that definition "or the Chairman of any Standing Committee of either House or of a Joint Standing Committee of either House". The purpose of that is merely to bring up to date, by way of the offices held in the Parliament, those officers who, at the time of the Act, did not exist. I also seek to add to that definition "Clerk of the Legislative Council or Clerk of the Legislative Assembly or the Deputy Clerk of either House". The reason is that the Governor in Council determines the salaries of the Clerks of both Houses on the advice of the Presiding Officers, the President and the Speaker. My understanding is that a reasonable review has not been carried out for five or six years. It is a very cumbersome process and does not allow for easy and proper review. It is entirely appropriate, therefore, that those senior officers of the Parliament should be included in the definition under section 4.

HON MURRAY MONTGOMERY (South West) [4.54 pm]: I support the Bill and will take very little of the House's time because most of what I have to say would be a repeat of what Hon Derrick Tomlinson said. It is interesting that Hon Derrick Tomlinson went into the history of magistrates and their attempts, at various times, to gain recognition from the Salaries and Allowances Tribunal. It has taken until now for this issue to come forward. The National Party sees this proposal as recognition of the role of magistrates in the judicial system. The National Party believes that consideration of their salaries and allowances by the tribunal will bring them into the line with the rest of their superior court colleagues. It is prudent to note that a number of magistrates in the country carry out a fair amount of travel from town to town to conduct their courts. Salary packages for magistrates which include motor vehicles and such, like those deemed to be covered by other areas, should be, at least, considered through the Salaries and Allowances Tribunal. The National Party supports the Bill.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [4.56 pm]: I also support the Bill. The position of the Opposition has been clearly outlined by Hon Derrick Tomlinson. Hon R.G. Pike has indicated that during the Committee stage he will move certain amendments. For the sake of convenience, as it is not intended to move into the Committee stage tonight, I advise members, particularly the Leader of the House, that I will move for the inclusion under section 4(2) of the words "the Deputy Chairman of Committees in either House". I will explain the reasons for that during the Committee stage. Members

will be aware that the position of the Deputy Chairmen of Committees is not recognised under the Salaries and Allowances Act. Many people who have not been recognised by the tribunal have served in that position over a long period. It is the view of the Opposition that that anomaly should be corrected. It is not my party's intention to indicate the manner in which the tribunal should deal with the Deputy Chairmen of Committees in either House, but to provide the opportunity for the tribunal to consider the work performed by the people who currently occupy that position and have occupied it in the past.

I am very supportive of the intent of the amendments foreshadowed by Hon R.G. Pike. However, the tribunal is currently able to consider those persons prescribed under the Act. The ability of someone to be entitled to be a prescribed person can be provided by regulation. Therefore, the Attorney General may, during the time until the matter is considered in Committee, care to research that area to see which might be the most convenient way to handle the inclusion of the Clerks and Deputy Clerks of both Houses in the Act to ensure that they are able to be dealt with by the tribunal. I consider that to be an administrative matter, but I indicate my strong support for the inclusion of "Clerk" and "Deputy Clerk" under the provisions of this Act; that is, within the terms of the tribunal. I support the Bill.

Debate adjourned, on motion by Hon Fred McKenzie.

[Questions without notice taken.]

COLONIAL HERITAGE OF PERTH PROTECTION BILL

Second Reading

Debate resumed from 5 May.

HON JOHN HALDEN (South Metropolitan - Parliamentary Secretary) [5.36 pm]: On 5 May Hon Phillip Pental moved the second reading of the Colonial Heritage of Perth Protection Bill. It is always tempting on these occasions to make a few cheap political points - which is often the desire of the Opposition. However, few members of this House would have any objection to this measure.

Hon P.G. Pental: Hear, hear!

Hon T.G. Butler interjected.

Hon JOHN HALDEN: The member is going to South Perth; I understand that the wingies and stumpies in the Liberal Party at South Perth have voted for him.

This legislation seeks to protect a number of well known buildings that are landmarks in the central Perth area, namely the old Treasury building, the old Lands Department building, the Perth Town Hall, the Supreme Court, the old Arbitration Court and Stirling Gardens and Government House and its gardens. No-one would have difficulty with the preservation of the obvious architectural heritage of those buildings. The difficulty with this legislation is that, following the passage of the Government's heritage legislation earlier this year, this Bill appears superfluous. Many of the provisions in the Bill already exist in legislation. I am surprised that Hon Phillip Pental has not decided to withdraw the Bill.

Hon Peter Foss: What happened to the old crematorium at Karrakatta Cemetery? Was that knocked down?

Hon JOHN HALDEN: Yes, but that was before the heritage legislation was enacted.

Several members interjected.

Hon JOHN HALDEN: It appears that Hon Peter Foss is an expert on everything. The member can pick out heritage buildings, put them on the heritage list, and decide that the buildings will stay. The old crematorium was assessed and the decision was that it should not be placed on the National Estate or on the heritage list.

Current heritage legislation encompasses many aspects of this Bill. The inspiration for the Bill stemmed from National Heritage Week 1991 when the then Leader of the Opposition and Hon Phillip Pental stood outside the old Treasury building to be photographed.

Hon Peter Foss: And a nice photograph it was.

Hon JOHN HALDEN: A photograph of the late Leader of the Opposition and the late member of the front bench in this place -

Hon Derrick Tomlinson: Former member.

Hon JOHN HALDEN: Or the former member - but a dead in the water member anyway.

Hon Derrick Tomlinson: We would like you to be late rather than former.

Hon JOHN HALDEN: We all recall the lengthy debate in this Parliament on heritage legislation. It is well documented whom members opposite chose to represent in that debate. We are also aware of the obstructionist tactics that members opposite employed, together with those in private enterprise, to frustrate the passage of worthwhile heritage legislation through this House. Of course the member who squawks loudest and first is the one most responsible. That is always the case once guilt overcomes him. The long title of Hon Phillip Pental's Bill states that it is an Act to recognise and protect the cultural heritage significance of certain colonial buildings in the centre of Perth city. Therein lies one of the problems: This is a narrow Bill. It seeks only to protect a very small area, yet the buildings of cultural significance in Perth extend far beyond six or seven. I cannot understand why, if the member wants to pursue this issue, he has not expanded the Bill to provide for a far more realistic cultural area within the central business district of Perth. The reason he has chosen only six or seven buildings is beyond me.

Hon JOHN HALDEN: Again, the provisions of Hon Phillip Pental's Bill proscribe demolition, excavation or despoliation of the buildings. That is provided for in the current heritage legislation.

Hon P.G. Pental: Your Government knocked over the old stables on the Swan Brewery site. We should not have entrusted that to you.

Hon JOHN HALDEN: Was heritage legislation in place at that time?

Hon P.G. Pental: Those buildings were not listed.

Hon JOHN HALDEN: The Liberal Government knocked over the old Barracks. Hon Phillip Pental should not throw mud when raising that issue, because we are all guilty.

Several members interjected.

The PRESIDENT: Order!

Hon JOHN HALDEN: The member's legislation provides that demolition, excavation or despoliation should not happen without the approval of the Heritage Council of Western Australia. That is contained in the existing legislation.

Hon P.G. Pental: Will you support the Bill?

Hon JOHN HALDEN: Why should we support something that is the same as something that exists?

Hon P.G. Pental: That is not true.

Hon JOHN HALDEN: The member is yet to convince me or anybody else for that matter. He has detailed a schedule of buildings under "List 1", which are: The old Treasury building, the old Lands Department building, the Perth Town Hall, Government House and its gardens, the Supreme Court, and the old Arbitration Court in Stirling Gardens. Those buildings are all on the Register of Heritage Places and their permanent listing on the National Estate is pending, with the exception of the Perth Town Hall. Both the State Government and local government are negotiating listing of the Perth Town Hall in a reasonably cooperative way so that the heritage legislation will not be seen as being heavy handed.

The buildings protected by this Government include Government House and its gardens, which are interimly listed on the register of heritage buildings, gazetted on 12 January 1992. Permanent listing is in progress.

Hon P.G. Pental: That should have been done ages ago.

Hon JOHN HALDEN: The legislation has not been in place for long. It is being done, but it would have been done much quicker without Hon Phil Pental's interference. The Supreme Court buildings, the old Arbitration Courthouse, Stirling Gardens and Supreme Court Gardens were on the Register of Heritage Places. They were gazetted on 6 March, and permanent listing is in process. The period of public comment for that closed on 29 May

1992. Those buildings are in the late stages of the approval process. Government House ballroom is also on the Register of Heritage Places. It was gazetted on 5 April 1992 and permanent listing is progressing. Public comment on the building closed on 9 May 1992.

Hon P.G. Pental: Why on earth do you need public comment to confirm that they should be on the register?

Hon JOHN HALDEN: Because the Government believes that public comment is important. Hon Phil Pental may not. He may have all the answers, like his friend on the other side of the House.

Hon P.G. Pental interjected.

Hon JOHN HALDEN: If Hon Phillip Pental wants to talk about heritage vandalism I will stand my credentials against his at any time. The Central Government Offices, or the old Treasury building and the old Lands Department building, are on the heritage register, gazetted on 16 April. The period of public comment closed on 29 May. A full and comprehensive heritage assessment and development of a detailed conservation and management plan was commissioned on 23 April 1992 to be prepared by the Building Management Authority. It does not relate only to buildings but to the whole area, including the R & I Bank Ltd, Council House and other buildings in that precinct.

I refer now to the old Perth Town Hall. The Heritage Council survey of the central business area is being conducted and the first stage has been completed. Negotiations are under way between the City of Perth, which owns the building, and the Heritage Council so that that building also can be listed.

Another issue is that of the heritage precinct. The member should support the heritage survey rather than his Bill. The survey has recommended that Perth should be divided into three areas: The central business district, which is north of the river between the river and the freeway; Northbridge; and the other two areas which run as far as Bulwer Street in North Perth, including much of the area which will be involved in the East Perth redevelopment. That is a far more comprehensive assessment of buildings of cultural significance within the Perth district than that provided for in the very narrow Bill prepared by Hon Phillip Pental.

The Government does not disagree with the overall concept of the member's Bill, but its provisions have been covered in a far more comprehensive and systematic way already. Therefore, I emphasise that the member should take the opportunity later to reconsider whether he wants to pursue this matter. The special categories 1, 2 and 3 which have been provided under the Perth central study also incorporate what I think is the very reasonable concept of how heritage buildings should proceed. They involve the idea of non-duplication of listings, they try to reduce complications, and they try to encourage cooperation by involving local government, the private sector and the non-Government sector, which includes religious groups, in a plan for historic precincts. However, it is based on a far broader concept than the one put forward by the member.

A reason for the member withdrawing the Bill is section 48 of the Government's heritage legislation, which provides for the declaration of historic land site precincts. If we extended the area suggested to Pier Street and Hay Street to take in the southern area to which he referred, it would be likely that that would be an historic land site precinct.

Hon Peter Foss: They are not Government owned buildings.

Hon JOHN HALDEN: No, they are not.

Hon Peter Foss: These are.

Hon JOHN HALDEN: I understand that. The Anglican Church is the biggest owner of property in that area. It would include the City of Perth building across the road, the small building on the corner of Pier and Hay Streets and the Public Trust building. They may not be architecturally sympathetic at this time, but with cooperation the redevelopment of buildings such as the R & I Bank building -

Several members interjected.

The PRESIDENT: Order! Members are interrupting the honourable member, who is hurrying through his speech.

Hon JOHN HALDEN: There will be a need to bring any new buildings into sympathy with the style of the buildings that have some cultural significance. That should be done in a cooperative way and it is that which the Building Management Authority is doing currently. It involves the Perth City Council, the Anglican Church and the major private owners of the other significant buildings. That is all the member suggests in his Bill. He is not suggesting that Perth City Council be kicked out of its building. He is suggesting that this is the way we can create a precinct that is sympathetic with the traditional and significant heritage buildings in that area. No-one disagrees with that. However, the Government suggests that he is too narrow in his focus. Others suggest that the area should be larger and extend further down Hay Street towards the Causeway and include Murray Street. In the opinion of some people there are a number of architecturally significant buildings in that area. The protection of that precinct should include St George's Cathedral and the other buildings which are of the same ilk. It would be silly not to do that. However, that can be done under section 48 of the existing legislation.

Hon Peter Foss: That is a section which I put in, by the way.

Hon JOHN HALDEN: I congratulate Mr Foss. I will probably find out later that he did not, but I congratulate him now. The Government is sympathetic with what the member is trying to do. However, there is no need to do it because it is already being undertaken.

Hon P.G. Pandal: Very negative.

Hon JOHN HALDEN: It is not negative. The protection exists. The Government is proceeding with the course advocated by the member. It will protect more of the area than the member advocates and based on his support for this we will be looking forward, during the election campaign, to his support for the heritage of this State.

Debate adjourned, on motion by Hon Peter Foss.

House adjourned at 5.55 pm

QUESTIONS ON NOTICE

REDUNDANCY PACKAGES - \$50 MILLION

General Loan and Capital Works Fund Estimates of Expenditure - Consolidated Revenue Fund Transfer, Receipts Page Reference; Revised Cost

297. Hon MAX EVANS to the Leader of the House representing the Treasurer:

With reference to the Capital Works Program for the year ending 30 June 1992 at page 55 of the General Loan and Capital Works Fund Estimates of Expenditure which shows a transfer to Consolidated Revenue Fund for redundancy payments of \$50 million -

- (1) Where are the receipts to Consolidated Revenue shown?
- (2) If the total is not \$50 million what is the breakdown of the \$50 million transferred to Consolidated Revenue Fund?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) Pages 7 and 24 of the 1991-92 Consolidated Revenue Fund Estimates.
- (2) Estimated revised cost of scheme is \$101.5 million, comprising \$47.8 million for the redundancy scheme, \$19.3 million for accrued leave entitlements and \$34.4 million for superannuation payouts.

REDUNDANCY PACKAGES - TOTAL COSTS

Budget Excess

298. Hon MAX EVANS to the Leader of the House representing the Treasurer:

- (1) What are the total costs to the Government of the voluntary severance scheme?
- (2) Why has this scheme been allowed to exceed the budget of \$50 million?
- (3) Will the Treasurer borrow further funds?
- (4) Was a budget drawn up for the large Government departments?
- (5) If so, what was their budget and how much was the excess over budget?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) Payments under the special voluntary severance scheme totalled approximately \$47.8 million. In addition \$19.3 million has been paid for accrued leave entitlements and \$34.4 million for superannuation payouts in advance of when they would normally have been paid.
- (2) Due to the excellent response from departments and authorities to abolish more positions than were originally identified in the Budget process; to allow for more redeployees to be permanently placed; and to provide for the recruitment of school leavers.
- (3) This question is not understood.
- (4) No. A global provision was made under the Miscellaneous Services Division of the 1991-92 CRF estimates.
- (5) Not applicable.

TERTIARY ENTRANCE EXAMINATIONS - GREEK LANGUAGE

Greek Community Representatives and Minister for Education Meeting 1990

371. Hon GEORGE CASH to the Leader of the House representing the Premier:

Did the Premier, while Minister for Education in 1990, meet with representatives from the Greek community and agree to have the Greek language included as a Tertiary Entrance Examination subject?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

I was sympathetic to their request but pointed out that the responsibility for determining which subjects are included in the tertiary entrance score rests with the Secondary Education Authority on the advice of the tertiary entrance subject committee. Modern Greek has been an accredited course since 1990 but it is not a tertiary entrance score - TES - subject. No schools in Western Australia have offered the course to date. A proposal for Modern Greek to be included as a tertiary entrance score subject is currently being considered by the authority. Any proposal submitted for a change to TES status must satisfy five criteria relating to academic rigour, a moderation and scaling population drawn from a number of schools, and an adequate and continuing pool of tertiary and school-based specialists to be appointed as examiners.

REDUNDANCY PACKAGES - NEW SCHEME INTENTION

375. Hon GEORGE CASH to the Leader of the House representing the Premier:

Does the Government intend to introduce, during the next financial year, a new redundancy scheme similar to the \$50 million redundancy scheme which was introduced earlier this year?

Hon J.M. BERINSON replied:

The Premier has provided the following reply -

The Government does not anticipate repeating last year's special voluntary severance scheme.

LAND TAX - EXEMPTIONS

Reviews of Entitlement- Issue Date of Letters

454. Hon TOM STEPHENS to the Leader of the House representing the Treasurer:

- (1) On what date were the first letters indicating a review of entitlement to exemption from land tax issued by the Assistant Commissioner for Land Tax following the 1989 amendments to the relevant section of the Tax Act?
- (2) Why were all the letters of review not sent out immediately following the enactment of these relevant amendments?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

- (1) On or about 30 October 1990.
- (2) I am advised by the Acting Commissioner of State Taxation that the time required to identify, review and validate all exemptions relating to trusts following the 1989 legislative amendment precluded the immediate identification of every trust which, as a result of that amendment, was no longer entitled to residential exemption. Letters were dispatched to trustees as soon as the State Taxation Department ascertained the need to review the exemption of the trust.

LAND TAX - EXEMPTIONS

Discretionary Trustees Owning Homes with Resident Beneficiaries - Removal Intention

455. Hon TOM STEPHENS to the Leader of the House representing the Treasurer:

Further to question on notice 424 and the Treasurer's answer, is it the intention of the commissioner to remove the land tax exemption for a home held by a discretionary trust when the beneficiaries of that trust live in that house?

Hon J.M. BERINSON replied:

The Treasurer has provided the following reply -

Beneficiaries of a discretionary trust have never been entitled to residential exemption in their own right. Beneficiaries of a discretionary trust have no

vested or contingent interest in trust property, they have only an equitable choice in action carrying or involving a right to call for the due administration of the trust. Accordingly, the beneficiaries of such trusts do not answer the description of an owner under the Land Tax Assessment Act and therefore exemption cannot be conferred through their occupation of residential property belonging to the trust.

TOXIC WASTE - FREMANTLE STORAGE PROPOSAL

Overseas Shipments Proposal

468. Hon REG DAVIES to the Minister for Education representing the Minister for the Environment:

In respect of statements by the Minister for the Environment appearing in an article entitled "Toxic Waste Being Transported to Fremantle" on page 22 of *The West Australian* of 30 May 1992 -

- (1) Is it proposed to store the toxic waste in Fremantle?
- (2) If yes, when will the toxic waste be transported to Fremantle, where will it be stored and for how long?
- (3) Has any environmental impact assessment been done on the hazards of storing toxic waste in Fremantle?
- (4) If yes, will the Minister provide details?
- (5) Is the Government proposing to ship the toxic waste to other countries?
- (6) Is the Minister attempting to pre-empt the recommendations of the independent panel on intractable waste by shipping Western Australia's toxic waste overseas?
- (7) If yes, are these countries signatories to the Basel convention?
- (8) Will the Minister table the reasons for his decision to allow Western Australia's toxic waste to be transported overseas?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) No. I was misquoted in the article to which the member refers.
- (2)-(4) Not applicable.
- (5) The Government has proposed nothing. The proposal has been put forward by private enterprise.
- (6) No.
- (7) Not applicable.
- (8) The granting of export approval is a Commonwealth responsibility.

BIRDS - TWENTY EIGHTS, KING PARROTS, WESTERN ROSELLAS

Pest Cullings, South West

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

- (1) Are birds known as Twenty Eights, King Parrots and Western Rosellas, in the south west of the State, culled as pests?
- (2) If so, how often and what sized populations are involved?
- (3) Will the export ban on non-endangered parrot species be lifted in an endeavour to control their proliferation and possible exportation to other countries?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

(1)-(2)

Twenty Eight Parrots, King Parrots and Western Rosellas may be shot with a licensed firearm where they are causing, or may be reasonably expected to cause, damage to fruit or flower production on south west shires designated in the open season notice of 29 November 1991, pursuant to the Wildlife Conservation Act 1950. These three parrot species may also be taken in non-open season areas where a damage licence is issued pursuant to the Act. Licensed trappers may also trap these species in areas specified on the licence, which is also issued under the Wildlife Conservation Act. In 1991-92, 49 damage licences were issued, permitting the taking of 5 710 Twenty Eight Parrots, eight were issued permitting the taking of 315 King Parrots and four were issued permitting the taking of 45 Western Rosellas. Licensed trappers took 2 321 Twenty Eight Parrots, 793 King Parrots and 499 Western Rosellas. No data are available on numbers otherwise taken in open season areas and there are no scientifically based population estimates of the three parrot species.

(3) The export ban on native parrot species is applied by the Commonwealth Government under its Wildlife Protection (Regulation of Exports and Imports) Act 1982. It is not the prerogative of the State Government to lift the ban and there is no State ban on the trapping or export of these bird species. Under current controls birds taken by licensed trappers may be sold in Western Australia or exported to other Australian States and Territories under licences issued pursuant to the Wildlife Conservation Act 1950.

MARRI - LOGGING FOR WOODCHIPS, CENTRAL FOREST REGION

Monitoring Ground Water Levels and Salinity

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

- (1) Has any marri been logged for woodchips, in sections of the central forest region?
- (2) If so, in which specific areas?
- (3) Are these forest sections considered to be salt risk, due to the rainfall level?
- (4) What approvals have been given for the logging of these marri areas?
- (5) If appropriate approvals have not been given, why is the logging proceeding?
- (6) What logging methods are being used apart from selection cut harvesting?
- (7) Is monitoring of groundwater levels and salinity being conducted in conjunction with the marri logging?
- (8) If not, why not?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) From the Sunklands, Nannup, Mornington and Greenbushes supply areas.
- (3) Parts of the Nannup, Mornington and Greenbushes supply areas are in the intermediate rainfall zone.
- (4) The logging resulted from jarrah forest harvesting for jarrah and marri sawlogs and was in accordance with the 1987 Regional Management Plan and Timber Strategy approved by the Government.

- (5) Not applicable.
- (6) None.
- (7) No.
- (8) Any possible small transient effects are not considered significant enough to justify the large expense of such a monitoring program.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF -
HONORARY ROYAL COMMISSION INQUIRY
Recommendations - Implementation Statistics

482. Hon W.N. STRETCH to the Minister for Education representing the Minister for the Environment:

- (1) How many of the recommendations of the Honorary Royal Commission (1984) inquiring into the Department of Conservation and Land Management have been implemented?
- (2) Is it envisaged that the recommendations for -
 - (a) legislative change; and
 - (b) a review;will be implemented?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Of the 85 recommendations 64 have been fully or partially implemented or have ceased to be relevant due to other actions.
- (2) (a) The Government has made amendments to the CALM Act which are consistent with the commission's recommendations. The repeal and replacement of the Wildlife Conservation Act will also be consistent with other commission recommendations.
- (b) This recommendation is not included in proposed amendments to the CALM Act.

WHARNCLIFFE MILL SITE - CAMPING SITE DESIGNATION
Forest Education Park Consideration

487. Hon BARRY HOUSE to the Minister for Education representing the Minister for the Environment:

- (1) Has the old Wharnccliffe Mill site been opened as a camping area for groups, including school groups?
- (2) If so, is this site designated as a permanent location for a camping site?
- (3) Has the Wharnccliffe Mill site been considered for development as a "forest education park" providing for identification of forest, flora and fauna, demonstration of timber crafts and skills and working displays?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1)-(2) Yes.
- (3) Yes. Consideration of further developing the site as a demonstration forestry area in conjunction with the existing camping area is ongoing.

CONSERVATION AND LAND MANAGEMENT, DEPARTMENT OF - FOREST
MANAGEMENT PLANS
Tourism Strategy Consideration

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

I refer to representations to the Opposition that the Department of Conservation and Land Management has not been given responsibility for tourism planning within the State's planning strategies and ask -

- (1) Has consideration ever been given to CALM including a tourism strategy in its management plans for State forests?
- (2) If not, can the Minister outline what ongoing consultation, if any, exists between CALM and the Western Australian Tourism Commission to allow for appropriate tourism uses of the forests?
- (3) Do the Minister and CALM acknowledge the part to be played by forest-based tourism, especially as a creator of new jobs?
- (4) What actions, if any, will the Minister take to amend the 1987 forest management plans in the light of the submission to the Minister's department by the Pemberton tourist operators?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes. Tourism is one of the major values required to be considered by CALM in developing its forest management plans.
- (2) The strategy for ensuring appropriate tourism use of the forest involves the establishment of national parks, the provision of recreation facilities in parks and State forests, and the protection of landscape quality through visual resource management. Within that strategy framework, CALM has constant contact with officers of the Tourism Commission on appropriate management.
- (3) Yes. The Government, through CALM, has made a significant investment in site developments in the forest which directly benefits tourism.
- (4) The 1987 forest management plans will be amended by the 1992 forest strategy which has made an increased commitment to tourism with the proposal to increase national parks in the forest.

FORESTS AND FORESTRY - DRAFT NATIONAL POLICY FOR FOREST
MANAGEMENT
Released for Public Comment

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

- (1) Is it correct that a draft national policy for forest management has been released by the State and Commonwealth Governments for public comment?
- (2) If so, will the Minister provide me with a copy?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1) Yes.
- (2) Yes. I have arranged to forward a copy to the member.

KUNUNURRA IRRIGATION CHANNELS - BANANA PLANTATIONS
Hobby Farmers and Broadacre Farmers Definition - Irrigation Rates and Charges

530. Hon GEORGE CASH to the Minister for Police representing the Minister for Water Resources:

With reference to question on notice 462 of 4 June 1992 will the Minister please provide the answer as the question was not asked without notice on 2 June 1992?

Hon GRAHAM EDWARDS replied:

The Minister for Water Resources has provided the following response and has requested that I pass on his apologies for the confusion regarding the questions asked on 2 and 4 June -

(1)-(2)

Irrigation rates and charges for the Ord River irrigation area are based on the method and security of supply, not on crop type or form of agriculture. The definitions "hobby farmer" - horticulturist - and "broad acre farmer" are terminologies used to describe the size of farm. Hobby farms loosely describe farms smaller than 20 ha. Economics of hobby farms usually require intensive type agriculture - horticulture. These would include banana plantations. However horticulture is not restricted to hobby farms only. There is no distinction made between each type of farmer in the context of drawing water from the irrigation channels as all farmers have access to unlimited volumes of water with the rate constrained by their offtake. Broad acre and hobby farms are rated the same except at Packsaddle Plains. The following table lists the charges applicable in the Ord River irrigation district for those farms that draw water from irrigation channels -

	Per Hectare On Total Area	Per Irrigated Hectare
Packsaddle Plains		
Hobby (horticultural)	\$19.75 min of \$154.00 pa	plus \$481.00
Broad acre	\$36.10	
Ivanhoe Plains		
Horticultural -		
pumped gravity	\$36.10	\$33.20
Broad acre -		
pumped gravity	\$36.10	\$33.20
(3) (a) Broad acre	53	
(b) Hobby	41	
(4) Ord River irrigation advisory committee.		

TOURISM - NORTH WEST CAPE-EXMOUTH AREA STRATEGY PLAN
Restricted Tourist Development Recommendation

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

With reference to the North West Cape/Exmouth area -

- (1) Is it correct that a 1991 strategy plan for the area recommended that tourist development be restricted from the western coast of the cape?

- (2) If so, why does the March 1992 draft of the same plan contain a loophole which could allow development to proceed?
- (3) Is the Minister aware of a current tourist developmental proposal for a site within the Cape Range National Park, close to the marine park sanctuary zone on a beach inhabited by green turtles?
- (4) If so, what type of development is proposed or is under consideration?
- (5) Is the Minister also aware that some local residents and others are opposed to any development on the west coast of the cape, to the south of Vlamingh Head lighthouse, on the grounds that this area is a pristine wilderness, inhabited by endangered species, and indeed is being promoted to tourists in this vein?

Hon KAY HALLAHAN replied:

The Minister for the Environment has provided the following reply -

- (1)-(2) This part should be referred to my colleague the Minister for Planning.
- (3)-(4) No, however a study to examine the potential for a major tourist development on North West Cape is currently being coordinated by the Department of State Development.
- (5) Yes.

QUESTIONS WITHOUT NOTICE

CORRECTIVE SERVICES, DEPARTMENT OF - PRISON OFFICERS

Overtime Payments

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

Some notice of my question has been given to the Minister.

- (1) What was the total overtime payment to award prison officers for the period 1 July 1991 to 30 June 1992?
- (2) How much does this equate for each award prison officer in the department?

Hon J.M. BERINSON replied:

I thank the Leader of the Opposition for advance notice of the question. The answer is as follows -

- (1) \$7 694 925.
- (2) The total number of employees, including redundancy and terminated staff, was 1 276. Therefore, the average is \$6 030 an officer.

CORRECTIVE SERVICES, DEPARTMENT OF - BUILDING SERVICES DIVISION

Adjournment Debate - Records Check

326. Hon GEORGE CASH to the Attorney General:

I draw the Attorney General's attention to the comments he made during the adjournment debate in this House last night. Has he had the opportunity to check those matters that he advised he was going to check and, if so, could he advise the House accordingly?

Hon J.M. BERINSON replied:

I did check my records this morning and asked the executive director of the department to check his also. As it happens, I need not have bothered to reserve the position, because the indication I gave yesterday in relation to any written material on the review of the building services division of the department related also to the executive director's original advice to me.

WESTERN AUSTRALIAN MUSEUM - SENIOR EXECUTIVES
Vacancies

327. Hon PETER FOSS to the Minister for The Arts:

- (1) Are there any senior executive positions within the Western Australian Museum which are not presently filled?
- (2) Are measures being taken to fill those positions?
- (3) When does the Minister expect them to be filled?

Hon KAY HALLAHAN replied:

(1)-(3)

The Director of the Western Australian Museum, Mr John Bannister, has resigned. I cannot recall the date on which his resignation takes effect, but I suspect it is some time in September. The normal procedure for filling that vacancy will be followed.

CAMP QUARANUP - MANAGEMENT CHANGE
Decision

328. Hon MURRAY MONTGOMERY to the Minister for Sport and Recreation:

Further to the question I asked the Minister yesterday -

- (1) Has a decision been made for a lessee to take over the running of and responsibility for Camp Quaranup?
- (2) If so, what are the terms of the lease?

Hon GRAHAM EDWARDS replied:

(1)-(2)

I congratulate the member on the way in which he asked his question. This question contrasts starkly with the question he asked yesterday. The member goes crook about some of the answers to questions he receives, but if he asked his questions -

Point of Order

Hon PETER FOSS: I do not think we need a lecture from the Minister.

Several members interjected.

Hon J.M. Berinson: I do not think we need a lecture from you either.

The PRESIDENT: Order!

Questions without Notice Resumed

Hon GRAHAM EDWARDS: I appreciate Hon Peter Foss' sensitivity to this issue because I understand he framed the question asked yesterday. I am trying to be helpful and I take question time seriously. I am suggesting to the member that if he asks questions such as the one he just asked I will endeavour to give proper and unequivocal answers.

Expressions of interest have been called for from the public to manage Quaranup Camp. It is intended that the camp not only remain available to its current clientele, but also that its use be extended. A local committee has been formed to assess the applicants before a final decision is made. The committee comprises representatives from the Town and the Shire of Albany, the Great Southern Development Authority and the regional office of the Ministry of Sport and Recreation. The committee has met on a number of occasions; at its meeting on 3 June it produced a short list of applicants and negotiations were undertaken with the first choice. The concerns of the local committee are that the asset remain in State ownership, that the camp be made available to current users, and that fees remain in the current pricing bracket. Other concerns are to ensure access to historical sites and the conservation of historic relics. These issues have been taken into account in the negotiations with the possible new management in mind. I am expecting recommendations

following that process and when I have them - not before - I will make a final decision. I hope that gives a fairly clear picture of the stage we have reached.

WESTERN AUSTRALIAN MUSEUM - DIRECTOR POSITION

Minister's Overseas Trip, Prospective Appointee Interview

329. Hon DERRICK TOMLINSON to the Minister for The Arts:

On the Minister's recent trip on parliamentary business overseas did she take the opportunity to meet with and interview a prospective appointee as Director of the Western Australian Museum?

Hon KAY HALLAHAN replied:

I am pleased that people are aware that I did undertake a number of ministerial engagements on my visit to America. Perhaps I should give the member some idea of what I did on that visit.

Several members interjected.

The PRESIDENT: Order! The member did not ask you to do any such thing.

Hon KAY HALLAHAN: That is a shame because I thought I would share this valuable knowledge. The answer to his question is no.

PRISONS - LIFE IMPRISONMENT

Average Term of Imprisonment

330. Hon MURIEL PATTERSON to the Minister for Corrective Services:

Notice of my question has been given to the Minister.

- (1) What was the average term of imprisonment served by persons sentenced to life imprisonment over the last 15 years?
- (2) After what period of imprisonment can a person sentenced to life imprisonment apply for work release or parole?

Hon J.M. BERINSON replied:

(1)-(2)

I acknowledge and thank the member for some advance notice of that question. It has not been possible for me to obtain the required statistical information and it is only fair to indicate to the House that it may not be possible to obtain information in the form that has been requested. I will be in a better position to respond substantively either tomorrow or, if not then, certainly by Tuesday of next week.

KWINANA INTEGRATED EMERGENCY MANAGEMENT SYSTEM (KIEMS) - REPORT

Provisions Implementation

331. Hon P.G. PENDAL to the Minister for Emergency Services:

What action has been taken by the Minister since receiving the Kwinana integrated emergency management system report to implement all of its provisions?

Hon GRAHAM EDWARDS replied:

I welcome the question and I understand the member has now had an opportunity to read the report. I did not supply a copy of that report although I offered one to him. Perhaps the best way I can answer the question is by referring to a typed copy of an article which appears in the Rockingham newspaper, the *Sound Telegraph*, today and states -

People should not be alarmed at a weekend newspaper article quoting worst case scenario from stage two of the yet to be released Kwinana Integrated Emergency Management System (KIEMS).

It appears the quoted scenarios are already outdated.

According to Emergency Services Minister Graham Edwards and

Kwinana Industries Council executive officer Bill Sashegyi changes have been made on the strip since stage two was completed.

Mr Edwards said residents could be assured that the concerns expressed did not reflect the current situation.

He said consultation had been held between the Government, industry and local councils and the process of consultation would continue.

An accurate up-to-date assessment of the situation would be commissioned and this would be the basis of a larger consultative process.

Mr Sashegyi said there had been significant changes within industry to reduce the magnitude and frequency of possible incidents since stage two was completed.

"We have had the signing of the Mutual Aid Agreement which has a better co-ordinated industry response and therefore, the worse case scenarios no longer depict a risk in Kwinana and Rockingham," Mr Sashegyi said.

He confirms that a reassessment of a consultant's brief of those risks would also be undertaken.

And an industry emergency manual was being prepared to detail risks within industry.

It would describe emergency access routes between industries and an emergency communication system to allow each industry to communicate with the other.

Kwinana chief executive officer Bob Smillie said he and Rockingham town clerk Gary Holland met with the Minister's senior policy adviser Christina Lange last Friday.

Mr Smillie said a community consultative phase had yet to be arranged and it was suggested by himself and Mr Holland that the six mayors from the south west region be involved with the process prior to that phase.

Mr Sashegyi said the extent of communication between industry and community would depend on the new assessment.

I thank the member for asking the question because it gives me the opportunity to respond to his assertion that this report has been kept secret; an assertion made publicly by an ill-informed member and one who, thankfully, is on his way out of this Chamber.

**KWINANA INTEGRATED EMERGENCY MANAGEMENT SYSTEM (KIEMS) -
REPORT
Worst Case Scenario**

332. Hon P.G. PENDAL to the Minister for Emergency Services:

Will the Minister tell me whether it is correct that the KIEMS report suggests that 104 000 people living between Rockingham and Mosman, including people in Kwinana, Rockingham, Cockburn, Fremantle, East Fremantle, Melville, Mosman, Peppermint Grove and Cottesloe, are in areas described as being immediately dangerous to life and health in the event of a worst case scenario?

Hon GRAHAM EDWARDS replied:

That is correct, just as those people who live adjacent to the airport are in danger of a 747 aircraft falling out of the sky.

**KWINANA INTEGRATED EMERGENCY MANAGEMENT SYSTEM (KIEMS) -
REPORT**

Major Recommendations Where No Action Taken

333. Hon P.G. PENDAL to the Minister for Emergency Services:

What are the major recommendations in the KIEMS report on which the Minister has taken no action so far?

Hon GRAHAM EDWARDS replied:

I have fully answered that question in the very long and detailed answer I gave to the first question asked by the member.

Hon P.G. Pendal: You are saying you do not know the answer.

Hon GRAHAM EDWARDS: If this matter were of such urgency it is interesting to speculate on why the member ignored the first opportunity he had to ask questions, which was yesterday.

Hon P.G. Pendal: I was not present for question time yesterday.

Hon GRAHAM EDWARDS: Hon Phillip Pendal was in the Chamber yesterday during question time.

Hon P.G. Pendal: Just answer the question.

The PRESIDENT: Order!

Hon GRAHAM EDWARDS: I am making the same suggestion that I made when the member first raised questions about this matter many months ago. It seems that he is unable to address the reasonable issues and recommendations included in this report in any way other than mischievously or in a manner that is designed to cause alarm and concern.

The PRESIDENT: Order! In the same way that I indicate to honourable members asking questions that they must prepare those questions and ensure that they are put in an appropriate manner, the Minister's answer must be to the question and it is not an opportunity for the Minister to give his views on the activities of a member or indeed on the member's motives. The member is entitled to ask the question and I suggest that Ministers remember that also.

**KWINANA INTEGRATED EMERGENCY MANAGEMENT SYSTEM (KIEMS) -
REPORT**

New Legislation Priority Recommendation

334. Hon P.G. PENDAL to the Minister for Emergency Services:

Has the task force recommendation to the Government that all-embracing emergency management legislation be developed and introduced as a priority been carried out by the Government?

Hon GRAHAM EDWARDS replied:

No, and I would have thought the member fully understood that and the reasons for it.

UNEMPLOYMENT - IMPACT OF RICHARD COURT'S JOB PROMISE

335. Hon KIM CHANCE to the Minister for Employment and Training:

Will the Minister advise the House of the impact on the unemployed in Western Australia of the promise by the Liberal Party leader, Richard Court, of 150 000 jobs by the year 2000?

Hon KAY HALLAHAN replied:

Mr Court's promise would sell Western Australians very short indeed because, far from creating the required number of jobs and reducing unemployment, it would create in Western Australia an unemployment rate of 11 to 12 per cent. Not only does the Opposition want to -

Hon George Cash: You are in the business of creating unemployment and they should change your ministerial responsibility.

Hon KAY HALLAHAN: The Opposition is promising to create unemployment. It is promising Western Australians increased charges, lower wages and a very high level of unemployment - all in the guise of doing something useful for Western Australia.

Several members interjected.

The PRESIDENT: Order! Are there any other questions without notice?

Hon KAY HALLAHAN: I had not finished my reply but I thought you, Mr President, were calling me to order so I sat down.

The PRESIDENT: I was calling all members to order. I was about to tell the Minister, but I assumed she had finished so I had not intended to raise the point, that questions to Ministers are very precious and are supposed to relate to the responsibility of the Minister.

Hon KAY HALLAHAN: This question does.

The PRESIDENT: With respect, it does not. The comments by the Leader of the Opposition in another place on any subject at all have nothing to do with the administration carried out by the Minister.

Hon KAY HALLAHAN: May I clarify the situation? Unemployment figures that are published once a month are an area of my responsibility on which I may comment and whoever buys into that argument buys into an area of my responsibility.

Hon George Cash: Not at all.

Hon KAY HALLAHAN: The Leader of the Opposition does not like -

The PRESIDENT: Order! Wait a minute. It does not matter whether he likes it or not, and he is not influencing me in what I am saying, let me tell you that. What I am saying is not so much for your benefit but rather for the benefit of the member who asked the question, because he is the one in whom I am interested because he is the one who is entitled to ask the question. I was going to let the thing go, but because the Minister was insisting that I had sat her down, which I did not -

Hon KAY HALLAHAN: I am just too courteous.

The PRESIDENT: We will not have a fight over that. I wanted to let the member know, because he is a relatively new member and is entitled to be informed about the procedures of this place, that the scope that a member has to ask a Minister a question relates to the responsibilities of the Minister's portfolio. It is one thing to ask a Minister a question about something that the Leader of the Opposition said in regard to a proposition that he may or may not have - and I cannot remember what he said, but it does not really interest me for the purpose of this exercise - but it is a different thing altogether simply to ask a question that has nothing whatsoever to do with what a Minister is administering. Nothing that the Minister can do in her administration can have any effect on what the Leader of the Opposition in another place contemplates, proposes or wishes to do. That is the point I am making. I let the Minister go, and I assumed she had finished, but I now have to stop her because it has gone beyond the point where it is tolerable. The point I am making is that the question was out of order.

Point of Order

Hon KAY HALLAHAN: There is a serious disagreement with the ruling that it is out of order.

The PRESIDENT: Order! Are you moving to disagree with my ruling?

Hon KAY HALLAHAN: Can I not just do it in a friendly way?

The PRESIDENT: Order! I have no problem at all. If the Minister wants to move to disagree with my ruling, I would not deduce that to be anything but friendly. The Minister will not have a fight with me, because I think she is a very nice

lady and a very nice Minister, so she will not hurt my feelings. I just would not like to see her view defeated by the House, but she can gamble on that if she wants to. I am saying that the question is out of order.

Questions without Notice Resumed

EMERGENCY MANAGEMENT LEGISLATION - NO MATTER OF PRIORITY REASON

Draft Dangerous Goods Regulations, Matter of Urgency Recommendation

336. Hon P.G. PENDAL to the Minister for Emergency Services:

- (1) Has the recommendation to the Government that the draft dangerous goods regulations be proclaimed as a matter of urgency been acted upon?
- (2) Has the task force recommendation to Government that local government authorities within the KIEMS area install a community warning system acceptable to local government authorities been implemented?
- (3) Why has all embracing emergency management legislation, as recommended by the task force, not been introduced as a matter of priority?

Hon GRAHAM EDWARDS replied:

I cannot responsibly deal with those questions in a question without notice session without taking up a lot of time. If the member wants to put those questions on notice, I will give him a full and precise answer which may help him to assess the report and to digest what I have already told him. It may also help him in his discussions with local governments, which were not, as the member was reported as saying the other day, expressing anger and frustration.

Hon P.G. Pendal: Yes they were.

The PRESIDENT: Order! The Minister has said that the question should go on notice, and that is what should be done.

SCHOOLS - FIVE YEAR OLDS

Full Time Schooling - Dalwallinu Meeting, No Funding Coercion

337. Hon MURRAY MONTGOMERY to the Minister for Education:

Is the Minister aware that at a parents and citizens association meeting last night at Dalwallinu, officers of her department indicated that if parents did not take the funding that was available for the education program for five year olds, they would not be eligible for funding further down the track when the system was further implemented? Is that not coercion by her departmental officers?

Hon KAY HALLAHAN replied:

I was not aware that there was a meeting in Dalwallinu last night with ministry officers, but I am pleased to hear that such a meeting took place. I do not accept that those officers would have said that funding would not be available for the full time five year old program at a later stage of the program, or that they coerced or pressured those parents. If that interpretation was put on whatever was said, then it must surely be a misunderstanding, because the Government's clear position is that the program will be phased in over a three year period. In saying that, we are indicating that the program will be available to parents in that period, and not that it will be in any way compulsory at the end of that period. It will still be a matter of choice for parents, and we want parents in each community to have an opportunity to make that choice. Therefore, if the member, who I understand does not represent Dalwallinu but clearly has had a telephone call or something from someone in Dalwallinu, would like to discuss the matter further with me, I would be happy to do so. I would be concerned to think that anything other than a clear and comprehensive view was given to that school community.

SCHOOLS - FIVE YEAR OLDS
Full Time Schooling - Federal and State Funding

338. Hon GEORGE CASH to the Minister for Education:

- (1) In respect of the previously announced Government policy to introduce full time education for five year olds, what proportion of funding will be contributed by the State and Commonwealth Governments?
- (2) What proportion of the funding is likely to be applied to -
 - (a) capital works; and
 - (b) salaries and other resources?

Hon KAY HALLAHAN replied:

(1)-(2)

It is a State initiative and it will be State funded. An increase in the number of students will attract Commonwealth funds as a result of the State-Commonwealth relationship, although it will be a fairly small amount. For next year we have allocated \$7 million recurrently, and as a result of the increased State-Commonwealth funding arrangements and the numbers of students about \$1.4 million will flow to the State. However, the program is in no way dependent on Commonwealth money.

Hon George Cash: Can you indicate an approximate break-up between capital works, salaries and resources?

Hon KAY HALLAHAN: An amount of \$7 million is recurrent. Most of that amount will go towards the salaries of teachers and aides. For the 1993 program \$10 million will be allocated for capital works.

At a public meeting recently I was asked about funding, the implication being that the program was dependent on Commonwealth funds. That is not true. As a result of the introduction of the program about \$1.4 million will flow to Western Australia because of the arrangement between State and Federal Governments. This is a State initiative and a very large proportion of the funding will be supplied by the State.

MINISTERS OF THE CROWN - MINISTER FOR ARTS
Overseas Trip - Meetings with Roderick Anderson

339. Hon DERRICK TOMLINSON to the Minister for The Arts:

Did the parliamentary duties which the Minister attended to overseas include meetings with Mr Roderick Anderson?

Hon KAY HALLAHAN replied:

No.

TERTIARY EDUCATION - MATURE AGE STUDENTS
Travel Subsidies, South West

340. Hon BARRY HOUSE to the Minister for Employment and Training:

In response to representation by me on behalf of mature age students travelling to and from tertiary institutions in the south west, I received a letter from the Minister dated 3 July 1992 which reads, in part -

Having given careful consideration to all the ramifications of travel subsidies for mature-age students, the Hon Minister for Transport and myself will be taking the matter up with our Cabinet colleagues as soon as possible.

- (1) Has the Minister taken to the Cabinet the matter of travel subsidies for mature age students?
- (2) If so, what is the Government's position on the matter?

Hon KAY HALLAHAN replied:

(1)-(2)

The matter is still under consideration.

CRAYFISH, MARINE - CLOSED SEASON EXTENSION

341. Hon GEORGE CASH to the Minister for Employment and Training:

- (1) Is the Minister aware of the recent decisions announced by the Minister for Fisheries which provide for the closure of the rock lobster season for an increased time, such increased time having the effect of creating significant unemployment in the rock lobster industry, particularly in the processing area?
- (2) What action has the Minister taken to prevent a serious increase in unemployment in coastal towns?

Hon Graham Edwards: If you ruin the fishing industry you will create unemployment!

The PRESIDENT: Order!

Hon KAY HALLAHAN replied:

(1)-(2)

There is a need to make decisions under various portfolios which will have an effect on employment in various areas. The Minister responsible for the decision has taken on the long term industry needs. He would have done that in a responsible way. It is nice to expand my role into other portfolios -

Hon George Cash interjected.

Hon KAY HALLAHAN: That is moving away from the interpretation given.

Hon George Cash: It has an unemployment effect because of another Minister.

Hon KAY HALLAHAN: The President made a ruling earlier, contrary to the member's interpretation.

MINISTERS OF THE CROWN - MINISTER FOR ARTS

Overseas Trip - Meetings with Roderick Anderson

342. Hon DERRICK TOMLINSON to the Minister for The Arts:

While overseas, did the Minister meet with Mr Roderick Anderson?

Hon KAY HALLAHAN replied:

I met up with Mr Anderson. I did not consider it one of my parliamentary duties. That explains my earlier answer. I could have found reasons to do so, given his expertise and interest in matters cultural.

An Opposition member interjected.

Hon KAY HALLAHAN: The member is wrong. He can fish forever.
