

# Legislative Council

Tuesday, 7 December 1993

**THE DEPUTY PRESIDENT** (Hon Barry House) took the Chair at 3.30 pm, and read prayers.

## BILLS (3) - ASSENT

Messages from the Governor received and read notifying assent to the following Bills -

1. Business Franchise (Tobacco) Amendment Bill (No 2)
2. Business Franchise (Tobacco) Amendment Bill (No 3)
3. Land (Titles and Traditional Usage) Bill

## MOTION - URGENCY

*Land (Titles and Traditional Usage) Bill*

**THE DEPUTY PRESIDENT** (Hon Barry House): Honourable members, I have received the following letter -

Hon Barry House, MLC  
Deputy President  
Legislative Council  
Parliament House  
PERTH WA 6000

Dear Mr Deputy President

### URGENCY MOTION

I write to give notice that at today's sitting it is my intention to move under Standing Order No 72:

That the House at its rising adjourn until 9.00am, 25th December 1993 for the purpose of discussing:

- a) the immediate adverse impact on Western Australia of the enactment of the Land Title & Traditional Usage legislation;
- b) the negative impact on the resource sector and the investment community;
- c) the immediate litigation that has come by way of response to the new legislation;
- d) the increase in tensions within the community;
- e) the alleged breach of trust by officers of the State Government in gaining access to the Tindale genealogies of Aboriginal families of Western Australia without regard to the formal and binding agreement between the South Australian Museum and the Aboriginal Affairs Planning Authority in an attempt to prepare the Court Government's legal defence to the various High Court challenges to the validity of this legislation.

Yours sincerely

Tom Stephens, MLC  
Member for Mining & Pastoral

7th December 1993

The member will require the support of four members in order to move the motion.

[At least four members rose in their places.]

**HON TOM STEPHENS** (Mining and Pastoral) [3.37 pm]: Norman Tindale is one of the most famous anthropologists to have worked in Australia.

Hon George Cash: Are you going to move the motion or just get straight into it?

Hon TOM STEPHENS: I will move it at the end.

Hon George Cash: You can't. You must move the motion and then speak to it.

Hon TOM STEPHENS: Unless Hon George Cash is the new Presiding Officer in this place -

Hon George Cash: Not yet.

The DEPUTY PRESIDENT: Order! I believe it is necessary for the member to move the motion.

Hon TOM STEPHENS: In that case I take this opportunity to move -

That the House at its rising adjourn until 9.00 am on 25 December 1993.

Norman Tindale is one of the most famous anthropologists to have worked in Australia.

Hon E.J. Charlton: You said that before.

Hon TOM STEPHENS: That was before I moved the motion.

His collection of anthropological evidence from around Australia is most valuable. Much of it has already been deposited in the South Australian Museum. Members may be surprised to learn that Norman Tindale is still alive and living in California at the age of 97. His book is well known to many people in Australia who have worked in the field of Aboriginal anthropology. His famous text is "Aboriginal Tribes of Australia". One of the most famous parts of that text is a map of the language groups of Australia, part of which I have here - a map of one section of the tribal boundaries in the south west of Australia. This is one of a number of maps which describe the language groups throughout Australia. The body of Tindale's work that has been deposited in the South Australian Museum is only a small proportion of the work that is to be made available to Australian museums. It is anticipated that on Norman Tindale's death - that is, if his will is not changed - the residual portion of his vast collection will be made available to the South Australian Museum.

Norman Tindale worked in Australia from 1926 to 1960 and on his travels around Australia he listed all the different Aboriginal language groups. Approximately one-third of the material which he has so far deposited with the South Australian Museum deals with Western Australia. That material, until recently, has not been available to Western Australians generally, only to those who have had the opportunity to travel to South Australia to gain access to it. I have been aware of the material for some time and on occasions people who have seen the vast quantity of this collection have urged me to advise Aboriginal people about the extraordinary wealth of knowledge about them and their families in the South Australian Museum.

The South Australian Museum wanted to decentralise the material available to it and I understand it approached the Western Australian Government with a view to ensuring that some of it was to be transferred to Western Australia. In January this year a representative from the Aboriginal Affairs Planning Authority visited South Australia and inspected the vast collection and started to negotiate a transfer agreement to ensure that the material which would be transferred to Western Australia would be made available to people who wanted to access it within this State's boundaries. In the middle of the year the collection was copied and in June a binding agreement was entered into between the South Australian Museum and the Aboriginal Affairs Planning Authority. That agreement was signed on 18 June in South Australia and 11 June in Western Australia. One of the clauses of that agreement reads -

The AAPA agrees that the genealogies will remain strictly confidential and that, in accordance with the AAPA's Family History Policy, access to them will only be permitted to the direct family members concerned.

Following the signing of the agreement a copy of the collection which until then had only been stored in the South Australian Museum was transferred to Western Australia. The material includes information pertaining to 1 500 Aboriginal family trees which was collected by Mr Tindale first in 1939 and then later between 1953 and 1954. The information which is on microfilm is restricted in both the South Australian Museum and the Aboriginal Affairs Planning Authority. In addition, there is a list of 2 500 photographs including the names of the people in them and the areas from which they came. That material is not restricted in the same way as the genealogies of the Western Australian families.

I was alarmed to learn that in recent days the Court Government has illegally obtained access to the collection of genealogies, which is in breach of the legally binding agreement between the South Australian Museum and the AAPA. Apparently the material has been obtained to assist the Crown Law Department to prepare its defence for the litigation which will now flow from the passage of the Land (Titles and Traditional Usage) Bill that was passed by the Parliament last week and proclaimed last Thursday at 5.00 pm as we have just been formally advised by the Governor's message.

The access to those private and confidential documents by officers of the Crown Law Department, officers and Ministers of the Court Government or the Premier is quite clearly in breach of the legally binding agreement between the South Australian Museum and the AAPA and is a gross invasion of privacy of the Aboriginal citizens of Western Australia who have operated on the basis that those family trees included information which only they had authority to release for wider use. It is an extraordinary consequence to the passage of the land titles legislation that the Court Government would rush to breach the agreement between the AAPA and the South Australian Museum.

Yesterday and today I have had contact with officers from the South Australian Museum and the South Australian Minister for the Arts. Later this evening I intend to send a strong request to the Minister for the Arts in that State that she immediately take the necessary steps to ensure that this legally binding agreement is enforced and that the AAPA is required to ensure that the agreement is maintained. This will ensure that the information extracted by the Crown Law Department from the AAPA library will be immediately returned to it and no other breaches of the agreement will be entertained.

A breach of this agreement results in a number of things: It obviously places in jeopardy agreements between museums, the archives of Western Australia and libraries like the AAPA and other similar organisations around Australia who have the responsibility to hold in custody private and confidential information for families or groups like the Aboriginal community in this State. It is extraordinary that such an opportunity for exchange between those organisations is so easily placed at risk by the cavalier approach of officers of the State Government who presumably were acting on the direct instructions of a Minister of this Government, perhaps even the Premier.

Hon Peter Foss: The Minister is the AAPA. It is a body corporate constituted by the Minister.

Hon TOM STEPHENS: This agreement is clearly between the AAPA and the South Australian Museum.

Hon Peter Foss: Do you know who the AAPA is? It is the Minister.

Hon TOM STEPHENS: I do not have the Act in front of me, but if that is what it says -

Hon Peter Foss: It does.

Hon TOM STEPHENS: Therefore, the Minister is obligated not to release this information to anyone otherwise it is a breach of the agreement between the authority and the South Australian Museum.

Hon Peter Foss interjected.

Hon TOM STEPHENS: So what?

Hon A.J.G. MacTiernan interjected.

Hon TOM STEPHENS: It may be relevant to some obtuse legal argument -

The DEPUTY PRESIDENT (Hon Barry House): Order! Let us do without the interjections, particularly when they are coming from a member who is not sitting in the correct seat.

Hon TOM STEPHENS: The argument which has just been advanced by the Minister for Health suggests that because a Minister of the Crown is the AAPA he should be able to authorise the breach of a legally binding agreement between that authority and the South Australian Museum. I am told by reporters who asked the Minister for Aboriginal Affairs about the binding agreement that he wanted to know which agreement it was and they provided him with a copy of it. He said that on the basis of the agreement he should obtain further advice to ascertain whether the right thing had been done by the information being released to officers of the Crown Law Department.

Hon John Halden: It is like Tweedledee asking Tweedledum.

Hon TOM STEPHENS: The Minister for Aboriginal Affairs has previously fallen foul of legal advice in order to protect himself against arguments in the public domain. However, on this occasion he has acted in the absence of any advice and knowledge of the agreement.

Hon John Halden: The Attorney General will have to protect him, no doubt.

Hon TOM STEPHENS: It seems very reminiscent of someone who has suggested a breach of the normal traditions, procedures and protocols that relate to these questions of law and the rights of Ministers to use information in ways that are in breach of the requirements placed upon them by other agreements such as this one with the South Australian Museum. I was advancing the argument that through this activity the Government has placed at risk the cooperative nature of the agreements between museums, archives and libraries around and beyond Australia and has also placed the South Australian Museum at considerable risk. That museum, presumably - in a short number of years, with the anticipated demise of Norman Tindale, who at 97 years of age could not be expected to live much longer - would normally become the beneficiary of the remaining, very substantial quantity of research that was conducted in this State and throughout this nation into Aboriginal tribes and language. That legacy soon to be available to the Australian nation under the arrangements in place between Norman Tindale and the South Australian Museum, which happened to fund his research between 1926 and 1960, is now being placed at risk by the Court Government of Western Australia. It has rushed to misuse the documentation made available to it by the South Australian Museum under strict agreements that were signed by the commissioner, Cedric Wyatt, in the presence of the Librarian/Archivist of the AAPA, one J. Carter, and the Director of the South Australian Museum, Lester Russell, in the presence of one J.C. Anderson, who is head of the anthropology section of the South Australian Museum.

Not only does it place at risk that bequest but also it demonstrates to the Aboriginal people of Western Australia that this Government has no concern about the protocols and the niceties of dealing with the private history, family trees and personal genealogies of Aboriginal people. As a Government it has been prepared to rush to breach this legally binding agreement, dispense with the niceties and gain access to the confidential information of people to -

Hon George Cash: Do you have any proof that has occurred? It is a very serious allegation.

Hon TOM STEPHENS: Yes, indeed. It is a very serious allegation. I am absolutely confident -

Hon George Cash: I am not talking about your being confident. That is like Mickey Mouse saying that he is a mouse.

Hon TOM STEPHENS: I have.

Hon George Cash: Do you have the proof? I do not want your confidence.

Hon TOM STEPHENS: I have my own confidence in what I am saying to this House. I have the proof of having heard from the horse's mouth exactly what happened in regard to these questions.

Hon George Cash: What was the name of the horse?

Hon TOM STEPHENS: Well might the Leader of the House ask the name of the horse.

Hon George Cash: I just did.

Hon TOM STEPHENS: I know that this vindictive, callous and arrogant Government will be the first to race -

Hon George Cash: You are actually making allegations which, if true, would be a breach of a number of Acts, which is very serious.

Hon TOM STEPHENS: And a legally binding agreement.

Hon George Cash: If you are saying that officers have done that, quite clearly action would have to be taken. You are casting nasturtiums to the wind, and that is not good enough.

Hon TOM STEPHENS: The officers involved have fallen into the spirit of this Government that is showing no regard or niceties -

Hon George Cash: Are you saying they are directed to do whatever you are claiming they have done?

Hon TOM STEPHENS: Perhaps the Leader of the House can tell me a little later in his response -

Hon George Cash: I will tell you right now that you are so far off beam that it is a joke. You are now wasting time.

Hon TOM STEPHENS: I am in no way at all off beam. I am absolutely confident of the information I have. It has already been reported once in the weekend Press.

Hon George Cash: They are probably reporting your statements.

Hon TOM STEPHENS: Not at all.

Hon George Cash: You are now reading your statements back to the House in evidence.

Hon TOM STEPHENS: The Leader of the Government should not try to interject on me and somehow think that he can draw a red herring in the process of this debate.

Hon George Cash: Or nasturtiums.

Hon TOM STEPHENS: It is quite clear that despite the remarks of the Leader of the House, these are substantial questions, important questions. As the Leader of the House points out in his happy manner, this is a very serious complaint about the Government. There is a legally binding agreement between the South Australian Museum -

Hon George Cash: You will provide the proof?

Hon TOM STEPHENS: I hope that the South Australian Museum and the Arts Minister in South Australia will respond with whatever action is necessary to protect that agreement, these documents and the heritage that will become available to the people of Australia if the Tindale bequest in its entirety becomes available to this nation following the demise of Norman Tindale, presumably in a small number of years in view of his great age.

Not only does this issue show a disrespect for Aboriginal people but also it shows blind disregard for the whole question of privacy of Australian citizens. It also points up the need for the Court Government to re-examine this question with a view to entering into discussions with representatives of the Western Australian Aboriginal community to draw up procedural guidelines to ensure that this type of breach is never repeated and that the confidentiality provisions that should protect personal information belonging to Western Australian Aboriginals and their families are maintained. These files are not alone in the archives of Western Australia. A range of material is in the Western

Australian Archives that should be treated as highly confidential by Governments of any persuasion, by officers from any department and by companies from any area which might be tempted to draw on these files to assist them in the litigation that no doubt will flow from the passage last week of the title and traditional usage legislation.

For instance, extensive files are in the archives of the Department for Community Development, once called the Native Welfare Department, and prior to that the Aboriginal Protection Board, which departments developed vast files on Aboriginal individuals which dealt with the genealogies and family lineage of living descendents of Aboriginal people from earlier times in this State. The confidential agreements that should bind the Aboriginal Planning Affairs Authority and the South Australian Museum could be placed in jeopardy by Governments willy-nilly delving into files to assist litigation of the Crown on questions of traditional usage, native title and Aboriginal land matters in this State. That is entirely offensive and would be completely in keeping with the activity of officers of this Government in recent days. As well as that, files that deal with individuals - not personal files but those that relate to Aborigines that should be kept confidential to those people unless otherwise released as authorised by the families involved - from the Department of Native Welfare have found their way into the Aboriginal Planning Affairs Authority library.

Last week we predicted that the passage of the traditional usage legislation would see the arrival in Western Australia of litigation. Indeed, the Governor's signature was hardly dry on the Bill that went down for assent on Thursday at 5.00 pm when advice was given that litigation would be taken out the following day in the High Court of Australia in Melbourne. The Kimberley Land Council, acting on behalf of Aboriginal people in the Broome area and also the west Kimberley area north of Derby, immediately took legal steps in the High Court in Melbourne to challenge the validity of this legislation.

Hon Peter Foss: The Aborigines have challenged their authority to do so.

Hon TOM STEPHENS: Our predictions that there would be litigation have been proven to be correct and writs have been issued and a statement of claim has been filed in regard to this legislation.

Hon P.R. Lightfoot: Any fool would have anticipated that, not just you.

Hon TOM STEPHENS: The member did not seem to take much notice of it last week when we were warning of these consequences. Indeed, it is extremely interesting to find commentators say that the Opposition told the Government so when we start to see the resource sector, the Chamber of Mines and Energy of WA and other developers in this State, starting to recognise, just over the weekend with the passage of this legislation, the difficulties with which they are faced as they try to invest within the boundaries of Western Australia. It is in contrast to the certitude that exists in Queensland where investment continues in the absence of the prospect of its legislation being placed before the courts. The enactment of the Land (Titles and Traditional Usage) Bill last week has created an immediate, direct and adverse impact on the resource sector and the investment community of Western Australia.

Hon N.F. Moore: Do you have evidence of that?

Hon TOM STEPHENS: Yes; indeed. The Leader of the Opposition will provide members opposite with some information to support my claims in this urgency motion.

Hon P.R. Lightfoot: Why doesn't Hon Mark Nevill get up? He knows more about mining than either of you.

Hon TOM STEPHENS: This Government is upping the ante on the question of racial divide across this State. On the weekend the Minister for Mines headed off to the goldfields to try to engage himself in controversial debate and raise the temperature of this issue in Kalgoorlie. In addition, the junior Mr Court also went to Bunbury last week to play merry mischief with the matter. Hon Norman Moore will be heading off to Karratha later in the week to try to play mischief with the Chamber of Commerce in Karratha on the weekend.

Hon N.F. Moore: I am not playing mischief.

Hon TOM STEPHENS: The Minister could not stop himself from playing mischief. Those members will be trying to do what Bill Hassell had them doing in the early 1880s and again in 1887 -

Hon Peter Foss: You mean the 1980s.

Hon TOM STEPHENS: The attitudes of members opposite are more in keeping with the 1880s. That is why I sometimes might get the centuries confused when I think of them. They are certainly much more in keeping with that century than with the views that should be expressed by a Minister of the Crown in the 1990s. Mischief is being created by this Government in pursuit of the narrow political objective of raising the status of this wimp-like Premier who otherwise has nothing to give him stature in this State. In the absence of the Mabo question and of trying to beat his chest with States' rights questions, the results of opinion polls on his popularity would leave much to be sought. I will be quick about this because I can see the Leader of the Opposition is keen to get on with the business of the House.

Hon George Cash: I am keen to get on with disputing everything you have said today.

Hon TOM STEPHENS: The Leader of the House will be hard pressed to dispute the veracity of anything I have just said.

Hon George Cash: You have just impugned a number of public servants and I think they will ask questions.

Hon TOM STEPHENS: I am not after public servants. I am after a clear denial by this Government that it will involve itself in the activity which has been going on over recent days.

Hon George Cash: You have made allegations.

Hon TOM STEPHENS: I am confident that activity has been taking place. It is therefore incumbent on the ministerial front bench in this House and the other place to direct their officers to ensure that breaches of agreement between the South Australian Museum and the Aboriginal Affairs Planning Authority are not repeated; that material taken from the Aboriginal Affairs Planning Authority library - the extracts of the Tindale collection - is returned to that library immediately; and that guarantees are given that that information is not being made available to the Crown for use in the manner in which I have described. It is a gross assault and I urge the Government to take this matter seriously.

HON JOHN HALDEN (South Metropolitan - Leader of the Opposition) [4.04 pm]: I draw the attention of the House to some other problems which have clearly arisen since the passage of the Land (Titles and Traditional Usage) Bill, and the Governor's assent to it. The comments made by Hon Tom Stephens clearly reveal a breach of trust by this Government concerning Aboriginal documentation. However, another breach of trust must be dealt with; that is, the breach of trust to the mining industry and to investment generally in Western Australia. Undoubtedly since the High Court decision on Mabo, claims have been made that a large area of Australia will be subject to uncertainty. Claims have been made that the conservative Governments in this and other States should ensure certainty when dealing with land. In the very small number of days since the passage of this legislation, what has been its effect? Already, the first steps have been made towards a High Court challenge, and people who represent the mining industry have spoken of uncertainty as a result of this legislation.

Hon P.R. Lightfoot: You are creating the uncertainty. You are the mischief makers.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon JOHN HALDEN: That is one of the longest bows I have ever heard drawn. Uncertainty will arise because of risks, and this legislation is nothing but one risk on top of another. If people intend committing money to develop mines or other ventures,

traditionally in the primary industry sector, banks must lend. Banks may be prepared to lend to multinational companies. However, small to medium size companies will find it far more difficult because in essence security of title does not exist; this Government has told the Aboriginal community to challenge in the High Court whether land title exists. If it does that, and while those challenges continue, there can be no security of title. The principal result will be that small and large businesses will not be able to secure funds at interest rates which will allow those projects to develop. They may be able to borrow money, but the cost of borrowing it will be astronomical and, consequently, those projects will never get off the ground.

Conservatives and the more progressive elements have said that a framework of certainty is needed regarding Mabo. However, we do not have that. We have conflict - the State Government is in conflict with the Aboriginal community and the Federal Government. No doubt the State Government will come into conflict with the High Court. All that will have an effect on business opportunities in one of the most important sectors of our economy.

Hon P.R. Lightfoot: If you are fair dinkum you will support us; you are certainly not fair dinkum.

Hon JOHN HALDEN: If we were fair dinkum in this place, we would have examined the legislation; it would not have been guillotined twice in here. If we were fair dinkum we would have done the job we were supposed to do; but nobody in here is fair dinkum, least of all members opposite.

Hon George Cash: Graeme Campbell was not too impressed in Kalgoorlie last night with the Federal legislation.

Hon JOHN HALDEN: Graeme Campbell can say what he likes. He does not speak for me.

Hon George Cash: I found myself agreeing with what he said.

The DEPUTY PRESIDENT: Order!

Hon JOHN HALDEN: Until the conflict is resolved in the High Court it will not be possible to say with complete certainty which legislative scheme will apply. If I were a betting man, I would be far more inclined to bet on the Federal Government scheme than on the mishmash we passed the other day.

Hon George Cash: You are selling the State down the drain; you are destroying the economy. It will cost people jobs.

Hon JOHN HALDEN: I am not selling the State down the drain. That is what the Government has done. There will be a big price to pay in lost development as a result of the uncertainty this legislation generates and in the way it discriminates against commercial interests. Press comment has been made about Mr Ellery from the Chamber of Mines and Energy suggesting there will be a negative impact on small and medium size exploration and mining companies.

Hon P.R. Lightfoot interjected.

Hon JOHN HALDEN: Before Hon Ross Lightfoot goes off the deep end, I paid Mr Ellery the courtesy of ringing him today and he said he had been misquoted. When I look at the statements that he made, I realise that he may well have been directly misquoted, but there are anxieties in the general perception of what he is saying. I am sure that members opposite and Hon Ross Lightfoot would agree with me that mining is the most important sector of our economy. It produces \$10b-worth of mineral output for Western Australia.

Hon P.R. Lightfoot: It is \$12.3b.

Hon JOHN HALDEN: The member is right; it is \$12.3b. That industry produces 74 per cent of the State's exports and employs directly 36 000 and indirectly 130 000 Western Australians. We are tinkering with that industry. We are playing Russian roulette with that industry.



Hon P.R. Lightfoot: You're playing Russian roulette.

Hon JOHN HALDEN: No. It is not our legislation; it is the Government's legislation. That is what Hon Ross Lightfoot does not understand or see. He knows very well that, for every dollar that is spent from that \$12.3b, 41¢ is spent on goods and services and 15¢ goes on Government royalties, taxes and other charges. We are jeopardising that.

Hon P.R. Lightfoot: You are jeopardising it; let's get it straight.

Hon JOHN HALDEN: An amount of 12¢ goes to employees; 11¢ goes to cover depreciation and other losses; and 8¢ is profit - and members opposite are jeopardising that. As well, 4¢ is for interest charges. The expansion of this cornerstone of our economy is likely to be lost. That is not just being said by way of misrepresentation by the media. Today, I rang a number of smaller mining companies in which I have acquaintances. They are concerned about this legislation. They may support it in terms of their philosophical position but they are concerned about the uncertainty that it will create. The legislation has not plugged the dike, and that is what they fear. They know that they will have difficulty with their banks, their lenders and potential investors because the dike has not been plugged. That is the great uncertainty. The uncertainty can be exemplified no more clearly than by the actions of the Aboriginal Legal Service last Friday when it took action in the High Court to have declared invalid this legislation that we debated in this House last week and the other place before that. Within one day, the uncertainty was magnified. It was not created by us.

Hon P.R. Lightfoot: Not much, it wasn't.

Hon JOHN HALDEN: It was not created by us; it was created by the Government's legislation. The ALS was prompted to do what it did because it believes its people have been unfairly dealt with.

The results of this uncertainty will be manifested 10 years down the track because of a lack of investment and a lack of preparedness by those who have capital to invest it in exploration. We will see a lack of discovery of new resources and proofing up of new resources and a lack of potential for the State to bring new mines into production so that the State Government can continue to have its output level maintained and increased. At the end of the day, one of the groups that will lose as a result of this will be the Western Australian Government, which relies so heavily upon royalties. Including Federal Government revenue to the State, royalties as a percentage of the total Budget account for something like 7.6 per cent. That may not be affected immediately, but in the longer term, as a result of this uncertainty, we will see that percentage go down. If that percentage decreases, the Government - because it will presumably have to keep up its commitment to its various programs - will have no choice other than to look for other avenues to fund its programs, or it will cut its programs. All Western Australians will lose because this Government did not go about this process in a constructive and reasonable way.

Not only will the economy of Western Australia feel the negative impact of this legislation, but so will the national economy. Will major companies be prepared to commit more and more of their business interests in resource development when their access and their security to title is questionable? Obviously they will not. If Western Australia becomes too difficult and expensive a place to explore, it is obvious what mining companies of various sizes - medium and large predominantly - will do. They will look for mineral deposits and develop projects outside Australia.

Hon P.R. Lightfoot: They started it 10 years ago. What are you talking about?

Hon JOHN HALDEN: They may well have, but this will heighten it. For the first time in months, Hon Ross Lightfoot and I probably agree. It did start a considerable number of years ago, but this process will heighten it. People will take their money to Indonesia, South Africa and South America.

Hon P.R. Lightfoot: They are already doing it.

Hon JOHN HALDEN: They are; and members opposite will heighten that process

because they were so bloody minded as not to look at the consequences of what they were doing.

Hon George Cash: You are selling the State down the drain.

Hon JOHN HALDEN: I have never sold this State down the drain. Members opposite have affected the livelihoods of Western Australians both now and in the future because of this decision.

Hon P.R. Lightfoot: It is a gross act of sedition, what you are doing.

Hon JOHN HALDEN: The member can call it what he likes. Whatever he says to me will not offend me because he is not rated high enough in my list of people to have any impact on what I may think, say or do.

Hon P.R. Lightfoot: I am glad about that.

Hon JOHN HALDEN: Within a generation, we could well see what once was a dynamic, efficient and wealth producing industry in tatters. All that will be left is what exists now - and they are still mining - because the uncertainty will not have been removed. If exploration does not continue at the same rate that it has, there will be a hole which cannot be filled in terms of development of new projects. That will be because of nothing more than uncertainty - uncertainty that was created last Thursday, and the first step in that uncertainty was taken on Friday.

Hon P.R. Lightfoot: The Chamber of Mines praises the action, praises the Bill. They have praised us for what we have done to save Western Australia. Ellery has said that personally to me.

Hon JOHN HALDEN: The member has not listened to what I have said. I have spoken to people in the mining industry. They say that they will support the Government philosophically, but they are not convinced that what the Government attempted to do will work. That is their great concern. Although they may support the Government philosophically, the problem now is that their business, enterprise, desires and aspirations are under question. It is a very big step from supporting the Government philosophically to now looking at the implications of what they have supported. That is the problem that the Government has created.

Hon P.R. Lightfoot: Because you are one of the few people supporting the Federal Bill.

Hon JOHN HALDEN: Hon Ross Lightfoot said by way of interjection that they supported the Federal Bill.

Hon P.R. Lightfoot: No. I said that you are one of the few people supporting the Federal Bill.

Hon George Cash: I was in Kalgoorlie last night. There were 150 people at a meeting, but only three people put their hands up and said that they supported the Federal Bill. The rest said, "Throw it out."

Hon JOHN HALDEN: As I said, they will support the Government's philosophical position, but when they get to the issue of the consequences they are starting to wobble, particularly small and medium size Australian businesses.

Hon George Cash: These are real mining industries.

Hon Tom Stephens: Do they want the economic uncertainty that you are causing? No.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon JOHN HALDEN: The Leader of the House will have to wait; he knows the procedure.

Currently, approximately \$350m is spent annually on exploration in this State; that is, almost \$1m each day, and that money is in jeopardy because of the uncertainty created by the passage of this legislation.

Hon P.R. Lightfoot: The Federal Bill creates the uncertainty.

Hon JOHN HALDEN: In addition, \$350m worth of royalties are paid to the State - almost \$1m a day - that may not be at risk today; but shortly, if the uncertainty continues, it will be down hill all the way.

Hon P.R. Lightfoot: Put Western Australia in black hands and there will not be any uncertainty!

Hon JOHN HALDEN: The member has an unfortunate turn of phrase. I will not become angry because I know what the member is. I do not suggest we put Australia into black hands; I suggest that we have a High Court decision that needs to be dealt with in an appropriate way to avoid the consequences that will have a devastating effect on black, white, yellow or brindle coloured people.

Hon P.R. Lightfoot: And you assume that the High Court will find for you and your cause!

Hon JOHN HALDEN: No, the member is wrong. That is what the mining industry is saying today and that is where it is wrong. At the end of the day, after we have spent millions of dollars and X number of years trying to resolve the question it will not matter what the High Court said; the damage will be done, and the uncertainty will be there.

Hon P.R. Lightfoot: It matters that we retain our sovereignty.

Hon Tom Stephens: You have not achieved that by this Bill.

Hon JOHN HALDEN: That is the point to be stressed. It is clear that members opposite do not see the significance of this matter. It is not what the High Court says - and I am sure that it is more likely the Federal Government will be vindicated rather than the State - but we will forget that argument. It is the uncertainty between now and a decision some time in future that will be the problem. Of course, the more money, the more lawyers, the more legal opinion involved, the more academic opinion asked for or not asked for, and the more general comment will all build to one thing: Further uncertainty. That is the problem.

Hon George Cash: The way you talk about uncertainty, it is almost as if you are pleading for that as a Christmas present. It seems to me that is your wish.

Hon P.R. Lightfoot: You are the architect!

Hon JOHN HALDEN: I understand why the Leader of the House would love, as a conservative Government of this ilk, to have this situation continue. It is all about having a States' rights argument so that at the end of the day - win or lose - he will win the States' rights argument that we have been beaten up by the nasty centralists.

Hon George Cash: Keating should first apologise to the Malaysian Prime Minister and then to the Aborigines.

Hon JOHN HALDEN: I can hear the speech now by Hon Bob Pike: It will be the fault of the nasty centralists, nothing to do with who is right or wrong. Be that as it may, that is not the issue either. All of this rhetoric will not go beyond the crucial issue. I notice that Hon Ross Lightfoot is quiet now, because I am showing clearly that it does not matter about the decision - it is nothing more than excluding the Crown -

Hon P.R. Lightfoot: You have the floor and you accuse me of being silent.

Several members interjected.

Hon JOHN HALDEN: Let us consider the economic analysis. In *The Financial Review* on 15 September business economists said - and it has been said on many other occasions - that Queensland and Western Australia have the greatest and best economic futures for 1993-94.

Hon George Cash: That is right. Why are you trying to sell the State down the drain?

Hon JOHN HALDEN: It is a problem of the member's creation. The reality is that at this moment Queensland, which had the advantage - marginal though it was - is ahead of

us because there is more likely to be certainty in that decision rather than this decision. The mining companies of this State are starting to understand that scenario.

Hon George Cash: That is not what they told me in Kalgoorlie last night.

Hon JOHN HALDEN: Hon Fred Chaney, a former Federal Aboriginal Affairs Minister, said that the Court Government's stand on Mabo was a recipe for long legal battles and would sap confidence in resource industries. He called on Richard Court to outline his plan to deal with native title claims or face uncertainty and disruption of the mining industry. He made those comments on 12 October 1993 in *The West Australian*.

Hon George Cash: Graeme Campbell said it was, at best, silly and, at worst, it would jeopardise the economy.

Hon JOHN HALDEN: We will get into the battle of who said what and where, but it is my turn at the moment. Fred Chaney also said, "I don't know if the Court Government has any proposal for dealing with this other than saying to Aboriginal people: If you think you have a claim, come and fight us in the courts." Who will lose as a result of that bravado?

Hon P.R. Lightfoot: We will all lose.

Hon JOHN HALDEN: That is right. The member should condemn his leader for those comments.

Hon P.R. Lightfoot: If you support us there will be no litigation.

Hon JOHN HALDEN: Mr Chaney also said that if this approach continues it is a formula for uncertainty and a very undesirable outcome. Hon Ross Lightfoot will agree - as his previous interjections indicate - that it is a formula for uncertainty and will have a very undesirable outcome. It will be a result of what happened in this House and in the other place, last week, because we did not consider the implications of what we were about. We were about ramming through a piece of legislation, more to placate the Premier's ego than for any other reason; and now one of the most dramatic and most important industries in this State is beginning to have some idea of what is going on.

Hon Peter Foss interjected.

Hon Mark Nevill: Twelve minutes on the schedule.

Hon George Cash: You are selling the mining industry down the drain. You have never liked the mining industry -

Several members interjected.

The DEPUTY PRESIDENT: Order! Only one member is on his feet and he is the only member who should be speaking.

Hon JOHN HALDEN: I want to go through the points again relating to royalties: An amount of \$1m a day to Western Australia in royalties in the longer term will be in jeopardy; \$398.4m last year in royalties came to Western Australia, and \$25.2m to the Federal Government. Mining royalties make up 13 per cent of State Government revenue, and 7.5 per cent of the total State Budget including Federal funds.

The Chamber of Mines and Energy has stated that the mining industry accounts directly for more than half of all business investment in Western Australia with most being spent on goods and services in Western Australia. I do not doubt that for one second.

Hon P.R. Lightfoot: We know that!

Hon George Cash: That is why we support the mining industry.

Hon JOHN HALDEN: The difficulty is that as of last Thursday, that is all in jeopardy as a result of the uncertainty.

Hon P.R. Lightfoot: Don't go to Kalgoorlie; you will come away minus a limb.

Hon JOHN HALDEN: No doubt Western Australia, which receives an enormous amount of money from the mining industry, could see that diminish -

Hon George Cash: You are not leaving me much time to respond.

Hon JOHN HALDEN: This is an important issue, and the Leader of the House knows the procedures as well as I do; I invite him to use them.

Hon George Cash: In two minutes?

Hon JOHN HALDEN: The mining industry is going into a decline at a time when the country is hoping for economic buoyancy, but the result will be unfortunate for the economic forecasts for Australia. But it will, at best, plateau, and at worst, decline - again that will be a direct result of the uncertainty brought into the State's economy and to a lesser degree the nation's economy by the decisions of this Parliament.

Hon P.R. Lightfoot: Of which you are the architect!

Hon JOHN HALDEN: I have another quote regarding the issue of native title. The Chairman of the AMP Society, Sir James Balderstone, said that concern over the Mabo decision could reduce investment in mining, pastoral, fishing and forestry industries - and I say, in addition, the creation of jobs in this country. He said that the creation of jobs will be stalled.

Hon P.R. Lightfoot: He was talking about the Federal Bill! Your Federal Government's Bill!

Hon JOHN HALDEN: I am talking about native title.

Hon P.R. Lightfoot: You are misquoting him.

Hon JOHN HALDEN: On 27 May, the State Opposition described this Government's action as unilateral and confrontationist, and said that in the end it was doomed to lengthy court delays.

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

## MOTION - GAMING COMMISSION AMENDMENT REGULATIONS (No 4), DISALLOWANCE

Debate resumed from 30 November.

HON MAX EVANS (North Metropolitan - Minister for Racing and Gaming) [4.31 pm]: Hon Alannah MacTiernan has moved that the Gaming Commission Amendment Regulations (No 4) 1993 published in the *Government Gazette* on 6 July 1993 and tabled in the Legislative Council on 3 August 1993 under the Gaming Commission Act 1987 be, and are hereby, disallowed. The member wishes to disallow the repeal of regulations 28A and 28B, which were published in the *Government Gazette* on 11 May 1993. Regulation 28A states that the expenses of conducting a standard lottery should not exceed 60 per cent of the value of chances sold or allocated, and regulation 28B states that the total value of chances to be sold or allocated shall not exceed five times the retail value of the prizes.

So that I will not confuse this issue with the lotteries which we associate with the Lotteries Commission, I will use the commonly known term "raffle" to describe a "standard lottery", to which regulations 28A and 28B refer. These regulations impact only on those charities which use telemarketing to sell raffle tickets. Although the Western Australian Chapter of the Australian Institute of Fund Raisers was consulted about the proposed regulations, it is obvious that its view was not representative of that section of the fund raising industry that uses telemarketing to sell raffle tickets. Following gazettal of the regulations, a number of affected charities made representation to me to explain the problems they would have in meeting the requirements of the new regulations.

Members would be aware that the penalty for a charity not complying with the regulations is that the Gaming Commission would refuse to issue it any further raffle permits. This would mean not only that the charity could not raise funds through raffles for its activities, but also that there would be the associated loss of employment for those

staff involved in the charity, particularly the telemarketing activities. For example, if an organisation decided to raise \$100 000 from a raffle, and the limit of the expenses was \$60 000 and the prizes were worth \$20 000, and if due to economic circumstances it sold only \$95 000 worth of tickets, then the proportion of expenditure to ticket sales would be 63 per cent, which would mean that the Gaming Commission would say that it could no longer run a raffle. That organisation might have run successful raffles for 20 years, and if it could no longer run raffles, that would have serious consequences for the staff, who are often handicapped people, who run the raffle or do the telemarketing, and it would fall back upon the State to help them out. However, charities are concerned with not only the difficulty of meeting the tight 60 per cent expense requirement, but also the restriction that limits the total value of tickets sold to being not in excess of five times the retail value of the prizes, because it would make it very difficult for charities to comply with the 60 per cent expense regulation. One charity also explained that it would be more difficult to be innovative in marketing new raffle products because in using the telemarketing strategy, charities expect to sell only a proportion of total tickets offered for sale, and fewer tend to be sold when a new product is first put on the market.

As already indicated, these two regulations impact on those charities that use telemarketing to sell raffle tickets. Some use professional telemarketers and others employ their own staff to conduct telemarketing. However, it must be borne in mind that these charities are only a very small percentage of the total number of raffle permits issued during the year. For example, in 1992-93, 2 464 permits were issued by the Gaming Commission, of which less than one per cent were to charities for raffles that involved telemarketing. In respect of 10 of these permits, the proportion of the ticket sales that were allocated to prizes, expenses and the charity is summarised below -

Prizes	Expenses	Net Profit to Charity
%	%	%
16.6	36.4	47.0
16.3	41.1	42.6
14.9	41.3	43.8
18.3	41.7	40.0

Hon TOM STEPHENS: Would it be possible to obtain a copy of the second reading speech? The Minister is reading what is very turgid material in the absence of a copy of it.

The DEPUTY PRESIDENT (Hon Barry House): It is not a second reading speech. The Minister is merely providing information to the House. It is up to the Minister whether he is prepared to make that information available.

Hon MAX EVANS: It was my intention to table it at the completion of my remarks.

Only six of the 2 464 permits issued that year were outside the guidelines; namely -

Prizes	Expenses	Net Profit to Charity
%	%	%
7.1	73.3	19.6
6.6	80.8	12.6
7.0	80.9	12.1
6.2	85.2	8.6
6.7	87.5	5.8
8.1	83.9	8.0

My concern is that if we directed that the expenses be 60 per cent, charities would need only one slip-up where their sales were reduced and they would be out of business. Because of the foregoing and concerns expressed by the Attorney General that the Charitable Collections Advisory Committee was proposing a 40 per cent limit on expenses compared with the Gaming Commission's 60 per cent expense limit, the Attorney General and I agreed that both regulations should be consistent; therefore, the

most appropriate course of action was to repeal regulations 28A and 28B with the intention of having generally accepted and workable regulations that are consistent for the two forms of charitable revenue raising activities.

The Attorney General has appointed a new Charitable Collections Advisory Committee, and one of its first tasks is to address this matter in association with the Gaming Commission of Western Australia. I am advised that the committee is reviewing the Charitable Collections Act and proposes to seek public comment on its proposals. Once this has been concluded, the committee and the commission will jointly make a recommendation to Government on the appropriate regulations to be applied to the regulation of raffles and the public collection activities of charities.

For the information of members, I have been advised that around mid-1992, officers of the Office of Racing and Gaming consulted with the Executive Officer of the Charitable Collections Advisory Committee on the setting of a maximum percentage of gross proceeds to be allocated to expenses. On 17 September 1992, the then Minister for Justice, Hon David Smith, wrote to the Minister for Racing and Gaming, noting the regret of the Charitable Collections Advisory Committee that the Office of Racing and Gaming was recommending only a 40 per cent return to charities when the Parliamentary Select Committee on Charitable Collections had recommended a 60 per cent return to charities for fund raising schemes.

Hon A.J.G. MacTiernan: That is for charities. That is not for lotteries.

Hon MAX EVANS: That is what the Minister had written to the Office of Racing and Gaming. That is just a fact of life.

As advised in my response to question without notice 225 to Hon Alannah MacTiernan, the Executive Officer of the Charitable Collections Advisory Committee did query the 60 per cent expense limit - 40 per cent return - being proposed by the Office of Racing and Gaming because the review of the Charitable Collections Act was proposing 60 per cent return to charities and a 40 per cent limit on expenses. Although the Executive Officer accepted that the proposed amendments were consistent given that the raffle expense limit of 60 per cent included the prize or prizes of the raffle, it should be borne in mind this was only the officer's acceptance; it was not the Minister's position.

Furthermore, even though on 6 November 1992 the Minister for Justice advised the Minister for Racing and Gaming that, among other things, he supported the recommendation that the Gaming Commission regulation be amended with regard to the total expenses allowed and the number of tickets which might be printed and sold, he still did not indicate his support for the proposed 60 per cent expense, 40 per cent return regulation.

Mr Deputy President (Hon Barry House), the Government opposes the motion on the basis that it expects the Gaming Commission and the Charitable Collections Advisory Committee to review this matter and to make consistent recommendations that are generally acceptable to the industry. The Government expects the two bodies to also consider what will be considered as proper expenses in conducting a raffle or collection, so we do not get wide, innovative interpretations of the type of expenses that will be regarded as proper. I have also suggested that consideration should be given to the preparation of a standard contract that may be used by professional telemarketing organisations so the interests of the charities are protected from the outset. At lunchtime today I was advised that England passed legislation some years ago so all the proceeds of raffles or charities must go to the organisation first, and then it pays out the costs. From what I gather the telemarketing organisations which collect the money keep their fee and pay out the balance.

The Government opposes the motion on the basis that it will have a look at the problem and sort it out to the benefit of everybody. I seek leave to table the papers.

Leave granted. [See paper No 923.]

Debate adjourned, on motion by Hon Tom Helm.

**MOTION - TRANSPORT (COUNTRY TAXI-CAR) AMENDMENT  
REGULATIONS, DISALLOWANCE**

Debate resumed from 30 November.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [4.42 pm]: I am not sure whether this motion resulted from concerns of the Delegated Legislation Committee, of which Hon Tom Helm is a member, or from the member.

Hon Tom Helm: It came from me.

Hon E.J. CHARLTON: It does not make any difference, but I am now aware that it is something that has been a concern of Hon Tom Helm.

The previous Government decided in conjunction with the Department of Transport to increase these fees and charges. That is something that the department does with the whole country taxi industry from time to time dependent on the costs involved. The country taxi industry is regulated to protect the interests of the community. It sets the number of taxis in a given region and the fees and transfer charges that apply. Taxi fare increases must be justified before the department will allow them. The fares in Port Hedland were increased in 1987 and 1992. Any request for any new increase will be duly considered. The department also attends to complaints from the public about the behaviour of taxi drivers and the standard of taxi service provided and also about lifting the standard of taxis in a given place. I mention these points for the benefit of Hon Tom Helm.

An initiative resulting from the concern of the taxi industry about providing credit, particularly to Aboriginal communities, has been put in place. The taxi credit scheme is presently on trial in Carnarvon and if successful will be implemented in other centres around the State if the public consider that is what they want. A requirement also exists for the provision of multipurpose taxis, which are being provided in ever increasing numbers. Last week one service was set up in Broome.

Hon Cheryl Davenport: Are there still only 11 in the metropolitan area?

Hon E.J. CHARLTON: Yes, but with the announcement I made some weeks ago about changes to the taxi industry there will be substantially more. The Government wants to ensure that MPTs come in across the metropolitan area so they can respond to the people's needs. There is no sense in providing 10 more MPTs if they all service one particular area, as they are not necessarily only for handicapped people. The department must ensure that taxi services meet the reasonable needs of country communities. One particular developmental need is the provision of those specialised taxis. MPT services now operate in Geraldton, Mandurah, Bunbury, Kalgoorlie, and Broome.

Hon Tom Helm: Are we getting one in Hedland?

Hon E.J. CHARLTON: Not at this stage. Obviously the department must find somebody who wants to operate one. As soon as that comes about and it can identify how many people want to take advantage of this service, I see no reason why Port Hedland cannot have one as well.

In addition to the legislative responsibility the department is constantly required by the taxi industry to intervene and resolve industry conflict. Localised disputes between opposing taxi networks often require the department's intervention. A request from one taxi network for additional licences to meet increased demand, or to introduce an innovative type of service or fare, often brings a negative reaction from the other networks. Although a set number of taxis operate, in a competitive industry they do not always get on tremendously well. In most cases they do.

Hon Tom Helm: They do in Hedland.

Hon E.J. CHARLTON: The department must involve itself to sort out disputes. The 1993 increase in fees and charges is the final phase of a three phase increase introduced by the previous Government. The estimated revenue for 1993-94 from the country taxi fee charges, including the 1993-94 increase in fees and charges, is \$71 000 which is less



than 1.5 FTE equivalents. The estimated cost of administering country taxi legislation is \$210 000; that is the equivalent of about four FTEs. To discharge its responsibilities under the Act the Department of Transport is required to do more than just issue and renew taxi car licences and drivers' registrations.

Hon Tom Helm's comments that Port Hedland had two taxi companies each with three or four taxis and now has three or four taxi companies, one of which has nine or 10 taxis, is incorrect. The inference to be drawn from the member's statement is that the number of taxis increased. The number of metered taxis has not increased and remains at 22. The number of taxi networks may have changed, because that opportunity is open to them and the department does not restrict the right of operators to start up their own network - nor should it - but the number of taxis is still 22. Perhaps the number of operations from within the town has changed. I know that has happened in other places as well. Interestingly, although we are debating the merits of an increase in fees and charges to contribute to the cost of country taxis, I was approached by the WA Country Taxi Association to impose a levy. The association meets on regular basis around the State. It meets in Perth or some country destination, and naturally with a place like Port Hedland or Broome members have difficulty in attending meetings because of the cost involved. They have to contribute locally towards sending someone to represent their group at a meeting, they do not go or they pay out of their own pockets. Some country taxi people came to me and said, "Will you impose a levy on everybody in the country taxi industry to ensure that there are enough funds available for everybody to attend these meetings, because it is important that they do, so that they have a unified approach, can discuss each other's problems and generate a better service in their respective areas?" My response was, "If the great majority of the industry agrees to the striking of a levy, you tell me what it is and I will be happy to support it, because I agree with the fundamental operation. If you all agree we will see a levy everybody pays, rather than just those who want to do the right thing with the freeloaders not contributing." I am awaiting the response from the Country Taxi Association about that issue.

The Government does not support the notion of disallowing those regulations, because they refer to a service provided to the country taxi people, and the cost of implementing and providing that service is way above what the fees and charges bring in to the Department of Transport. I have met with the Country Taxi Association's chairman and members when I have visited the various regional centres around the State. Their response is that they are very happy with the situation - not with the \$50 increase in the registration charge, because no-one is. They brought that to my attention, but they certainly did not bring to my attention problems with the Department of Transport services provided to them. They wanted to be part of the new legislation coming into the Parliament to ensure that their operation will be properly covered in those changes. From what I have mentioned here today and the fact that they have asked me to impose an increased levy on their organisation so that they can have that travelling allowance allocated for people to meet together throughout the State during each year, members will realise it is important to them.

Finally, the central point is that this has been part of a three stage progressive increase to be put in place, and this is the last stage. Obviously, in the future there will be a requirement to increase it as we go along, as with everything else. The effect of the current increase in fuel prices, which is of tremendous concern to people in the electorate of Hon Tom Helm and others in country areas, on the cost of operating a taxi requires increased charges for fares, and taxi operators will require that to be done. Obviously, they are reluctant to put up charges unless they are justified, because they do not wish to discourage people from using their taxi services. I hope the member will be satisfied that these are genuine increases and although they are significant they are in line with what was put in place by the party of Hon Tom Helm when in Government. We have continued that in consultation with the industry.

**HON TOM HELM** (Mining and Pastoral) [4.56 pm]: First, I would like to thank the Minister for his explanation of the reasons the levy must increase to the extent described in the regulations. I am disappointed that neither he nor his department has bothered to furnish me or anybody else with information.

Hon E.J. Charlton: Did you receive a letter?

Hon TOM HELM: I did not, no.

Hon E.J. Charlton: I was informed a letter was sent to you.

Hon TOM HELM: That is one thing, but it might not have made a great deal of difference. I am surprised at the Minister telling the House that \$71 000 had been collected by way of licence fees at a cost of \$210 000. I can understand the concerns that he has and the department should have. I am not surprised that this levy was not struck by the previous Government. As the House will be aware and from our experience on the Delegated Legislation Committee, it does not matter what is the political colour of a Government, it is a matter of doing the right thing.

I will probably start at the very end and repeat the advice I gave to the Minister and give to departments on a regular basis: It would be a foolish Opposition which did not agree to amendments to Acts that would meet the difficulties the Minister has pointed out in regard to the licence fees not meeting the cost of administering them. I accept and have heard on a regular basis that taxi owners and their representative groups praise the department for the work it does. This side of the House would raise no problems with a Minister who wanted to raise fees to match the kind of service being provided. That was not the point, and I think I tried to make the position very clear.

I have no right to represent, and nor am I on my feet representing, the views of the Delegated Legislation Committee. I am not doing that by any stretch of the imagination, but I am pursuing some of the principles the committee pursued last year, one of which is that if we are going to raise licence fees or levies by 50 per cent or more there should be some questions about how we are governing this State. I am quite aware that the Minister personally would not be the one pushing for a 50 per cent increase in the levy, and I am also aware that until he made inquiries the Minister would not have known that it was costing the department twice as much to administer it as was collected in licence fees.

Hon E.J. Charlton: It is good that you brought the issue forward.

Hon TOM HELM: There is no reason why this regulation should go through. It does not matter which political party was responsible for this regulation. We are being a bit silly in lots of ways in having increases in licence fees of 50 per cent to correct a wrong occurring over a period. It would be silly of any Government to allow the provision of a service which is efficient and useful but not paying for itself. As the Minister said, there are principles about the Taxi Control Board, although I do not accept that there is universal support for the way taxis are regulated.

There are some problems with the different taxi control boards and the sometimes inconsistent decisions they make. However, people who live in the bush will never understand to any great extent the reasons things happen in the city which do not happen in the bush. I want to get this on the record: I would not like to lose any regard I might have for my fellow committee members by bringing up things of a spoiling nature. I accept what the Minister says about the taxi industry in Port Hedland. I said in my contribution that I was not the full bottle on how many taxi companies there were, because I have just seen the name of a taxi company I have never seen before in Port Hedland. I was involved in a strong lobby last year to convince the previous Government that it should allow the fares to increase because, as the Minister so rightly pointed out, the last increase was in 1987. I cannot understand the stupidity of this, and I ask the House not to allow this regulation because it is giving with one hand and taking away with the other. The ministry agrees that the industry deserves a rise in fares to take care of increased costs over a five year period.

[Questions without notice taken.]

Hon TOM HELM: The Delegated Legislation Committee did not receive any explanatory memorandums about why the increase was so large. In fact, the regulation was in breach of the provisions that are allowed by this House for the Delegated Legislation Committee that every regulation would contain explanatory memorandums.

It was unusual that this regulation did not. All I could do, and all anyone was obliged to do, was raise objections at the percentage increase of the licence fee without any information about why the fee was increased by so much. That is a bit disappointing, to say the least. I have asked on a number of occasions whether I should look at any notes on this matter.

When I had a proposed motion on the Notice Paper to disallow the Dried Fruits Act regulation I spoke with somebody from the Department of Agriculture who was able to explain to me the reasons I should not move a motion disallowing that regulation. One must be moderate in one's views and not take a single minded position in such matters because in some instances, although one may not at first understand the reason the regulation was placed, and it may get one's hackles up, there could be a simple explanation. Those explanations may get rid of all the grey hairs, all the hassles and all the stress members may feel in doing their job.

Hon E.J. Charlton: You mentioned earlier that the last increase was in 1987. I am advised that they had one in 1982.

Hon TOM HELM: The previous increase was in 1987; there had been no increase for five years. One of the reasons I object as a member of Parliament to anyone having to face that sort of percentage increase - particularly when I had been lobbied so strongly for about two years to get my own party when in Government to allow the fees to be increased - is that I fought my own crowd to get the increases, and blow me dead, within 12 months of the increase being allowed people were hit with another cost. That does not suggest that people would be sympathetic to another application for a fare increase. The information the Minister has given the House that the collection from the licence fees at the moment is \$71 000 and the expenditure to regulate the industry, including the cost of putting out the fees, is \$210 000 suggests that as long as the industry is happy with the organisation which regulates it, anybody will be happy to see a user pays term of reference. The point I was trying to make, and one of the reasons I am a member of the Delegated Legislation Committee, is to make regulations and publications in the *Government Gazette* a little easier for people outside the parliamentary system to understand.

Hon Bruce Donaldson, the chairman of the committee, is telling departments and ministries that no problem exists. If a Minister wants to do something we as a committee cannot argue with the philosophy, policy or political slant of the decision. All we can do is argue about whether that regulation is within the bounds allowed by the Act and within the bounds of what people can understand. In this case that 50 per cent increase was not explained at all. Not only that, but the ministry did not seem capable of understanding that it would be quite a simple exercise to move an amendment to the Act, which is as easy to draft as a regulation, that could be passed through the Parliament in one session. It would save all the heartache and hassle of having what could be seen to be a secret law; a law that is not passed within this Parliament; and a law that people will not make comment upon because it is difficult for us as members of Parliament and difficult for the members of the public to see. It makes it even worse if those people who are affected work and live in the country areas of this State. People do not generally have the *Government Gazette* on their list of reading material. I do not know whether the *Government Gazette* is readily available north of the 26th parallel. However, that is not the point. The people in those areas will be hit with a regulation which increases the licence costs and they would not know the reason for the increase. It is disappointing that explanatory material has not been provided.

I was pleased to hear the Minister for Transport advise the House of the number of multipurpose taxis operating in the country. I hope he takes on board the need for a multipurpose taxi in Port Hedland and I am sure that there is a need for one in Broome and Carnarvon. Within the Port Hedland Regional Hospital is a hostel for the aged and a request has been made for a bus to transport disabled people from place to place. The provision of a taxi licence for that purpose would be welcomed in Port Hedland and I hope something eventuates.

I referred earlier to the number of taxi authorities in the State. I am aware of three of them and I wonder about the confusion that causes. In this case a licence fee has been increased by \$50. It is not a major impost on the people who have only one licence, but it is a substantial impost on those who hold a number of licences. It is not incumbent on the Government to substantially increase fees, especially by 50 per cent. This Government, in its words, is going down the track of making it easier for business to be conducted in this State and I understand that that is the reason for the introduction of workplace agreements. The Government says that it is planning for the future. Is the Minister able to tell the House that the three stage increase will meet the \$210 000 cost?

Hon E.J. Charlton: The industry wants to retain regulation. To give a balance to providing a service to enable that to continue it has been agreed that this is a fair assessment. The industry is not complaining about it.

Hon TOM HELM: It is complaining to me. Is the Minister telling me that these people are dancing along to the licensing department to pay the increase of \$50?

Hon E.J. Charlton: Everyone would like a service for nothing. The industry wants regulation instead of deregulation. You are implying that these costs are too high for the services provided. It is a matter of striking a balance. It has been agreed to.

Hon TOM HELM: If the Minister is advising the House that this is the first stage of a three stage increase -

Hon E.J. Charlton: This is the last stage.

Hon TOM HELM: In other words, there will be a shortfall and only half of what it costs will be collected?

Hon E.J. Charlton: That is right.

Hon TOM HELM: That is fair enough. Is the Minister prepared to listen to a case that would involve striking a levy to allow people to attend meetings of the country taxi owners association? I do not know whether the Act would allow that to occur and if it is done by regulation it may fall foul of the Delegated Legislation Committee. Perhaps the Minister can do that for related purposes. If that is the case and the industry agrees with it, it will probably fall foul of the Delegated Legislation Committee. It may be ultra vires the Act to collect fees for that purpose. If there is a danger of that occurring, I ask the Minister to consider asking the parliamentary draftsman whether it would be more difficult to draft an amendment to the Act than to draft an amendment to the regulation. If it was by way of an amendment to the Act the Opposition and Independent members would have to agree with it. The committee should not be shown to have an opposing role when that is not the case. If the industry gives its support to a particular Government philosophy, the committee is generally supportive of it. Nothing makes the committee more suspicious -

Hon E.J. Charlton: That is why the industry wants an increase by way of the levy which I explained. It will allow them to fully consult with one another. The Department of Transport communicates regularly with the Country Taxi Association and there is a great rapport between those two organisations. The information you have been given is not as widespread as you think.

Hon TOM HELM: I accept what the Minister is saying; that is, that no-one wants to pay their dues. I will accept and support the Minister's comments about people being against regulatory organisations. I certainly have not heard anything derogatory said about the taxi control organisations. My concern is not about that.

Given the warning made by the Minister that the industry is looking for a levy to allow people to meet and discuss matters concerning country taxi owners, which is sensible, there is a way of doing it instead of by way of regulation. It may fall foul of some of the things which concern the Delegated Legislation Committee.

I wonder how much more difficult it would be to draft an amendment to the Act to which the Opposition and the Independent members would agree. The Delegated Legislation Committee has been instructed by Labor and Liberal Governments to allow for increases

in fees which are in line with the consumer price index. Usually the committee receives explanatory notes which indicate that the fees have been increased in line with the CPI. If the increase in the fee is as high as 10 per cent, but it involves only a few dollars' increase, it does not present a problem. In those cases it is perfectly sensible and it can be easily sold to the community, but when there is a 50 per cent increase it creates a problem. Where a change involves a small increase in dollar terms, but a huge percentage increase, a problem is created. That is what causes the problem. Further, advice might come from departments - I am not saying that this happens - that a figure is being rounded to the nearest \$5 or \$10. If it is only a small fee that is rounded to the nearest dollar, that is fine. The committee can live with that, as I can. But I certainly will not cop an amount being rounded to the nearest \$100. We are not dealing with machines; we are dealing with human beings, with people who have their own problems to cope with.

Since I have looked at these regulations, it has been my experience that some are the result of pure laziness on behalf of the Perth based bureaucrats and some cover mistakes. We have to make further inquiries of the relevant Minister to see whether the regulation is interpreted to mean what we think it means. When we talk to the Minister or senior bureaucrats we are often told that the regulations do not mean what we think they do. One of the classic examples is a regulation concerning the Police Department where a typographical error was made. The error was brought to the attention of the department. In the next *Government Gazette* the regulation containing the error was printed together with an explanatory note, and then the original regulation with the error was printed again on the same page.

The DEPUTY PRESIDENT (Hon Barry House): Order! I remind the member that he is summing up and some of his comments are getting very general.

Hon TOM HELM: I am not asking the House to disallow this regulation because I want to be mischievous. It is an impost upon country taxi licence owners. It is the wrong way of going about things. There is a massive percentage increase, given that last year we agreed to the taxi owners increasing their fares because of their financial circumstances. We are just adding to that burden. There has to be a better way of addressing this issue properly.

#### *Division*

Question put and a division taken with the following result -

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Ayes (11)		
Hon Kim Chance	Hon John Halden	Hon Bob Thomas
Hon J.A. Cowdell	Hon Mark Nevill	Hon Doug Wenn
Hon Cheryl Davenport	Hon Sam Piantadosi	Hon Tom Helm ( <i>Teller</i> )
Hon N.D. Griffiths	Hon Tom Stephens	
Noes (16)		
Hon George Cash	Hon Peter Foss	Hon B.M. Scott
Hon E.J. Charlton	Hon P.R. Lightfoot	Hon W.N. Stretch
Hon M.J. Criddle	Hon P.H. Lockyer	Hon Derrick Tomlinson
Hon Reg Davies	Hon Murray Montgomery	Hon Muriel Patterson ( <i>Teller</i> )
Hon B.K. Donaldson	Hon N.F. Moore	
Hon Max Evans	Hon M.D. Nixon	

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Question thus negatived.

### **RATES AND CHARGES (REBATES AND DEFERMENTS) AMENDMENT BILL**

#### *Second Reading*

Debate resumed from 30 November.

**HON MARK NEVILL** (Mining and Pastoral) [5.55 pm]: The Opposition supports this Bill, which amends the Act introduced into the Parliament last year and operates retrospectively from 1 July 1993. It does a number of things: It extends the eligibility for rates and deferments to those people to whom the Commonwealth Government extended fringe benefits from 1 April 1993 and it ratifies proportionate rebates which have been provided since 1 July 1992. The Bill will also replace the Commonwealth pensioner health benefit card with a pensioner concession card.

The measure follows the announcement in the 1992 Federal Budget that the income and assets test for Commonwealth fringe benefits would be abolished from 1 April this year. The Commonwealth also extended eligibility for full Commonwealth fringe benefits to people aged 60 years or more who for 12 months had been receiving the Job Search Allowance, the Newstart allowance, the sickness allowance or special benefits. I think there were also other categories. During that Budget speech the Treasurer also announced the replacement of the pensioner health benefit card with this new pensioner concession card. As part of that announcement the Commonwealth also said that it would negotiate with the States to pay compensation if the States extended concessions to those people within the State Government and local government sphere so that they would also receive those fringe benefits which would cover the new category of people eligible for the concession. The ongoing compensation package was negotiated at the Premiers' Conference in July. Under that agreement Western Australia received \$7.4m, of which \$5.3m relates to provision of rates rebates and deferments from 1 July this year.

Another major purpose of the Bill is to provide for and also to ratify - there is some legal question hanging over the rebates - the proportional rebates provided in the 1992 Act which could have been subject to legal challenge. The Opposition welcomes this primary Commonwealth initiative. The legislation before the House tonight will give relief to a wider range of pensioners and other people in need in the community. We support the Bill.

**HON MAX EVANS** (North Metropolitan - Minister for Finance) [5.59 pm]: The Government appreciates the support of the Opposition.

Question put and passed.

Bill read a second time.

*Sitting suspended from 6.00 to 7.30 pm*

*Committee and Report*

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

*Third Reading*

Bill read a third time, on motion by Hon Max Evans (Minister for Finance), and passed.

## **DISABILITY SERVICES BILL**

*Second Reading*

Debate resumed from 10 November.

**HON CHERYL DAVENPORT** (South Metropolitan) [7.32 pm]: The Opposition supports this Bill, which is designed primarily to satisfy the following purposes: First, as far as possible to eliminate discrimination against people with disabilities. Second, as far as practicable to ensure the rights of people with disabilities to equality before the law. Third, to promote acceptance throughout the community of the fundamental rights of people with disabilities. Members will be aware that the Bill is an update of the 1992 disability services legislation which enjoyed bipartisan passage through Parliament last year and which was proclaimed earlier this year. Although the current Bill is not radically different from the 1992 legislation, it amalgamates into a commission the Disability Services Bureau which was created by the 1992 Act and the Association for Intellectually Handicapped Persons which was established under an Act in 1985.

During the passage of the Bill through the Assembly my colleague, the member for Kenwick, proposed some changes in September which are now incorporated in the Bill before us. Those changes are: First, an improved definition of service provider and a better structure and composition of the proposed Disability Services Board. It was negotiated for at least five of the nine members to have a disability, a relative with a disability, recent experience in caring for a person with a disability, or recent experience as an advocate for a person with a disability, at least two of whom are to have a disability and at least one of whom is to have a relative with a disability. Assurances about the appointment of the chief executive officer and senior positions were gained during the passage of the Bill in the other place.

Modification of the part relating to working conditions was brought to the attention of the Minister in the other place and was agreed to. Written reasons will be given to service providers by the Minister where a review is requested of the commission's decision about fees. Complaints made to the Commissioner for Equal Opportunity may be the subject of a report to the Minister. Following the passage of the Bill through the other place and the second reading speech of the Minister for Health in this place, many members received complaints about clause 4, which is about legal entitlement to service, as well as clause 13, which provides for the commission to set fees and charges. Members will recall that on 16 November these clauses were referred to the Standing Committee on Legislation with a request to review the two clauses and to table a report to the Council by the end of November. As a member of that committee, I am pleased to indicate that we were able to conduct public hearings with concerned carers and organisations as well as the instructing officer from the Association for Intellectually Handicapped Persons, who was in fact the instructing officer to Parliamentary Counsel. Following deliberation and agreement on Tuesday, 30 November we tabled a unanimous report which I believe in the main will allay the fears of those people whose lives are affected by disabilities through no fault of their own.

I congratulate the Legislation Committee's new research officer, Mr Simon Copp and our clerk, Ms Jan Paniperis whose diligence helped the committee to fulfil its commitment. I refer briefly to the report tabled at the end of November: The committee met for approximately eight hours over four meetings and heard evidence from 11 witnesses who represented the various organisations. In the limited time available we were not able to see all the many organisations which look after the various areas of disability. However, from the people we asked to come before the committee I think we were able to ascertain there was indeed a fear in the community about clauses 4 and 13. As a result, the committee has proposed one amendment and received assurances about the other clause. The committee believes the fears of most people will be allayed. The first of the clauses we considered was clause 4 which reads -

This Act is not to be taken as providing a person with a disability, or any other person, with a legally enforceable entitlement to a service.

Both the 1992 Disability Services Act and the 1985 Authority for Intellectually Handicapped Persons Act were silent as to whether a person had a legal right to a service. Unfortunately, the wording of clause 4 created a perception that access to services was not a right, which people representing the sector argued was what the legislation was seeking to ensure for people with a disability. Both service providers and carers of people with a disability were of the view that the right to a service was being denied. In fact, this clause was included in the new legislation specifically on the advice of the Commonwealth Government. I quote from a letter sent by the Commonwealth Government to Ms Jane Brazier, the Acting Director of the original Bureau for Disabilities, referring to this clause -

With hindsight the Commonwealth considers that the Commonwealth Act can give the inappropriate impression that the Act is entitlement legislation when in fact it must be administered within limited funds appropriated by the Parliament. In view of this it may be appropriate for the Western Australian Bill to include words such as "this Act shall be administered within funds appropriated by the Parliament for the purposes of this Act".

As well, a section of a report in 1993 by the Commonwealth Administrative Review Council stated -

The Council also recognises, however, that there are occasions when merits review will not be appropriate and has previously listed a number of areas of exception. In summary, exceptions have included the following:

Decisions involving matters of the highest consequence to the Government or involving major political issues, for example, budgetary decisions.

Where the polycentric elements of decisions made under the decision-making power are so significant that review is inappropriate; that is, where one decision lends itself to the making of other related decisions.

If the first decision is altered, then so is the basis of the other decisions. The summary continued -

For example, where limited grant funding is available and a number of organisations apply for grants, to increase funding to one organisation would require a decrease in the allocations to other organisations that have applied for funding.

Decisions for which the reviewing body would have to undertake an inquiry of considerable width involving the competing interests of several parties in order to establish facts.

It is common knowledge that the sorts of funding agreements between the State and Commonwealth never provide sufficient money for the amount of services that are needed. The disability services sector is no exception to that. Unfortunately, having said that, Parliamentary Counsel, on taking advice from the Commonwealth on budgetary appropriations and after discussions with the instructing officer, decided that the wording of the existing clause 4 was more to the point. We, having then heard evidence placed before the committee, determined that it was perhaps the harshness of the words "not to be taken as providing" and "with a legally enforceable entitlement to a service" contained in clause 4 which had created the fear in the minds of both consumers and carers. That was ably articulated by the various non-government sector organisations that came before the committee.

It should also be stated that the carers felt that the person for whom they cared might also be denied access to a service purely on the grounds of how hard they lobbied for a specific service or how difficult a client their person with a disability proved to be for a service provider to care for. There are probably many instances in the non-government sector of people who have a difficult disability and are still being cared for at home providing problems for those people providing a service. In some of the correspondence received and in some of the discussions that I had on a one-to-one basis, people indicated that that might be a reason and that there might be a way under clause 4 that that could be denied. Having heard the evidence from the instructing officer and from Parliamentary Counsel, I do not think that would have been the case. Nevertheless, that fear was articulated.

Hon Peter Foss: Could you repeat that last bit? I could not hear.

Hon CHERYL DAVENPORT: In some of the discussions that I had with people from the sector representing various people, they felt that, if the person for whom they cared was particularly disruptive in terms of the services provision agency, they could be denied a service because they were a difficult client, and through clause 4 they may be denied access to a service.

Having heard evidence from witnesses on the clause, the committee discussed it again with the AIH instructing officer and then the committee met with Parliamentary Counsel. We were able to make it clear to the Parliamentary Counsel that it was not what the clause intended but the perception of what the clause might mean to the sector that was important. I hope members will agree that the committee's recommended amendment



has the ability to allay those fears, which is what we were seeking to do. As well, it fulfils part of the Western Australian side of Australia's commitment to article 26 of the International Covenant on Civil and Political Rights, which includes - and I quote -

that "all persons are equal before the law and are entitled without discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, language, religion, political or other opinion, national or social origin, property, birth or other status".

It fulfils also principles 4, 7 and 11 of the Declaration on the Rights of Disabled Persons. Principle 4 reads -

The right to legal safeguards against abuse of any limitation of rights made necessary by the severity of a person's handicap, including necessary review and the right of appeal.

Principle 7 states -

The right to necessary treatment, rehabilitation, education, training and other services to develop their skills and capabilities to the maximum.

Principle 11 sets out -

The right to qualified legal assistance to protect their rights, and for legal procedures to take their condition fully into account.

Clause 13 seeks to enshrine in legislation the ability for the Disability Services Commission to actually set fees, which must then receive ministerial approval prior to application. The clause provides -

13. (1) The Commission may, with the approval of the Minister -

- (a) fix the fees and charges to be paid to the Commission for using or residing in premises owned by or under the control or management of the Commission;
- (b) fix the fees and charges to be paid to the Commission for services provided by the Commission;
- (c) determine the people or classes of people who are liable to pay the fees or charges so fixed in full or in part, or who may be exempted from such payment.

Subclause (2) of clause 13 provides -

Details of the fees and charges fixed and of any determination made must be tabled by the Minister before each House of Parliament within 6 sitting days of such House next following the Minister's approval.

It should be noted that the second part of the clause was amended by the Opposition in the Legislative Assembly at the Committee stage; but, once again, witnesses who gave evidence before the Legislation Committee felt that this was the thin end of the wedge and they anticipated the introduction of a fee for service. That was not helped by the fact that the Association for Intellectually Handicapped Persons had recently reviewed its charges and had moved early in November to impose new charges which were higher in a number of cases but lower in other cases; and it was alleged that there had been no consultation with the sector. That did nothing to help the situation and even though in September the Minister for Disability Services during his reply at the Committee stage in the other place gave assurances that there would be no move to a user-pays system, consumers and carers alike felt that together with the charges imposed by the AIH and some new charges that had been levelled by the Activ Foundation - and members will recall the release of the second McCarrey report also talked about privatisation of some of the disability services institutions - all created the perception that the sector might be faced with a move to a fee for service system.

The Legislation Committee was initially of the view that it might be feasible for fees and

charges to be scrutinised by the Joint Committee on Delegated Legislation. However, after lengthy discussions with the instructing officer the committee determined that this was not an appropriate course of action. The committee felt that sufficient safeguards were given during the evidence from the instructing officer to reassure people that it was not an intention to move to a fee for service structure.

To illustrate the fears of some of the carers that came before the committee it is appropriate to quote the following concerns of one of the mothers who came before the committee. On page 7 of the report the following appears -

This fear was succinctly illustrated by one of the witnesses who has a daughter diagnosed as suffering with cerebral palsy. When her daughter was born she was originally diagnosed as being profoundly intellectually and mentally retarded. However, through the dedication and hard work of her parents and the aggressive treatment received from organisations committed to the care and rehabilitation of people with such disabilities, her daughter's prognosis is now that of a child with mild cerebral palsy. But there was a time, in July of last year, when her daughter became very ill and was admitted to hospital. She was not expected to live and for the first time in her life the witness had to decide between conservative and aggressive treatment for her daughter. Financial constraints placed upon the family of the witness forced her election of conservative treatment, the effects of which would almost certainly result in the death of her daughter. Contrary to medical opinion, her daughter survived and to this day the witness continues to advocate for her life. To quote from the testimony of the witness, in relation to her daughter's disability:

"... she understands that she cannot walk and ... cannot express herself verbally. So really ... if I do not advocate for her life ... she would not be here today."

Parents of children with disabilities, are now being asked to choose between conservative and aggressive treatment because of the financial burdens placed on their families. This fear is accentuated in the minds of people with disabilities and their carers when there is a suggestion that the Commission may introduce a user pay system for the provision of services, or that the cap on board and lodging fees currently imposed will be increased.

That is an illustration of the fears at work in the minds of those people who have children or close relatives with a severe disability. They fear that the imposition of a fee for service may mean the difference between a family continuing to care for the person at home or the person being institutionalised. Of course the other way of looking at it is that, in my view, it is much less a burden on the State for a person to be cared for by loving parents or a caring family within his or her own home rather than to be subject earlier to the need for institutional care where, obviously, there can never be enough time for individual, personalised treatment. That is not a reflection on the institutions but it is a good illustration of the difficulties that people face, and the fact that the community at large is saved money because a person is being cared for in his own home.

Although the Opposition supports the legislation it still has concerns about the creation of the commission because it is our view that there is a potential for conflict in the commission's role as both funder and provider of services. We will continue to monitor its progress and performance. However, the one fault remaining with the legislation is that of the dual complaints system, which is dependent on the source of funding for service. The Minister for Disability Services conceded during debate in the Assembly that there was potential for difficulty in this area and agreed to set up a watching brief. However, the Opposition is also mindful that clause 57 of the Bill provides a review of the operation and the effectiveness of the Act (a) not later than five years after its commencement and (b) at five yearly intervals following a review. The potential for review is extensive, and I am sure any faults which become apparent will be rectified at that time. So, although we continue to have those fears, we are also mindful of the review clause provision. I am sure the sorts of issues I have drawn to the attention of the House will become apparent down the track.

I neglected to point out our concerns about clause 4 relating to potential concerns about litigation which was mentioned also during the hearings before the committee and in debate in the other place. I am not sure that this is great cause for concern but certainly, were it to become a problem, the review clause would also address that situation.

Finally, in his address to the House of Commons in 1969 the first British Minister for the disabled told the British Parliament that most disabled people want more than anything to lessen their dependence on others, to get on with living their own lives as normally as they can in their own home with their own families and, whenever possible, to have the opportunity to contribute to industry and society as well as their disabilities allow. The Opposition believes that the Bill will help Western Australian people with disabilities to move toward that goal. We commend the Bill to the House.

**HON J.A. COWDELL** (South West) [8.00 pm]: The Opposition supports the Bill, with the amendment that stands in the Minister's name, which was proposed by the Standing Committee on Legislation, on which I have the privilege to serve. The Australian Labor Party associates itself with the ideals and objectives of the Bill as outlined in the Minister's second reading speech; namely, that this Bill "marks the start of a new era of coordinated effort to ensure that all people with disabilities and their carers are able to lead a quality life as equal members of our Western Australian community". The Minister notes also that -

Despite the large numbers of people affected, until recently disability has tended to be a somewhat invisible force in our community. For many Western Australians the impact on individual and family life has been daunting but not always obvious because people with disabilities were often secluded or shut away from public view, with no power or opportunity to improve their own lives. Carers coped as best they could in private, often without the energy or resources to access, or ask for, the help they needed to relieve the stresses of care. Great progress has been and is being made in this area.

The Minister acknowledges the pioneering work of the Bureau for Disability Services which, since its establishment in 1991, has provided a coordinated focus for the planning of policy and services to people with disabilities in Western Australia. The Opposition looks forward, as the Minister envisages in his speech, to the establishment of a single Disability Services Commission to further the good work that has been undertaken on an individual agency basis on behalf of people with disabilities and their carers. We welcome the Disability Services Bill 1993, with its stated intention of retaining all of the provisions of the Disability Services Act 1992, with some minor changes in wording and including the provisions necessary for the operation of the commission.

The members of the Legislation Committee were not unmindful of the community's concern about this Bill, particularly clauses 4 and 13. That was brought home most vividly by one of the witnesses before the committee, who referred to the need for society to recognise that she as a carer was entitled to help from the community generally and that this should not be denied with respect to clause 4 and it should not be subject to a user pays principle, as may have been one view of clause 13. The witness states -

So we have just recently linked into the Cerebral Palsy Association and now I have received in their latest newsletter that they are looking at access fees and 20 per cent surcharge on equipment. They are using their applied technology clinic and user-pay for physio OT speech. When you have children with multiple problems then you do require a lot of these because they are looking at preventative measures so a lot of speech and strengthening muscles or exercising you do have a lot of those ongoing costs for many years especially people with multiple disability.

That is a clause that give us great concern because who is going to keep an eye on what agencies provide services and the charges? And in my personal situation I guess we have made sacrifices for my daughter for 12 years now and if I have to start paying for physio and speech and OT then she would most likely - I would make the decision "no". I mean, that is what we are coming down to. My

daughter is also in the health care system and we are actually going through a process now where the words "quality of life" from doctors I mentioned. When she goes into hospital she is overdosed or they treat her in emergency.

She goes into very - if she is having a fit and she aspirates during the fit she gets pneumonia and lung problems. We go on the ventilator and when you get to ICU they are usually asleep or very drugged. And they just see multiple disability and they read the file and my daughter loves life. She is a lovely little girl and she cannot walk and she talks a few words but she certainly gets across what she wants. Last July we were not - she was in hospital and was not expected to live. And for the first time I did make the decision. I elected for the decision of conservative treatment expecting her to die and she did not after 6 weeks.

So parents are being offered that choice now: conservative treatment or aggressive. And I think that if more parents when we meet - my daughter is 12 and when I am in ICU I meet a lot of parents who have got young children with multiple disability and they look to you and they ask you and they say: oh, you know, what is it like out there, et cetera. And I am finding it very hard as the years go on because services are decreasing, funding is very hard to come by, the supports out there are very limited. It would be very difficult to tell them the truth.

As a matter of fact, you do not tell them the truth. Your life is not normal. This is in the multiple range. You are a full-time carer. You do not have the option to work, the cost factors are extremely high.

That highlights the concern about clauses 4 and 13; namely, that society should indicate clearly that it recognises that it should help carers, and that carers should not be subject to the full user pays principle.

The Legislation Committee was mindful of these two concerns. The report of the Standing Committee on Legislation, which was tabled by the chairman, Hon Derrick Tomlinson, states that clause 13 provides that the commission may, with the approval of the Minister, fix the fees and charges to be paid to the commission for using or residing in premises owned by or under the control or management of the commission; fix the fees and charges to be paid to the commission for services provided by the commission; and determine the people or classes of people who are liable to pay the fees or charges so fixed in full or in part, or who may be exempted from such payment. The particular concern was subclause (2), which appears to be a new subclause, and deals with the fixing of fees and charges to be paid to the commission for services provided by the commission; that is, for non-residential services. As the committee noted, this concern was probably highlighted because of the recent increase by the authority in board and lodging charges. There was concern that the Bill might contain a new clause that would introduce a user pays principle.

There was concern also about the limited review capacity of the fees and charges fixed; namely, that it might not be sufficient that any determination made must be tabled by the Minister before each House of Parliament within six sitting days of such House next following the Minister's approval. In the end the committee was of the opinion that this clause need not be amended, having in mind both the Minister's comments in the second reading speech that the rewording of this provision is intended to reflect the current charging practice and that it is not intended to provide for the introduction of any broad based fee for service. The concern of particular officers that the Authority for Intellectually Handicapped Persons had been charging non-residential fees for the past eight or nine years and this amendment was necessary to validate an existing practice is noted. Of course, the committee also took the course of including in its report a number of added assurances from officials within the area that we thought would allay fears that were expressed within the community about clause 13. One was specifically that commitment - on page 7 of the report - that there was no intention to move to user pays. The committee received an assurance from Mr David Hounsome that the commission is in no way moving towards the user pays policy and did not intend to deviate from its current policy and impose fees for services.

The second assurance that the committee wanted to include in its report is contained on page 8. The committee received an assurance from Mr Hounscome that the current capping levels associated with charges levied by the commission for the purpose of providing support to persons with a disability will not be increased. There is a percentage level of the benefits provided to the particular recipients ranging from about 25 per cent to 75 per cent of benefit. We received assurances that those percentage caps would remain and that increased charges would not go beyond those percentages even where the person was in private accommodation.

The third comment the committee received, which we took as an assurance, in evidence from Mr Hounscome was that the percentage provided by the user of the services, the client, was decreasing as a percentage contribution as total costs went up; so the trend was in the opposite direction to user pays. The fourth assurance we noted was with respect to existing consultation. The report stated -

The Committee questioned Mr Hounscome in relation to the formulation of fixing fees and charges under the Bill and was duly informed that such matters are brought before the Board of the Disability Services Commission. The Board comprises 9 members, 5 of whom are guaranteed to be persons who are parents, advocates, persons with a disability or family members. Therefore, at the very outset there is an opportunity for policy, in regard to charging, to be formulated having very close regard for the consumer's interests.

The fifth factor that was taken into account was probably the nature of the cumbersome alternative with respect to having a very complex table of fees and charges tabled in Parliament and subject to committee review. It was thought that this was probably not appropriate. The committee noted as a sixth item -

Finally, the Committee wish to draw attention to the fact that clause 57 of the Bill provides for the Minister to conduct a review of the operation and effectiveness of this Bill no later than 5 years after its commencement and every 5 years thereafter, calculated from the date of tabling the report of such review.

It was with these additional assurances that the committee did not recommend either in the majority or the minority report any changes to clause 13. However, there was some real concern that the whole thrust, objective and goodwill engendered by this legislation might be frittered away because of the unfortunate wording of clause 4. The committee addressed itself to that unfortunate clause and came up with the proposed change that will be before us shortly as an amendment by the Minister. The concerns were presented to the committee by a range of individuals and organisations. We obviously had the situation where we could retain the existing clause 4, delete it altogether - which may have had a similar effect given certain legal interpretations we received - or come up with a compromise that reassured people that it was not the intent of clause 4 to negate the whole impact of the rest of the Bill and not to take away any rights that were previously enjoyed by clients under the Disability Services Act 1992 or the Authority for Intellectually Handicapped Persons Act 1985. We came up with the new wording which simply says -

#### **Legal proceedings to enforce provision of a service**

4. (1) This Act is not to be taken as providing a person with a disability, or any other person, with any greater entitlement to legally enforce the provision of a service than he or she would have had if this Act had not been enacted.

Therefore, the assurance is that the clients are not losing anything in terms of clause 4 of this Bill that they may have previously had. Subclause (2) states that subclause (1) does not limit the services that may be provided under this Bill; that is, that there is still an entitlement to the services enumerated, but within the constraints of budgetary allocation and not beyond those constraints of budgetary allocation. It is with that sense that I hope the new clause 4 will enhance this piece of legislation in terms of community goodwill. I hope the assurances the committee has received will satisfy those community concerns with respect to clause 13. I therefore look forward to supporting the passage of this Bill in its amended form.

**HON DERRICK TOMLINSON** (East Metropolitan) [8.18 pm]: I will be brief because the first two speakers, Hon Cheryl Davenport and Hon John Cowdell, have given comprehensive reviews of the report of the Standing Committee on Legislation. However, I want to address clause 13(b) and make it clear that this is a new clause, but it is not a new practice. The need for the new clause to make clear the capacity of the commission to levy for fixed fees and charges for services other than accommodation is a consequence of the change in practice in caring for disabled persons. The Authority for Intellectually Handicapped Persons Act makes no provision for the authority to charge a fee for services. It makes provision for the authority to charge fees for accommodation. At the time of the 1984 Act the practice was for the authority to have total care of disabled persons in its own hostels, and total care meant accommodation, food and other services, such as physiotherapy and others, to which both Hon Cheryl Davenport and Hon John Cowdell have referred.

In the past decade we have seen a move towards normalisation of disabled persons, the deinstitutionalisation of them, taking them out of specific purpose institutions and accommodating them within the community in cottage accommodation. Some of that cottage accommodation is owned by the authority, some is rented by the residents and some is owned by the residents or parents of residents. This has meant that the financial responsibility of the authority has changed. Where the residents provide their own food the authority does not have the cost of food and where the residents own the accommodation or rent the accommodation from their own resources the authority does not have the cost of those services; but the authority still has a cost to meet the provision of other services, such as physiotherapy, occupational therapy and so on. What the new clause 13(b) makes possible is what the authority has in fact been doing for the whole of the time of the transition from institutionalised care to the normalisation of services for disabled people. It has charged differential fees according to the different services it has provided. So where a disabled person has been in the total care of the authority, a fee has been charged which covers the cost of accommodation, food and other services. Where the disabled person has been in other accommodation, the fee levied has been proportionate to the services provided by the authority. The authority may have been acting quite illegally in imposing such charges, because the authority under the Authority for Intellectually Handicapped Persons Act did not allow such discrimination. All that the Act allowed for was the authority to impose a charge for accommodation. That is one of the reasons why the witnesses who came before the Legislation Committee were alarmed at the apparent new power being exercised by the authority, or by the commission when the Act comes into being, because this apparent new power was imposing a fee for service. Yes, there was a fee for service, but it was not an inclusive fee for service.

The authority in clause 13(b) is to give legal force to what the authority has in fact been doing, because the level of services provided by the authority is proportionate to the level of the disability of the client. So the fee is proportionate in some respects to the level of the disability of the client. Where the disabled person is unable to provide for himself, is unable to feed himself, is unable to procure food for himself and has need for other services, such as physiotherapy, occupational therapy and so on, it follows that the cost to the commission or authority is high and, therefore, the rate charged for the most disabled is at the highest rate of 75 per cent of income. Income is the pension plus rental assistance, not other income to which a disabled person might have access. Where a disabled person is able to provide and procure his own food and provide for his own accommodation, but has minimal call upon other services, a minimal fee is charged. As I recollect, that is levied at 25 per cent of income, as previously defined.

That point needs to be made quite clear, because there was some concern expressed to the Legislation Committee by witnesses who appeared before it that there seemed to be some unfair imposition of fees upon those who were most disabled. It was interpreted that because they were the most disabled they were having the greatest fees levied upon them and a greater proportion of their pension was paid to the authority or commission, leaving a lesser proportion of their income for the provision of their services. In fact, the fees

were levied according to the dependent services the authority provided for the disabled person, and where the disabled person was less dependent or more independent, so the levy upon him was less and he had more discretionary power over his own income. That point needs to be made very clearly, Mr Deputy President, because it was of very real concern largely on the part of the parents of the disabled people who appeared before the committee.

Hon Cheryl Davenport: It was also to do with the lack of consultation.

Hon DERRICK TOMLINSON: It is an important point that Hon Cheryl Davenport raises. Again, I point to clause 7 of the Bill to which Hon Cheryl Davenport drew attention. The concern was expressed that there was not a process of consultation available to the carers of the disabled persons or the disabled persons themselves about the fees levied upon them. In fact, clause 7 provides that the board of the commission is to be comprised of nine members appointed by the Minister, one of whom is to be the person appointed under schedule 5 as the chairperson and at least five of whom are to have disabilities or a relative with a disability. So of the nine person board, five are to be either disabled persons or direct advocates of disabled persons. Those persons and the board will have the responsibility for approving the levy of fees to be charged. Whereas Hon Cheryl Davenport is quite correct in pointing out the concern was that there was a lack of consultation, or there appeared to be, when fees were levied, this Bill does allow for direct advocacy and representation of the interests of disabled people by the disabled people or their carers. I commend the Bill to the House.

HON SAM PIANTADOSI (North Metropolitan) [8.29 pm]: I support the Bill and I have been heartened to hear the comments of all who have spoken to this Bill. I sincerely hope I have the Minister's support in what I wish to propose. Touching on what Hon Derrick Tomlinson just mentioned about clause 7, the Minister certainly looks to be saying there will be a variety of people eligible to become board members to oversee the functions of the proposed Disability Services Commission. I would like to see on the board some representative of the non-English speaking groups working in this area. The Minister may not be aware that a number of people within the community are faced with language barriers and they find it even more difficult to get access to these services. It would be most helpful to them if, for instance, a service provider from the North Perth Migrant Resource Centre could assist them and channel them into the network for non-English speaking people. That would improve the service for people who currently are unable to access that information. I ask the Minister to consider that.

I am currently chairman of the Stirling Ethnic Aged Homes Association which is a hostel for three community groups - Italian, Macedonian and Yugoslav. One of the residents is 80 years old, and living with him is his 40 year old son who suffers from Down syndrome. The other members of his family do not want to care for this man's son. I had a letter from the father confirming a conversation I had with him. He had a letter drawn up by a solicitor to me as chairman of that organisation, requesting a guarantee from me and the association that his son would be allowed to stay in the aged persons' hostel after the father died. He wanted it formally recorded. Since the father and son have moved to that hostel the son has been exposed to a wider community, his eating habits have changed, he is much more relaxed, and his needs are being taken care of. Even though most of the residents were more than 70 years old, the father wanted a guarantee that his 40 year old son would be allowed to remain after the father's death, because he was as handicapped as the other residents. There was nowhere else for him to go, and the father was secure in the knowledge that the friends he had made at the home would look after his son. He could also see that his son fitted in with the community. The father, Kosta Ognenis, is dying of cancer and may have only six months to live, and he wanted to ensure that his son had a secure place in which to live. At present there are no other services of which Kosta can avail himself, and he does not have any other information to help him. He would prefer to place his son in a home with younger people with similar disabilities, but he knew the people in that aged persons' home would be kind, deliver a service and take good care of his son. There are many people in the community with similar problems.

Non-English speaking people with disabled children have many problems. It is a special area with special problems, and the more expertise that is made available to the commission, the better it will be able to serve the wider community. Mention is made in the second reading speech of meeting the needs of the wider community. This is one area in which we need the expertise of the community at large. Certainly, there are many service organisations operating in that field, such as the North Perth Migrant Resource Centre and the Fremantle Migrant Resource Centre. Also there are many grant in aid associations with non-English speaking people communities and their workers would also be in a position to fill that role, as would social workers. I appreciate that the Minister could say that the Bill covers the wider community, but in reality it does not completely cover the whole community. Some consideration should be given to my suggestion because the message is not getting across to the non-English speaking communities. I refer to people such Kosta Ognenis and his son Christo who currently do not have a place to go. I believe the department is intending to expand the services in the future to meet the needs of non-English speaking people. However, it would be a plus if a representative of the type I mentioned were able to contribute to the expertise of the commission. It should be someone who can speak for those people who are not in a position to provide for their children with disabilities or to access information on their behalf. Of course, the people about whom I am concerned are generally the older non-English speaking people who have disabled children. Those who grew up in Australia would not generally have language problems. I urge the Government to consider the inclusion of a suitable representative for those communities on the commission.

**HON PETER FOSS** (East Metropolitan - Minister for Health) [8.38 pm]: I thank all members for their contribution to the debate. In particular I thank members of the Legislation Commission for their very prompt and helpful report, and for the way in which they were able to allow the public direct access to the Parliament and to place on record their views. This report is a classic example of the way in which the Legislation Committee can function.

I share with Hon Cheryl Davenport the concern about the commission being both funder and provider, but that has long been the case with the way these services are provided.

Hon Cheryl Davenport: Currently there is a separation under the Act.

Hon PETER FOSS: However, I think the benefits that come from this legislation outweigh that difficulty. When the review is made in time, those things can be looked at. The important aspect of this Bill is the drawing together in the way that has happened. That is the major point, and is an important step. I accept the remarks made with regard to clause 4, and members will note that I have circulated an amendment to give effect to the recommendations of the Legislation Committee. I have also circulated on the back page of those amendments - members may not have noticed it - something which is intended to deal with the question raised by Mr Bob Hetherington. It could not be reported on by the committee because this clause was not referred to it, but it was mentioned in passing.

A problem similar to that in clause 13 arose in clause 4. I draw members' attention to that point just in case they wish to raise the matter of Mr Hetherington's comments during the course of the Committee stage; we can deal with that matter when we reach that clause.

The very valid point was raised that under clause 7 the board will ensure proper consultation with the community. One of the strengths of the board is that the majority of its members will be either persons with disabilities or carers of persons with disabilities.

I am pleased to hear Hon Sam Piantadosi's comments regarding non-English speaking people. I am sure the Minister is very much aware of that problem, and will take it into account when appointing the board. Often we forget Aboriginal groups who have similar difficulties in accessing services, and that is another area I hope the Minister will take into account when appointing the board. The membership of any such board is the most important aspect affecting its success or otherwise. The board must have a wide



understanding and a determination to make it work. Every Minister who has that responsibility of appointment takes it very seriously, and will be open to suggestions such as those made by Hon Sam Piantadosi.

I thank members generally for their support and encouraging remarks regarding the Chairman of the Standing Committee on Legislation in managing to produce the report so promptly to the House, and for the thoughtful words it contains.

Question put and passed.

Bill read a second time.

### *Committee*

The Deputy Chairman of Committees (Hon Derrick Tomlinson) in the Chair; Hon Peter Foss (Minister for Health) in charge of the Bill.

#### **Clause 1: Short title -**

Hon CHERYL DAVENPORT: As I mentioned earlier, residents in a health institution may have difficulty in accessing the Equal Opportunity Commission. I gather that it is the Minister's intention that complaints would be received by a health conciliation commission, for which the Minister intends to introduce legislation. Can the Minister explain how he sees that operating? We must keep in mind that people with disabilities, be they psychiatric ailments, paraplegia or quadriplegia, do not necessarily have an illness. Everybody should have access to the Equal Opportunity Commission. I realise that a watching brief is involved with this legislation. If the matter I raise turns out to be a problem, it may be dealt with under the review clause at a later date. I will be interested in the development of this matter. The Minister has yet to introduce the health conciliation commission legislation, and perhaps he could indicate to the Committee his thoughts on this matter.

Hon PETER FOSS: A problem which always arises with disabilities is the wish, wherever possible, that persons with disabilities are treated in the same stream as everyone else; this is one of the inherent contradictions in the system.

This Bill importantly will provide a system by which complaints can be brought by people with disabilities regarding access to disability services. Presently no alternative is available for complaints by people with or without disabilities. It was seen that an essential characteristic of this legislation should be a complaints avenue, and the appropriate body was seen to be the Equal Opportunity Commission. However, legislation will be introduced which will give all people an avenue for complaint about health service access through a health conciliation system. It is envisaged that when this system is in place, and when an alternative is available for people with disabilities, people with disabilities should not be taken into a separate complaints stream; they will be able to access the avenues available to persons without disabilities.

To ensure that no differences are involved, this Bill will be amended in due course when the health conciliation Bill is introduced. The amendment will indicate that if a complaint is made through the health conciliation legislation, it will not be a complaint through this Bill. Therefore, an alternative avenue of complaint will always be available, although the mainstream system will be a much broader opportunity for complaint. This will be a more meaningful system.

I recognise that disability is not an illness. The alternative access system is regarding access to health care services, and the disability services area will not be shifted holus bolus across to that system. If a person without a disability can access the health care conciliation avenue, a person with a disability will also be able to access that system, but that then will be the avenue followed rather than the one within this Bill. The mechanism is included within this Bill because it was felt that an opportunity should be available for people with disabilities to make complaint. This will be done by way of exception and will provide an alternative mechanism when the health conciliation Bill is in place.

Hon CHERYL DAVENPORT: I assume that when the review takes place, and if this system is not working properly, the review will make recommendations at that time.

Hon PETER FOSS: Of course.

**Clause put and passed.**

**Clauses 2 and 3 put and passed.**

**Clause 4: Act does not create entitlement -**

Hon PETER FOSS: As I indicated previously, I shall move the amendment to this clause, which resulted from a recommendation by the Legislation Committee to clarify the difficulties with the wording of the current clause.

Hon CHERYL DAVENPORT: The Opposition thanks the Government for acceding to the request of the Legislation Committee. As I said during the second reading debate, the original clause struck some fear into the hearts of people who thought it would be an impediment to accessing services. The new clause is certainly much shorter than the original clause, and it should allay the fears of those people caring for people with disabilities. The Opposition is mindful that if other issues become evident, the review clause is available.

**Clause put and negatived.**

**New clause 4 -**

Hon PETER FOSS: I move -

Page 4, lines 18 to 21 - To insert the following clause to stand as new clause 4 -

**Legal proceedings to enforce provision of a service**

4. (1) This Act is not to be taken as providing a person with a disability, or any other person, with any greater entitlement to legally enforce the provision of a service than he or she would have had if this Act had not been enacted.

(2) Subsection (1) does not limit the services that may be provided under this Act.

**New clause put and passed.**

**Clauses 5 to 11 put and passed.**

**Clause 12: Functions of the Commission -**

Hon PETER FOSS: Mr Bob Hetherington of the committee drew attention to the possibility that this clause is at odds with clause 4 in that it uses the word "ensure" with regard to subclause (3)(b). This matter was considered by the Government and the concerns were picked up when it looked at paragraph (a). Ensuring "that the principles in Schedule 1 are furthered" may cause problems. For instance, there may be difficulties in terms of the Budget in providing the principles applicable to clauses 8 and 9 of schedule 1. Therefore, we have to ensure that it is furthered. In schedule 2, the question is whether, in meeting the objectives, they have to be met to the nth degree; in other words, whether the meeting of those objectives has to be totally successful. There is a difference between furthering the principles in schedule 1 and meeting the objectives for services in schedule 2. It is a difficult one. I therefore move -

Page 9, lines 11 to 15 - To delete the lines and substitute the following -

(3) In performing its functions the Commission is to further -

(a) the principles in Schedule 1; and

(b) the services and programmes provided meeting the objectives in Schedule 2.

The governing word in both is "further". In schedule 1 the principles have been furthered and in schedule 2 the meeting of the objectives has to be furthered.

Hon J.A. COWDELL: I recognise the point made by Mr Bob Hetherington that clause 12 is more prescriptive and that it may not be desirable to be prescriptive in this regard. The Opposition does not have any great objection to the amendment as long as it does not

diminish in any way the goals as outlined in schedules 1 and 2. The change of wording will probably have a minimal impact on the operation of the Bill.

**Hon PETER FOSS:** I agree with Hon John Cowdell. It is also arguable that clause 4 governs it anyway. The amendment is not intended to diminish what will be achieved by the commission, but it phrases the clause in a way that is more compatible with clause 4.

**Hon CHERYL DAVENPORT:** I also agree with the amendment. The Standing Committee on Legislation discussed this matter, although the clause was not referred to it. We did not want to create any more fears than had been created already. The wording in the amendment sits more comfortably with the principles and objectives contained in schedules 1 and 2.

**Amendment put and passed.**

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

**Clauses 13 to 23 put and passed.**

**Clause 24: Financial assistance may be approved -**

**Hon PETER FOSS:** I move -

Page 18, line 12 - To insert after "(b)" the indefinite article "a".

I am grateful to the Clerk for pointing out to me what appears to be a grammatical error. Although paragraphs (a) and (c) have the indefinite article in front of them, paragraph (b) does not. To be consistent, and to make sense, (b) should also have the indefinite article.

**Hon CHERYL DAVENPORT:** The Opposition has no difficulty with the amendment.

**Amendment put and passed.**

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

**Clauses 25 to 58 put and passed.**

**Schedules 1 to 6 put and passed.**

**Title put and passed.**

### *Report*

**Bill reported, with amendments, and the report adopted.**

### *Third Reading*

**HON PETER FOSS (East Metropolitan - Minister for Health) [8.59 pm]:** I move -

That the Bill be now read a third time.

**HON CHERYL DAVENPORT (South Metropolitan) [9.00 pm]:** The Opposition is pleased that the Bill has proceeded to this stage through the Legislative Council. I am sure that it will be a relief to those people within the Authority for Intellectually Handicapped Persons and the current Bureau of Disability Services to now be able to work together as a complete entity. As I said earlier, the Opposition believes that some problems may become apparent during the life of the Bill. However, the Opposition is also mindful of the fact that the Bill contains a review clause that can address those questions down the track.

This has been the only Bill before the Legislation Committee so far in this term of the new Parliament. As Hon Peter Foss said, it is an exercise that shows the Parliament that by sending a Bill or certain clauses of a Bill to that committee there is the ability, away from the philosophical hot house that this place sometimes becomes, to achieve useful outcomes that help the people who will be the beneficiaries of a Bill such as this. I commend the Bill to the House.

**Question put and passed.**

**Bill read a third time and returned to the Assembly with amendments.**

**HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL***Assembly's Message*

Message from the Assembly notifying that it had disagreed to the amendment made by the Council now considered.

*Committee*

The Deputy Chairman of Committees (Hon Murray Montgomery) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

The amendment made by the Council, to which amendment the Assembly had disagreed, was as follows -

New clauses, page 4, after line 16 - To insert the following new clauses -

**Section 12 amended**

7. Section 12(5) of the principal Act is repealed.

**Section 17 amended**

8. After section 17(2) of the principal Act the following subsection is inserted -

(3) Regulations providing for determining the result of a poll shall not have the effect that a poll can be declared to be in favour of a proposal if less than a majority of persons eligible to vote in the poll are in favour of the proposal.

The Assembly's reasons for disagreeing to the Council's amendment were as follows -

- (1) The horticultural industry is opposed to the restrictions imposed by the requirement that the majority of eligible voters must agree to the proposal.
- (2) The purpose of the Bill is severely affected along with the ability to service the industry.

Hon E.J. CHARLTON: I move -

That the amendment made by the Council be not insisted on.

Inserting the amendment and having it agreed to in this Chamber came about as a consequence of concern that was expressed about the facts of holding this election within this industry and not having a majority of members of the organisation voting in favour of it, if in fact a number of people did not vote. As a consequence of that concern having been expressed, it was decided to include this amendment, which the Minister for Primary Industry fully endorsed. I wonder why he agreed to this being done. One would think that a Minister in this situation would have known better; however, he did recommend that this take place.

Hon John Halden: You mean your National Party colleague?

Hon E.J. CHARLTON: Yes, my National Party colleague in the other place. Following this amendment consultation took place within the industry.

Hon John Halden: That is a good euphemism for it.

Hon E.J. CHARLTON: Five of those participants in the industry were consulted about it. They agreed that it would be preferable if this amendment were not passed and did not become part of the legislation; otherwise it could jeopardise the benefits they were going to get out of having the overall changes made, and the opportunity to vote on the various decisions that the industry wanted to follow. As a consequence of that and the wonderful cooperation shown by all concerned, and the Minister realising the error of his ways in agreeing to this amendment in the first place, it has been decided to leave the Bill in its original state. I ask the Committee to agree to the motion that this amendment not be insisted upon.

Hon KIM CHANCE: The Opposition will support the motion moved by the Minister for Transport. We do so without a tremendous amount of enthusiasm. We must go through

the reasons why, firstly, we do not have much enthusiasm; and secondly, in the light of the lack of enthusiasm, why we still wish to support the motion. Perhaps I will deal with the second part first. The Opposition feels that given the Minister for Transport's explanation of the events as they transpired, it is nonetheless necessary, given the lateness of the session, rather than let this Bill languish in a state of flux between the two Chambers, to go ahead and support the motion which effectively means - I will explain this in a moment - that we go back to the wording of the original amendment Bill. I will outline briefly the reason we are not enthusiastic about it. My colleagues Hon Nick Griffiths and Hon Tom Helm will be explaining why. Effectively it raises our concern about an important matter - I will explain why it is important - being transferred from the legislation itself to the regulations of the Bill. Hon Tom Helm and his fellow members of the Delegated Legislation Committee have spent a great deal of time working on that. It runs contrary to the intent of that committee, which has the support of this place.

The history of this Bill is that it passed the third reading stage in this Chamber on 28 September. It was returned to the Legislative Council on 11 November by message No 43 which said that the Council's amendment was not agreed to by the Legislative Assembly. It is probably just as well that we do not go into the reasons for that misunderstanding in too fine detail -

Hon E.J. Charlton: I think it is called democracy.

Hon KIM CHANCE: - because I feel some embarrassment in the same way as does the Minister for Transport. The Leader of the Opposition made it clear recently that what happened is an example of why this Chamber must scrutinise legislation extremely carefully.

I believe it was Hon Bruce Donaldson who told me that it was a coalition rural committee which met with industry participants in the passage of time between the Bill leaving the other place and coming to this place which caused the Minister to step back from the original amendment. I understand the Minister initially supported the original amendment, but the Government changed its mind. It is entirely reasonable for the Government to do that if it found out that the industry did not support the amendment. It is not my intention to embarrass the Minister for Primary Industry or the Minister handling the Bill in this place.

Hon John Halden: They have done that extremely well.

Hon E.J. Charlton: He is giving a very good assessment.

Hon KIM CHANCE: Perhaps it is better to have some embarrassment than to pass legislation which does not have the support of the industry which is affected by it.

I have read the amendment for about the twenty-fifth time and, if it had been put to the Opposition in isolation and without the industry's advice which was relayed by the Government, it would probably be an improvement on the Bill and it would quite possibly be an improvement on what we will actually do.

The language of the amendment is incredibly complex. It means that for a poll of eligible growers to be successful, not less than 50 per cent of those eligible to vote must vote in favour of the establishment of a growers' committee. That seems to be an improvement on the legislation which is amended by the amendment Bill. In order for a poll to be conducted to enable the establishment of a growers' committee, such committees have the power to raise funds and to carry out promotional and regulatory functions with the consent of the commission. Those powers are sweeping and it is proper that the Parliament ensures that the determination of polls used to establish those committees is done in a proper manner. It is true that the disagreed amendment probably did not fit the true context of the Minister's second reading speech. In fact, I thought that speech was a particularly good one and that it outlined the Government's intentions fairly clearly. The problem was that the wording of the legislation did not express, in legislative terms, the intent of the Minister's second reading speech as well as perhaps it should have.

The outcome of this Committee's assent to the Legislative Assembly's disagreement will

be to allow voting requirements now to be set by regulation. That raises a matter of some concern. It is my understanding that the department and probably the industry - although I have not been advised of that - are prepared to allow that situation to exist because it may well be the Minister's intention to draft new legislation for introduction into the Parliament next year. Hon Bruce Donaldson is nodding his head, presumably in assent. That would be a logical thing to do, but at the same time the Opposition should express a word of caution that the transferring of what are relatively important powers, which include a taxing power to be determined by regulation, is probably not the best way to do things.

Allowing the voting requirement to be set by regulation is achieved by reverting to page 4 of the original amendment Bill, lines 17 to 22, in which section 25 is amended. For those members who do not have the Bill before them, section 25 is the regulations section. It is also achieved by reverting to page 4, lines 11 to 16 of the original amendment Bill in which section 10(8) is repealed. That section contains the old standard for ascertaining poll results; that is, that 75 per cent of those eligible to vote must vote and 70 per cent of those voting must vote in favour. If one is divided into the other it gives an absolute figure of 52.5 per cent. That percentage had to be achieved before a growers' committee could be established. By my standards, the amendment which was carried in this place, but disagreed with in the Legislative Assembly, was actually better in that all it required was a 50 per cent majority. The original Act requires a slightly higher percentage. The amendment went further towards achieving the Government's stated aims in the Minister's second reading speech than does the original Bill.

On discussion with the department I found it actually had another significance. While I cannot, for the life of me, see the significance when I read the old section and the new clause, I am told that the problem with the old section was that it was necessary to determine a list of eligible voters and the problem referred to in the Minister's second reading speech concerning the avocado growers was that it was almost impossible to determine a full list and, until the Minister was satisfied he had a full list, he could not authorise a poll. I am told that the wording in the amendment before the Committee would not require that proven list before the poll could go ahead. The Minister could determine a list of growers who he had reason to believe were the growers involved in the industry and were eligible to vote, but those growers who felt they should have been on the list and were not on it could apply through a quick and easy method to a Magistrate's Court to be on the list.

The view of the day was that that was a much more preferable and faster way of getting polls of grower committees ascertained. By supporting this motion we are supporting the Horticultural Produce Commission Amendment Bill. In doing that, we are doing three things. Firstly, we are removing the requirement for an absolute majority as provided for in the amendment; secondly, we are repealing section 10(8) - the 70 per cent rule; and, thirdly, we are allowing regulations to be drafted that set out the manner in which poll results will be determined. The first and second points probably can be supported because the second point - the existing position - clearly causes problems for smaller industries and regional areas which sought powers to regulate their own industry. Their problem was that should Carnarvon bean growers, for example, want to establish a grower committee, it was necessary for the poll, which took place to establish that grower committee, to include growers from Spearwood and other places in the State that might grow beans, and that created something of a difficulty.

For the same reason the first point - the removal of a requirement for an absolute majority in the later amendment - can be supported. Although it was an improvement over the original legislation, it still required 50 per cent of the whole industry, as geographically specified, to vote in favour of it. The third point is the only option left available to the Government. We have to ask the question: What will the regulations say? I am familiar enough with the need quite often to pass legislation when the regulations are unknown. But one of the problems that the Standing Committee on Delegated Legislation has pointed out is that if the powers of those regulations are sweeping, when we debate the

legislation without knowledge of the regulations we are debating only a part of the legislation because the regulations can carry more power than we feel they should.

It is reasonable to ask the Government - and to expect an answer if the Government wants our support on this matter - to give some indication of how those regulations will be drafted and the form they will take. I have already said that we will support this motion. However, it is reasonable, as similar occasions come forward, that if the regulations are not drafted at the time, we should at least be advised of the principles of those regulations so that we know just what we are supporting. This is a very significant power to be entrusted to a regulation. Apart from the power to raise levies, the committee can also accredit growers; set standards and facilitate inspection of produce; employ people; conduct research; and engage in marketing, either in Australia or overseas. One of the additional problems, which occurred to me only in the few moments before I rose to speak, is that although section 10(8) is repealed by the amending Bill - that will be the position once we have supported this motion - there is no complementary amendment or repeal of section 12(5) which continues to refer to the repealed section 10(8). I am not quite sure how we will get around that. Section 12(5) of the principal Act on page 9 states -

The provisions of section 10(8) applies to and in relation to a poll conducted under subsection (3) as though the poll were a poll under section 10.

Subsection (3) deals with a poll which needs to be conducted because a grower committee wants to provide services which were not originally intended. It is necessary that that provision remain. Section 12(5) still refers to section 10(8) which is subject to repeal under this Bill. I think I can work out how that happened. Our amendment related to not only the amendment of section 17 but also the repeal of section 12(5) of the principal Act. When the Legislative Assembly sent back the Bill, the message advised that it had rejected both amendments.

Hon E.J. Charlton: It reverts back.

Hon KIM CHANCE: That means that section 12(5) remains in the Bill because of that rejection.

Hon E.J. Charlton: As it was before.

Hon KIM CHANCE: Section 12(5) refers to section 10(8) which has been repealed by the Bill. I am not too sure how we will get around that. Because section 25 has now taken over the powers of the old section 10(8), perhaps section 12(5) should be amended to read, "The provisions of section 25 apply to or in relation to a poll conducted under subsection (3) as though the poll were conducted under section 25." I saw that earlier but I did not quite appreciate its significance until I started to speak.

Hon E.J. Charlton: As I understand it, we are simply taking away the amendment that was put in here and letting it go back to where it was.

Hon KIM CHANCE: The Minister is quite right. The amendment did two things: It repealed section 12(5) and it inserted the third part in section 17(2). It was necessary to repeal section 12(5) to make that change so that the third part became the means of interpreting a poll. The problem that the Minister for Transport has raised actually existed, I suspect, when we dealt with this Bill last time; but we did not see that. It is not necessary for section 12(5) to be repealed now; however, it is now necessary to amend that section.

Hon E.J. Charlton: Necessary now?

Hon KIM CHANCE: Yes, because section 10(8), which is referred to in section 12(5), will be repealed and we cannot have a section remaining in the Act which refers to a repealed section. Section 12(5) reads that the provisions of section 10(8) apply.

Hon GEORGE CASH: I appreciate the comments of Hon Kim Chance; he has identified an interesting technicality. Rather than delay the House, we should report progress on this Bill, move to the next Bill, have discussions behind the Chair on the matter raised by Hon Kim Chance and, if necessary, come back to the Bill tonight.

*Progress*

Progress reported and leave given to sit again at a later stage of the sitting, on motion by Hon George Cash (Leader of the House).

[Continued on p 8988.]

**BEE INDUSTRY AMENDMENT AND REPEAL BILL***Second Reading*

Debate resumed from 30 November.

**HON KIM CHANCE** (Agricultural) [9.33 pm]: The Opposition supports this Bill, which I hope goes through a little more smoothly than the last.

The original Bee Industry Compensation Act was put in place to compensate beekeepers for the destruction of assets as a result of the Department of Agriculture's eradication program for American brood disease which, for a time, was a very serious and highly infectious disease affecting the apiculture industry in Western Australia. Improved management techniques over the years have greatly reduced the impact of that disease. There was some evidence that the compensation scheme was being ill used, if not abused. Additionally, the fund was having some trouble meeting its commitments. Indeed, I believe that some years ago Treasury had to advance approximately \$72 000 to top up the fund. Although a scheme of arrangement has been put in place for the fund, approximately \$36 000 of that original loan is still owed to Treasury. It is my understanding that the Government intends to write off that sum once the compensation scheme has been wound up.

The other unfortunate side to the fund has been the rising cost of levies on beekeepers to maintain the fund. The largest of the individual beekeepers - with approximately 1 000 hives - at a levy of 90¢ a hive, would pay in the order of \$900 a year in levies simply to maintain the fund. The total cost to the industry is \$50 000 per annum. However, the administration cost to the department to run and maintain the fund is more than that.

Over the years, the department has developed a number of techniques which have made American brood disease very much less of a concern to the industry. A new wax dipping process which can prevent the infection passing on and in fact nail it in timber products and other hardware used in the industry has been effective. An early detection system has reduced the incidence of the disease to about one half of one per cent. At times it has been at a level of four or five per cent across the industry. Fees have not been collected since the program began. In the past few years, the disease has been on the way out and substantially under control and levies have not had to be collected.

Apart from winding up the compensation fund, the Bill also allows companies, rather than individuals, to own hives, which is simply a recognition of the modernisation of the commercial side of the industry. It clarifies the reregistration date and the information required by the Department of Agriculture for reregistration. Simply, it makes individual beekeepers more responsible for disease control programs. The industry is happy about that. Quite frequently, when control is devolved back to the industry it is seen as a loss of service or some similar loss to the industry. However, I am informed the industry welcomes the change because it allows it to work along with Department of Agriculture inspectors to control and, as far as possible, eradicate the disease without too much disruption to their normal activities.

Additionally, the department is no longer responsible for resolving civil complaints where bees become a nuisance. This should always have been, and is properly, a province of the local authority. However, the department will still assist in the removal of bees should they become a public nuisance. There are significant increases in penalties for breaches of the Act which may lead to a spread of exotic diseases. The Opposition supports this Bill in acknowledgment of not only the Government's view of the matter, but also the support from the Western Australian Farmers Federation and the Commercial Beekeepers Cooperative.

However, we express some regret that a legislative framework for the quick



re-establishment of an industry compensation fund no longer exists. Although it is one thing to terminate a compensation fund which has effectively run its race and has no further relevance, it always seems a shame to throw away the legislative framework of a compensation device. If a new exotic disease entered Western Australia and caused problems in the beekeeping industry, we would then need to introduce a new Bill to establish such a compensation protocol and compensation fund.

It is timely at this stage to mention that we will shortly be dealing with a new Bill, the Exotic Diseases of Animals Bill, which is a very good example. We will be happily supporting that Bill. It is most welcome. That Bill is an example of pre-empting the possibility of exotic diseases entering other livestock industries so that, if and when an outbreak of exotic disease occurs, we are ready for it in every legislative sense. I feel that in this case we are throwing out a legislative framework which in its own instance may have outlived its life but may well be needed at some time in the future for some other disease. It is only a minor thing. One hopes that the bee industry does not encounter any exotic diseases. Nonetheless, in future we should consider whether it is necessary to re-establish a framework.

The new level of penalty seems very high, even recognising that it is a long time since penalties were last set. I understand that Hon Nick Griffiths will be dealing with that matter very briefly.

The Opposition welcomes the Bill and is happy to support it if for no other reason than that it is good to see one more disease threat well on its way to control and eradication.

**HON N.D. GRIFFITHS** (East Metropolitan) [9.42 pm]: As Hon Kim Chance foreshadowed, I propose to deal briefly with penalties in the Bill. Amongst other things, the Bill proposes to legislate for an Act to amend the Beekeepers Act 1963. In clause 13, reference is made to the principal Act, which is the Beekeepers Act 1963. It sets out a table referring to three sections of the Beekeepers Act and relates to deleting penalties and increasing penalties. The three sections of the Beekeepers Act are sections 12, 15A and 17A. The relevant part of the Minister's second reading speech dealing with penalties under the Beekeepers Act stated -

The proposed changes update the Beekeepers Act.

Further on, it stated -

The penalties associated with breaches of the Act will be increased significantly. These penalties have not been increased for a number of years and the changes are intended to discourage breaches of the Act which result in the uncontrolled spread of American brood disease or the potential spread of an exotic bee disease.

The Opposition joins with the Government in its intention to discourage breaches of the Act. However, it is appropriate to point out to the House that section 15A of the Beekeepers Act, which currently provides for a penalty of \$1 000, had that penalty set out by legislation passed in 1980. Some 13 years have passed and, if what is proposed today is enacted, that penalty will be increased to \$2 000. Certainly, that is a significant passage of time and an increase from \$1 000 to \$2 000 bears some relationship to the movement in people's capacity to pay and the movement in the consumer price index.

I am not sure whether that observation applies to what is to take place with respect to sections 12 and 17A. Sections 12 and 17A of the Beekeepers Act last had their penalties updated in 1989, not 1980. They were updated in a Bill appropriately called the Agricultural Legislation Penalties Amendment Act. That Act updated as at 1989 a number of penal provisions to do with the regulation of a number of agricultural industries. Four years have passed since the penalties set out with respect to sections 12 and 17A of the Beekeepers Act were last reviewed. Yet in the case of sections 12 and 17A, we have a doubling of the penalty. That seems to bear no relationship to any movement in the consumer price index, and I suggest it bears no relationship to a general community enhanced capacity to pay.

Hon E.J. Charlton: It is not supposed to.

Hon N.D. GRIFFITHS: I would be interested to hear from the Minister as to how those penalties were arrived at. He might inform the House why \$6 000 was arrived at and why it was not \$5 000 or \$7 000. Is it the case that the Government believes that, when the matter was reviewed in 1989, the penalties were too low? That would seem to be the case, because the increase is very significant.

HON DOUG WENN (South West) [9.45 pm]: I was not going to speak to the Bill; however, after listening to Hon Kim Chance, I wish to make a few comments on this large industry within my electorate. I note that the Bee Industry Compensation Act was put in place to compensate beekeepers for the destruction of assets as a result of the Department of Agriculture's disease eradication program. The improved management techniques have made it possible to control and eradicate disease. I wonder whether those improved management techniques have also made it possible to reduce the destruction of assets of the beekeepers. The Minister might be able to comment on that matter. I note also that the beekeepers' contributions to the compensation fund increased from 35¢ per hive in 1984 to 90¢ per hive in 1990. Is that because the administration costs of the Department of Agriculture have increased? What is the income per hive?

Hon E.J. Charlton: You will be stung.

Hon DOUG WENN: Could the Minister explain the increase to 90¢ per hive? I suppose that there is some subsidisation by the Department of Agriculture through the cost of administration. As Hon Kim Chance said, allowing companies to come into the industry is a good thing. Without denigrating the administrative abilities of individuals, companies seem to have better accounting and administration systems.

The second reading speech states also that beekeepers would be more responsible for individual disease programs, and that is a natural reaction because people outlay large amounts of money to enter the beekeeping industry. In their own interests I expect they would play a large role in the disease control programs. I note also significant increases in penalties for breaches of the Act to discourage the uncontrolled spread of American brood disease or the potential spread of exotic bee diseases. It is ironic that the Exotic Diseases of Animals Bill is on the Notice Paper, and one would think that we could consider a separate Bill relating to the American brood disease.

I have not had a chance to speak to Hon Kim Chance, but unlike him I am concerned that the Department of Agriculture is no longer responsible for resolving civil complaints where bees may be a nuisance. I understand as well as anyone else in this place that the queen bee can take off and create a swarm in any situation around households. Perhaps the Minister can tell us whether this provision refers to the situation when someone sets up a hive close to a residential area. In that situation is the person - or even a company - not responsible for the problems that may be created? Are there any provisions anywhere in any legislation that hives must be a certain distance from residential areas? We welcome the fact that the authority is willing to assist in the removal of bees when swarms become a nuisance to the public. However, the responsibility for this removal should not be placed on local authorities. The beekeepers should be responsible for their hives and any nuisance they may cause. That is one of my concerns.

I have already expressed my concern regarding the Exotic Diseases of Animals Bill and expressed regret that the legislative framework for the quick re-establishment of the industry compensation fund no longer exists. My point is that we should have a Bill to provide for a fund to be set up in the same way as provided for in the Exotic Diseases of Animals Bill. I emphasise the point that perhaps we should have considered both Bills at the one time. It is a significant issue for the bee industry that the American brood disease still exists. We need to consider that situation in order to protect the industry.

Reference is made to the new wax dipping process and the early detection system to reduce the incidence of the American brood disease to about five per cent. If we can achieve that reduction, with the lack of controls that exist among beekeepers, why could we not attempt to achieve the total eradication of the disease? I hope the Minister can respond either now or at the Committee stage.

**HON E.J. CHARLTON** (Agricultural - Minister for Transport) [9.55 pm]: I thank Opposition members for their fundamental support for the Bill. The second reading speech is self-explanatory. The compensation fund provisions, and the other issues mentioned by Hon Kim Chance, are as a result of changes in the industry. The industry has become more up market. As a result of the diseases confronting the industry, it wanted a number of changes implemented. The Department of Agriculture has played a significant role in the operation of the bee industry. The department's ongoing association with the industry has brought about an agreement on these changes. That is the reason the Bill is before us tonight.

Hon Nick Griffiths referred to the increase in penalties contained in clause 13. The penalties cover three specific areas. They have nothing to do with the consumer price index, or with plucking figures from the air. The penalties have been arrived at because of the significant problems confronted by the industry when people do not act responsibly. The increased penalties apply to the illegal importation of honey bees and their products to the State under section 15A of the Act. Penalties are also increased for the wilful use of antibiotics under section 17A. When products are for human consumption greater emphasis is placed on penalties. These provisions reflect that situation. The Bill provides increased penalties also for the illegal movement of bees in the State where quarantine restrictions have been declared. These increased penalties are supported by the industry.

Hon Doug Wenn referred to the location of hives. Many beekeepers have been dependent on the Department of Agriculture to monitor and look after the operations of the industry. They have taken the advice of the department. The industry has now become more responsible. The placement of hives in residential areas will be under the control of local government. It will be up to the local authority to determine the situation.

Hon Doug Wenn: Will people have to apply to local government?

Hon E.J. CHARLTON: It will depend on the situation. I will seek advice on that issue and advise the member at the Committee stage. Perhaps local government authorities will assess the situation; some local authorities would agree to beehives in one area, while another authority would disagree. The Department of Agriculture will still determine where beehives may be kept, and that impinges on the situation to which Hon Doug Wenn referred. Therefore, there will be a two-pronged attack, where the department and the local government authority will determine where beehives may be kept, according to other uses of the land which may affect the beehives and, therefore, the honey. A beehive would not be allowed to be put in a position which could put at risk the saleable product of the industry. The industry wants these changes so that disease will be kept out of the State and the Western Australian industry will prosper and have increased flexibility. However, with that increased flexibility must go increased responsibility, and with that increased responsibility will go the increased penalties to which I referred. I thank the Opposition for its support of the Bill.

Question put and passed.

Bill read a second time.

#### *Committee and Report*

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

#### *Third Reading*

Bill read a third time, on motion by Hon E.J. Charlton (Minister for Transport), and passed.

### **CITY OF PERTH RESTRUCTURING BILL**

#### *Second Reading*

Debate resumed from 2 December.

**HON B.K. DONALDSON (Agricultural)** [10.03 pm]: I spoke for half an hour previously about the reason that I support this Bill and the restructuring of the City of Perth. I said that it would be nice to live in an ideal world, but we do not live in an ideal world. There has been a lot of hype in recent weeks since this Bill was introduced. I have some sympathy for Hon Alannah MacTiernan, who has the carriage of this Bill for the Opposition in this House. I say that because she is a serving councillor of the City of Perth and also a member of this House, and I guess in one sense she would have great difficulty in separating those two roles.

The Perth City Council conducted a referendum over the weekend, and it is fitting that I refer to the editorial in today's *The West Australian*, which states -

For an issue which was said to be causing so much anger in the PCC's suburban wings, a 15 per cent voter turnout - comparable with that for ordinary council elections - was barely a whimper.

It states also -

It left the referendum with little authority or credibility and has given the Government no reason to review its restructuring plan.

It states also -

There are good reasons for the city to shed its suburban appendages and be run by a small authority more in tune with the needs of a modern capital and with the capacity to revitalise it and give it a stronger international focus.

It is time that critics of the reorganisation accepted that changes are inevitable and devoted their energies to ensuring that everyone will benefit from the reform instead of trying to retain an inappropriate and outmoded system.

**Hon A.J.G. MacTiernan:** Those figures are actually quite wrong. In the proposed town of Vincent, 36.5 per cent of people voted against, which is over double -

**The DEPUTY PRESIDENT:** Order! The member cannot make a speech from her seat.

**Hon B.K. DONALDSON:** Hon Alannah MacTiernan also said much about the size of the Melbourne City Council and its restructure. I am not sure whether she indicated the size of the population that is now within the Melbourne City Council. Previously it was 56 000, and after the restructuring it was 37 000. The member ignored the Sydney City Council, with a population of 7 400 and an area of 618 ha. The Perth City Council, even on the member's figures, would have a population of 8 500 - some residents may have been elsewhere at the time that figure was obtained - and an area of 690 ha. The Adelaide City Council, for argument's sake, has a population of only 14 845. Therefore, the member's reference to "tiny" towns was rather, I thought, tongue in cheek. I noted that with great interest.

**Hon A.J.G. MacTiernan:** Is it true that you are negotiating with the City of South Perth to divide up the town of Shepperton?

**Hon B.K. DONALDSON:** I do not know what we are doing at the moment. I am sure the member will be advised in time.

**Hon A.J.G. MacTiernan:** Are you not a member of the Government?

**Hon B.K. DONALDSON:** Yes, but there are no plans that I know of at present to do what the member is suggesting.

**Hon A.J.G. MacTiernan:** I would like to see your figures for Sydney.

**Hon B.K. DONALDSON:** The member had her time during the second reading debate.

**The DEPUTY PRESIDENT:** Order! Interjections are out of order. I remind the member on his feet to address the Chair and ignore the interjections.

**Hon B.K. DONALDSON:** I thought to myself: I wonder what the member for Perth, Ms Diana Warnock in the other place, thinks about these changes. It was interesting to read her maiden speech because one of the points that she makes is that -

The second priority is city management. Perth has long been burdened by a city management system that simply does not work and cannot work. The present and curious structure of the Perth City Council - an accident of history - has failed us. The Mant report, commissioned by the Labor Government, clearly showed the fundamental economic weaknesses in the present system. There is no way that Perth can realise its potential as a true capital city unless a major change is made.

The previous Government began questioning the capacity of the Perth City Council to fund city improvements. Ms Warnock continues -

I urge the new Government to continue to pursue this line of inquiry.

The third priority is planning. The Government must become directly active in the planning of the capital.

I tend to disagree with that because the structure that has been put into place is true democracy. There will be a local government looking after a section of the community with great commonality of interest. I prefer what the Government has proposed rather than a city planning authority with a lot of bureaucrats running the show. We should let the people decide - that is what local government is all about - putting "local" back into local government.

Hon A.J.G. MacTiernan: You said that the City of Perth is a different case; that as a central area it must be treated differently, and not treated just like any local authority.

Hon B.K. DONALDSON: It must be treated differently for the simple reason it has 27 councillors sitting around a table. With all due respect to those 27 councillors, for years now there have been complaints. Dr Ian Alexander was very critical when he was a Perth City Councillor and then as a member of Parliament. I can remember the allegations he made about the planning processes in the City of Perth.

Hon A.J.G. MacTiernan: We are not saying it did not need to be changed. We are saying the Government is going in the wrong direction. It is the wrong change.

Hon E.J. Charlton: You made your point.

Hon B.K. DONALDSON: The City of Perth is a different kettle of fish. Restructuring the city authority is not the way to go. The way it has been structured, without public consultation, is not the way we all wished to go, but in a situation like this we would have finished up with 27 councillors brawling over the way it should go. There would have been very distorted viewpoints being expressed in the community - as there have been in the past. Some of the information that has been thrown around is not correct.

Hon A.J.G. MacTiernan: The information you are giving on the City of Sydney is not correct.

Hon B.K. DONALDSON: In her maiden speech Ms Warnock also said that as we approach the third millennium Perth has the potential to be one of the most livable and civilised cities of the world and that we have an extraordinary opportunity for achieving that; and she urged this Government to keep the impetus going.

The DEPUTY PRESIDENT (Hon Barry House): Order! The member may be aware of Standing Order No 94 which suggests members should not allude to a debate in the other place during the current session. The member may be coming very close to breaching that standing order.

Hon B.K. DONALDSON: I will take your advice, Mr Deputy President, and move away from that area, but it did make potent reading.

Hon A.J.G. MacTiernan: We do not resile from it.

Hon B.K. DONALDSON: I have a great deal of time for Dr Ian Alexander. He was interviewed by Peter Kennedy on 6WF's "Drive" program on 28 November. Peter Kennedy asked -

So, in essence, what, Labor-leaning councils, Labor-leaning councillors, taking up arms against the carve-up proposal and Liberal-leaning councillors perhaps sitting on their hands?

Dr Alexander replied -

Well, it may well be that way, although, of course, Stirling and Wanneroo both, I think, are currently dominated by conservatives, although they both have good Labor presences, would probably be worried about division of their municipalities, as they are the biggest outside of Perth and they may be next in line for some sort of action of this sort.

Peter Kennedy then asked -

Now the way you talk, of course, for quite some time there was this feeling that local government should be devoid of politics, the way you talk you're saying that, well, politics is part and parcel of the business of local government.

Ian Alexander's answer to that question was -

I think the recent debate has highlighted that, Peter, the way in which the Perth City Council charge against the Court Government legislation has been led by Jack Marks and Michelle Roberts, two well-known Labor councillors.

I notice that Hon Alannah MacTiernan was not mentioned. Dr Alexander continues -

And I suspect the reaction wouldn't have been quite so great had Labor made the same move last year, as it was threatening to do.

Hon A.J.G. MacTiernan: That is absurd.

Hon B.K. DONALDSON: It continues -

I'm not saying that they haven't got something of a reasonable case, but the fact that they're on the opposite side of the political fence really highlights the problems when you get into this sort of legislation, and I think it also highlights the fact that the Government, perhaps, should have taken a bit more care with their forward planning and consultation.

I am not taking Dr Alexander out of context.

Hon A.J.G. MacTiernan: How do you explain all the Liberal voters who are also opposed to the legislation and the way it has been handled?

Hon Cheryl Davenport: He cannot.

Hon B.K. DONALDSON: I will try to ignore the interjections of Hon Alannah MacTiernan.

Hon A.J.G. MacTiernan: Particularly because you cannot answer them.

Hon B.K. DONALDSON: Hon Alannah MacTiernan was concerned about the endowment lands and cash reserve funds. I am sure she is aware that the endowment land will be left with the town of Cambridge.

Hon A.J.G. MacTiernan: Land or endowment funds?

Hon B.K. DONALDSON: The funds are now \$11.5m, plus the cash reserve in the parking fund of \$26m, which amounts to \$37.5m which will be there to help set up the new towns. Those funds will remain within that cash reserve fund until election day 1995 and three of those towns will have access to those funds up until 1999.

Hon A.J.G. MacTiernan: On whose say so?

Hon B.K. DONALDSON: At the direction of the Minister, but the commissioners, up to the election day in May 1995, will have access to those funds to help set up the administration centres. Some sites for the administration centres have already been looked at: The Floreat Centre, the Loftus Centre, and the Park Centre.

Hon Cheryl Davenport: That is rubbish.

Hon B.K. DONALDSON: There are other options where those centres can be set up. They are not cast in stone and the commissioners may find suitable alternative sites. Carr and Fardon certainly did not blow it on setting the indicative figures on the cost of setting up these towns. In the new town of Cambridge we have picked up a nonrecurrent

expenditure. There is \$500 000 which was advanced through the system to produce those figures; so there is one mistake. It is important for members to realise that they are only indicative figures and there is sufficient time for the commissioners, during that lead up to the elections in May 1995, to look at those issues. Members will find that it is the will of the Government to ensure that none of the three towns will be disadvantaged financially.

The town of Vincent is probably the one that will need most financial help. That is recognised, and certainly that will be the case. One has also to look at the long term future. There is a very sizeable asset at the Tamala Park or Mindarie tip site. There is a good deal of land there that will be valuable in the years to come. At some stage I guess that whatever profits may be eventuating from that will be split up, and those towns will benefit in the longer term.

Hon A.J.G. MacTiernan: Will you clarify that? Are you saying that the proceeds of the Tamala Park tip will be split?

Hon B.K. DONALDSON: That is a decision to be made. It is in the spirit of the Bill and what one would hope would happen in the future.

Hon A.J.G. MacTiernan: As we understood it, it was to stay in the City of Perth.

Hon B.K. DONALDSON: It may stay with the City of Perth and it may not be needed. I am raising the point that there is an asset, as the member well knows, and because of the split-up these other three towns will be using those services out there, and maybe that should be recognised.

Hon A.J.G. MacTiernan: Maybe you should put that into the legislation.

Hon B.K. DONALDSON: There may be further amending legislation during that time to take note of it.

Hon A.J.G. MacTiernan interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! This debate is more appropriate for the Committee stage than the second reading stage. The member will continue to address the Chair and, as the President often says, members do not have to like what a member says but they do have to listen.

Hon B.K. DONALDSON: Thank you, Mr Deputy President. I was looking at the report of the Australian Institute of Urban Studies, and it was interesting to note the possible boundaries of a central city planning area that was envisaged. It was almost identical to what now exists, except that we have left the Burswood precinct with the new town of Shepperton. The concept of what is needed for a capital city was developed over a period of time. It is nothing new, and it has been around since this report. I will not read a whole lot of bits and pieces out of the report, but a number of cuttings have been appended to it, some of which are very scathing of the way the city developed its car parking mentality. It was the regulator and also the operator, and it came in for a lot of criticism at that time. An editorial in *The West Australian* on Saturday, 15 September 1990 said that Perth City Council's policy of encouraging more and more cars into Perth was choking the life out of it and that campaigns such as "Your car is as welcome as you are" and the car park cash promotion were contrary to what Perth needed. It further said that the case for a central city planning body was stronger than ever, and only by consistent and coordinated action could the vision for the city meet the aspirations of the people.

Hon A.J.G. MacTiernan: That was the Labor Government's central planning authority.

Hon B.K. DONALDSON: I knew that was the Labor Government's interpretation of what it wanted to do. Is it not a general concept in Western Australia, especially for local government, that people like to see democracy at its best, which means having democratically elected representatives? The people with interests will obviously go on to become the new councillors of the City of Perth in an environment where there will at least be only nine of them around the table and not 27. If one spoke to anyone involved in business they would say it would be horrific to have a board of directors of 27 people.

I can understand the factionalism that developed within the City of Perth, which was open to all sorts of allegations of corruption. I can remember the newspapers speaking of corruption in planning decisions in the City of Perth. The faction element that crept in was, unfortunately, from my point of view as a person who came out of a local government background -

Hon A.J.G. MacTiernan interjected.

The DEPUTY PRESIDENT: Order! These persistent interjections are out of order.

Hon B.K. DONALDSON: I was pretty disappointed to hear of those allegations. I believe that in the longer term the process or mechanism that has been put into place will help to alleviate that simply because of a commonality of interest. We have not seen people marching on Parliament House from the suburban areas; and, as I said earlier, 15 per cent of the voters voted in the referendum on Saturday, which is the normal election turnout. It did not seem there was a great problem out there in those suburban parts that have been excised into the new towns. It is folly for the Opposition to keep hammering away. I would like to think, as a former member of local government, that there are many councillors who can make a tremendous contribution to this whole new arrangement. There are eight in the town of Shepperton setting out to do that and I admire them for it. They recognise the need. I can see, being a local government person, that one would feel aggrieved if suddenly this were happening.

The other side of this is that as a councillor one would be fully aware of what had been happening on the City of Perth Council for a number of years. That is no reflection on individual people, but it became a collective bad habit. As I said earlier, it is interesting that no question was asked today in the other place of the Minister about the referendum. I would have thought that was a prime opportunity, if the Opposition was so hellbent on knocking this down and proving a point, for a series of questions to be asked of the Minister for Local Government in the other House to try to prise from him any weaknesses that may have appeared. Somehow they went to sleep in the other place, and maybe they have lost the will to continue the fight. Many of the City of Perth councillors have already recognised that they can make a positive contribution to the new arrangements. I am very proud that those people are standing up now and are going to do something about it. It is a fact of life that has happened. It is not the way we would have liked to see it happen, but there is no other way the objectives could have been achieved. We would have had so many ideas and options put in front of us it would have taken this Government the next two or three terms of Government, the next 12 or 16 years, to sort out the different options. In that sense it was a wise move on the part of the Government to do it in this form.

As to the scaremongering about "This could happen to you", what a load of rubbish. There may be very good instances where - and I will say publicly what I have said publicly before - the whole of the local government of the metropolitan area should be looked at, but that is in a completely different process from what we are talking about. People have quite rightly said sometimes that the City of Wanneroo or the City of Stirling is getting too big. I know that if the Government wanted to make any moves in that way, it would be looking at a completely different process of public consultation. It is a different situation when one is dealing with the City of Perth precinct, where one is looking at the possible readjustment of external boundaries. In this case there was no adjustment of external boundaries.

Hon Doug Wenn: You would have to ask the people first, would you not?

Hon A.J.G. MacTiernan: Would you be dividing Wanneroo into 10 tiny towns?

Hon B.K. DONALDSON: I like the member's comments about tiny towns. I am not too sure whether a lot of people will be thanking her for them in the longer term. We looked at the planning and the inadequacy that had developed within the City of Perth, and I talked about East Perth. The poor little precinct of East Perth languished for years and people kept saying that we needed to put some soul back into the city.

Hon A.J.G. MacTiernan: It languished because of the road reserve.



The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon B.K. DONALDSON: There was a lot of lip service by the City of Perth councillors but it was a decaying part of the city entrance and it was an absolute disgrace.

Hon A.J.G. MacTiernan interjected.

The DEPUTY PRESIDENT: Order! The persistent interjections by Hon Alannah MacTiernan are out of order. She knows that, and she must cease.

Hon B.K. DONALDSON: There was a complete lack of interest in that section of the city. More consideration should have been given to creating a city precinct rather than shoving more cars into Perth. I am not blaming individual councillors but I do not believe this could work because of the sheer weight of numbers in the existing council, and the competing interest from the urban side. City Beach has wanted to secede for a long time because it believed it was being short-changed. Parts of the new town of Shepperton also believed they were being short-changed. This proposal contains nothing new.

Hon P.R. Lightfoot: All the lefties had their snouts in the trough, that was the problem.

Hon A.J.G. MacTiernan: Which in particular?

Hon B.K. DONALDSON: I have already espoused these principles in the urgency debate, and they have not changed. I could be accused of being one person from local government who holds strongly the belief that public consultation is of prime importance. I do not walk away from that but in this case I have studied the restructuring needed to achieve this, and I believe it would have taken a long time to reach the situation we have at present. The previous Government wanted to make the changes but it simply did not have the political will or, possibly, the political know-how to do it. That is probably more to the point. I support this Government because I think the City of Perth and the State of Western Australia will thank us profusely one day for creating the city we would all like to see. It was not happening previously and I do not think all the protests and whimpering from members on the other side of the House will change anything. If members opposite thought about this seriously and wanted to benefit Western Australia, they would urge their fellow councillors to work towards a better City of Perth. I firmly support the Bill.

HON CHERYL DAVENPORT (South Metropolitan) [10.33 pm]: I listened with great interest to the contribution by Hon Bruce Donaldson, and I intend to address some of the comments he made. I remind members that part of my electorate in the South Metropolitan Region encompasses the new town of Shepperton. As a result of that and the work I have done over the last six years on the board of the Harold Hawthorne Senior Citizens Centre, which relies for some of its management funding on the generosity of the Perth City Council, I will refer to some significant concerns raised by the senior citizens who are members of that association.

This Bill should be opposed for a number of reasons, the first being the threat to the existing system of local government by virtue of the lack of consultation. The people who live in the area and pay rates to the Perth City Council, other than big businesses in this State, have not been consulted. To say the least this is another example of the Government's arrogance with regard to the rights of people, who thought they lived in a democratic society. Last week we saw the disgusting process in this House when debate on the Land (Titles and Traditional Usage) Bill was guillotined twice, after 103 years of convention when Bills were not guillotined in this Chamber.

Hon P.R. Lightfoot: What about the 500 or so times it was used in Canberra?

The DEPUTY PRESIDENT: Order!

Hon CHERYL DAVENPORT: By guillotining the legislation the Government destroyed the opportunity we have as legislators to acknowledge the rights of our indigenous people. Tonight we see another move to strip away the rights of residents - this time from those who democratically elected the Perth City Council over the last few years. The city will be ruled by five commissioners until May 1995 which means no-one will be

accountable, other than those commissioners. Certainly the elected representatives of the current local government area will not be accountable. I have received letters from other local authorities within the South Metropolitan Region opposing this Bill. The first is from the City of Melville, which is quite upset about the way this decision has been made, the lack of consultation specifically, and the fact that no action was taken on boundaries or alterations before they were purported to be made.

Hon A.J.G. MacTiernan: That is a conservative council too.

Hon CHERYL DAVENPORT: Exactly. The City of Cockburn, another conservative local authority, has also written to me suggesting that I convey to members of the Legislative Council the council's feelings with regard to the lack of consultation on this matter. The other organisation from which I have received a letter is that which Hon Bruce Donaldson once chaired - the Western Australian Municipal Association. It has probably written to all members of the Legislative Council, and I quote from that letter into the record -

The Association, through its four Presidents, has expressed its concern to the Premier and the Minister for Local Government, and indicated that ANY proposal must consider the views of the electors, and also provide opportunity for comment.

Whilst the debate may rage on the pros and cons of what the State has announced, communities across WA must have grave concerns that they might be next.

WAMA calls on the State Government to reconsider its decision to act unilaterally and to provide an opportunity for comment for the people.

WAMA seeks your assistance in having the State review its proposal for input from the people most affected -

Hon Bruce Donaldson would have done well to take heed of the association of which he was once president. It is also my intention to concentrate on the concerns of people who live in the proposed new town of Shepperton. Over the past six years I have worked very closely with current Perth City Councillors Mick Lee, Andrew Murfin, Ida Smithwick, and John Bissett, and former councillor Keith Hayes. The work those people have done to further the wellbeing of the people of East Victoria Park, Carlisle, Victoria Park and Lathlain has been in no short measure, and has been acknowledged by the people who elected them. The links with the Perth City Council and a certain amount of financial dependency by that centre for its funding are obviously of concern. A number of senior citizens who attend the centre daily have asked me to put forward their grave fears about whether they will continue to receive the funding for the services extended by that centre. In the financial years 1990-91 and 1991-92 the Perth City Council allocated \$1m over the two budget years for a major upgrading of the centre, for which the community was obviously most grateful.

The next step planned for the centre is the construction of a new, free standing frail aged day care centre. The Perth City Council allocated \$45 000 in this year's budget for the work for the acquisition of land adjacent to the Harold Hawthorne Senior Citizens Centre. Currently there is a sump which needs to be moved across the railway line, which is opposite the hall. Before we can proceed to build that facility, we must depend on the goodwill of the Perth City Council to provide that funding, some \$45 000 to move the sump, and I have grave concerns that the money may be in jeopardy following the passage of this legislation.

I now turn to the prospects for the tiny town of Shepperton. First, it has been acknowledged, as Hon Alannah MacTiernan indicated, that an analysis of the Carr-Fardon report suggests an approximately 30 per cent rate increase within that town. Anybody who knows the demography of that area will know it has many senior citizens, largely frail aged, who are very concerned about this possibility.

Hon E.J. Charlton: Where is that?

Hon CHERYL DAVENPORT: Victoria Park, Carlisle, East Victoria Park and Lathlain,

which is one of the fastest growing areas in the nation of people aged over 55 years. A concern arose that the Burswood Casino and the Burswood business area were to be excluded from the town of Shepperton's boundaries. I will enlarge on that point a little later. Where will the new administration block be located? It has been suggested that the Park Centre could be utilised. I inform the Minister that the Western Australian Community Recreation Association has a lease on the Park Centre until 1999, and I believe it has received permission to extend that lease until 2001. Even if that facility were to be utilised, I have grave doubts whether it could accommodate an office block as envisaged. During the aftermath of the Federal election I was scrutineering at the Park Centre and we were allocated one large room; the rest of the facility was not available for the population at large. Therefore, the idea of using that centre is most unrealistic. A new administration block will require expenditure of approximately \$3.5m. What about the council depot? I have heard suggestions that it would be located at Lathlain Oval, the home of the Perth Football Club, and that it would be necessary to move the trucks off the oval on Saturday afternoons so that a game of footy could be played.

Hon E.J. Charlton: You are not serious about that, are you?

Hon CHERYL DAVENPORT: Those comments have been made, and I will be interested to hear the Minister's response to that.

On Wednesday, 2 November, Hon Jim Scott, Hon Barbara Scott and I along with the member for Victoria Park and the Minister for Local Government attended a ratepayers' meeting sponsored by the Carlisle-Victoria Park Ratepayers Association at St Joachims Church Hall in Victoria Park. Over my 20 years' involvement in the political process I have rarely been to a more angry meeting of residents. About 500 ratepayers and residents of the area were present and conveyed in no uncertain terms their disquiet and dismay at the way the Government had handled the sacking of the Perth City Council and its new proposal. These people were not necessarily Labor Party people; some of them would support the Labor Party, but many of them would support conservative forces in this State. These people were very angry. I have no doubt that Hon Barbara Scott and Hon Jim Scott will agree with me in that regard. As members of Parliament, we were put under scrutiny regarding where we stood on the different aspects of this legislation. This proposal was well summed up by my colleague, the member for Victoria Park. He said at the meeting -

The real objective of this legislation is to bring about a fundamental shift of wealth of power from the suburbs to the central business district. . . .

Put simply, this legislation will serve the interests not of the public but of a small group of property owners in the central business district and associations which defend those interests; namely, the Building Owners and Managers Association of Australia Ltd and the Chamber of Commerce and Industry of Western Australia. This legislation is a threat to local government. There is no mandate for the changes that are introduced in this Bill. There is no proper justification for the changes.

Earlier this year the member for Victoria Park sought clarification from the Premier of an issue for the benefit of our joint constituents. The Premier sent a letter to the member dated 17 May 1993, in which he wrote -

At this stage, my Government has no firm views on this matter, but would be prepared to consider any proposal on its merits in accordance with the provisions of the *Local Government Act*.

During the last term in office of the Labor Government a comprehensive review of the *Local Government Act* was conducted. This was close to being completed prior to the last election. This was one of the pieces of legislation which, in the hurly burly of the end of last year's parliamentary session and an approaching election, did not make it onto the Notice Paper. The Labor Government had a majority neither in the Legislative Assembly nor the Legislative Council. Therefore, what was the point of introducing the legislation when its fate, had it been introduced, was already known?

In the days prior to the last State election, the member for Victoria Park obtained a letter released by his Liberal Party opponent, Ann Kennish. In her letter she outlined that there would be "no changes to the boundaries without a referendum of affected residents and ratepayers". That is not what happened. The Government may argue that no boundary changes have been made, but three new towns will be created. Despite the assurances given, planning for the changes in this legislation took place in secret and the relevant councillors and city officials were not consulted.

The global concept of this legislation with all its faults was covered most adequately by Hon Alannah MacTiernan during her contribution last week. Undoubtedly, the Government has based its decision on a report which is riddled with mistakes and underestimations regarding the financial implications of this proposed change. Although Hon Alannah MacTiernan quoted in some detail from the report prepared by the City Treasurer, Ron Back, it is not unreasonable to quote into the record the conclusion of the City Treasurer's analysis of the Carr-Fardon report. He said -

It is of major concern that the consultants would present to the government a report containing financial information based on a theoretical exercise, especially when such large discrepancies exist between the expenditure patterns currently undertaken by the City of Perth and their estimates. It appears no attempt has been made to test these hypothetical models against the actual services and facilities that exist in the community. Such action would highlight major fundamental weaknesses in the assumptions and methodology used by the authors of the report. The discrepancies highlighted by comparing the 1993/94 Budget of the City cannot be overlooked as they are of such magnitude to effect the conclusions as to the financial viability of the proposed new towns in providing current services and facilities at the current level of rates and charges.

Whilst the report does not draw any conclusions as to the sustainable financial outcomes for the new towns, it does infer that the current level of rates drawn from those areas will be sufficient, and in some cases more than adequate, to fund the operations of the new towns. The amazing fact is that this inference is based on a theoretical model, which has glaring discrepancies with the actual facilities in existence in those areas.

Hon A.J.G. MacTiernan: The commissioners will fix it up - whoever they might be!

Hon CHERYL DAVENPORT: Exactly. I also wonder what will happen to Ron Back, the City Treasurer, because he dared to speak out about the inadequacies of the Government's proposal in the Carr-Fardon report.

I thought I would also share with members thoughts of my friend and Carlisle ward councillor, Andrew Murfin. He issued a press release on the day of the announcement by the Premier, 18 October, which stated -

#### **ARE WE LIVING IN A DEMOCRACY OR UNDER DICTATORSHIP?**

The City of Perth Councillors have been elected by the people to serve the people in a democracy.

Today the Premier and his Government (who were elected by the people) have acted in a way that can only be described as living under a dictator.

With the greatest of respect to our Premier, I would like to remind him of the pre-election statement of HIS PARTY.

Dated the 4 February 1993. "THERE MUST BE NO ALTERATION OF COUNCIL BOUNDARIES WITHOUT A REFERENDUM AMONG AFFECTED RATEPAYERS - ON BOTH SIDES OF THE BOUNDARIES".

"THIS ACTION IS SUPPORTED IN THE LOCAL GOVERNMENT ACT AND IS LIBERAL PARTY POLICY".

That, as I said earlier, was from Ann Kennish, the Victoria Park Liberal candidate.

Hon E.J. Charlton: It talks about boundaries. We have not changed the boundaries.

Hon CHERYL DAVENPORT: The Government may not have changed the actual boundaries, but it is creating four new towns. Why does the Government not look at it properly and see whether these new towns are viable? It has not presented any economic analysis to substantiate it. The press release continues -

Is Richard Court a Man of his word or has he turned into a politician that no longer cares about the people who elected him?

What a wonderful area we live in, CAMBRIDGE...after a Street. VINCENT....after another Street and SHEPPERTON...after a Road or even worse a VICTORIAN suburb.

Come on Mr Court let the people have their say.

Remember the Perth Football club.....will it now be the shepperton football club.

Community and Recreation Centres, Senior Citizen Centres will loose out with no Council representation on their boards of Management.

Our Senior Citizens feel rejected, no longer wanted by a City that has been their home for over 50 years. These people have grown up within the City boundaries and now believe that they have been denied the democratic right that has made the country what it is today.

We have a Lord Mayor and again with respect, Mr Withers only three months ago travelled around the World representing the CITY OF PERTH.

This trip was paid for by the ratepayers of the city....only three months after this trip, the Lord Mayor is prepared to assist the Government with the breaking up of the same organisation that paid for this trip. (He had his trip and now no longer cares about the people who paid for it!)

Hon W.N. Stretch: Perhaps he learnt something.

Hon CHERYL DAVENPORT: I think that has been his agenda from the outset, Mr Stretch. The press release continues -

Our Government have met behind closed doors, refusing to sit down and discuss the future of our City.

We as a Council have been prepared to meet and talk about the future, but no the Government have decided to do what they want anyway.

Why doesn't the Government have talks with the people that this decision affects, if the Government of years gone by had left the boundaries alone, The CBD would have 9 representatives. Why not have 2 councillors in each ward outside the central city and have a Central West, Central and Central East ward with 3 Councillors in each representing the CBD.

They are not prepared to make the River the boundary,

That was obviously amended in the Legislative Assembly to include Burswood and to take in Great Eastern Highway. It continues -

What about the real people in the World today, the Government once again have let the grass root people down.

The Normal family man and wife, Grandfathers and Nanna's no longer will have a say in the Capital City of Perth. It will no longer be a City for the People, but a City like NEW YORK.....If you want it and you have enough money, you can have it!

Is Western Australia going to lose even more of it's historical values, cutting up the values that have made Perth the great City it is today.

Are we now to believe that we are to have four administration buildings, four Town Clerks, four city engineers, four etc., etc., (IN A STATE THAT HAS NO MONEY, ACCORDING TO OUR GOVERNMENT).

We in the City have tried to the best of our ability to cut our coat according to our cloth for the past few years.

The staff have continued to work under extreme pressure to support their city and it is ridiculous to spend more ratepayers and taxpayers money to set up four new areas when with a few changes, it could continue to serve the people with one administration.

The People of Perth have been well served by most councillors, who without payment have given many hours of time and effort to assist the people they represent. Mr Court will take away the elected councillors and give the people no elected people to represent them from now until may be May 1995.

Local Government has no Party policy and is for the normal people of this city, no matter whether they are wealthy or poor. It is even for all.

I thought Mr Courts Government was going to be for the people, and not for their own desires.

I thought W A inc., was bad enough.....but this is the final nail in the real people's coffin.

Hon E.J. Charlton: So this is worse than \$400m?

Hon CHERYL DAVENPORT: I am quoting from a press release written by one of the councillors.

Hon E.J. Charlton: Do you agree with it?

Hon CHERYL DAVENPORT: I remind the Minister that the Premier said that he had produced a balanced budget.

Hon E.J. Charlton: Do you agree with what you are reading?

Hon CHERYL DAVENPORT: I do not necessarily agree with that section of it. I am quoting it into the record for the enlightenment of members opposite. It is a press release from one of the councillors that this Government sacked. There is no doubt in my mind that my constituents in the suburbs of Lathlain, Carlisle and Victoria Park, suburbs which house one of the fastest growing populations of aged persons in Australia, will experience substantial rate rises. Substantial expense will be involved in setting up the tiny towns and the residents will meet these costs having had no consultation from this harsh, oppressive State Government.

I question the Government's real motives. In my view, the Government has embarked upon this course of action for no other reason than to hand control of the CBD back to the business sector without proper consultation and without the referendum promised by the Liberal Party before the election. The referendum last Saturday resulted in a turnout in the area of Shepperton of 32.96 per cent, which far exceeds the normal turnout for a local government election. The no vote in that area totalled 89 per cent. That indicates how the people who live in the proposed town of Shepperton feel about the legislation. They do not like it and they are angry because they have not been consulted and because negotiations are going on over the heads of those people with the City of South Perth, which is in my electorate, and the City of Belmont, which seek to carve up the area if it is not viable under the current legislation. They feel excluded from that process.

Hon E.J. Charlton: Other people can do what they like; this has nothing to do with what the Government is doing.

Hon CHERYL DAVENPORT: I am telling the Minister how those people feel. They feel totally excluded from the process because that is how the Government has made its decision. It does not seem to want to talk to ordinary people who, after all, are the people affected by this legislation. I acknowledge that Hon Barbara Scott at the public meeting said that she was opposed to the Burswood properties being excluded from the new town of Shepperton. The Minister for Local Government acknowledged her contribution to that debate. However, the people gave Hon Barbara Scott a clear message that they did not agree with this legislation, that they wanted the Government to review the decision it

had made, and that they wanted to be consulted. I oppose the Bill on behalf of the constituents in the area that is part of the South Metropolitan Region that I represent.

**HON N.D. GRIFFITHS** (East Metropolitan) [11.01 pm]: I oppose the Bill. It is typical of the Court-Cowan Government in that it represents a betrayal by the Government. It is one of many broken promises. The Government started with the Midland Workshops and is now onto the Perth City Council. This is a Government of deceit; it says one thing and does another. The Notice Paper has been presented to members, and no doubt we will get through several more broken promises between now and Christmas, or whenever the House rises. This Government hides from democracy. It does not engage in proper consultation. It arrogantly gives the lie to its own promises, as Hon Derrick Tomlinson would well know as a representative of the area in which the Midland Workshops are located.

I refer to a document called "Project Perth". It is a document with which I am sure members opposite would be familiar. The document is subtitled "A living and working capital. Perth - A better place". At the bottom of each page are a couple of misleading comments relating to coalition promises - more jobs, better management. There are no jobs, just gross mismanagement. On the left hand side I can make out the word "Liberal", and on the right hand side the letters "NPA", underneath which is written "National Party of Australia (WA)".

Hon E.J. Charlton: One big happy family.

Hon N.D. GRIFFITHS: As the Minister rightly points out, they are one big happy family. This is the document to which the Minister lays claim. I congratulate him on it because the document contains a number of sound sentiments. It is an attractive document. The ugly thing about it, of course, is that it contains lies. The people of Western Australia were lied to in a callous way, in a manner we have come to expect in this Chamber. It is evident in the mismanagement which has continually taken place.

[Quorum formed.]

#### *Point of Order*

Hon P.H. LOCKYER: I seek your ruling, Mr Deputy President (Hon W.N. Stretch) on whether the word "lies" - whether it applies individually to members of Parliament or to a political party - is acceptable in this Chamber.

The DEPUTY PRESIDENT (Hon W.N. Stretch): The word "lies" is not acceptable in this Chamber. I did allow it when I was in the Chair last week and I was advised by the President that I was in error. The word "lies" will not be used in debate in this Chamber.

Hon P.H. Lockyer: I am sure the member was just inadvertently using the word.

The DEPUTY PRESIDENT: The member is now advertently informed.

#### *Debate Resumed*

Hon N.D. GRIFFITHS: I am most obliged, Mr Deputy President. I thank Hon Phil Lockyer for his guidance.

This document "Perth - A better place" caused the people of Western Australia in the past to be grossly misled. The document is full of mistakes; mistakes no doubt honestly held by those who presented it to the people of Western Australia, but it seems that subsequently they did not believe what they promised. The document in part states -

The Coalition's Project Perth has one very simple aim -

That is about their standard - one very simple aim. To continue -

- to make Perth a better place in which to live and work.

That is a good aim to have. The document continues -

Project Perth will enable everyone who lives and works in Perth to have a say in how it develops.

That is a worthwhile aim; however, it is a statement difficult to reconcile with the content

of this Bill which proposes to set up an unelected group to govern affairs for a substantial period. The document then states -

The Coalition's Project Perth will stage regular public forums throughout Perth and the suburbs to invite community input for the area's improvement.

From what has been said in the debate earlier, from what I have read in the Press and from what members have told me, I understand that a number of public meetings took place, and in the course of those meetings some members of the now coalition Government were informed of the public's view of what was proposed in the City of Perth Restructuring Bill, perhaps better known as the City of Perth destruction Bill. "Perth - A better place" contains many pages and many of the matters raised in it are worthy of support. However, the document contains nothing about the Bill. This document caused the people of Western Australia to have a mistaken belief about what the coalition had in mind for the capital city of Western Australia. However, that was not the only pre-election coalition document that dealt with the matter.

Another document is entitled "Local government: Western Australian coalition policies for the nineties"; not just 1993, but for the 1990s. The document purports to be dated January 1993. Again, in the bottom left hand corner I can just make out the word "Liberal", although there is nothing just about them. At the right hand side, here we go again, the initials "NPA" are visible; so they are in it together. I do not wish to be unparliamentary, but the misleading words "More jobs, better management", as we all know, mean no jobs, certainly not for the public sector, and mean gross mismanagement when it comes to this place, and certainly to the City of Perth. In its introduction the document states -

The Coalition acknowledges the outstanding contribution local government has made to the State.

And so it should. This Bill is no acknowledgment of it. The document continues -

The Coalition re-asserts its commitment to:

closer consultation between the State government, councils and local government associations;

This Bill contains nothing along those lines. The coalition also reasserts its commitment to -

the right of all ratepayers to vote in wards where they own property;

If this Bill is passed the right of ratepayers to vote will be suspended for a substantial period.

Hon E.J. Charlton: They will be given greater autonomy.

Hon N.D. GRIFFITHS: Goodness me. The document continues -

Key features of the Coalition policy are:

Recognition and protection of local government under the Constitution of Western Australia;

Some protection! To continue -

Protection for Municipality/Ward boundaries against outside interference and arbitrary change;

I read this Bill rather carefully and I could not marry the words in it to the words I just read out. What the coalition promised is contradicted by the document titled "City of Perth Restructuring Bill 1993". If the coalition believed what it inserted in the document titled "Local Government - Western Australian coalition policies for the nineties", it knowingly misled the people of Western Australia and is guilty of a gross breach of promise.

Hon E.J. Charlton: We would be a kindergarten against you mob.

Hon N.D. GRIFFITHS: The document states that the coalition will -



Continue negotiations with the West Australian Municipal Association in relation to the Better Government Agreement.

That is very nice. On page 3 under the heading "Protection of Local Government under the Constitution" it states -

Recognition of the significance of local government will be enhanced by amendment of the State Constitution so that, following a supportive referendum -

Obviously, the coalition does not like any referendum to do with local government. The document continues -

- the system of local government will be entrenched in our Constitution Act.

To further enhance the stability of local government, legislation will provide that the dismissal of any local governing body may only occur after an independent board of inquiry, having the powers of a Royal Commission, recommends such dismissal.

Hon E.J. Charlton: That is because you want to amalgamate them.

Hon N.D. GRIFFITHS: Where is the consistency? The fact is that there is no consistency whatsoever. The document continues under the heading "Municipality/Ward Boundaries" on page 4 as follows -

The existing requirement that a Poll of electors must be held if requested by the required number of electors before any change can be made to the external boundaries of the local government authority, will be retained.

I note what the Minister said about an earlier contribution to this debate. The Government has been very clever in making changes within the existing boundaries of what is now the City of Perth. However, these activities dishonour the spirit of the words I have just read out. In the same way as Hon Bruce Donaldson referred to the spirit of the Bill, in this case I am referring to the spirit of the coalition's policy. The coalition promised in its policy that -

The Minister shall no longer have the power to determine actual ward boundaries.

This document, which, as a pre-election policy document, is relatively detailed, contains no reference to what is involved in the City of Perth Restructuring Bill. However, this document is a gross breach of faith for the people of Western Australia, particularly the people who reside within the City of Perth. It is significant that apart from the member for Floreat, whom I consider to be a Liberal, albeit an Independent Liberal, there is no Liberal member in the other place who represents the City of Perth area.

The third document of significance to the coalition's gross breach of faith to the Western Australian people is the policy speech of the member for Nedlands. I recently reread the document and I am now reading from the front page of the document which states -

Richard Court, MLA  
Leader of the Coalition,  
Western Australian  
1993 Policy Speech

Again, on the bottom left hand corner is the letter "L" and on the right hand side are the letters "NPA" with the words, "More Jobs. Better Management" in the middle of them. I think the letters "NPA" are misplaced because it is a party of rural socialists, but that is by the bye. I went through that policy speech in great detail and I was concerned to find reference to the measures that are contained in this Bill. I will tell members what I found concerning those measures. It was absolutely nothing - there is no reference to them in the document whatsoever.

Hon E.J. Charlton: No broken promises?

Hon N.D. GRIFFITHS: What I have in my hand is what was foreshadowed for the City of Perth Restructuring Bill in the Premier's policy speech - absolutely nothing!

Hon E.J. Charlton: I cannot see those two words written there.

Hon N.D. GRIFFITHS: This sheet of paper is the substance of the Premier's promise. It is the substance of what he said to the people of this State about the latest of the coalition Government's radical measures. The coalition has no adherence to democracy. In fact, it despises democracy and hides from the people, but the day of reckoning is getting closer.

Hon Tom Helm: They must be embarrassed, because there are only four coalition members in the Chamber.

Hon N.D. GRIFFITHS: The Minister, in his second reading speech, referred to a manoeuvre which has come to characterise the method of operation of this Government. It makes a bold announcement which often is in breach of a promise and is misleading. The Government has moved in with a bit of expensive propaganda which is paid for out of taxpayers' funds. I suggest it was paid for in a manner which is grossly improper.

[Quorum formed.]

Hon N.D. GRIFFITHS: I was referring to the method of operation of the Government of which Hon Max Evans is a member, and to the practice of the big, bold announcements. The Minister in his second reading speech says -

On Monday, 18 October 1993 the Premier announced the coalition Government's proposal to reform the Perth City Council . . .

On page 8 of that speech he says -

All residents of Perth have been sent a detailed brochure explaining the Government's proposals.

I am a resident of the City of Perth.

Hon E.J. Charlton: Are you? Where do you live?

Hon N.D. GRIFFITHS: As it happens, I live in the proposed town of Cambridge. I have an envelope, which is stamped "Postage paid Australia" on the right-hand side, which was addressed to me, and I received it in the post on 20 October 1993. I do not want to engage in matters personal but when I left home this morning I was living with my wife and I was living with my wife on 20 October 1993.

Hon E.J. Charlton: I cannot understand that; there is something wrong with the lady.

Hon N.D. GRIFFITHS: She did not get one of these brochures. I thought that it was most inappropriate that the Minister should say that all residents of the City of Perth have been sent a brochure. My wife did not even rate a mention on the envelope.

Hon Max Evans: Are you joint ratepayers?

Hon N.D. GRIFFITHS: Inside the envelope was an interesting, glossy document. I trust Hon Jim Scott will note that it was printed on non-environmentally friendly paper.

Hon J.A. Scott: Plastic paper.

Hon Mark Nevill: Not biodegradable.

Hon N.D. GRIFFITHS: The brochure contains many pretty pictures and talks of towns and streets and more accountable government. It does not say where the money to produce the brochure came from, but we all know where the Minister got it - from the taxpayers. The document makes a number of observations. It says that the boundaries of the new towns are -

Hon Max Evans interjected.

Hon N.D. GRIFFITHS: I entered this Chamber on 22 May 1993 so I am not concerned with the past in that respect. The brochure says that the boundaries of the new towns are shown on the map. We all know that that is not so. The Burswood region is shown on the map as being in the City of Perth. However, the Government subsequently changed that and we have this misleading, expensive, Liberal Party-National Party exercise funded by the taxpayers. Yet, the reference is mistaken.

Hon E.J. Charlton: It was easier to change our mind than to change the river.

Hon N.D. GRIFFITHS: The document is knowingly mistaken. The Government did not do its homework. This expensive piece of propaganda has a heading "A brighter city". These pictures must have been taken in summer because it looks nice and sunny.

Hon E.J. Charlton: Sunshine happens in winter as well.

Hon N.D. GRIFFITHS: I think I will get a brighter city when some members go home on vacation. The document states -

A new Capital City administration will work with State Government to transform our beautiful City of Perth into one of the great capital cities of the world.

A cynical member on this side of the Chamber might think there is something in that. We do not know who the new commissioners will be and we know that at least one of the parties which fill the Government benches is beholden to the Chamber of Commerce and Industry. I have heard it said that the Chamber of Commerce and Industry had a very significant say in the genesis of the City of Perth Restructuring Bill. The brochure continues -

The objective will be to create the new councils by 30 June next year.

This was all before any Bills came before this House. We have a marvellous passage entitled "Timetable for change". It outlines three events in October 1993: The Premier's announcement; legislation to be introduced in State Parliament - that happens very quickly; then displays and maps go on exhibition at local centres. I hope they are accurate maps. I wonder what was the cost of the maps that have gone on exhibition. Item 2 says -

On the day the Act is assented to . . .

What an absolute contempt of this Parliament, of any notion of this House being a House of Review. We have a piece of expensive, taxpayer funded propaganda operating on the assumption that what is contained in this document will be assented to, when the Government has already changed it substantially with respect to the Burswood locality. I understand it is proposed to change matters about the provision of the capital fund from the sale of property under the City of Perth Endowment Lands Act. In his second reading speech the Minister went on to say -

It is planned that each new council will have its own offices. The town of Cambridge possibly at Floreat Forum . . .

Anyone with any semblance of knowledge about Floreat Forum can only consider that proposal to be an absolute joke. A major retailer left Floreat Forum because of the incapacity to have sufficient parking so that that retailer could build up more floor space in its premises. If what is being proposed is that part of the Floreat Forum which currently houses the library -

Hon B.K. Donaldson: It is only an option.

Hon N.D. GRIFFITHS: That is right. Hon Bruce Donaldson points out that it is only an option; but it is an option contained in a second reading speech from a gentleman who is a senior Minister. Anything contained in a second reading speech of Hon Eric Charlton should be considered seriously. I regret to say that on this occasion Hon Eric Charlton, who I understand is not necessarily familiar with what goes on in the town of Cambridge -

Hon E.J. Charlton: I know more about Perth, you dill, than you in your narrow-minded area of operation.

Hon Tom Helm: He is awake.

Hon Doug Wenn: That was a monstrous statement.

Hon N.D. GRIFFITHS: I intend to be more charitable to the member than he has been to me. In making this statement in the second reading speech, the Minister must have been misled in some way by some other person who, no doubt, is also honestly mistaken. The second reading speech of the Minister went on to say -

All staff are to be given opportunity to transfer to one of the new councils which may suit many staff or to remain at Perth City Council. All existing benefits will be guaranteed and there will obviously be opportunity for promotion for some staff into more senior positions in the new towns.

I have read the City of Perth Restructuring Bill as the Government chooses to call it. I note that clause 27 contains provisions covering superannuation for City of Perth employees. I note also that the proposed commissioners can operate as the council. However, within the Bill there is nothing to the effect that all staff are to be given opportunities to transfer to one of the new councils, which may suit many staff, or remain with the Perth City Council. Within the Bill there is no provision that all existing benefits will be guaranteed. Nor is there any provision for promotion for some staff into more senior positions in the new towns. This proposal, if it has meaning, should be reflected in some way in the Bill. Perhaps, I regret to say, what is said in the second reading speech is similar to the policy documents of the coalition before the election in that the words in the second reading speech are intended to allay the justified fears of the residents of the City of Perth and those employed by the City of Perth. The honeyed words that seek to soothe are words calculated to put people off their guard so that the Government can carry on down its now familiar path of misleading the people of Western Australia. However, I trust it does so honestly.

Hon Cheryl Davenport informed the House that an organisation with which Hon Bruce Donaldson was associated had written to her.

Hon Mark Nevill: Is that the one this Government ignores?

Hon N.D. GRIFFITHS: Prior to the Bill coming to this Chamber, I too received a letter from the Western Australian Municipal Association. My letter was dated 18 October 1993. Hon Cheryl Davenport read out part of the letter she received, which, it appears, was on the same terms as the letter I received. Although I do not propose to quote from the part of the letter Hon Cheryl Davenport quoted, it is worthwhile informing the House and the people of Western Australia of the words of WAMA to me. Those words are no doubt in the same terms as were expressed to Hon Cheryl Davenport. Under the heading "RESTRUCTURING PERTH CITY COUNCIL" WAMA states -

It is WAMA's view that the State Government has breached one of the fundamental principles of local democracy in announcing the restructuring of the Perth City Council.

The State has not provided an opportunity for the residents of the City to have a say on what shape they want for their municipality.

This is not an acceptable way for the State to treat the communities represented by Local Government in Western Australia.

For your information, the WAMA policy in relation to any proposal to alter a municipal boundary provides that "*... Adequate public inquiry and consultation must precede any Local Government boundary restructuring and the argument for any such boundary restructuring be submitted to the electors for their consideration before any arbitrary re-organisation is undertaken. ...*".

The letter goes on to express the words Hon Cheryl Davenport has already read out. The WAMA policy bears reflection: Adequate public inquiry and consultation must precede any - not some, not most, but any - local government boundary restructuring. Clearly, what the Government is proposing in this Bill is contrary to the policy of WAMA.

One of the local authorities I have the privilege of representing is the Shire of Kalamunda. On 1 November 1993 the Shire of Kalamunda wrote to me as one of its local members. I represent the area contained in that shire with my colleagues from the Australian Labor Party, Hons Alannah MacTiernan and Tom Butler and from, I understand, the State Parliamentary Liberal Party, Hons Peter Foss and Derrick Tomlinson. The Shire of Kalamunda's letter is signed by Mr E.H. Kelly, chief executive, and states clearly -

I am writing about the Perth City Council restructuring.

The decision by the State Government to dismiss the Perth City Council as we currently know it and, in due course, replace it with four (4) new municipalities came as a surprise to this Council.

At the Council Meeting on Monday 18 October 1993, Council resolved that it should support the WA Municipal Association in requesting that the State Government should reconsider its decision to dissolve the City of Perth and establish 4 new municipalities and allow for a process of consultation.

What Council is objecting to is an important matter of principle. We in Local Government have been told many times by the State Government that we are one of three spheres of Government and not tiers.

They spell the word "tiers". The people who reside in the City of Perth can spell tiers somewhat differently! The letter continues -

We are not debating the merits or otherwise the State Government decision but rather the manner in which it is being implemented. Although there have been a number of reports on the matter of how the City of Perth should be administered, to our knowledge, there has been little or no consultation with the ratepayers or the Perth City Council themselves which led to the reports that are being referred to. Also, we understand there has been no formal consultation with the WA Municipal Association.

We look forward to the re-assessment of the decision.

I listened with interest to the speech of Hon Bruce Donaldson who bravely defended the Government. He made a number of observations and used the word "hope" often. His observations were based on hope. He spoke about the spirit of the Bill and about the third millennium. He did his best with the unworthy material that was presented to him. I congratulate him on his speech. However, not even the very smooth and capable words of Hon Bruce Donaldson can afford those on this side of the House any comfort because, I regret to say, the Bill that he is supporting is undemocratic in principle and in practice and it should be opposed.

**HON J.A. SCOTT** (South Metropolitan) [11.41 pm]: I have listened with interest to most of the speakers on this Bill. Hon Alannah MacTiernan carefully went through the facts and figures behind the Government's proposed changes to the City of Perth and did a very good job of pointing out the various inconsistencies in the Government's position. The break-up of the Perth City Council and the sacking of the councillors is another low point in this Government's recent history of secretive and exclusive government in this State. This is a very confrontationist Bill which ignores the wishes of the ratepayers and, in its execution, demeans the elected representatives of the residents. Coming from a Government which constantly complains about the Federal Government interfering in State affairs, it is an act of hypocrisy, especially since the council has not been accused of incompetence or any wrongdoing.

Hon E.J. Charlton: Did you know that local government is a part of the Constitution of the State? It is not interfering.

Hon J.A. SCOTT: I will deal with that later.

Hon George Cash: You tell us that all the time. You tell us you will deal with this and deal with that, and you never do.

Hon J.A. SCOTT: It is offensive that the councillors were not consulted or allowed to participate in any shaping of the City of Perth.

Hon E.J. Charlton: That is happening now.

Hon J.A. SCOTT: The worst aspect of the Bill is the increasing move towards Executive Government in this State -

Hon E.J. Charlton: You should have been here for the last 10 years.

Hon J.A. SCOTT: - the increasing move towards the type of decision-making that brought about the Royal Commission into Commercial Activities of Government and Other Matters, from which I will read some extracts to give members an idea of the sorts of things that the royal commission found wrong with the Labor Government.

Hon P.R. Lightfoot: We were here trying to save the State when you were collecting snow.

Hon J.A. SCOTT: Paragraph 1.2.3 of the report states -

Two complementary principles express the values underlying our constitutional arrangements. The first, the democratic principle, is that:

It is for the people of the State to determine by whom they are to be represented and governed.

I do not think that the people of the State were consulted on this issue. The first principle has been broken down already. Paragraph 1.2.4 of the report states -

This principle carries with it certain consequences. The first institution of representative government, the Parliament, must be constituted in a way which fairly represents the interests and aspirations of the community itself. The electoral processes must be fair. Public participation in, and support for, candidates, parties and programmes is to be encouraged.

How much participation did the community have in this decision? Not one iota. The report continues at paragraph 1.2.5 -

... expresses the condition upon which power is given to the institutions of government and to officials, elected and appointed alike. It is that:

The institutions of government and the officials and agencies of government exist for the public, to serve the interests of the public.

The interests served here were not the public's; they were the interests of a very select few. The report states at paragraph 1.2.8 -

Three goals can be identified as necessary to safeguard the credibility of our democracy and to provide an acceptable foundation for public trust and confidence in our system of government. These goals are:

(a) government must be conducted openly;

I do not know whether members opposite heard that. It says that government must be conducted openly.

Hon George Cash: We were here watching it happen. They wouldn't listen to us.

Hon J.A. SCOTT: Unfortunately, it is happening again, because this decision was made behind closed doors by the Executive and special interest groups. The report states in paragraph 1.1.2 -

Some ministers elevated personal or party advantage over their constitutional obligation to act in the public interest. The decision to lend government support to the rescue of Rothwells in October 1987 was principally that of Mr Burke as Premier. Mr Burke's motives in supporting the rescue were not related solely to proper governmental concerns. They derived in part from his well-established relationship with Mr Connell, the chairman and major shareholder of Rothwells, and from his desire to preserve the standing of the Australian Labor Party in the eyes of those sections of the business community from which it had secured much financial support.

Is this ringing a bell for members opposite?

Hon E.J. Charlton: No.

Hon J.A. SCOTT: In the report, paragraph 2.1.1 states -

Unnecessary secrecy surrounded actions taken by the Government in some of the events into which the commission has enquired.

There was a great deal of secrecy about this decision. The report continues -

Apparently the Western Australian public were expected -

Hon E.J. Charlton: You are talking about a billion dollar operation compared with giving the local people an opportunity to have their own local government authority.

Hon J.A. SCOTT: I am reading out what the royal commission found. If the member is feeling guilty, he can keep interjecting. He should listen and hear what it says. It is giving him a message. The report continues -

Apparently the Western Australian public were expected to accept that a Government can, at its whim, use "official secrecy" to keep the public uninformed. But more than that, if secrecy was not justified and could not be maintained, the Government acted as if it were entitled to make information available in a deceptive or misleading manner.

Very clearly, the Carr-Fardon report was doing exactly that.

Hon George Cash: Remember that Bill that you forgot to tell us about the other day?

Hon J.A. SCOTT: I had no need to tell the Leader of the House. The report continues further -

Politics, as one witness put it, "is about illusion rather than reality". If this be the measure of this State's political standards and achievement, the public has much about which to be concerned.

Indeed, they still do. In the report, paragraph 2.1.2 states -

Speaking of this country's common law, the present Chief Justice of Australia has commented pointedly that:

"It is unacceptable, in our democratic society, that there should be a restraint on the publication of information relating to government when the only vice in that information is that it enables the public to discuss, review and criticise government's action."

Hon R.G. Pike: You are just filibustering, the same as the Labor Party on this Bill.

Hon J.A. SCOTT: On the contrary, if members opposite refuse to carry out the democratic process in this place, they must be brought to account. They must accept that in this case they have gone far from that process.

The royal commission wholeheartedly endorsed that observation. Paragraph 2.1.3 reads -

Openness in government is the indispensable prerequisite to accountability to the public. It is a democratic imperative.

And that is unknown to people like Hon Bob Pike, who does not believe in such things when he is on that side of the House; he believes in them only when he is on this side. The paragraph continues -

The right to vote is without substance unless it is based on adequate information. If government is to be truly government for the people, if the public is to be able to participate in government and to experience its benefits, the public must be properly informed about government and its affairs.

Hon P.R. Lightfoot: How much more are you to read of this?

Hon J.A. SCOTT: I will read until the member gets the point, until he backs away, and until we have sound democracy. This is a non-participatory system; it is secret, and it is offensive to the people the member is supposed to represent.

Hon George Cash: It is a good thing the commissioners wrote this report otherwise you would not have much to say.

Hon J.A. SCOTT: Paragraph 2.1.4 reads, in part -

But we believe it is incontestable in this State, despite an increased awareness on the part of government of a need to keep the public better informed, that the

balance between what is publicly revealed in an accurate and informative way by government and what is kept secret or else relatively uninformative disproportionately favours government.

Paragraph 2.1.5 states -

If secrecy has its place, the deliberate deception of Parliament and the public does not. The Commission notes that public deception will often involve the connivance of a government's media advisers. These advisers, as we will indicate, must bear some of the blame for the disinformation which was a significant feature in some of the events described in Part I of the report.

We know that this Government has increased the number of Government media advisers greatly.

Hon P.R. Lightfoot: We have the message. Make a speech of your own.

Hon J.A. SCOTT: It is my speech and I am allowed to quote. I have that right.

Paragraph 2.1.7 states -

There are many ways in which the process of informing the public can be enhanced. We will refer to a number of them. But two vital matters need to be stressed at the outset. First, whatever procedures be established requiring the disclosure of, or enabling access to, information, the practice of open government requires the good faith commitment of the officials who are at the heart of the action. The public and the public's accountability agents, including the Parliament and the Auditor General, depend upon this commitment for information. To be a reality, open government must be a habit, a cast of mind. It is an attitude which must be encouraged at all times. Importantly, it requires a willingness to expose miscalculation and failure as well as to publicise innovation and achievement.

That is the nub of the Bill. The failures have already been pointed out in a short time despite the fact that there is no chance of changing this Government's mind. This Government will go on with its failures despite all the errors that have been pointed out.

Hon P.R. Lightfoot: If you are not endorsing it, the Bill is good enough for me!

Hon J.A. SCOTT: Paragraph 2.1.10 reads -

Information is the key to accountability. To fulfil its purpose, four information conditions must be satisfied:

- (a) Information of, or about, government must be made optimally available or accessible to the public. We emphasise "optimally" since, as we have said, official secrecy has its proper place in the conduct of government. Secrecy, however, should not be the norm, with openness the exception. Rather, the contrary must be the case.

Hon P.R. Lightfoot: You have driven your own members out; there are only two left.

Hon J.A. SCOTT: The paragraph continues -

- (b) Information must have integrity. It must give a proper picture of the matter to which it relates. It must not aim to mislead or to create half-truths.

As this Bill has done. It continues -

- (c) Information must be capable of being understood, preferably by the public at large, but particularly by the accountability agent to whom it is supplied.

The direct effect of the Government's underhand, undemocratic process has been anger in the community and in the council -

Hon P.R. Lightfoot: Where? Jack Marks, the old commo, is opposed to it.

Hon J.A. SCOTT: I can show that I have received hundreds of letters on the matter, and I have attended public meetings.



Hon R.G. Pike: If you have received hundreds of letters, where is the evidence?

Hon J.A. SCOTT: I will bring them in tomorrow.

Several members interjected.

Hon J.A. SCOTT: The second reading speech states -

In deciding to include the peninsula with the Burswood complex and Belmont Park racecourse, the Government has recognised the strong geographic community of interest and the similarly strong sentiments of local residents. Those views were reinforced by the sound and reasoned representations of you, Mr President, and Hon Barbara Scott.

That is an interesting point, because I attended the same meeting as Hon Barbara Scott, and I can say that both the Minister for Local Government and Hon Barbara Scott were howled down at that meeting. The hall was full of people; they were standing around the sides of the hall because all the seats were taken. Four of those people agreed with the Government.

Hon Doug Wenn: Did you get their names?

Hon J.A. SCOTT: I asked, because I wanted to represent my electorate -

Hon R.G. Pike: In your best Labor Party style!

Hon J.A. SCOTT: Not at all - the point I make relates to the coy nature of the second reading speech - the way it is expressed. What really happened was that the Government members at the meeting raced back here, white-faced, and said how unpopular it was making the Government. The Government countered that by saying that they could have Burswood - because that was the principal complaint at the meeting.

Hon P.R. Lightfoot: It is a caring Government.

Hon Doug Wenn: Very caring!

Hon P.R. Lightfoot: It is a caring Government, listening to what people say.

Hon J.A. SCOTT: The Government took no notice of what the people representing the Perth City Council wanted. This underhand, undemocratic Minister has caused a great deal of anger. Many mistakes have been brought about by the consultants involved, and by secrecy, because the Government did not have the courage to put its plans in the open. It had to sneak around and get information from the wrong sources. The Government got it wrong. Why could this not have been done in an open way? I am not a person who opposes changes to the boundaries of the City of Perth. I felt there was a great deal wrong with the City of Perth, but certainly the move by the Government going around trying to change the city was the wrong way. For Hon Bruce Donaldson to say it might not have been perfect but it will end up all right, is not good enough. The Government is increasingly making its decisions behind closed doors, without consultation. The point I am trying to get through to members opposite is that if the Government wants to make popular decisions it must find out what people want, and it must listen to their concerns.

Hon George Cash: Is that what you did on the native title Bill which your Greens colleagues were proposing to introduce in Canberra?

Hon J.A. SCOTT: Hon George Cash seems to have that issue on his mind. He has spread misinformation about it. He has made comments about the Greens doing deals behind closed doors -

Hon George Cash: Exactly - with Labor!

Hon J.A. SCOTT: I challenge Hon George Cash to name one!

The Government made a point of saying that only 15 per cent of residents voted in the referendum. That is perhaps a symptom of an electorate which feels that the Government does not care what it wants, because the Government has already stated through the relevant Minister that it does not care what people want and will not give them what they want; it will force this decision upon them.

Hon George Cash: What about the 85 per cent of people who did not turn out? Perhaps that is an indication that they support it.

Several members interjected.

The DEPUTY PRESIDENT: Order! Four members are trying to make a speech from their seat, and they know they cannot do that. Only Hon Jim Scott is on his feet.

Hon J.A. SCOTT: I have noticed that all of the principal speakers on this Bill for the Government have been country members. I wonder whether that is because city members are too frightened to show their electors where they stand on this issue, so they have been hiding behind the country members who are making all the headway on this Bill. The members from Manjimup, Tammin and Koorda are the Government's experts on the City of Perth. They gained their expertise by going round and round the paddock in circles.

Hon B.K. Donaldson: That is a bit unkind. I have been in local government for long enough in the city.

Hon J.A. SCOTT: Hon Eric Charlton referred in his second reading speech to creating a heart for the metropolitan area of Perth. I suggest to the Minister that heart comes not from buildings or from decisions made by Government but from a community which feels that it can participate in the processes of the city. It is not only the residents who need to feel that they are listened to, but also the people who administer the city and are concerned with the shaping and running of the city. If that is not the case, we will never have a city with heart; we will have the most heartless city that one could ever see in Australia. It is true that there are problems, but this Bill is not the way to fix them. This Bill crushes all of the aspirations of the city in a callous way. We must ask the question: Why was this secret and exclusive approach taken to this problem? I can arrive at only two conclusions: Either the changes that the Government is making are for the benefit of a few select people, against the wishes of a large number of people, and to the detriment of the majority, or the Government believes that its plans are so weak in their conception that they will not survive any degree of scrutiny. I believe we have a mixture of both options. The Minister stated also that -

Another area of ongoing concern over many years has been the inability of the council to address major planning issues in a coordinated way, recognising the legitimate interests of the State Government and its agencies.

There may be some truth in that, but there is also a problem in that we cannot design a city from the centre without paying regard to its outlying suburbs. The overview that is created by State planning mechanisms infringes on the way that the centre of the city is managed. If we design a city solely around towers and highways, we will have a city with parking problems and pollution. Therefore, the shortcomings of the city are not entirely the making of the Perth City Council. This Government proposes to fix the problems by running a new freeway through Northbridge, against the wishes of the local business community, which knows that will destroy the fabric of that vibrant sector, which is being created not by Governments but by residents, with the help of the Perth City Council. There have been a lot of problems, but the way to solve those problems is not for people to make decisions behind closed doors without consultation and proper information. Many of the problems of the Perth City Council have been caused by interlocking and overriding State planning issues.

I have observed over time that the very people whom this Government wants to put back in charge of the city - the developers, who are now running the Government's agenda on the city - are the ones who created many of the problems in the first place, because not so many years ago, there were supermarkets in the city and many people lived in the city, in comparison with the number who live there now. However, those people were driven out by a crazy drive towards more office blocks, many of them built by State Governments. In those days, that was driven largely by developers, and the council had a lot to answer for in allowing those people to take over the agenda. If we put the city back into those same hands, we will exacerbate those problems.

Members will note that I am not very pleased with the method used by this Government in introducing this Bill and with the lack of process by which it has dispensed with the elected representatives of the residents of the City of Perth. A cooperative approach could have been taken to solve the problems, and had that approach been taken I am sure the Government would have had the community behind it. The way that the Government has gone about it has spoiled any chance of a truly cooperative and participatory development of the city. Furthermore, it has meant that many mistakes have been made in the drawing of the boundaries. While Hon Bruce Donaldson has made a heroic effort to tell us that perhaps everything will work out all right if we are lucky, I do not believe they will work out all right until this Government starts to listen -

Hon Tom Helm: Or resigns!

Hon J.A. SCOTT: - or starts to allow the residents and other groups in the city to participate in the planning process, rather than impose decisions from above. That method never works. It will always create anger and favourites, and there will always be losers. If we want a city of which all of the people can be proud, then all of the people must play a part in the shaping of that city. Therefore, I oppose this Bill.

HON MARK NEVILL (Mining and Pastoral) [12.10 am]: I oppose this Bill. This Bill reflects the style of this Government in that there has been an absence of any consultation. The Bill also reflects its usual dictatorial approach, one that it is slipping into and one with which it was very comfortable in the 1970s. Looking at the way it is handling this matter, it is a Government that is slipping back into old habits.

A referendum was held last weekend in Perth where the ratepayers and residents showed their opposition to this legislation. The four municipalities had a varying turnout of voters. In the city area, where no real campaign was organised, there was a low turnout of just under four per cent, but in the three other proposed municipalities, Vincent had a turnout of 36.5 per cent, Shepperton 32.96 per cent and Cambridge 25.3 per cent. A solid campaign was undertaken in those three municipalities and it reflects the vote. Those voter turnouts represent about twice the turnout of the vote in a normal council election. It is fair to look at those three proposed municipalities separately because no campaign was undertaken in the proposed City of Perth area proper. The percentage of vote in Vincent was 85.4 per cent against and 6.2 per cent for; in Shepperton the vote was 89 per cent against and 7.25 per cent for; in the proposed Cambridge municipality the vote was 79.2 per cent against and 17 per cent for the Government's Bill. That is altogether a resounding vote of no confidence in the Bill and in the way the Government has approached the problems associated with the present City of Perth.

It is clear from the speech of Hon Alannah MacTiernan that these three satellite municipalities will not be able to exist without massive increases in rates to maintain the sorts of services to which they have become accustomed.

Hon P.R. Lightfoot: Where did the money come from before?

Hon MARK NEVILL: There has been a cross-subsidisation from the central business district.

Hon P.R. Lightfoot: They have had their proboscis stuck in the CBD.

Hon MARK NEVILL: I do not think the argument is whether the City of Perth should be broken up; it is a question of how that process is done and the consultation that is undertaken. I will highlight the differences between the Government's approach to these sorts of issues -

Hon P.R. Lightfoot: And the approach you had in the 1980s.

Hon MARK NEVILL: - and the approach we would take to this matter. We have proposals for new administration buildings to be set up in fairly small, probably unviable municipalities and the extra costs associated with that. In the Vincent ward we have public facilities such as Beatty Park where Perth City Council has put something like \$5m into its redevelopment. As a person who formerly used that facility two or three nights a week when young and fit playing water polo, I am pleased to see that. I am also

aware that in about five years down the track it will need another \$1m to finish that work off, and under this scheme that will be funded by the proposed municipality of Vincent, which is something that it will be incapable of doing.

Until this new system is in place there will be no real accountability of what is going on within the existing boundaries of the City of Perth. That is unacceptable to the residents and ratepayers of that district. I wanted to make a few comments about the Carr-Fardon report, which seems to be a grab bag of bits and pieces from the different reports that have been produced over the years. I understand that it is almost identical to the Chamber of Commerce report that was brought out in 1987. By way of interjection in the other House the Minister for Resources Development, Colin Barnett, claimed credit for writing that report. That is all well and good, but how come Carr and Fardon have been paid \$40 000 to produce a report which was written by Colin Barnett in 1987 and is almost identical to that report, with perhaps a few bits added about some of the later reports? We have seen \$40 000 of taxpayers' money squandered on some pretext.

Hon P.R. Lightfoot: What about the Petrochemical Industries Co Ltd report? PICL lost \$400m yet you have the temerity to talk about \$40 000.

Hon MARK NEVILL: I spend taxpayers' money like I spend my own, so if \$40 000 is missing I want to know where it has gone.

Several members interjected.

Hon MARK NEVILL: That \$40 000 was given to two consultants who produced a report identical to one that was written by Colin Barnett in 1987 for the Chamber of Commerce. What a rort. It was a case of knowing the recommendations before one started. There was no intention of having an impartial report on which to base Government decisions. It is a rort and a sham which the Government has foisted on the people of Perth.

Hon George Cash: That is a bit of slur on those two people.

Hon MARK NEVILL: We will see a massive loss of jobs in the Perth City Council.

Hon E.J. Charlton: Why?

Hon MARK NEVILL: The member just has to go through the figures. Most of the work in the new City of Perth will be contracted out.

Hon E.J. Charlton: Who will do it in the new towns? What do you think contractors use? They use people.

Hon MARK NEVILL: There will be fewer people employed than presently employed in the City of Perth. Those things need to be worked through, and not by dumping people unceremoniously on the labour market as members opposite seem to be happy to do.

With the proposed municipality of Shepperton there have been discussions between the Government and the Cities of South Perth and Belmont as to what may happen to the proposed Shepperton municipality if that proves to be unviable in its present form. We have already seen the Government retract and go back on what it had already announced by putting the casino back into Shepperton to give it a rating base because it was unviable.

Hon E.J. Charlton: It had nothing to do with ratings.

Hon George Cash: It was consultation.

Hon MARK NEVILL: What are the rates generated by the Burswood casino?

Hon P.R. Lightfoot: It was at the representation of local members.

Hon MARK NEVILL: Since when has Hon Ross Lightfoot listened to local people? When it suits him. What is the rating base of the Burswood casino? It is about \$1m a year. The casino was included in the proposed town of Shepperton because the Government realised Shepperton was unviable.

Hon E.J. Charlton: No, it was not.

Hon MARK NEVILL: If the Minister had talked to people before he made these decisions he might have got it right and there might be a lot of other improvements that could be made. Over the last few years, every Bill that has gone to the Legislation Committee has come back a better Bill because there have been different minds putting their thoughts into the provisions of the Bill. One does not have to accept everything, but if one lets a lot of people consider something, at the end of the day there will be a better proposal. This Government is too supercilious to do that sort of thing.

Hon E.J. Charlton: What do you think ought to happen to this?

Hon MARK NEVILL: I ask the Minister to compare not so much an identical situation but certainly the style with the splitting up of the Shire of Wiluna into the Shire of Wiluna and the new Shire of Ngaanyatjaraku.

Hon P.R. Lightfoot: We tried to do that in 1987 and you tried to stop it.

Hon MARK NEVILL: I am not aware of that. There was a petition from certain members of the shire council to split that shire into two. The Government received that petition and appointed a review committee to examine the issue. It was chaired by someone from the Department of Local Government, and I think from memory there was a consultant on it. It produced a fairly lengthy report which went into matters discussed with all the various interest groups in the shire on such questions as where the division in the shire should be, the division of assets and so on. It was earlier this year that the new shire was formed. The different shires had elections at different times, but there have been two different shire councils elected. The solution seems to be satisfactory to all parties, and I have not heard of any problems. The process was done openly and everyone had their say. One can listen to people without necessarily doing what they say, but one does have the benefit of a good idea when it is put forward. This Government has not availed itself of that opportunity. It did not want to put out any interim report for public comment. That was too hard. The Ministers would have had to get out there and negotiate with interest groups.

Hon E.J. Charlton: You are an intelligent man; you know that is not the case. You know the way it has been done and the reasons for that.

Hon MARK NEVILL: Quite frankly, I do not.

Hon E.J. Charlton: You are not intelligent then. I withdraw that comment.

Hon MARK NEVILL: I admit I am not up to speed on the nuances of local government in the metropolitan area, but I know enough to express an opinion on it.

Hon E.J. Charlton: You do not have to know anything to express an opinion.

Hon MARK NEVILL: The splitting of the Shire of Wiluna has resulted in a good outcome from an open process where everyone had their say. We had another recent example in my electorate of the amalgamation of the Town of Kalgoorlie and the Shire of Boulder. That was initiated locally. The amalgamation occurred far too quickly, in my view, and that is not a view in retrospect but a view I had at the time when the people in the area began a sudden, headlong rush to amalgamate the two shires. I thought they really needed to think out how they were going to set up a new City of Kalgoorlie-Boulder in terms of representation and amalgamating computer systems and accounting systems and the whole works. In fact, they did amalgamate very quickly, and it took them two or three years to sort out the administrative mess afterwards. My view was they should have done that beforehand or at least devoted some time to it, and then they would not have the same problems on amalgamation. The fact of the matter is the process was reasonably open and the initiative came from local people. Although these parallels are not directly applicable to the City of Perth split up that is proposed in this Bill, it shows that with community discussion one will arrive at a better decision. Obviously with the City of Perth we have a wider variety of opinion to accommodate.

I wonder whether this Bill will result in the new City of Perth as proposed having more residential accommodation in it. The city looks like Coolgardie did at night time about 20 years ago. There are very few people in the city except in restricted areas. I would

like to see some guarantee that more residential accommodation will be made available in the City of Perth. It seems that when business people have been involved in controlling or manipulating development and planning in the City of Perth, the result has been more boxes and skyscrapers for office accommodation to the detriment of the heritage values of the city, which are just about wiped out, and the residential accommodation, which seems to have disappeared in many parts of the city.

Another interesting part of this debate is the contribution by the members who actually represent the current city in this Chamber. In a previous debate a couple of weeks ago I mentioned the shenanigans of the Government when in Opposition. I think I mentioned the Bill on the straying of stock, when all the country members voted against it because they could go back to their electorates and say, "We did not support the Bill that will make you liable for your stock straying on the road. It was the city members who crossed the floor and voted with the Government", but they knew it was in everybody's interest to make sure that the farmers had some form of public liability to cover straying stock. Where are the members for the North Metropolitan Region in this debate and what are their views?

Hon P.R. Lightfoot: I support the Bill unequivocally.

Hon MARK NEVILL: Does the member think there could be a better way of splitting up those municipalities? Can the member not think of any improvements at all for the potential problems involved in the split up of the City of Perth?

Hon P.R. Lightfoot: There are all sorts of problems at the moment.

Hon MARK NEVILL: Let the member tell the House so that his position is on record, and let the members for the south metropolitan areas covering the proposed Shepperton municipality speak up. They should be putting on record their views as to why they think this is going to be good for that municipality in that electorate and why this Bill will benefit the people there, because it is their job to protect the interests of people in that shire and make sure that whatever the Government is putting in this Bill is the best recipe for the problems that can possibly eventuate. That is not going to happen, because that is not the way that this Government operates. Basically, it is a reflection of the style of the 1970s coalition Government; it is divisive, dictatorial and undemocratic in the way it deals with these issues. The Government knows best, and it does not listen to ordinary people. It is supercilious and too arrogant to consult ordinary people. The haste with which this Bill has been put together and the lack of consultation over this Bill mean that in the months and years to come we will see the shortcomings of this Bill. It will be on this Government's head and on the heads of the members for the North and South Metropolitan Regions, if they have not put their views on record as to why this is going to be successful and why they think there will not be any major problems with this ill-conceived Bill, prepared hastily and in secret. I am absolutely opposed to it in its present form and so is the Opposition.

HON DOUG WENN (South West) [12.30 am]: I join my colleagues in opposing this Bill. It is part of the current attitude of this Government and its recent mad rush to pass a heap of Bills through this House. In the past couple of weeks we have witnessed this rush with the industrial relations and land rights legislation and now with this Bill before the House. The second reading speech was read by a country member of this House which I find rather amazing, although perhaps he is handling the Bill on behalf of the Minister for Local Government. In the first paragraph the Minister said that the Government looks forward to creating "a true capital city", and that it would be "creating a heart" for the metropolitan area. I was born and raised in Western Australia and I have never looked on anything but the City of Perth as a true capital city, and the heart of the city that represents our State. For some reason, all of a sudden, the Minister for Local Government has decided that we never had that. To my mind it has always been there.

Hon P.R. Lightfoot interjected.

Hon DOUG WENN: I can see a speech building up in Hon Ross Lightfoot; I know he will tell his leader to do whatever he must do because he will make a speech at some time on this issue. He loves it and he will have a go.

Hon P.R. Lightfoot: You are spot on again, Hon Doug Wenn. How do you call it so right so often?

Hon DOUG WENN: I am a country member looking from the outside and trying to tell the Government that there is a heart to our capital city. One can only sit back and admire what has developed over the years. I take up the point raised by Hon Jim Scott about how we allowed it to get away from us in the past and allowed the high-rise and environmentally unfriendly buildings to be constructed.

Hon E.J. Charlton: You would know how some happened.

Hon DOUG WENN: Yes, I do. They are all in the courts at the moment.

Hon George Cash: Where do you think the heart of Perth is? Do you think it is the Perth district and the CBD?

Hon DOUG WENN: I believe Perth is the heart of Perth. It has everything going for it. It is nowhere near as good as Bunbury in the south west, of course, because it has much more to offer, other than the smog, car fumes and huge traffic problems. Hon George Cash and others in this place have travelled the world and they have seen other countries. They know there is nothing more beautiful than our city. It was also stated in the second reading speech that -

It will heighten the capacity of residents and ratepayers to have a more direct influence on their local priorities. It will ensure responsive and responsible local government.

I find that amazing. The statistics indicate that the City of Perth has one of the lowest percentages of people who vote at annual elections. At the weekend more than 15 per cent expressed their views in a ballot.

Hon A.J.G. MacTiernan: It is up to 36 per cent in other areas.

Hon DOUG WENN: That indicates the reaction to the Government's proposal for the Perth City Council. The only way to achieve the true judgment from the electors is by compulsory voting. Perhaps the Minister representing the Minister for Local Government in this House should seriously consider getting that true indication by compulsory voting.

Hon E.J. Charlton: We are interested in making voting in State elections voluntary, rather than making local government elections compulsory. How does that suit you?

Hon DOUG WENN: I do not know. I am not sure about that. Does the Minister not think that with compulsory voting one gets true representation?

Hon E.J. Charlton: I can understand why you want to change it when you look to your right.

Hon DOUG WENN: At Hon John Cowdell?

Hon E.J. Charlton: You can see further than that, you have your glasses on.

Hon DOUG WENN: The Minister should seriously consider compulsory voting in local government. I got a huge giggle from the following paragraph in the second reading speech -

The Government looks forward to the support of the Opposition . . .

Later on the Minister said -

The State Government's decision also demonstrates how hollow the Opposition's views are . . .

In one paragraph the Government is asking for the support of the Opposition and says it is looking forward to it with great expectation, and in a later paragraph the Government abuses the Opposition.

Hon E.J. Charlton: Do you know why?

Hon DOUG WENN: Does the Minister know that if he kicks a dog it will turn around

and bite him? He is a farmer and he should know that, but perhaps he does not have sheep.

Hon E.J. Charlton: Yes I do have sheep, but I have never kicked a dog.

Hon DOUG WENN: Perhaps the Minister kicks the sheep and not the dog.

Hon E.J. Charlton: Yes.

Several members interjected.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: I am enjoying this.

The DEPUTY PRESIDENT: Order! The member's comments need to be relevant to Order of the Day No 8.

Hon DOUG WENN: I am referring to the second reading speech. It is a shoddy way of trying to get support when the Government abuses the Opposition in the second reading speech. If the Government is looking for support, its method is sadly lacking. The Minister stated also that -

... only three councillors out of 27 represent the CBD.

The Minister, as a country member who travels from shire to shire, will know that in many shires a small percentage of the councillors represent a particular area. I find this argument strange, considering the size of the City of Perth.

Hon George Cash: Do you think it was too big?

Hon DOUG WENN: No, not at all, but considering the size of the place, three out of 27 might be proportionate overall.

Hon A.J.G. MacTiernan: In fact, six councillors have responsibility for the CBD.

Hon DOUG WENN: How can we truly judge the second reading speech, when it claims three, not six, councillors have responsibility for the central business district?

Hon E.J. Charlton: Do not rely on your colleague for your information.

Hon A.J.G. MacTiernan: I am the only one of those councillors who has not been counted as a Liberal Party candidate at the last election.

Hon DOUG WENN: I find it hard to dispute my colleague's information as it comes from a councillor of the City of Perth. Even my own electorate contains shires which have poor representations from rural areas, but have major representations within the townsites. This is the situation in reverse.

Hon E.J. Charlton: Why did David Smith not do something about the City of Perth?

Hon DOUG WENN: Unfortunately, as with many of us on this side of the House, Mr David Smith ran out of time.

Hon E.J. Charlton: He was pretty good at running around the country telling people what to do.

Hon DOUG WENN: In this place some areas are represented by five people, yet all of us make a decision and make a vote on how that area should be controlled. Therefore, that argument within the second reading speech is a non-event. The next reference within this speech indicates the hypocrisy of this proposal. It reads -

The foreshadowed dissolution of the council is no reflection on the personal commitment or dedication of the existing Lord Mayor . . .

Here we have it! I have been told tonight that the toe-cutter is actually the backstabber. What a beauty he is! How much say did the toe-cutter have in this final decision?

Hon E.J. Charlton: None.

Hon DOUG WENN: Get away. Further, the second reading speech refers to the commission which will oversee the council. I suggest to the Minister that Reg Withers will be one of the first people on that commission.



Hon E.J. Charlton: He was voted in under the system which you say is so good.

Hon A.J.G. MacTiernan: He would never be voted in again.

Hon DOUG WENN: Indeed, instead he would be tarred and feathered. The second reading speech indicates that "five commissioners will be announced shortly and be appointed to replace the Lord Mayor and councillors of the City of Perth". The Lord Mayor - the guru who sat in the high chair - said on ABC radio that, "The other idiots, apart from those who support me, do not know what they are talking about." He claims that he knows what he is doing because he has been a member of the Federal Parliament. I suggest to the Minister, even though he is acting on behalf of the Minister in another place, that if the toe-cutter does not get a guernsey on the commission, I would be very surprised; in fact I would come and shear the Minister's sheep at that time.

Hon E.J. Charlton: Sure. I do not know whether the sheep would live for long enough.

Hon DOUG WENN: The first ones may have problems, but the Minister will take me away from the rest of them.

Hon P.H. Lockyer: What about the old communist warhorse, Jack Marks? What should we do with him?

Hon DOUG WENN: We should call him Sir Jack. That should be done before we get around to the other aspects - Sir Jack would suit him perfectly! If we do not have the Lord Mayor as one of the commissioners in the short term, I would be very surprised.

Hon P.H. Lockyer: Do you think we should make Mr Marks a commissioner?

Hon DOUG WENN: My opinion does not count at this stage as this matter has been predetermined.

Hon P.H. Lockyer: Appointing Jack Marks as a commissioner would be like putting Dracula in charge of the blood bank.

Hon A.J.G. MacTiernan: That is original.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: The knife-wielding Mr Withers has struck a little higher than the toes this time.

Hon P.H. Lockyer: Jack Marks always comes in with the cheap grog.

Hon DOUG WENN: He only drinks cheap grog when Hon Phil Lockyer is buying.

Hon P.H. Lockyer: The only time he stopped drinking was when guzzling came in.

The DEPUTY PRESIDENT: Order!

Hon P.H. Lockyer: Do not put a halo above Jack Marks' head; the one thing he does not have is a halo.

Hon DOUG WENN: The second reading speech is amazing. It refers to the "inability of the council to address planning issues". However, the council has changed its personnel over the years, yet the problems are to rest with these councillors. Issues have arisen in the past with the Perth City Council, and those who have been on the council, or have watched it closely, will know how it has approached issues. Some people will always be unhappy with decisions made, as occurs with this place also. However, the Perth City Council has not been accused of incompetence, stealing or wasting public money. No allegations of that nature have been made to provoke the gravity of the Government's proposal. I have heard of incompetence and mismanagement in some country areas, and those councils have been investigated. Nevertheless I have not heard of that sort of activity in the Perth City Council. In fact, the second reading speech reads -

The Government has used the past six months to evaluate the problems and options in a careful and considered way.

After all these years of the council's operation, the Government has taken six months to conduct an evaluation and make a decision of this magnitude. It is not hard to understand

where the Government is coming from. The answer is that Reg Withers cannot get his way on the council and the mayor wants to be the supremo. He will become the supremo because I will be very surprised if he does not become one of the commissioners.

Hon E.J. Charlton: Don't make any more promises because you will take all your time shearing my sheep.

Hon DOUG WENN: That is all right; I will have a go.

Hon P.H. Lockyer: Imagine Doug Wenn at the end of a bogghi; the mind boggles!

Hon DOUG WENN: I will use the standard blade, not the wide blade, Minister.

Hon E.J. Charlton: You had better use the standard blades or the AWU will be onto you.

Hon DOUG WENN: I have friends in the industry.

The DEPUTY PRESIDENT (Hon Barry House): Order! There are very few sheep within the City of Perth.

Hon DOUG WENN: The next paragraph within the second reading speech is the height of hypocrisy. It reads -

Such calls for extensive periods of public consultation or polls ignore the need for some action to be taken to rejuvenate our city centre.

The Government is saying that it will not talk to the people. Who are they? They are only the ones who pay the rates and are the 15 per cent of ratepayers, when it is not a critical issue, who vote on a Saturday afternoon to determine who will be the mayor and their representatives. Who was it who ran around this nation screaming for a referendum on land rights and the Mabo decision?

Hon Bob Thomas: It was Bronwyn Bishop.

Hon DOUG WENN: It was Tricky Dicky and Bronwyn.

Hon John Halden: What a great combination.

Hon DOUG WENN: She thought that she could get a vote out of this State by supporting Tricky Dicky.

Hon Bob Thomas: She will not get preselection.

Hon DOUG WENN: She is a senator in another place and has nothing to do with this State.

Hon P.R. Lightfoot: Your comments have nothing to do with the Bill before the House.

Hon DOUG WENN: Nevertheless, she rocked up in this State saying, "Let's have a referendum." This has everything to do with what I am talking about, Hon Ross Lightfoot.

Hon P.R. Lightfoot: You're back on track.

Hon DOUG WENN: When we asked for a similar thing in our State, that is, to give people the right to have a say -

Hon E.J. Charlton: They did. They had the right and only 15 per cent voted.

Hon DOUG WENN: It was 15 per cent in some areas and 36 per cent in other areas. What did the Minister for Local Government, Paul Omodei, say? He said it did not matter what the people said on Saturday, it would be ignored. The Leader of the House, in his second reading speech, said that there would be no rate increases. I have a flat in Malcolm Street and I have been advised already that there will be a rate increase.

Hon E.J. Charlton: You copped 20 per cent this year, didn't you?

Hon DOUG WENN: That means that my rent will go up.

Hon E.J. Charlton: What happened this year?

Hon DOUG WENN: It did not happen. I have paid the same rent for three years. However, because of this Bill, I have been advised by the owner that my rent will

increase. The owner of the flat that I live in, who lives in the Eastern States, wrote to me saying that he was worried about this legislation because rates would increase and therefore my rent would increase whether I liked it or not.

Hon P.H. Lockyer interjected.

Hon DOUG WENN: Hon Phil Lockyer should not come at that. He knows what I am talking about. I am only one of a hundred.

Hon P.H. Lockyer interjected.

Hon DOUG WENN: I cannot afford the sort of thing Hon Phil Lockyer can. I am a poor person. I give all of my money to the poor.

The DEPUTY PRESIDENT (Hon Barry House): Order! The member will ignore the interjections.

Hon DOUG WENN: The Bill means that the Perth City Council will be dissolved and a new system of local government put in place. The second reading speech states -

When elections are held for the council on 6 May 1995 electors will choose a mayor and eight councillors, either two councillors from each of four wards or four councillors from each of two wards.

We are being asked to agree to legislation that dissolves the Perth City Council when the Government cannot tell us how many councillors there will be in 1995.

Hon E.J. Charlton: It can. It depends on who you are. If you are in the Labor Party you do your two times table and two fours are eight; if you are a bit more educated it is your four times table and four twos are eight.

Hon DOUG WENN: Where does that leave the Minister? He is out with the sheep. He is a bloody idiot.

The DEPUTY PRESIDENT: Order!

Hon DOUG WENN: I withdraw, Mr Deputy President.

*Withdrawal of Remark*

Hon P.R. LIGHTFOOT: The comment made by Hon Doug Wenn - I will not repeat it - should be withdrawn.

The DEPUTY PRESIDENT: Order! The member has beaten me to it. I was about to ask that it be withdrawn, but the member withdrew.

*Debate Resumed*

Hon DOUG WENN: I thought I would give Hon Ross Lightfoot his thrill for the night.

The DEPUTY PRESIDENT: Order! Let us get on with the debate with comments that are relevant to the Bill.

Hon DOUG WENN: I honestly thought I was being relevant to the Bill. I was referring to the confusion over how many councillors will be elected from how many wards.

Hon E.J. Charlton: Eight.

Hon DOUG WENN: I am referring to the new towns of Shepperton, Vincent and Cambridge and to what this mob on the other side will introduce for the State upper House; that is, the Perth City Council will have no wards. Eight councillors will be elected from the whole area. If one compares the ratepayers with those who live in the city, I suggest that business will take total control of the Perth City Council.

Hon Bob Thomas: That is what it is all about.

Hon DOUG WENN: That is exactly what it is all about. I did pre-empt myself a little in relation to Reg Withers. If anybody in this place believes he will not be one of the commissioners of the Perth City Council, he is living in cuckoo land -

Hon P.R. Lightfoot: And if he does not, you are in cuckoo land. Is that fair enough? If you are wrong, you are in cuckoo land.

Hon DOUG WENN: Maybe all members who do not believe that will come with me and help me shear the Minister's sheep. We will have a week on the farm.

Hon P.R. Lightfoot: I will bet you that Hon Reg Withers does not take part in the commission.

Hon DOUG WENN: Can the member give me an assurance on that?

Hon P.R. Lightfoot: Oh just -

Hon DOUG WENN: Give me an assurance. Do not make a statement like that.

Hon P.R. Lightfoot: You will have to ask him. You can't wave your hands and drink at the same time.

Hon DOUG WENN: The member should give me an assurance.

The DEPUTY PRESIDENT: Order! The member must address the Chamber through the Chair.

Hon DOUG WENN: Absolutely, Mr Deputy President. I will continue to do so. Now that the city is being split up and we are making it the heart of the metropolitan region, included in one of the towns is the Burswood Casino and the Belmont Racecourse, huge income earners for that town. That will make the others look a little sick and I have to wonder where the Government is heading. Hon Ross Lightfoot said earlier that the Burswood Casino pays a fraction under a million dollars a year in rates.

Hon P.R. Lightfoot: That is right.

Hon DOUG WENN: That would have to be the town in which to live because the income through rates would be higher than the other towns. The other areas of Perth will suffer. There will be no subsidies for them; they will cop it.

The second reading speech also says that the money to set up the three towns will come from the existing finances of the Perth City Council; the money will be split up between them. I am not sure how equitable that will be. One new town will have the Burswood Casino within its boundaries and just under \$1m a year in rates. What about the other towns that will not be earning that income? How will they carry the burden being loaded onto them? Maybe the Minister, during the Committee stage, will tell us how they will cope with that.

The second reading speech also states that any financial decision by the council must be approved by the Minister. The Minister said also in his second reading speech -

Under this provision certain matters will require ministerial approval before the council can proceed.

This legislation makes one ask the question: Is this the beginning of the break-up of other local government areas? Is it a possibility that if someone came up with a hell of an argument, as was tried to be put forward by that second reading speech, we could do it to Bunbury or Kalgoorlie, or other areas in Western Australia that are now called cities?

Hon Kim Chance: Kalgoorlie-Boulder could become Kalgoorlie and Boulder.

Hon DOUG WENN: We could name Albany a city and split it up into the Albany Shire and the City of Albany. I have given reasons why I oppose this Bill. I oppose it because I am concerned that it may not be the end, but the beginning of what may happen in other areas. We have seen just about every shire - with the exception of perhaps a few - investigated under the previous Minister and the current Minister for Local Government. We have seen actions on those investigations and shires and councils have been cleared. However, under this Bill we are setting a precedent that we should not be allowed to set. It only takes someone such as the toecutter to get into areas such as country cities, take control, and put forward reports or recommendations, for those country to be split up or dissolved. I have a huge concern about that. Members opposite treat this as a jovial exercise; however, I sincerely hope that they take it seriously. Hon Jim Scott said earlier tonight that it was interesting that other than members on our side - we are all concerned for the same reason - few members on the other side have spoken.

Hon E.J. Charlton: Sit down and give them a chance.

Hon DOUG WENN: Members opposite have every chance.

Hon W.N. Stretch: We've done our work on the Bill.

Hon DOUG WENN: Have members opposite done everything to convince us that we should vote their way?

Hon W.N. Stretch: You are talking yourselves out of it.

Hon DOUG WENN: Hon Bill Stretch leaves one dead. He says that members opposite have done their work. Of course they have; it is all in the Bill they are trying to force through this place.

Hon W.N. Stretch: Wait and see; it is good stuff.

Hon DOUG WENN: Wait and see? That is right. Members opposite will put the axe down, get rid of us, and do their thing.

Hon E.J. Charlton: Have a look at the scoreboard later on.

Hon DOUG WENN: Let us consider the seriousness of this lot when they were in Opposition and said that they were all independent.

Hon P.H. Lockyer: How many times have you crossed the floor since you have been in this Parliament, Mr Wenn?

Hon DOUG WENN: I have had no reason to. When we were in Government we did everything right.

Several members interjected.

The DEPUTY PRESIDENT (Hon Barry House): Order! There are too many interjections. Please address the Chair.

Hon DOUG WENN: I share the concern that this Bill is setting a precedent to allow the Minister for Local Government to take action on any shire council in this State and do exactly what he is doing now; that is, do away with the shires, do away with the representation that is elected by the people, put up commissioners, and put up people who he feels could react a little better than those who are duly elected by the locals to represent them. I oppose the Bill and I will do so throughout the Committee stage. If members opposite have any honesty whatsoever they will withdraw this Bill and not continue with it.

HON J.A. COWDELL (South West) [1.04 am]: The Bill before us entitled, of course euphemistically, the City of Perth Restructuring Bill, is very much like other legislation that is falsely titled. It may as well be a Bill to allow the better government of the German people - an enabling Act. Page 1 of the Bill states that it is a Bill to dissolve the Council of the City of Perth. That should really be its title. It is the dissolution of the City of Perth as we have known it. It is not surprising that we have this piece of legislation before us. Despite their fine words, over the years the current governing parties have shown a contempt for local government. We should not be at all surprised at this legislation. Of course, we had the glorious example in 1975 when the coalition Government - or was it a single party Government without the other coalition partner - introduced the Local Government Act Amendment Bill. That glorious Bill was brought to the Parliament to save local government from the ravages of a Labor centralist Government in Perth. The people had just experienced the outrage of a Tonkin Labor Government and all the excesses of that Government.

Hon E.J. Charlton: He was a very good Premier.

Hon J.A. COWDELL: Indeed he was.

Hon E.J. Charlton: One of your previous colleagues from Canberra saw his downfall.

Hon J.A. COWDELL: It was indeed unfortunate that John Tonkin was not returned to Government in 1974. Nevertheless, in 1975 a brilliant piece of legislation was introduced in which the Liberal Party - it may even have been a coalition Government at

that time; it slips my memory - came out and said that the Government would save the good burghers around the country who were threatened by the centralists in Perth who were upturning local government. Cyril Rushton, the Deputy Leader of the Liberal Party and later the Deputy Premier, brought forward this excellent piece of legislation to ensure that the burghers were safe in their beds at night from any sort of overturning of their authority or local government boundaries. The legislation included a provision that restricted ministerial discretion. There had to be a referendum among ratepayers before radical changes could be made - or so it was thought - in local government boundaries. Cyril Rushton stated -

This Bill will make a valuable contribution to strengthening the goodwill and confidence between municipalities and the people residing within their boundaries.

The Bill does not remove the present right of municipalities to negotiate boundary changes when desirable and to their mutual benefit. However, if agreement is not reached between the elected representatives of the ratepayers and electors, it provides the residents with the democratic right of expressing their point of view through a referendum.

During my visits to the municipalities in Western Australia, I have been strongly encouraged to introduce this legislation.

I commend the Bill to the House.

Of course, Cyril Rushton was putting forward some false comfort to the municipalities of the State that they would be protected from the inroads of Labor State Governments. Some years later it became apparent how false and limited that protection was; it provided no effective protection against a Liberal State Government.

The Opposition should not be surprised at this piece of legislation because in the past the coalition has shown its contempt for local government. In the 1988 Federal referendum the proposal to actually give local government some legitimacy by recognising that tier of government in the Australian Constitution was opposed by the conservative parties and was defeated. I remember at that time all the wonderful assurances that people were being given; for example, people did not need to mention local government because by convention and usage it was protected and would not be interfered with. The conservative parties opposed this recognition of local government and opposed affording it some protection. Again, it is an absolute contempt for that tier of government.

We come more recently to the situation of deceit of the electors. We look at the State election campaign, in vain, for the substantive policy plank where the coalition went to the people and asked for authority to overturn the City of Perth and divide it into a number of municipalities and to create a central business district council. It was not mentioned. Not only were the electors' fears allayed by the now Premier, but also individual candidates put out literature in areas within the City of Perth. When concern was expressed in the Victoria Park and Carlisle wards of the City of Perth, which comprise part of the electorate of Victoria Park, Ann Kennish, the Liberal Party candidate for that electorate, was so moved that she forwarded the following letter to the electors prior to the election -

Dear Resident and Ratepayer,

I have received numerous 'phone calls from residents in St. James and East Victoria Park, who are with the City of Perth boundaries.

They were all concerned about the implications of a change in boundaries in the Victoria Park electorate, which could result in an increase of \$100 or more on their Rates Bill.

It's not surprising they rang, who could afford any increase today!

This issue concerns me greatly as well. I want to make my position perfectly clear.

There must be NO alteration of Council boundaries without a referendum among affected ratepayers - on both sides of the boundaries.

This action is supported in the Local Government Act and is Liberal Party Policy.

**I WILL MAKE SURE THAT HAPPENS!**

The Labor Party had not given any such undertaking.

**Vote for Ann Kennish - Victoria Park Liberal who is committed to seeing residents are not disadvantaged.**

Not only did the Government not come out and put its proposal before the people to gain a mandate for this dissolution of the City of Perth, but also it positively deceived the electors and addressed reassuring words to them that it would not happen under a Liberal Government, but it was far more likely to happen under a Labor Government and there were no assurances from the Labor Party that it would not happen. The Government has ignored the considered view of the councillors of the City of Perth who are the representatives of the ratepayers. I am not talking about the renowned Lord Mayor, "Sir Toby Belch", who has appeared on every possible occasion lauding the CBD of the City of Perth, no doubt in the hope of future preferment in the new setup. The council and electors of the City of Perth have indicated to some degree by the turnout at the referendum last weekend their opposition to the dissolution of the City of Perth. It is interesting to note that the strongest opposition was to be found in the so-called beneficiaries of the new cosy local council system in Vincent, Shepperton and Cambridge. To take the obverse, there was a massive turnout by the interests of business to show their support with a grand vote in the central business district of 29.84 per cent in favour of the Government's decision.

Hon P.H. Lockyer: But there was an overall 15 per cent turnout.

Hon J.A. COWDELL: Yes, I was going to refer to that level of turnout. The Opposition has heard mention of the voting figures in local government elections and the Minister for Transport, by way of interjection, indicated that the figures were so glorious that we should adopt them in the State elections and look to glorious 15 to 20 per cent polls. It is a wonderful move suggested by the Minister for Transport on behalf of the Government.

Hon P.H. Lockyer: Don't you think it is relevant that there are few countries with compulsory voting?

Hon J.A. COWDELL: I do. I recall that it was a conservative Government which introduced compulsory voting into Australia and it was in the light of successive and declining poor attendances at elections. The vote had got down to 48 per cent and was decreasing and there was genuine concern about the state of democracy in the country. On that basis, a conservative Government saw the requirement to introduce compulsory voting.

Hon P.H. Lockyer: It is interesting that you point out which Government introduced these things. I draw your attention to the fact that the so-called gerrymander in Queensland was introduced by a Labor Government.

Hon J.A. COWDELL: I do not condone malapportionment or gerrymanders wherever they appear, but in this State very few people have been able to compete with the forms of malapportionment and gerrymander practised by conservative Administrations in this State.

Hon P.H. Lockyer interjected.

Hon J.A. COWDELL: The people in the bush have a proportionate say, as they should.

The Government has no mandate for this Bill and it has not presented a case to the electors. It has deliberately misled the electors and it has ignored the considered view of the elected representatives of the City of Perth and the ratepayers and electors who turned out last Saturday to vote at the referendum. The Opposition has ignored the Western Australian Municipal Association's considered opinion. The Opposition has received correspondence from that organisation which is contrary to the view of the lately

departed president of that organisation. Of course last week members would have seen the wonderful photograph of a group of concerned mayoral types in *The West Australian* who were receiving the pious and unctuous assurances of the Premier that this Bill was a once off occurrence and that it would not happen again.

We are opposing this action, an action that shows a complete contempt for local government as the third tier of government, a willingness to override local government whenever it is convenient so to do. We oppose this legislation on the basis that it is clearly the wrong decision. As previous speakers have said, particularly Hon Alannah MacTiernan and Hon Nick Griffiths, this legislation is based on the erroneous content of the Carr-Fardon report. Copies of this report have been circulated. The inaccuracies contained in it are legion. In the section entitled "The time for restructuring" the report managed to go through the so-called great concern for the heart and soul of the city and went through one complete page of reasons before getting to the concern of citizens. It starts by saying -

It has become increasingly apparent that the time for change to the existing boundaries of the Perth City Council has now arrived.

The "Heart" of the State is in trouble -

What does the Government mean by that? It goes on -

- vacant offices and shops, increasing blight and crime, exodus of executives and workers to the Eastern States and Regional Centres and declining property values are reasons for growing concern.

During the past three years there has been a net loss of . . . 50,000 square metres of occupied office space.

At present, there is a 30% vacancy rate in rentable office space and there are approximately 250 empty shops within the Perth Central Area. In addition, there are more than 20 vacant building sites and many derelict historic buildings - not to mention blight, including graffiti, throughout the Central Area.

It seems that all of this is to be primarily overcome by vesting control of the central business district in those people who probably contributed most to the situation that prevails at the moment.

There has been a denial of democratic rights of the residents and ratepayers. Nowhere is that denial more apparent than in the proposal to appoint commissioners who are to administer the former city during an interregnum of 18 months. The clauses of the Bill that provide the wonderful example of what the Government is doing in terms of democratic rights include clause 29 which states that legal proceedings are precluded with respect to the commissioners' actions during this time. That means that there is no recourse to the courts.

The famous clause 30(1) gives power of regulation to the commissioners -

If there is no sufficient provision in this Act or the principal Act to give effect to the purposes of this Act, the Governor may make regulations prescribing all matters that are required or necessary or convenient to be prescribed for giving effect to them, including matters of a savings or transitional nature consequent on the enactment of this Act.

That is a complete overthrow of the democratic rights of the residents and ratepayers of the City of Perth - and heaven knows what will happen in the next 18 months. Very clearly this legislative split up of the current City of Perth is against the financial interests of the overwhelming majority of residents and ratepayers, and the Government, once again, is championing the interests of the wealthy as against the general good of the people.

Members should look at the boundaries in this magnificent division of the city and wonder what is the rationality. Already we have one municipality which is to be given the title of the City of Perth; although this area does not qualify for this title under the



normal requirements of the Local Government Act, it is given the title nevertheless. The addition to the central business district of East Perth and West Perth has a certain rationality to it. Then the area of North Perth is chopped off. The old town of North Perth is reconstituted. That is an integral part of the City of Perth, the hinterland, and that becomes one of the new tiny towns. Most of the boundary line is along Newcastle Street. I do not know why a northern boundary of the City of Perth is along Newcastle Street, except that it conveniently puts Hon Alannah MacTiernan and the deputy mayor, Jack Marks, across the border, which no doubt, was a primary consideration of the legislation. The border will affect Jack Marks, but just to make sure that he does not jump the trench that is planned to go straight down Newcastle Street once he is consigned to the new tiny town.

Hon A.J.G. MacTiernan: More a moat than a trench.

Hon J.A. COWDELL: West Perth is supposed to be in the City of Perth. It partially is but I notice that the boundary jumps the railway line. North of the railway line West Perth is split into two. It is a wonderful configuration. I am sure that the electoral commissioners would not like to take the advice of the people who drew those boundaries. There is a lack of rationality to the drawing of the boundaries in terms of immediate community interest, chopping off North Perth from the central business district while keeping East Perth and West Perth within it. If the Government were committed to a rational reform of local government boundaries, we would not end up with this hotchpotch, particularly in creating tiny towns and not looking at the adjustment of boundaries with adjoining local government areas. Very clearly the Government has taken a course and decided not to disrupt the boundaries of the old City of Perth on the basis that this might lead to a referendum and the blocking of its moves by those most affected: The constituents and the ratepayers of the City of Perth.

With the creation of the new towns we have the duplication of existing facilities. Every one will get a town centre and a depot and will try to maintain the existing facilities of the City of Perth that are within its area. While it may be the case that some of the initial liquid assets of the old City of Perth that are grabbed in this raid will be redistributed, that redistribution will not support many of those facilities for long, and soon there will be an increase in rates. One only has to look particularly at the town of Vincent with respect to support of facilities, such as the Beatty Park Aquatic Centre, and roadworks leading to the city along Beaufort Street -

Hon Sam Piantadosi: Fitzgerald Street, Charles Street, Loftus Street.

Hon J.A. COWDELL: - and so on to see the difficulties for the ratepayers in the not too distant future. We have looked at various studies over the years about the desirable size of local government entities. I saw some suggestions that 50 000 is the desirable size of a local government district within a metropolitan region. Jeff Kennett, in restructuring the city of Melbourne, came up with a size in the order of 35 000 ratepayer electors. In our configuration, we have come up with a size of something less than 5 000 electors. The Carr-Fardon report has a projection of 9 000, which is easy to get when the census information is used incorrectly and one counts all those in the intensive care unit of the Royal Perth Hospital or staying in hotels in the city and then projects from that completely false base of 9 000 that there will be this wonderful urban village of 10 000 or 20 000 in no time at all. If one's figures are based on the sorts of figures where one gets 9 000, it is very easy to approach the future in absolute fantasy.

In the local government system in this State we have the Government's commitment to an optimum size. It believes in the Shire of Peppermint Grove, with somewhat less than 1 000, the City of Wanneroo with 200 000 and City of Stirling with 180 000. How then can we tolerate a municipal district with less than 1 000 electors and ratepayers, and districts of 200 000, when someone comes up with an optimum size of 20 000 as being wonderful and with three units of 25 000 as municipal districts and one of 5 000? How someone can say there is any rationality in that I do not know.

There will invariably be rate increases in the suburbs following this division. Of course, there is a basis for the projection in the Government legislation that the new CBD will

contribute greatly to bringing heart and soul back into the city. That is indeed a gamble on the part of the Government, given the previous performance and perhaps the voting patterns of the representatives, few though they may be, as suggested by the Government. It may be argued that the city council as currently constituted has been too easily swayed by the central business district, which has been the source of its problems. Under this legislation the Government is setting up a whole range of committees, because it does not entirely trust the wonderful new city of Perth, the CBD city. It has the Premier's committee to coordinate decision making, the capital city technical committee, the city development committee and a whole web of committees, but when one looks at the proposed operation of those individual committees in the CBD locality, one wonders what will come out of that combination of four committees trying to run the CBD. I suggest that the Government will have to keep a very close eye on its experiment and, indeed, the result may well be far worse than it seems at the moment with the inadequacies of the City of Perth.

Hon P.R. Lightfoot: It may be far better.

Hon J.A. COWDELL: I would be surprised, but it may be, and certainly I would be astounded if the ratepayers of the tiny towns were better off, given the wonky projections in the Carr-Fardon report, from which the division was made, and the liabilities they will be up for. Certainly one may say that the building owners and the managers in the CBD may be better off, whether just because they will reduce the rates and pocket the difference so we will see a worse outcome, I am not sure.

Hon W.N. Stretch: You are terribly negative and gloomy over there.

Hon J.A. COWDELL: Certainly the bulk of ratepayers in the suburbs will be worse off. I have already mentioned the assurances given by the Premier to the worried looking meeting of mayors that this was a one-off occurrence and that local government would not be interfered with again. He said that the Government did not mean it and all the rest would be all right and the administration of the Cities of Stirling and Wanneroo could sleep easily at night on the basis that the Government had the correct distribution going from 1 000 to 200 000 ratepayers for municipal units, with the right number of 20 000 and 25 000 and 5 000 units somewhere in the middle.

The Australian Labor Party opposes this legislation and it opposes the destruction of the City of Perth as it stands. It is a popular and well run local government unit. This is one thing the Carr-Fardon report did get right when it stated -

It is important to emphasise that the proposal outlined below is for the restructuring of the City of Perth. The proposed dissolution of the existing Council is not based on any dereliction of duty or management of the existing Administration.

Indeed the Council has been responsible for a number of commendable initiatives including the Forrest Place/City Station Redevelopment, the Foreshore Competition, the Inner City Housing Study, the Review of the Perth Policy Document and a unique approach to reviewing the City Planning Scheme.

So it is not a reflection on the current administration of the City of Perth. We hear from this Government ad nauseam about States' rights, and particularly from the Minister for Education about how woefully done by the State Government is when it comes to the attitude and power of the Federal Government, then this Administration turns around in a dictatorial manner and does the same thing to local government units that it claimed it was subjected to by Canberra. The Premier suggests in one of the glossies distributed, at no small cost to the taxpayer, that the coalition is committed to giving the people greater control over their lives, which means greater personal choice whether in the workplace, employment opportunities or involvement in their local community.

We oppose the legislation on the basis that the Government has no mandate for this, it shows a complete contempt for local government in this State and, of course, for the promissory notes issued by the coalition parties before they came to Government.

HON SAM PIANTADOSI (North Metropolitan) [1.40 am]: I oppose the Bill because I

am concerned about the proposal to carve up the City of Perth. As one of the members whose electorate covers the proposed towns of Cambridge and Vincent, I am concerned about how the proposed populations of 25 000 will be able to survive. I have lived in the proposed town of Vincent for 23 years and I know the area very well. It includes the old area of North Perth, which is very close to central Perth and would need a great deal of maintenance. Some of the facilities that will be within the towns of Vincent and Cambridge will result in a huge cost being borne by a small population. The Perry Lakes complex falls within the town of Cambridge and as it requires a major refit, costing several millions of dollars, it is no gift to that proposed local authority. Those who have been to Perry Lakes in recent years will be well aware that there is a great need to carry out renovations to bring the complex up to scratch.

The proposed town of Vincent is fortunate that renovations have recently been carried out at the Beatty Park Aquatic Centre because, if that were not the case, that proposed local authority would not be able to afford the facility. The people in that area will be expected to pick up the tab for a number of facilities in the area; for example, two major Australian rules grounds - West Perth and Perth Oval, and two major soccer facilities - the Velodrome and Dorrien Gardens. There is also the vast Robson Park tennis pavilion. The proposed towns will not be in a position to maintain those facilities.

I do not know whether the Minister will clarify whether the Government has considered other local authorities with similar populations and made comparisons. I live in the Town of Bassendean, and my local council has great difficulty maintaining the facilities in that area to the standard required by the community. The population is just too small, and it has been suggested that the Town of Bassendean be amalgamated with the City of Bayswater. When one considers the ideal size for a local authority - bearing in mind that it has been suggested that the City of Wanneroo and the City of Stirling are too big - perhaps the Government would be better served by amalgamating these areas with existing local authorities, rather than making them small local government areas in their own right. For example, Vincent could be included in the City of Stirling, and parts of Cambridge could be included in the City of Subiaco. Hon Nick Griffiths' area, City Beach, could have been slotted into the City of Cottesloe rather than leaving them both to their own means.

What has the Government offered to help the new towns survive? I believe a payment of approximately \$7m will be provided to build facilities, but where will the new town of Vincent build its new facilities? One area is mentioned is West Perth Oval, part of which may suddenly be turned into a depot. The maintenance costs of old suburbs such as Mt Hawthorn and North Perth is considerable. Unlike the newer suburbs, they involve a great deal of maintenance, especially with the rights of way and the unsealed laneways.

Hon J.A. Cowdell: The one at the back of my place is.

Hon SAM PIANTADOSI: The member is one of the luckier people. Not many of these laneways are sealed. However, that area has a great need for that work to be done, and the maintenance costs are extensive.

What is also surprising about this proposal is that the Banks Reserve part of the Swan River shoreline is included in the town of Vincent. That again will just add to the maintenance costs and will produce very little income with few contributing ratepayers in that pocket of land. There is no logic to the way that the areas have been carved up. One boundary could have continued along Lord Street to include the East Perth redevelopment area, but that was included in the City of Perth.

Hon A.J.G. MacTiernan: It is the old selective trick of picking the eyes out.

Hon SAM PIANTADOSI: That is certainly the case. The struggling towns will be burdened and will not be able to cope with the ageing facilities. If the Minister would consider similar towns - I mentioned Bassendean and others - he would understand that the proposal will be a struggle for the proposed new towns.

The proposed town of Shepperton fared a little better in the carve up. However, this was after a fight to retain the Burswood Island complex. The towns of Cambridge and

Vincent do not have the luxury of having any such facilities and have few industrial developments in the areas. These include the Leederville and North Perth complexes and part of the Scarborough Beach Road area through Mt Hawthorn, which could be regarded as being industrialised. Both those towns will have an extensive maintenance program. Hon John Cowdell was correct when he said that it will be necessary to increase rates by \$100 to go anywhere near meeting the cost of maintaining basic services to the area. It would not be anything flash, and they will certainly not be able to maintain those services at the current level. These towns contain older suburbs and when talking about the maintenance of them, one suggestion made in jest was that perhaps they should charge a toll to go through the towns. In that way perhaps they would survive.

Traffic flows through the proposed town of Vincent along William, Beaufort, Fitzgerald, Charles and Loftus Streets and along Scarborough Beach Road. All these major roads in the proposed town of Vincent will lead to traffic pressures in the North Perth ward. I refer here not to the normal flow of traffic during the day time but to the situation at peak times - especially in the Northbridge area. This traffic will create problems in the Lake Street area, so again the City of Perth will reap the benefits while the town of Vincent will suffer the problems.

Last Saturday the residents and ratepayers clearly demonstrated their opposition to the proposal to restructure the City of Perth because it will add to the costs for all the proposed towns. The Government cannot guarantee that there will be no extra costs associated with this proposal. The town of Vincent has an ageing population and those older people will not be in a position to afford any increase in rates. Many pensioners live in the town of Vincent; they have stayed in the area because of its proximity to the city and the transport facilities that are available to travel to and from the city. Once again, the people most disadvantaged will bear the brunt of the Government's actions which will result in increased costs relating to this proposal.

The Premier has said that people will have a say; that people will have greater choice. The people made their choice last Saturday, and if the Premier's word is to be acknowledged and respected he should respect that decision by the residents of the proposed towns. They have decided not to accept the offer by the Premier to supposedly have a greater say in their affairs. They have made their decision. The Premier should be kept to his word and be made to abide by the decision of the ratepayers who voted in the referendum on Saturday. They said that they did not want the change. It is obvious, though, that it was only rhetoric and this was part of a predetermined plan by the Premier to appease some of his colleagues by splitting up the city.

When one visits other cities of the world, as was suggested by members opposite -

Hon Mark Nevill: You are a modern Marco Polo.

Hon SAM PLANTADOSI: It was thrown in as an argument. We do not have the slums that many other large cities have. If we go ahead with this proposal, and the current services and maintenance programs are reduced or do not continue because people cannot afford to pay the increases in rates which will occur inevitably as a result of this proposal - there are many rights of way in the towns of Vincent and Shepperton that have to be maintained - the town of Vincent could very well become the new slum of Perth because it will not have the facilities or the ability to maintain the services currently being provided. In referring to this matter, members opposite did not raise any of the problems being experienced by those other cities. The authorities in New York, for instance, have bypassed the Bronx and have rejuvenated areas beyond it. However, a lot of people have been caught in the vacuum because it was too costly to repair the damage to that area. We need to ensure that the current levels of services continue for the towns of Vincent and Shepperton.

What will happen to Perry Lakes Stadium if the town of Cambridge cannot afford to maintain it? It would probably cost several million dollars to upgrade it to a present day facility, without worrying about the future. How much money has been spent on Beatty Park?

Hon A.J.G. MacTiernan: None from the State Government, but \$5.75m.

Hon SAM PIANTADOSI: That is a much smaller complex than Perry Lakes Stadium. Therefore, if Perry Lakes were upgraded to an international standard it would cost several million dollars. Where would the town of Cambridge get the money from to do that or to upgrade any other facility within its boundaries? Those facilities are to the benefit of all Western Australians, whether they be within the City of Perth or outside it. During the Commonwealth Games, those facilities were the pride of Western Australia. However, they will become completely run down and people will not be able to use them.

Hon B.M. Scott interjected.

Hon SAM PIANTADOSI: Is the member saying that the State Government will pick up the tab?

Hon B.M. Scott interjected.

Hon A.J.G. MacTiernan: They had to renege on the promise they gave about Beatty Park.

Hon SAM PIANTADOSI: We are led to believe by members opposite that, should there be any problems with this proposal and the towns of Vincent, Shepperton and Cambridge have problems with their facilities, the Government will pick up the tab. That is good news. I would be happy to hear from my other colleagues who represent North Metropolitan Region. The four representatives from the other side of the Chamber are silent. Hon George Cash is one member, Hon "Captain" Lightfoot is another, Hon Max Evans is another -

Hon John Halden: I thought it was "Lance Corporal" Lightfoot.

Hon SAM PIANTADOSI: He has been demoted after the fiasco in the Mabo affair. The other member is Hon Bob Pike, who is not present in the Chamber.

Hon John Halden: Is he still a member here? I haven't seen him for weeks.

Hon SAM PIANTADOSI: Nobody has seen him. He is part of the F troop on the other side of the House. They keep falling apart. Four members opposite represent the area and not one has been interested to inquire about some of the problems that those people may encounter. Because the Liberal Party for that area has representation only in this place and not in the Assembly, it is not interested. Members opposite should take more interest in the proposal and in their constituents than they have. One can assume that they have either been silenced and do not have the degree of freedom that they wanted us to believe that they had in the past -

Hon Tom Helm: Or they have been instructed.

Hon SAM PIANTADOSI: The member is quite right. They have been instructed. Some find it a bit hard to take and have made themselves absent from the Chamber rather than being embarrassed in the House. They would not want to make a slip during an interjection and embarrass the Government. In those circumstances, they do as Hon Ross Lightfoot is doing. He is sleeping so that he can forget the issue. I suppose that if one is not aware of a problem one cannot be blamed for it. He is taking the easy option.

Hon P.R. Lightfoot: I am well aware of the problem.

Hon SAM PIANTADOSI: His only contribution to the debate in this House -

Hon Mark Nevill: Lower your voice or you will wake him up.

Hon SAM PIANTADOSI: - is to raise points of order on other members claiming that they have transgressed the standing orders.

Hon P.R. Lightfoot: The member is actually asleep on his feet.

Hon SAM PIANTADOSI: I welcome the contribution by Hon Ross Lightfoot. My comments have drawn another representative of North Metropolitan Region into the Chamber. I am interested to hear the view of the Leader of the House on this proposal. As he has been involved in local government affairs, I am sure that he can enlighten us on his thoughts about the carve-up of the City of Perth.

Hon Mark Nevill: He wants to double their rates.

Hon SAM PIANTADOSI: That is where it is heading.

I urge Government members to consider those areas of concern. The proposed towns of Vincent and Cambridge will be burdened with huge costs to cover the recreation facilities. My main concern is that the predominantly aged in the town of Vincent will be affected by the rates and extra costs and the composition of the town. The town of North Perth is 80 to 100 years old. Consequently, maintenance of community facilities will be a major factor. In addition the traffic flow through the City of Perth will add different costs to that town. A number of factors must be considered. I hope members opposite will reconsider this proposal which will do much to harm many people in the North Metropolitan Region.

Debate adjourned, on motion by Hon Bob Thomas.

## HORTICULTURAL PRODUCE COMMISSION AMENDMENT BILL

### *Assembly's Message*

Message from the Assembly notifying that it had disagreed to the amendment made by the Council further considered.

### *Committee*

The Deputy Chairman of Committees (Hon Murray Montgomery) in the Chair; Hon E.J. Charlton (Minister for Transport) in charge of the Bill.

Progress was reported after the Minister for Transport had moved that the Council's amendment be not insisted upon.

Hon JOHN HALDEN: My colleague Hon Kim Chance raised a matter of concern which led to this debate being adjourned. Will the Minister advise where the matter now stands and the effect of our not agreeing to the message by the Assembly on the Bill and how it will apply to its original purpose?

Hon E.J. CHARLTON: I initially thought Hon Kim Chance may want to continue his comments because he was speaking when we reported progress. Hon Kim Chance identified the fact that by agreeing to this motion, an inconsistency will remain within the Bill because section 12(5) of the principal Act is repealed. If we agree to this amendment, we will put that section back in the Bill and it will refer to another section in the Bill which will not be there. In the earlier stage of Committee there was some confusion about whether that clause should be taken out, thus eliminating that conflict. However, we have all agreed that the operation of the Bill and the consistency of the legislation has no bearing whatsoever on the implementation or the workings of the Bill, or the ability of the Bill to do exactly what has been agreed to.

As a consequence of agreeing to this proposition, the numbers of people required to vote will not be part of the Bill; it will simply be a majority of the given number of people within the industry who will vote and set up those committees in accordance with the Bill. If people need to refer to the other clause of the Bill, they will look at certain lines of the Bill and there will be nothing there. That can be dealt with if, for a particular reason, one wants to brush up on the specifics of the Bill at a future stage. That may need to occur. The workings of the Bill have no bearing on the legislation; it will be totally consistent. As I said, if one refers to the part of the Bill in which the Government is insisting the amendment not be included, part of the Bill will not be applicable. I hope members of the Committee are au fait with that. We have discussed it with advisers from the department, who acknowledge that. The Minister in the other place has also agreed that that is correct. I am aware that Hon Kim Chance has had discussions with all concerned and also agrees that that is the case. I call on the Committee to agree to this motion.

Hon TOM STEPHENS: I had trouble believing my ears. The Minister has just asked the Committee to agree to a message from the Assembly which would repeal a provision and

have the effect of leaving in place a subclause of the Bill that would refer to another subclause of the Bill in another clause that would, after agreeing to this message, not exist.

Hon A.J.G. MacTiernan: Is this an example of better management?

Hon N.F. Moore: More jobs!

Hon A.J.G. MacTiernan: More jobs for people trying to work out the legislation.

Hon TOM STEPHENS: I find it extraordinary. I thought that members on the other side would have been the first to jump to their feet and complain, consistent with the style they adopted in the past 10 years whenever a problem was picked up in legislation that was being moved through this Chamber by the previous Government.

Hon Mark Nevill: And call for a royal commission.

Hon TOM STEPHENS: Indeed, and call for a royal commission.

Hon George Cash: We thought we would leave it to you for another hour or two.

Hon E.J. Charlton: Mr Stephens, where have you been all night?

Hon TOM STEPHENS: I have just finished preparing my speech for the Perth City Council legislation.

Hon George Cash: Do you want to bring it back on tonight?

Hon TOM STEPHENS: Mr Cash is in control of the business of the Chamber. I came into the Chamber ready to make my contribution on the Perth City Council legislation when suddenly I heard a Minister of the Crown urging the Committee to agree to include in the legislation a subsection (5) that would read that the provisions of section 10(8) apply to and in relation to a poll conducted under subsection (3) as though the poll were a poll under section 10(8). The Committee was then told that by agreeing to this message section 10(8) would not be in the legislation anyway because it would have been removed by a previous amendment. However, that is not the case. If section 10(8) has been removed by a previous amendment, subsection (9) becomes subsection (8), and effectively, when anyone reads the Bill, he will reach section 12(5) which refers to the provisions of section 10(8) - the old subsection (9) - which states -

Notwithstanding that the Commission has complied with subsections (1) to (8) and notwithstanding that a poll of growers vote in favour of the proposal the Commission may refuse to establish, or defer the establishment of, a growers' committee if the Commission considers that having regard to the circumstances of a particular case it is not desirable or practicable to do so.

This Committee of the Legislative Council is being asked to agree to legislation that is clearly not good legislation: It would clearly be problematic and would not make any sense whatsoever. We then wonder why we as a Parliament are sometimes called into question by the courts, the legal fraternity and members of the wider community who, when faced with legislation emanating from this Parliament, are left with considerable problems in the interpretation of these provisions. The Minister has not advanced one reason that this Committee of the Legislative Council should not adopt a different stance on this message; that is, tell the Legislative Assembly that it has not done its job and that it needs to fix up these subclauses of the legislation so that they make some sense.

I put to the Committee quite a simple proposition: We should be sending yet another message to the Legislative Assembly saying that we do not agree with the proposal the Minister is putting forward to us, and insisting that the legislation be amended so that it makes some sense. I do not think it is a far fetched proposition for a Committee of the Legislative Council to insist that the legislation that finally passes this Chamber should make sense. If we agree to the proposal put to the Chamber by the Minister for Transport, Hon Eric Charlton, on this important question of the Horticultural Produce Commission Act, it is not an unreasonable proposition that the legislation make some sense before it leaves this Chamber. I do not want to ask too much of the Government or put a totally unreasonable proposition to the Minister. All I say to him is let us at least be

in a position to hold our heads up with some measure of dignity at the end of this Committee's deliberations, and say that we voted tonight to make the Horticultural Produce Commission Act make some sense. If we go along with the proposal put to the Committee by Hon Eric Charlton we will have agreed to a nonsense and to the passage of some legislation that would be unintelligible to the people who must use it. I am deeply concerned by the proposal put to the Committee by the Minister for Transport.

Hon TOM HELM: Something must be said about section 12 amended, the rejection of that message by the Assembly and the Council's agreement to have section 12(5) state as it does about having the poll determined by a regulation that would be published by the Minister. It flies in the face of all the things that we have been debating in the Delegated Legislation Committee, and it is another nonsense. I feel obliged to say this because I lost the debate on this matter in Caucus, but I want to get it on record that in spite of the recommendations of the royal commission and the thrust of the Delegated Legislation Committee with regard to legislation by *Government Gazette*, we have actually gone down that track with this clause of the legislation.

It is a nonsense to say that a poll will be determined by regulation published in the *Government Gazette* and that the industry or the Western Australian public are better served by a regulation that can be amended or changed, or that can have in it words that no-one will know until the Minister has them published them in the *Government Gazette*. I had this debate with my colleague Hon Kim Chance, who pointed out some of the problems that may occur in the industry if the Minister does not have the ability to adapt to certain conditions that may present themselves where a grower wants to look for niche markets or a section of growers want to use funds to research and promote their section of the market. There are alternative ways that we can deal with that matter in this Bill. We could use section 12(5), with the amendments that we proposed to the Assembly. That was perfectly sensible, in my view, but if that was too stringent and restrictive, there is a way for the Minister, by the provisions of this Bill, to poll sections of growers and to use the 75 or 70 per cent of those growers to do the things that those growers want.

I would be the last person to want this proposal to fail. We all know that the reason for the success of the Ord River growers, particularly with regard to exports, is their ability to look at off-season or off-regular season produce. We know that there are ways of growing certain produce to meet different markets and of raising funds to grow, sell, export and promote that produce. The beauty of living in this State is that because of the variety of climatic and growing conditions, we are able to grow many types of produce. It is only right and proper that the funds for that do not necessarily come from taxpayers or by striking a levy across the industry. It is perfectly proper that the Minister should be able to respond to specialist needs as they arise. However, the Minister cannot have - and I am sure that somewhere down the track the Delegated Legislation Committee will have something to say about this matter - an additional ability to pass laws by a document or article published in the *Government Gazette*. That is ridiculous. We are wasting our time in debating matters in this Chamber when by the stroke of a pen the Minister, through a bureaucrat - and it is usually a bureaucrat, but I am not being particularly critical of bureaucrats - can publish something in the *Government Gazette* which the Parliament has no ability to debate.

I am sure there are enough members in this Chamber - Hon Phil Lockyer is one - who defend strongly and staunchly the Carnarvon growers and their produce. He would be the first to tell members that we need to look at niche markets, primarily in the export area. However, there is a way of doing this without secret legislation and without going through the *Government Gazette*. It does not need to come before the Parliament for debate every time and it does not need the slow hand of any Government to slow down the ability of producers to catch up and meet with niche markets. That is an argument that I have lost in Caucus. Rather than hold up this legislation, it is important to not make a song and dance about government by regulation. However, it would make me a hypocrite, because of the six years that I have spent on the Delegated Legislation Committee arguing the point and having demonstrated to me time and time again the way that regulations and the *Government Gazette* are used to hide the inadequacies, arrogance



and stupidity of bureaucrats and their ability to get away with some of the most stupid statements in the *Government Gazette* because we are far too busy as members of Parliament to study the *Government Gazette* to see what is going on.

However, that does not matter. If Hon Phil Lockyer finds that the Minister has said something that is inconsistent with the thrust of the producers in Carnarvon, then because of what we will do tonight, there is nothing he can do about it. If we agree that the Minister should be able to identify the number of people who produce a certain fruit or vegetable, or whatever it may be, he can then poll those people and say that a levy can be struck on those people, by the power of the Parliament. However, this way, it will happen by the power of the *Government Gazette*. If we are to have any integrity as members of Parliament, I suggest strongly that we not allow this amendment to the legislation. This legislation is good and we should not hold it up. However, to have clauses in any legislation that are legislation by *Government Gazette* would make a laughing stock out of us and our integrity would be gone. The Government can certainly do it, and it can do it by identifying those growers who want to be part of that plan, but it does not need to do it by the *Government Gazette*, and it is something from which we should keep away.

Hon SAM PIANTADOSI: In saying that I support the Bill, what has occurred demonstrates clearly the lack of knowledge and interest that members of Government have shown in the horticultural industry over the years.

#### *Point of Order*

Hon E.J. CHARLTON: It appears now that the member is talking about the industry. We are talking about a motion before the Committee to not insist upon the amendment.

The DEPUTY CHAIRMAN (Hon Murray Montgomery): I request the member to make sure that he addresses the points raised in message No 43.

#### *Committee Resumed*

Hon SAM PIANTADOSI: We support the thrust of the legislation, and it is long overdue. It is unfortunate that it has taken so long to get to this stage. Some of the concerns should have been looked at. The point about the levies, and also the changes with regard to voting make it more difficult to ascertain the number of -

Hon E.J. Charlton: It is the other way around if we agree to this motion.

Hon SAM PIANTADOSI: I will come to that. It is obvious that the error occurred because the exact numbers were not known. Obviously if there is an assurance from the Minister that the matter can be rectified, the growers will accept it. The Bill goes a long way towards addressing the needs of the industry. Hon Phil Lockyer will be aware that in a number of States, especially Queensland, the growers and the agents are involved. The horticultural industry is growing at a rate of 30 per cent annually and the sooner this problem is rectified, the better. Anything we can do to ensure that the commission can be more progressive will be of support to the industry.

Hon KIM CHANCE: In the light of what has occurred and the fact that my colleagues have expressed their sentiments on this motion, there is probably not much left for me to say. I continue my original line; that is, that in spite of the difficulties we have had with this motion and with the amendment Bill I request members to support this motion. The result of what has been done tonight will mean that the legislation will resemble a dog's breakfast - that is probably a polite term for the outcome of it.

It is important that we do not leave this Bill in limbo, because if the Committee will not support the motion moved by the Minister for Transport the Minister for Primary Industry has assured me that he would have great difficulty reintroducing a Bill into the Legislative Assembly now to make the necessary changes and we would face the danger of leaving the Bill in a state of flux between now and possibly March next year. It is something that this Committee should not allow to happen and that is the principal reason that I request my colleagues and the Committee to support the motion. My colleagues have pointed to the fact that the Bill is worthy of support and it is. However, it is

unfortunate that we have run into these difficulties with it. With those comments, I urge members to support the motion moved by the Minister.

Hon TOM STEPHENS: The Committee is fortunate to have had the contribution of Hon Kim Chance who has identified the problem with the message that emanated from the Legislative Assembly with regard to this Bill. He outlined the problem which results from the Assembly's failure to deal with the amendments in the manner requested by the Legislative Council. The Committee has had the benefit of Hon Kim Chance's efforts to closely look at the legislation and understand the impact of going along with message No 43. The Committee is now better able to understand what it is about to do at the Minister's request which is based on the proposition that he is unable to get the Leader of the House in the other place to give this Bill priority so that this amendment will make sense before the Bill is disposed of this year. It is a sorry state of affairs. Hon Kim Chance has pointed out the problems of dealing with the Assembly's message in this way. It will result in a Statute which does not make any sense. It really comes down to the Government's incapacity to properly manage the time of this Parliament.

The DEPUTY CHAIRMAN (Hon Murray Montgomery): Order! The member is drifting off the subject matter of the motion and I request him to address his remarks to message No 43.

Hon TOM STEPHENS: The proposal to agree to this message is based on the fact that there is no time left in the Legislative Assembly to deal with the necessary steps to appropriately amend sections 10 and 12 which, in their current form, do not make any sense. The Minister for Transport has put an extraordinary proposition to the Committee and I can understand the dilemma faced by Hon Kim Chance; that is, in the light of the Government's mismanagement of its program this Committee should go along with its request. If it does not the industry will be left with a Bill that has not been dealt with and will leave it in limbo and I am reluctant to do that. I will go along with Hon Kim Chance's request, but I do so reluctantly and without any pleasure. If the tables had been reversed and members like Hon Peter Foss had been on this side of the Chamber -

Hon P.H. Lockyer: He really gets up your nose.

Hon TOM STEPHENS: - I could well imagine this Committee might be taking a different position. It is only because of the reasonableness demonstrated by -

Hon N.F. Moore: That is in stark contrast to you.

Hon TOM STEPHENS: Not at all. It is in contrast to the position the Government adopted when it was in Opposition. I am agreeing to a Bill that does not make any sense because of this Government's actions and it does not give me any pleasure to do that.

Hon P.H. Lockyer interjected.

Hon TOM STEPHENS: The member does not understand the situation at all. If he had listened to Hon Kim Chance he would understand my concerns. As I said, I will go along with Hon Kim Chance's request but I do so reluctantly. The Government cannot handle the management of this place and, as a result, we have legislation that does not make any sense. Members opposite may be proud of this legislation which does not make any sense, but I am not.

**Question put and passed; the Council's amendment not insisted on.**

### *Report*

Resolution reported, the report adopted, and a message accordingly returned to the Assembly.

### **BILLS (3) - RETURNED**

1. Mines Regulation Amendment Bill  
Bill returned from the Assembly with an amendment.
2. Land Tax Assessment Amendment Bill

3. Valuation of Land Amendment Bill  
Bills returned from the Assembly without amendment.

**BUSINESS OF THE HOUSE - ORDER OF THE DAY No 11**

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [2.43 am]: Following discussions with Hon Jim Scott and the manager of the Opposition's business I move -

That Order of the Day No 11 be made an order of the day for the next sitting of the House.

Question put and passed.

**ADJOURNMENT OF THE HOUSE - ORDINARY**

**HON GEORGE CASH** (North Metropolitan - Leader of the House) [2.44 am]: I move -

That the House do now adjourn.

*Adjournment Debate - Workplace Focus*

**HON TOM HELM** (Mining and Pastoral) [2.45 am]: I wish to comment on the publication *Workplace Focus* put out by the Government which I found on my desk this afternoon. It is free. I could not find out where it was published or who distributed it, but it has a cartoon on the front page with a character who looks a bit like Hon Graham Kierath, Minister for Labour Relations. I bring the publication to the attention of the House because it was probably put out with taxpayers' money. It is coalition Government propaganda. It is full of half truths and in some places an absence of truth. It does not give the full picture of the sorts of things that the industrial relations Bills that we passed in this place will mean to the work force of Western Australia.

Hon John Halden: Fancy this Government squandering public money on propaganda.

Hon TOM HELM: If it is such a good deal why does everyone need to be told about it when everyone will already be anxious to enter the promised land that those three Bills we passed recently will supposedly bring to us? The headline is "Gold workers set the pace". It states -

Workers in WA's gold mining industry are set to receive pay increases of up to 7.5% under proposed workplace agreements."

The suggestion is that because of the new Act goldminers would be rushing around to sign contracts willy-nilly in the goldmining industry. It does not tell anyone that the gold industry already has a huge number of contract workers or that contracts have been prevalent in the gold mining industry for quite some time - probably before the last Liberal Government was in this place when Dick's dad was in charge. The past 10 years of a Labor Administration was a continuation of that, with no difference in workplace agreements or amendments to the Industrial Relations Act. However, this publication suggests that goldminers will be better off because of the new deal. The whole idea of the three industrial relations Bills was higher productivity to make industry more efficient. The headline on the inside cover is "Set your objectives". It states that for employees the objectives of signing a contract would be to provide higher wages, improved job security, better working conditions and greater job satisfaction. That is all fine and dandy, but that is an individual talking to an employer rather than a collective talking to an employer.

This article advises that workers should scrutinise the agreement, but it forgets that the whole thrust of that legislation was about secret agreements - the contract between the employer and employee must remain secret. One cannot determine what the contract is except by what the employer tells the prospective employee, or he could even be an employee under an award. How is he supposed to find out the contract his work mates

are under when it is a secret? If someone tells anybody other than a bargaining agent what his contract contains he can be punished. How can someone find out what is in the contract? The publication says the employee should examine the award. Why does he have to examine the award if those provisions apply already? This is about choices, we are told. Why would anyone have to study the award? That is the bottom line, but we know that is not true. Interpretations of awards are determined by the Industrial Relations Commission, which will no longer exist; it will be somebody called "the umpire" who will not have the ability to interpret the award provisions, so the employee will not be able to find out what the award is about.

We know the choices which are contained in the legislation. If a union decided it did not want to stay in the State award and wanted to go under the Federal award, the Minister could take everybody out of the State award - even those who wanted to be in it - and make sure they all went under the Federal award. They would not get a choice. One section of the work force in the same union cannot choose because the Minister has the ability to take everybody out of the State award and put them under the Federal award. It is difficult to determine the choices when a person does not know the contract of the person next to him. One person will not know what the others earn, their terms and conditions, such as sick pay and/or holiday pay. This rag, paid for by the taxpayers of the State, does not tell me that. It is a load of half truths and non-truths. Minister Kierath uses one article to push the barrow that the Federal taxation laws are all wrong and we are in this mess because the Federal Government is not doing the State any good. The article states -

Mr Kierath said there was genuine urgency about the reforms because the nation as whole needed to be more competitive, reduce its debt, reverse its falling standard of living and create jobs.

If that were the case, the whole point would be the collective use of unions as bargaining agents as the best people available to negotiate an agreement with the companies. The Minister has already said in this Chamber that there would be no need for young people to be represented by a parent or guardian. Hon Doug Wenn described the fact best. In fact, the opposite is the true; a parent or guardian, someone who is old enough to be in the work force who could look after the young person's best interests, could not be with that young person. Whoever the employees' bargaining agent may be would have to be agreed to by the employer and could not be a bona fide bargaining agent unless the employer agreed. There is nothing about that in the legislation; it tells us only about when the workplace agreement takes effect. It does not cover whether anyone can join a workplace agreement. There are so many parts of this legislation missing that it is a load of bunkum. That is why a member on the other side has to yawn.

Hon E.J. Charlton: I am yawning at you, mate.

Hon TOM HELM: I know that some people yawn instead of blushing, although I do not know whether that is the case for members on the other side. Unions are being advised that they should be more effective and more efficient. I do not know how they are supposed to do that when there is no provision in legislation that was passed by this House for there to be stop work meetings so that the effect of the legislation could be explained to members of the work force. There is no provision in the legislation as a minimum part of the provisions that people can debate where their enterprise wants to go and how they fit into the enterprise.

Hon N.F. Moore: They do it in their own time.

Hon TOM HELM: That is not so. There is no provision for it. How will that happen if it is a secret contract which cannot be debated in the open? Is the Minister so stupid that he cannot see that? He really is silly. Why did the Minister not speak when that legislation was being debated? It is no wonder that he does not understand what he is doing. This rag that has been put out by the Government as a public relations exercise will be seen for what it is. It sadly fails in the exercise of telling people that workplace agreements were a good idea.

Hon N.F. Moore: You lot are on your way out. You are anachronistic. You are the most conservative people in the world. Your time has come and gone. You are fighting a rearguard action. You are finished.

Hon TOM HELM: There is only one way that we can go, and that is up, onto the benches that the Government members so wrongly occupy. We have never seen anything as sloppy, as cheeky and as stupid as this article that does not tell the truth or the full story by half.

Question put and passed.

*House adjourned at 2.53 am (Wednesday)*

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## QUESTIONS ON NOTICE

## MINISTERIAL OFFICES - ATTORNEY GENERAL

*Refurbishments or Renovations*

821. Hon TOM HELM to the Minister for Health representing the Attorney General:

- (1) Have any refurbishments or renovations been undertaken to the Minister's office since 6 February 1993?
- (2) If so, what was the nature of the change?
- (3) What was the cost of the work?

Hon PETER FOSS replied:

- (1)-(2) To ensure a more secure work environment, work was undertaken to alter partitioning in the reception area, remove the existing reception counter, and to upgrade security generally. Minor refurbishment of the en suite was also undertaken.

- (3) \$18 424.

## MINISTERIAL OFFICES - MINISTER FOR LABOUR RELATIONS

*Refurbishments or Renovations*

826. Hon TOM HELM to the Minister for Health representing the Minister for Labour Relations:

- (1) Have any refurbishments or renovations been undertaken to the Minister's office since 6 February 1993?
- (2) If so, what was the nature of the change?
- (3) What was the cost of the work?

Hon PETER FOSS replied:

- (1) Yes.

- (2)-(3) Installation of a front security door - \$10 000  
Other minor works (this includes an amount of \$620 for signage) - (approx) \$3 600

## MINISTERIAL OFFICES - MINISTER FOR PLANNING

*Refurbishments or Renovations*

828. Hon TOM HELM to the Minister for Health representing the Minister for Planning:

- (1) Have any refurbishments or renovations been undertaken to the Minister's office since 6 February 1993?
- (2) If so, what was the nature of the change?
- (3) What was the cost of the work?

Hon PETER FOSS replied:

- (1) Yes.
- (2) The leather lounge suite was cleaned and the old curtains removed.
- (3) \$112.

## MINISTERIAL OFFICES - MINISTER FOR WATER RESOURCES

*Staff Names, Motor Vehicles; Parliamentary Secretary, Staff*

929. Hon TOM STEPHENS to the Minister for Finance representing the Minister for Water Resources:

- (1) What are the names of each staff person working in his ministerial office as at 20 October 1993?

- (2) How many and which of these have a Government motor vehicle allocated for their use?
- (3) Which of these officers are allocated to work with Mr Bill McNee MLA, Parliamentary Secretary?
- (4) What additional office staff does the Parliamentary Secretary have available to him?

Hon MAX EVANS replied:

The Minister for Water Resources has provided the following reply -

- (1)
 

John Kime	Janice Fletcher
Steven Tweedie	Joanne Stepik
Amanda O'Brien	Lyn Neal
Ric Latter	Leanne Giles
Michael Rooke	
- (2) Three - John Kime, Steven Tweedie and Amanda O'Brien.
- (3) None.
- (4) One.

#### COURTS - SUPREME, DISTRICT, MAGISTRATES

##### *Civil and Criminal Cases, Delays*

1058. Hon JOHN HALDEN to the Minister for Health representing the Attorney General:

- (1) As at the end of September 1993 what was the approximate delay in civil cases in the -
  - (a) Supreme Court;
  - (b) District Court; and
  - (c) Magistrate's Court?
- (2) As at the end of September 1993 what was the approximate delay in criminal cases in the -
  - (a) Supreme Court;
  - (b) District Court; and
  - (c) Magistrate's Court?

Hon PETER FOSS replied:

- (1)
  - (a) Two to three months.
  - (b) Eight to nine months.
  - (c) Perth Local Court General Division -
 

Multiple day trials	11 weeks
Full day trials	9 weeks
Half day trials	6 weeks
Assessments and damages	4 weeks

 Perth Local Court Small Debts Division -
 

Small debts trials	9 weeks
Residential tenancies matters	3 weeks
- (2)
  - (a) Six months
  - (b) 12 to 15 months
  - (c) Six weeks.

**FREEDOM OF INFORMATION ACT - GOVERNMENT DEPARTMENTS OR AGENCIES, OFFICER RESPONSIBLE FOR COORDINATING APPLICATIONS**

1248. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

Would the Minister indicate who the designated officer is for each department or agency within the Minister's portfolio who has responsibility of coordinator in regard to applications under the Freedom of Information Act?

Hon PETER FOSS replied:

Equal Opportunity Commission

Exempt from the provisions of the Freedom of Information Act for 12 months

Law Reform Commission

Mr M. Boylson

Legal Aid Commission

Mr Z. Umbras

Ministry of Justice

Mr P. Nella

Office of Women's Interests

Ms J. Warren

Western Australian Electoral Commission

Mrs H. Cray

**CLONTARF ORPHANAGE - MANAGER'S LETTERS TO CHILD WELFARE DEPARTMENT, 1951**

1251. Hon JOHN HALDEN to the Minister for Transport representing the Minister for Community Development:

How many times in 1951 did the manager of Clontarf orphanage send to the Secretary of the Child Welfare Department letters which he had withheld in accordance with Child Welfare regulation No 34 of 1934?

Hon E.J. CHARLTON replied:

The Minister for Community Development has provided the following reply -

None.

**MEDIA MONITORING - GOVERNMENT DEPARTMENTS OR AGENCIES**

1269. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

- (1) What media monitoring is undertaken in-house by each department and agency within the Attorney General's portfolio?
- (2) What has been expended by each department or agency within the Attorney General's portfolio on media monitoring between 1 March 1993 and October 1993?

Hon PETER FOSS replied:

The information sought would require considerable research and the Attorney General is not prepared to allocate resources for this purpose. If the member has a specific question about "in-house" media monitoring, the Attorney General will be pleased to respond.

**MEDIA OR PUBLIC RELATIONS TRAINING - GOVERNMENT DEPARTMENTS OR AGENCIES**

1285. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

- (1) How many officers from departments or agencies within the Attorney General's portfolio areas have undertaken media or public relations training between 1 March 1993 and 31 October 1993?



- (2) What was the date of each training session?
- (3) Who provided the training?
- (4) What is the actual cost to date and estimated total cost of the training?

Hon PETER FOSS replied:

The information sought would require considerable research and the Attorney General is not prepared to allocate resources for this purpose. If the member has a specific question about media and public relations training, the Attorney General will be pleased to respond.

**SEMINARS OR CONFERENCES - GOVERNMENT  
DEPARTMENTS OR AGENCIES**

1301. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

- (1) How many officers from departments or agencies within the Attorney General's portfolio area have attended seminars or conferences for which the Government met the cost of registration between 1 March 1993 and 31 October 1993?
- (2) What was the nature of each conference, how many officers attended, where were they held, and what was the total cost for each conference and the cost per person?

Hon PETER FOSS replied:

The information sought would require considerable research and the Attorney General is not prepared to allocate resources for this purpose. If the member has a specific question about seminars and conferences, the Attorney General will be pleased to respond.

**PHOTOCOPY EQUIPMENT - GOVERNMENT DEPARTMENTS AND  
AGENCIES**

1317. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

What photocopy equipment is held within each department and agency within the Attorney General's portfolio area?

Hon PETER FOSS replied:

The information sought would require considerable research and the Attorney General is not prepared to allocate resources for this purpose. If the member has a specific question about photocopy equipment, the Attorney General will be pleased to respond.

**GOVERNMENT PUBLICATIONS - ISSUE; PRODUCTION DETAILS**

1333. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

- (1) What publications are issued by each department and agency within the Attorney General's portfolio on a regular or periodical basis?
- (2) For each publication -
  - (a) is it produced in-house or by an outside firm;
  - (b) what is the cost including artwork, printing and distribution;
  - (c) who is the target audience; and
  - (d) is a copy of each edition provided to the Library and Information Service of Western Australia?

Hon PETER FOSS replied:

The information sought would require considerable research and the Attorney General is not prepared to allocate resources for this purpose. If the member has a specific question about publications, the Attorney General will be pleased to respond.

**GOVERNMENT DEPARTMENTS AND AGENCIES - ASSET REGISTERS**

1362. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

Which departments or agencies within the Attorney General's portfolio areas do not maintain an asset register?

Hon PETER FOSS replied:

None.

**GOVERNMENT DEPARTMENTS AND AGENCIES - IN-HOUSE PRINTING EQUIPMENT AND FACILITIES**

1375. Hon TOM STEPHENS to the Minister for Education representing the Minister for Commerce and Trade:

Which departments and agencies within the Minister for Commerce and Trade's portfolio areas have in-house printing equipment and facilities?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

The member's question is unclear. If he could be more specific as to what type of printing facilities he is referring to, an answer will be provided.

**GOVERNMENT DEPARTMENTS AND AGENCIES - IN-HOUSE PRINTING EQUIPMENT AND FACILITIES**

1378. Hon TOM STEPHENS to the Minister for Health representing the Attorney General:

Which departments and agencies within the Attorney General's portfolio areas have in-house printing equipment and facilities?

Hon PETER FOSS replied:

None, except the Ministry of Justice which has a Print Shop at Casuarina Prison. The Print Shop has printing equipment and facilities.

**MINISTERIAL LETTERHEADS - MINISTER FOR COMMUNITY DEVELOPMENT**

1414. Hon BOB THOMAS to the Minister for Transport representing the Minister for Community Development:

- (1) Further to question 793 of 1993, can the Minister for Community Development advise how many letters, on ministerial letterhead, the Minister forwarded from his ministerial office for each month since March 1993?
- (2) On how many occasions has the Minister changed the ministerial letterhead?
- (3) On each occasion how many letterheads were ordered?
- (4) What supplies of letterhead does the Minister retain -
  - (a) in his ministerial office;
  - (b) in departmental offices; and
  - (c) in store at State Print?

- (5) What is the total the Minister has spent on ministerial letterhead since he assumed office?

Hon E.J. CHARLTON replied:

Answer provided by the Minister for Community Development -

- (1) Since March 1993 approximately 12 300 letters on ministerial letterhead have been forwarded from this office. A monthly tally is not kept.
- (2) Nil.
- (3) Not applicable.
- (4) (a) Currently 9 700 sheets.  
(b)-(c) Nil.
- (5) \$1 819.

#### NOISE - BASELINE AUDIOMETRIC TESTS

1416. Hon MARK NEVILL to the Minister for Health representing the Minister for Labour Relations:

- (1) Is the Government committed to a compulsory reference or baseline audiometric test for persons at risk of noise induced hearing loss who come under the aegis of the Mines Regulation Act regulations?
- (2) Can the Minister assure the House that these tests have been undertaken for all persons in (1) at risk of noise induced hearing loss?
- (3) If not, will the Minister assure the House that tests on such persons will be undertaken promptly?

Hon PETER FOSS replied:

- (1) Yes. The Workers' Compensation and Rehabilitation Act makes it compulsory for employers to arrange baseline audiometric tests for all workers in prescribed noisy workplaces. This requirement equally applies to those workers who are employed on mine sites.
- (2) No. However, the mining sector has been supportive of the Workers' Compensation and Rehabilitation legislation and mine workers represent the largest single employer group tested.
- (3) Yes. The Government is committed to the ongoing implementation of this legislation.

#### LIGHTFOOT, ROSS - MINING TENEMENTS, MINING ACT EXEMPTIONS

1436. Hon MARK NEVILL to the Minister for Mines:

- (1) Has the Minister granted any Mining Act exemptions in relation to mining tenements held by Hon Ross Lightfoot or companies in which Hon Ross Lightfoot has a legal or beneficial interest?
- (2) If so, would the Minister provide details of what exemptions have been given and to which leases or other they apply?

Hon GEORGE CASH replied:

- (1) Hon Ross Lightfoot has not held any mining tenement in his own name since March 1990. The department does not maintain details of the legal or beneficial interests of individuals in particular companies.
- (2) Not applicable.

**COAL INDUSTRY TRIBUNAL - CHAIRPERSON, DEPUTY CHAIRPERSON  
APPOINTMENT**

1439. Hon DOUG WENN to the Minister for Mines:

- (1) Has the Minister appointed a chairperson to the coal industry tribunal?
- (2) If not, why not?
- (3) Has the Minister appointed a deputy chairperson to the coal industry tribunal?
- (4) If not, why not?

Hon GEORGE CASH replied:

- (1) Yes.
- (2) Not applicable.
- (3) No.
- (4) The matter is still under consideration.

**MINING INDUSTRY - UNPROCESSED MINERAL EXPORTS, TOTAL VALUE**  
*Royalties, Total Value; New Jobs*

1443. Hon J.A. SCOTT to the Minister for Mines:

- (1) What was the total value of unprocessed minerals exported from the State in the last financial year?
- (2) What is the total value of royalties received by the State in that period?
- (3) How many permanent new jobs were created by mining in the last financial year?
- (4) How much money was spent by mining companies on machinery and infrastructure last financial year?
- (5) How much of this was to local manufacturers?

Hon GEORGE CASH replied:

- (1) The State exported minerals either unprocessed or subject to limited treatment to the value of \$3 372m during the 1992-93 financial year. Of this, iron ore represented \$2 846m and diamonds \$519m.
- (2) The State received \$269 356 545.39 in royalties for minerals, and a further \$79 728 049.70 in royalties for petroleum products.
- (3) Eighty permanent new jobs were created by mining in the 1992-93 financial year.
- (4) According to the Australian Bureau of Statistics, capital expenditure by mining companies amounted to \$2 961m in 1992-93. Of this it is estimated that about \$1 800m was spent on plant and machinery, and about \$1 200m on buildings and services.
- (5) It is estimated that about 70 per cent of capital expenditure is spent with local manufacturers.

**MINING INDUSTRY - KALGOORLIE AREA, LIFE SPAN STUDIES**

1447. Hon J.A. SCOTT to the Minister for Mines:

Have any studies been undertaken to predict the life span of the mining industry in the Kalgoorlie area by this Government or previous Governments?

Hon GEORGE CASH replied:

I am not aware of any study undertaken to predict the life span of the mining industry in the Kalgoorlie area.

## NOISE - REPORT, MINES REGULATION ACT REGULATION 9.26

1460. Hon MARK NEVILL to the Minister for Mines:

For which mines has the State Mining Engineer been notified that a noise report has been prepared under regulation 9.26 of the Mines Regulation Act regulations since it came into operation?

Hon GEORGE CASH replied:

Harbour Lights Gold Mine  
 Gidgee Gold Mine  
 Westralian Sands Ltd  
 Fortnum Gold Mine  
 Granny Smith Gold Mine  
 Plutonic Gold Mine  
 Paddington Gold Mine  
 Paddington Gold - Kundana Mine  
 Poseidon Gold Ltd  
 Roche Bros - Fimiston Mine  
 Roche Bros - Racetrack Mine  
 Roche Bros - Karonie  
 BHP - Cadjebut Mine  
 Golden Valley - Fraser Mine  
 ACM - Golden Crown  
 Asarco - Wiluna Mine  
 Duketon Minesite  
 Cork Tree Well Minesite  
 Central Kalgoorlie Gold -  
 Bullabulling Project  
 Worsley Alumina - Boddington Mine  
 Youanmi Gold Mine  
 Garnet Millers - Geraldton  
 Target Minerals - Port Gregory  
 Hamersley Iron - Power Generation  
 RGC Mineral Sands - Narngulu  
 BHP - Orebody 25, McMahon  
 Construction  
 Mallina Holdings - Narngulu  
 Worsley Alumina - Boddington Mine  
 Bounty Gold Mine  
 Dominion Mining Bannockburn  
 Broad Arrow Mill  
 St Barbara Gold Mine  
 Alcoa - Kwinana  
 Broken Hill Metals - Hopes Hill  
 St Barbara - Bluebird Mine  
 Tiwest - Chandala  
 KCGM - Chaffers Shaft  
 Mt Gibson Gold Project  
 Ashton Cork Tree - Brambles  
 Manford  
 BHP - Iron Ore Newman  
 Brambles Manford - Muchea  
 Operations  
 Reynolds - Southern Cross Mill  
 Reynolds - Marvel Loch Mill  
 Poseidon - Bow River  
 Goldrim Mining - Wodgina  
 Quarry Industries - Moora

Quartzite Mine  
 Harbour Lights Minesite  
 Yilgarn Star - Mill  
 Eltins - Norris Mill  
 RGC Mineral Sands - Capel  
 Hedges Gold  
 Dampier Salt - Lake MacLeod  
 Delta Gold  
 Albany Quarry  
 Newmont - Telfer Gold Mine  
 Readymix - Fraser Mine  
 Youanmi Mine  
 WMC - Leinster Crushing Workshop  
 WMC - Perseverance Pit  
 WMC - Leinster Power Station  
 and Meteorology Lab  
 WMC - Leinster Town Workshop  
 WMC - Leinster Ausdrill  
 WMC - Leinster Perseverance  
 Decline  
 WMC - Emu Gold Project and  
 Leinster Nickel Operations  
 ICI - Kalgoorlie  
 WMC - Kwinana Nickel Refinery  
 Big Bell Mine  
 WMC - Windarra Power Station  
 WMC - Windarra Nickel Project  
 KCGM - Mt Percy Mill  
 KCGM - Creosus Mill  
 KCGM - Oroya Mill  
 KCGM - Core Yard  
 KCGM - Mt Percy Open Pit  
 KCGM - Fimiston Open Pit  
 NMM - Mt Pleasant Mill  
 NMM - Mt Pleasant Decline  
 Hamersley Iron - Paraburdoo  
 WMC Nickel Smelter  
 Mt Edon - Tarmoola  
 BHP Iron Ore - Finucane Island  
 BHP Iron Ore - Shay Gap  
 Byford Quarry  
 Argyle Diamonds - Alluvial Mine  
 Commercial Minerals - Welshpool  
 Heme Hill Quarry  
 Transvaal Decline  
 Darlot Gold Mine  
 KCGM - Gidji Roaster  
 KCGM - Fimiston Mill  
 BHP Iron Ore - Core Shed  
 BHP Iron Ore Power House

BHP Iron Ore - Engine #6  
 BHP Iron Ore - Newman Fire Store  
 Samantha Gold - Higginsville Gold  
 Gosnells Quarry - Crusher  
 Control Room  
 Mystery Mint Decline  
 Readymix - Sand Operation,  
 Jandakot  
 Hamersley Iron - Paraburdoo  
 Kitchener Mining - Bamboo Creek  
 Gosnells Quarry - Primary Crusher

Gosnells Quarry - Symonds Crusher  
 Hamersley Iron - Dampier Port  
 and Rail Operation  
 Hamersley Iron - Tom Price  
 Operations  
 Mt Martin Gold Mine  
 Readymix - Gosnells Quarry -  
 screening areas  
 Readymix - Gosnells Quarry -  
 load out control room  
 Grace Darling Gold Mine

### QUESTIONS WITHOUT NOTICE

#### SITTINGS OF THE HOUSE - BETWEEN CHRISTMAS AND NEW YEAR FOR WORKERS' COMPENSATION LEGISLATION

904. Hon JOHN HALDEN to the Leader of the House:

Will the Leader of the House confirm that it is the Government's intention to sit in the period between Christmas and the new year in order to pass the workers' compensation legislation or, alternatively, will the Government allow four parliamentary sitting days prior to the Christmas break for debate on this legislation, bearing in mind that the Opposition has 13 pages of amendments on the Notice Paper with regard to this controversial legislation?

Hon GEORGE CASH replied:

Firstly, I was pleased to be advised this afternoon by the Leader of the Opposition that Hon Kim Chance is to handle the management of Opposition business in this House. I have already taken the opportunity of meeting with him to work out the legislative program for this week. Obviously, although I have provided a draft program, I have also made it clear that it will be subject to change, if required. I hope to be in a position to advise in advance of any changes to the program set down. I make it clear in reviewing the program that there is no mention of the workers' compensation Bill.

Secondly, it is the Government's intention to deal with the workers' compensation Bill. However, I must be quite frank with the Leader of the Opposition; I certainly have not provided four days, even though I am aware of the many amendments on the Notice Paper.

Thirdly, it is most unlikely that the House will sit between Christmas Day and New Year's Day, although it is true that the Government has a legislative program it wants to achieve. At the moment I have marked down a tentative program that would see the House rise on Thursday, 16 December or perhaps the early hours of Friday, 17 December. That is on the assumption that we achieve the legislative program that has been agreed on this side of the House. However, if we are unable to achieve that objective, clearly there may be a need to sit the following week. I hope that does not mean we shall have to sit between Christmas Day and New Year's Day, but that will obviously be firmed up in due course subject to continuing negotiations with the Opposition.

#### LAND (TITLES AND TRADITIONAL USAGE) BILL - DEBATES ORGANISED BY COUNTRY CHAMBERS OF COMMERCE

905. Hon JOHN HALDEN to the Leader of the House:

(1) With reference to the Government's abhorrent anti-Mabo legislation which the Premier claims is in the interests of the whole community, why

has the Premier's office approached country chambers of commerce to organise debates on Mabo?

- (2) In the interests of impartiality with regard to Aboriginal groups, has the Premier's office approached them to organise such debates?

Hon GEORGE CASH replied:

- (1)-(2) The Premier to date has not provided me with an answer.

#### TAXI CONTROL BOARD - FUNDS, CHANGES

906. Hon JOHN HALDEN to the Minister for Transport:

- (1) Will the Minister confirm that the \$1.13m of funds collected from taxi drivers by the Taxi Control Board will be absorbed into consolidated revenue?
- (2) If not, to where will that money be diverted?

Hon E.J. CHARLTON replied:

- (1)-(2) I understand that that certainly will not happen. There has been no discussion with me about changes regarding funds controlled by the Taxi Control Board.

#### TAXIS - MULTIPURPOSE, BLACK AND WHITE TAXIS' MANAGEMENT

907. Hon JOHN HALDEN to the Minister for Transport:

Staff at the Minister's office have indicated that the Minister is not happy with the present arrangements regarding multipurpose taxis. Is it the Minister's intention to allow Black and White Taxis to continue operating the multipurpose taxis through 1994?

Hon E.J. CHARLTON replied:

It is correct to say that more multipurpose taxis should be provided, throughout the whole industry. Consultation is required with the industry to ensure that these MPTs are strategically placed in the metropolitan area so that the whole of that area, which comes under the jurisdiction of the Taxi Control Board, is serviced. The Government wants to ensure that that happens.

I agreed to extend Black and White Taxis' management of MPTs, in response to customers' calls for a further 12 months, which I think takes the arrangement to March 1994. I will provide the exact date. Obviously, as I have already announced the proposed changes to the taxi industry, the reason for that continuation of the MPT management was to allow it to fall in line with the proposed changes to the overall industry. I have also appealed to the taxi industry to make as many cabs available as possible over the Christmas and new year period, because the public are rightly concerned about the number of taxis available during the holiday break. It is not a question of there not being enough taxis in the metropolitan area, but rather one of enough taxis being on the road at a given time.

#### TAXI INDUSTRY BOARD - MEMBERSHIP

908. Hon JOHN HALDEN to the Minister for Transport:

- (1) Will the Minister explain his rationale for having only one representative of taxi drivers on the taxi industry's new board?
- (2) Why will this person be nominated by the Minister and not elected by the workers?

Hon E.J. CHARLTON replied:

- (1)-(2) I am not aware of where the Leader of the Opposition got that information from.

Hon John Halden: From your office.

Hon E.J. CHARLTON: The final determination of the membership of the board has yet to be made. The legislation has not been drafted at this stage and, obviously, there will be consultation with the industry before a final decision is made.

**TAXI INDUSTRY COUNCIL - \$50 000 GRANT**

909. Hon JOHN HALDEN to the Minister for Transport:

Will the Minister grant the Western Australian taxi council \$50 000 so that it can establish itself as an independent and permanent entity?

Hon E.J. CHARLTON replied:

No.

**MOTOR VEHICLE THIRD PARTY INSURANCE - \$50 LEVY**

910. Hon REG DAVIES to the Minister for Finance:

- (1) Is it mandatory to pay the \$50 levy in conjunction with a motor vehicle registration payment?
- (2) If not, what method will the Government use to ensure that the \$50 levy is paid?

Hon MAX EVANS replied:

- (1)-(2) It is mandatory to pay the \$50 levy. If it is not paid, the licence fee is not paid and the person has an unlicensed vehicle.

**GREAT SOUTHERN DEVELOPMENT AUTHORITY**

911. Hon BOB THOMAS to the Minister for Education representing the Minister for Commerce and Trade:

Some notice of this question has been given.

- (1) What grants to private companies or industries have been made by the Great Southern Development Authority in 1993?
- (2) What were the terms and conditions of a \$32 500 grant to Indian company Shalaks by the GSDA?
- (3) Did Shalaks apply for the grant?
- (4) Did the Minister approve the grant?
- (5) Which members of Parliament, if any, made representations to the Minister seeking approval of this grant?

Hon N.F. MOORE replied:

The Minister for Commerce and Trade has provided the following reply -

- (1) None.
- (2)-(5) Not applicable.

**BUILDING AND CONSTRUCTION INDUSTRY TRAINING FUND -  
BALANCE**

912. Hon BOB THOMAS to the Minister for Education:

- (1) What is the balance of the building and construction industry training fund?
- (2) When was the last time moneys were allocated from that fund to a training project?
- (3) When did the former chairman of that organisation resign?
- (4) Has a new chairman been appointed?



(5) If no to (4), why not?

Hon N.F. MOORE replied:

(1)-(5) The member asked me for the balance of that fund.

Hon George Cash: To the exact cent.

Hon N.F. MOORE: I must ask him to place the question on notice. If he expects me to know that figure he must be a little over the top. I had trouble hearing the second part of the question as I was so astounded by the first part. The member would be aware that several months ago a moratorium was placed on any new expenditure by that authority. However, that did not prevent any expenditure on projects already in train. Therefore, expenditure on any new projects would have ceased some months ago. I cannot give the exact date. The chairman has resigned and Cabinet yesterday appointed a new chairman.

Hon Bob Thomas: When did he resign?

Hon N.F. MOORE: About a month ago. I will find out the exact detail as I do not carry that sort of information around in my head. Cabinet has appointed a new chairman who will take his position once Exco has approved the appointment.

#### MOTOR VEHICLE THIRD PARTY INSURANCE - \$50 LEVY

913. Hon REG DAVIES to the Minister for Finance:

- (1) Is he aware that on talkback radio people have been saying that if a cheque is sent for the motor vehicle registration fee, less the \$50 levy, they have received back their vehicle registration papers?
- (2) If not, will the Minister investigate, through sources within his office, and find out whether this is true?
- (3) If this claim is true, what method will the Government employ to ensure that the \$50 levy is received?

Hon MAX EVANS replied:

(1)-(3) I ask that the question be placed on notice. That levy is rebatable to people such as pensioners and health card holders. They do not pay the levy; they pay only the registration fee.

#### TAFE - CLEANING CONTRACTS

914. Hon BOB THOMAS to the Minister for Education:

- (1) Were the cleaning contracts for the Rockingham TAFE, Carine TAFE and TAFE external studies campuses advertised on 3 September 1993 for closure on 23 September 1993?
- (2) Will the current contracts expire on 11 December 1993?
- (3) Were 15 tenders received from interested parties?
- (4) Have all tenders been rejected and the existing contractors been invited to extend their contracts for six months?
- (5) If yes to (4), for what reasons were those 15 tenders rejected?

Hon N.F. MOORE replied:

(1)-(5) For very obvious reasons, I ask the member to put the question on notice.

#### SENIORS' INTERESTS, OFFICE OF - REVIEW

915. Hon CHERYL DAVENPORT to the Minister for Transport representing the Minister for Seniors:

Some notice of this question has been given.

- (1) When did the Minister receive the interim report of the inquiry into

the Office of Seniors' Interests conducted by the Public Sector Management Office?

- (2) Did the report show that the Office of Seniors' Interests is highly regarded by other Government agencies?
- (3) Did the report reflect favourably upon the office, its director and his staff?
- (4) Did the report raise doubt about the management of that agency?
- (5) What was the Minister's response to that report?
- (6) Did the Public Sector Management Office express concern about the ethics of the Minister's attempts to influence the outcome of that report?
- (7) When did the Minister last meet with Dr Trevor Lee?

Hon E.J. CHARLTON replied:

I have received advice from the Minister for Seniors as follows -

- (1) It was received on 9 November 1993.
- (2)-(5) The Minister commissioned the Public Sector Management Office to review the Office of Seniors' Interests. This process is ongoing and it would be misleading and premature to comment further at this stage.
- (6)-(7) No.

#### TAXI INDUSTRY COUNCIL - \$50 000 GRANT

916. Hon E.J. CHARLTON :

I would like to add comment to a previous question asked by Hon John Halden regarding a payment of \$50 000 to the Taxi Industry Council, to which my answer was no. I wish to enlarge upon that and to provide the reasons for it. The Taxi Industry Council originally comprised a number of people who have since withdrawn from that council. Therefore, I do not think it was appropriate at this time, particularly in the lead up to the changes to the board, to make that payment.

#### POLICE - OFFICERS, EX GRATIA PAYMENTS OF LEGAL FEES

917. Hon N.D. GRIFFITHS to the Minister for Health representing the Attorney General:

Some notice of this question has been given.

- (1) Has a date been fixed for the Attorney General to meet with the Minister for Police to discuss ex gratia payments of police officers' legal fees?
- (2) If yes, what is that date?
- (3) If no to (1), why not?

Hon PETER FOSS replied:

The Attorney General has provided the following reply -

- (1)-(3) The Minister for Police and the Attorney General are due to meet together with the Solicitor General in the week beginning 13 December 1993 to discuss this issue.

#### EDUCATION - AUSTRALIAN EDUCATION COUNCIL MEETING

918. Hon J.A. COWDELL to the Minister for Education:

- (1) Can the Minister inform the House of the support he received at the recent Australian Education Council meeting for his plan to radically reduce the role of the Commonwealth in schools education?

- (2) Does the Minister intend to press the Premier to move at the Commonwealth Council of Australian Governments meeting, to be held early next year, that Commonwealth funding and capital grants for education be absorbed into the financial assistance grants scheme?
- (3) If yes to (2), is this approach favoured by other States' Education Ministers?

Hon N.F. MOORE replied:

- (1)-(3) The support I received at the Australian Education Council meeting was, to put it mildly, less than anticipated.

Hon Tom Stephens: They gave you the raspberry, and they were conservatives.

Hon N.F. MOORE: A motion was moved that the motion be not put. My motion clearly and properly criticised the way in which the Federal Government is increasingly involved in education in Western Australia.

Hon John Halden: It sounded like a face saver.

Hon N.F. MOORE: The motion not to put the motion was agreed to when one of the conservative States voted with the Labor States.

Hon John Halden: You cannot trust your friends.

Hon N.F. MOORE: It is not unusual for that to happen with some States, which have come to realise when publicly taking on the Federal Labor Government too strongly, when the dollars are being made available it is made clear that the Labor Government does not appreciate that point of view. It was disappointing that the AEC did not take a view on that matter. Although I would have preferred to have the motion carried, the fact that it was not voted on is the second best, if not the second worst, outcome.

Hon John Halden: Only a smidgin.

Hon N.F. MOORE: I take no satisfaction from that result.

Hon Peter Foss: Nor should any Western Australian.

Hon N.F. MOORE: We have a situation - and this would be supported by members opposite if they were in Government - in which the Federal Government is increasingly seeking direct involvement in schools education in Western Australia.

Hon Tom Stephens: They are worried about you.

Hon N.F. MOORE: The member somehow or other has the view that personalities have something to do with this matter. In fact, it is about who should be running schools in Western Australia. I defended in this House any action taken by the previous Minister for Education in defending the State's position in education.

Hon Peter Foss: Quite right.

Hon N.F. MOORE: I will continue to support that position. I strongly believe that education should be delivered by the State. This is the sort of responsibility that is best provided close to the area in which the service is delivered. Decision making should be made as close as possible to the place where the decisions have an effect. The Commonwealth's involvement in the funding of the professional development of teachers and in our schools' programs and priorities is a complete invasion into an area for which it has no responsibility. I made that point very clearly at the meeting. Regrettably, not all of the conservative States agreed with my view, although I suggest that they do behind the scenes. The problem is that when the States are starved of funds, as they are now, and when increasingly the money coming to the States is by the way of tied grants, it

is not sensible to be stridently critical of Federal Ministers because they have the capacity to take it out on us when they determine how much money we get down the track. At the previous AEC meeting, the Commonwealth was very clearly put back in its place on the national curriculum. The States decided at that time to take back control of their own curricula. That decision was reinforced at the AEC meeting in Hobart when the Commonwealth was forced to withdraw its motion to again take over the national curriculum.

#### EDUCATION - TIED GRANTS; NATIONAL CURRICULUM

919. Hon J.A. COWDELL to the Minister for Education:

- (1) Has the Minister taken on notice the second part of my previous question, which dealt with an approach to the Premier and which he did not answer?
- (2) Will WA join other States, such as New South Wales, in developing curriculum in conformity with national curriculum statements and profiles?

Hon N.F. MOORE replied:

- (1) I apologise for not answering the second part of the member's previous question. My advice to the Premier will be that we need to put the case strongly at the Council of Australian Governments meeting to be held in February that if we continue to accept tied grants for education and other areas of Government, we will be giving away our responsibility. For example, whenever the Commonwealth decides that it has a priority in education and decides to fund schools directly, it bypasses the decision making process of the people who are running the school system; that is, the Ministry of Education of Western Australia. I believe the money is generated in the States but it is consumed by the Commonwealth. Canberra does not create wealth, it consumes it. The money goes from the States to the Commonwealth, which then decides to spend it in areas that are the States' responsibilities. I hope that at the next COAG meeting, the whole question of financial assistance grants and so on will be looked at closely and that, as is our entitlement, money will come to the States in block grants instead of tied grants, bearing in mind that this is where the money is generated.
- (2) I think the member should have a very close look at what is happening in New South Wales. It has developed a curriculum in English against which it has put an asterisk next to the outcome statements which relate to the national curriculum, but they are but a tiny part of the total curricula. In Western Australia, we are using what is good from the national curriculum, but we are not taking on board any of the things that are not good. If the member spoke to people involved in education in Western Australia and in Australia, he would find that there is less than enthusiasm for some of the national curriculum materials which the Commonwealth hopes to foist upon the States without their having any further say in what happens.

#### SWAN BREWERY LETTER

920. Hon TOM HELM to the Minister for Fair Trading:

I draw the Minister's attention to a letter from the Swan Brewery dated 3 December advising liquor outlets to order liquor by 8 December 1993 and warning of the cost implications of the imminent High Court decision in the Capital Duplicators case. I ask -

- (1) What steps did the Government take to pre-empt panic buying of liquor stocks in the wake of the High Court's decision?

Hon E.J. Charlton interjected.

Hon TOM HELM: Mr Charlton is not a bit funny.

In other words, did the Government take any steps to discuss with the Commonwealth the implications of the High Court's decision before it was given?

- (2) What effect will the decision have on tobacco and liquor prices in Western Australia?

Hon PETER FOSS replied:

- (1)-(3) Liquor purchasing does not fall within my portfolio; it falls within the portfolio of the Minister for Racing and Gaming. As I understand the decision, neither tobacco nor fuel will be affected by it.

*Point of Order*

Hon TOM HELM: If I had not received a stupid interjection from the Government front bench -

The DEPUTY PRESIDENT (Hon Barry House): Order!

Hon TOM HELM: I referred to tobacco and liquor prices, not fuel. Hon Peter Foss is the Minister for Fair Trading.

*Questions without Notice Resumed*

Hon PETER FOSS: I do not have anything to do with liquor. Tobacco is the only matter that I have anything to do with.

Hon Tom Helm: Aren't you the Minister for Fair Trading?

Hon PETER FOSS: My involvement with tobacco is only as Minister for Health. In that case, other Ministers are involved with tobacco, not me.

**HIGH COURT DECISION - LIQUOR AND TOBACCO PRICES**

921. Hon TOM HELM to the Minister for Finance:

The Minister for Finance probably does not know the answer either. However, I draw his attention to a letter of 3 December from the Swan Brewery advising all liquor outlets to order their liquor by 8 December 1993 - that is, tomorrow - because of the cost implications of the imminent High Court decision in the Capital Duplicators case. I ask -

- (1) What steps did the Government take to pre-empt panic buying of liquor stocks in the wake of the High Court's decision; that is, did the State Government negotiate with the Commonwealth Government on the outcome of the High Court case?
- (2) What effect will the decision have on tobacco and liquor prices in Western Australia?

Hon MAX EVANS replied:

- (1) Until yesterday, we had sent three submissions to Canberra. However, that inept Government has not been able to handle the issue. It has chopped and changed the rates it was going to charge. Some time ago, it said it would introduce a business franchise tax similar to that which operates in all of the States. That created many problems because each of the States has a different formula. The Commonwealth Government then decided that it would introduce an excise tax. However, that created many more problems. It had a problem with some States charging more than others and it had the problem of trying to offset that because it would have been able to charge only a flat rate throughout Australia.

Hon Tom Stephens: I understand that this Government did not make any proposal to the Federal Government.

Hon E.J. Charlton: That is where you are wrong, Mr Stephens. It is typical of you because you would not know.

The DEPUTY PRESIDENT: Order!

Hon MAX EVANS: We have been in regular contact, day by day, with the Federal Government to find out what it was going to do. There was going to be a meeting in Canberra tomorrow to discuss it. However, that meeting should have been held a week ago because the Commonwealth Government did not have a clue a week ago what it was going to do. We had to protect our taxes.

Hon Tom Stephens: What is your proposal?

Hon MAX EVANS: We had to protect the \$30m raised through the tobacco tax. Our legislation provides that it be paid on 6 December. Every tobacco company paid that by the due date, which was yesterday. No-one knew what the Federal Government was going to do on alcohol. It said yesterday, at the last moment, that it would probably have a higher tax rate on tobacco than did any of the States; in other words, if it was 100 per cent, its tax would be more than that. If the Federal Government charged 125 per cent tax, we would have had to rebate the extra amount back to the retailers. Nothing has been said about the different rates applying to alcohol. The Swan Brewery was probably suggesting that it would charge 13 per cent here as it does in the other States and therefore, if the purchase was made before 8 December, the retailers would save eight per cent. There is not much money involved in the three and a half per cent gross margin on alcohol bought from the Swan Brewery. I think it was a damned good sales ploy. When changes were made to the tobacco tax a couple of months ago, a lot of money was made on the last day. However, I do not think much money would be made out of alcohol. We did not discuss it.

- (2) The decision will have no effect on the price of liquor or tobacco in this State. The status quo of 100 per cent tax on tobacco and the top rate of 11 per cent tax on alcohol will remain.

#### ALCOHOL AND DRUG AUTHORITY - CUTBACKS

922. Hon TOM HELM to the Minister for Health:

Given the extent of the alcohol and drug problems being experienced by the Western Australian community - increased crime, domestic violence, unemployment, drug use by youth, and so on - can the Minister explain to the House the rationale of his decision to wind down the Alcohol and Drug Authority by slashing services and cutting jobs, as stated in the Civil Service journal of November 1993?

Hon PETER FOSS replied:

The papers which were tabled in this place during the Estimates Committee indicate that that is not the case. The Government is redirecting much of its effort to high priority areas. That means that in some other areas limitations and cutbacks will occur because the Government must redirect its efforts towards where the principal need is.

Hon Tom Helm interjected.

Hon PETER FOSS: The member should ask the Civil Service Association about that. The CSA has been putting around the most ludicrous nonsense I have ever heard. I cannot see why it should be seen as an overall attack when the Government is just making cutbacks in some areas so that it can direct its efforts to where the real problems are. It is what must be done when a serious problem exists; that is, direct the money towards the areas where one thinks the problems lie. The Government does not think it needs to cut services; that is another point the CSA has wrong. The Government believes it can maintain services in the city -

Hon Tom Helm: The ADA is saying it.

Hon PETER FOSS: The CSA is saying that; however, the Government believes it can maintain services within the metropolitan area and at the same time redirect a substantial amount into the country areas where the biggest problem exists. This situation has caused the CSA to say that it will be doom and gloom. However, I cannot see how the CSA can say that when moneys will be transferred from the areas where the problem is not so great to the areas where the problem is great. I would like the Government to transfer increasing amounts of money into the country areas rather than just the city areas. I hope that can be done with the cooperation of the people within the system so that it does not mean any drop in services.

**PICL - \$350M COST**

923. Hon KIM CHANCE to the Leader of the House representing the Premier:

Some notice has been given of this question. With reference to the Premier's claim in *The Australian* on 6 December 1993 that the Petrochemical Industries Co Ltd deal has cost the State about \$350m, how does the Premier arrive at that figure?

Hon GEORGE CASH replied:

The Premier has provided the following reply -

As at today, the cost to the State is well in excess of \$350m due to the continuing interest payments on borrowings and the legal fees in excess of \$12m. The cost to the State as at 30 November this year is currently being calculated, and that figure will be available tomorrow.

**HASSELL, BILL - CORRESPONDENCE WITH MINISTER ON BEHALF OF SETTLEMENT AGENTS**

924. Hon KIM CHANCE to the Minister for Fair Trading:

- (1) With reference to Mr Bill Hassell's correspondence with the Minister on behalf of settlement agents, was Mr Hassell's approach in his professional capacity or as President of the Liberal Party?
- (2) If in his professional capacity, why will his correspondence not be incorporated in official departmental files?

Hon PETER FOSS replied:

- (1)-(2) Mr Hassell was acting in his professional capacity. Because he was critical of people within the department as well as other people, I was asked to keep the matters separate; that situation often occurs with various departments. One reason that people approach the Minister is that they wish to make statements about people within departments. I then generally try to put the points raised in a more neutral fashion to the departments so that they can be answered, and I respect the confidence that I have been asked to keep.
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