

Legislative Council

Thursday, 30 August 1990

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

RULING - BY THE PRESIDENT

Tobacco Bill - Consideration by Standing Committee on Legislation

THE PRESIDENT: Honourable members, I indicated yesterday that I would give a ruling with regard to the motion that appears as No. 1 on today's Orders of the Day. It is my intention to give that ruling at the completion of motions which appear on today's Notice Paper.

McCUSKER REPORT - ROTHWELLS LTD

Report and Premier's Ministerial Statement - Tabling

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.34 pm]: I present the Report of Inspector on a Special Investigation into Rothwells Ltd pursuant to the Companies Code (Western Australia) part VII and a copy of a ministerial statement by the Premier, Dr Carmen Lawrence, on the report into Rothwells Ltd by Mr Malcolm McCusker, QC.

[See paper No 511.]

NOTICE OF MOTION - McCUSKER REPORT

Rothwells Ltd - Attorney General and Cabinet, Conduct

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.36 pm]: I give notice that at the next sitting of the House I will move -

That this House having regard to the matters referred to in the McCusker report and the facts surrounding it -

- (a) Deplores the period of time over which the affairs reported on continued without intervention.
- (b) Notes that -
 - (i) many of the principal persons involved were close to the Government, were financial advisers to the Government, were Government political employees or were members of the Curtin Foundation;
 - (ii) the former Premier, Brian Burke, had issued a letter of commendation to at least one of those persons;
 - (iii) a number of the members of this Parliament had regularly drawn the Government's attention to this unsatisfactory state of affairs but that the Government had denied and refused to investigate them; and
 - (iv) for part of the time a representative of the Government was Chief Executive Officer of Rothwells and senior members of the Cabinet were actively involved in protracting the existence of Rothwells.
- (c) Considers that the Attorney General was neglectful in failing to direct his department to ensure that proper legal steps were taken to bind Mr Laurie Connell to his pledge of his and Mrs Connell's assets to the Rothwells rescue thereby allowing Mr Connell to escape contributing them.
- (d) Is of the opinion that no member of the then Cabinet, and in particular no member of the inner group of the Cabinet - namely, the Hons Burke, Dowding, Parker, Grill and Berinson - could have been unaware that the affairs required urgent investigation and action.

- (e) Notes that the Attorney General is, and at all times was, the Minister charged with the proper administration of those laws which dealt with such state of affairs and in particular was a member of the Ministerial Council of the National Companies and Securities Commission and responsible for the office in Western Australia charged with corporate investigations.
- (f) Notes that the Attorney General deferred initiating action on Rothwells until forced to by threatened NCSC intervention and even then postponed action until after the 1989 election.
- (g) Concludes that the Attorney General has clearly wilfully refused to take notice of facts which he could not have avoided knowing and was motivated by the desire to protect his Government from the political consequences of it becoming publicly known that -
 - (i) the Government had blundered in its financial dealings with entrepreneurs;
 - (ii) the Government failed to exercise prudent and proper scrutiny of the dealings of those entrepreneurs;
 - (iii) the Government had prolonged the existence of a company which whilst insolvent and under Government management had continued to take deposits from the public; and
 - (iv) this arose from the intimate relationship between the entrepreneurs and the Government.
- (h) Considers that the Attorney General is guilty of gross neglect in the enforcement of the laws relating to corporate conduct as disclosed in the McCusker report and that any denial of his knowledge or involvement is an admission of gross incompetence by omission.
- (i) Considers that the neglect by the Attorney General has led to one of the most significant financial disasters in the history of this State for which his department, and he, both personally and as responsible Minister, must accept responsibility.
- (j) Condemns the Attorney General for his continued inaction and considers that he has breached the high standards of integrity, honesty, credibility and independence expected of the first law officer of the State.

STANDING ORDERS SUSPENSION - McCUSKER REPORT

Rothwells Ltd - Notice of Motion Debate

HON J.M. BERINSON (North Metropolitan - Attorney General) [2.40 pm]: It will be clear to the House that the motion of which the Leader of the Opposition has given notice amounts to a motion of no confidence against myself, and in order to allow debate to proceed I move, without notice -

That so much of Standing Orders be suspended as would allow the debate on the motion to be taken forthwith and debated to finality.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.41 pm]: I oppose the motion moved by the Attorney General.

Several members interjected.

Hon J.M. Berinson: You were so firm a minute ago.

Hon GEORGE CASH: It should be clear to the Parliament why.

Hon J.M. Berinson: You are a wimp.

Hon GEORGE CASH: Yesterday I gave notice that at today's sitting I would move certain procedural motions to ensure that at the next sitting day of the Parliament any motions which I moved today could be dealt with as the first items of business. It seems to me that it would

be quite unnecessary for those to be dealt with today. To rush in now would perhaps not give the Attorney General an opportunity to consider the motion and the points raised. More than that: In the other place the Government is currently considering aspects of the McCusker report.

Several members interjected.

The PRESIDENT: Order!

Hon GEORGE CASH: It is important that there be no confusion about the discussions which are currently being undertaken in the other place.

Hon Kay Hallahan: Get on with it; it is your motion.

Several members interjected.

Hon GEORGE CASH: This motion deals with matters which affect not only the Attorney General but also other members of the Government, and I see no reason to rush into this matter.

Several members interjected.

Hon GEORGE CASH: If the Attorney General is very keen that this matter be debated without undue delay -

Hon Mark Nevill: You are a man of straw.

Hon GEORGE CASH: - it seems to me that arrangements can be made to see that this Parliament is recalled either tomorrow or next week -

Hon J.M. Berinson: What a wimp!

Hon GEORGE CASH: - in order to debate not only this motion but also other motions which members may care to move. They can all be dealt with at the same time.

HON J.M. BERINSON (North Metropolitan - Attorney General) [2.43 pm]: This is not the first time, indeed it is not even the first time this week, that the Opposition, which is supposed to be on the attack, has gone into retreat. A couple of days ago the Opposition was challenged to agree to a report from a Select Committee, and it ran a mile. It was not ready, it said; it needed more staff, it said; the Opposition needed more time, it said. The long and short of it was that the Opposition was not prepared to face up to a matter on which it constantly wants to give the appearance of being on the attack. Today -

Several members interjected.

The PRESIDENT: Order! I will not tolerate interjections being thrown across the Chamber. I ask honourable members to maintain at least some semblance of decorum.

Hon J.M. BERINSON: Today we had a much worse example, if that were possible. We have this very serious motion which, as I have said, amounts to a motion of no confidence against me. The Leader of the Opposition launches his attack. I invite him to pursue it, but instead of doing that he goes into retreat.

Hon George Cash: Not at all.

Hon J.M. BERINSON: Why does the Leader of the Opposition not prepare himself? If I am prepared without notice to refute all that he has to say, why is he not prepared?

Several members interjected.

Hon J.M. BERINSON: He knows well enough what he has to say to get on with the job.

Several members interjected.

The PRESIDENT: Order! I do not know whether I have to spell it out, but my request seemed a pretty reasonable one. I requested that members refrain from interjecting. I do not want to take the action which is open to me, but I can assure honourable members that I will. The Attorney General is entitled to be heard.

Hon J.M. BERINSON: I thought I heard a few interjections suggesting that this cannot be considered because the motion is based on the McCusker report. It is not based on any such thing. Members should read the motion. It is very itemised and it should not require Mr Cash to take any time in preparing a submission, because it is simply a rerun of what he has said before.

Hon P.G. Pendal: It is based on a report.

Several members interjected.

Hon J.M. BERINSON: Nothing in this motion depends on what Mr McCusker has found and reported.

Hon George Cash: I think it does; you haven't read the motion.

Hon P.G. Pendal: If you resign today we will deal with it.

Several members interjected.

Hon J.M. BERINSON: This is simply a retread of the past personal attacks which the Opposition has launched against me. I have great difficulty in understanding why it continues to pursue that course now. Here I am, the most inoffensive of men, constantly faced by opponents who cannot get beyond personal attacks in mounting what is supposed to be a serious discussion on a very serious matter. The best the Opposition can do is to come down to another personal attack. If that is the way the Opposition wants to go, let us get on with it. To quote the Premier in the other place, there is a job to be done in this State; let us get on with the job.

Several members interjected.

Hon J.M. BERINSON: If part of it is to make these unfounded allegations and hear the replies, let us get on with that job, get it out of the way, and get on with the work which this House is really supposed to be doing. I do not think I could have been fairer. It was obviously impossible for me to know in advance what the Opposition might have in its mind in the way of a no confidence motion, but even without that prior knowledge I am prepared to face up to it if members opposite are.

Question put.

The PRESIDENT: To be passed this motion requires the concurrence of an absolute majority. There being a dissentient voice, it is necessary for the House to divide.

Division taken with the following result -

| Ayes (12) | | |
|----------------------|----------------------|-----------------------|
| Hon J.M. Berinson | Hon B.L. Jones | Hon Bob Thomas |
| Hon T.G. Butler | Hon Garry Kelly | Hon Fred McKenzie |
| Hon Cheryl Davenport | Hon Mark Nevill | (Teller) |
| Hon Kay Hallahan | Hon Sam Piantadosi | |
| Hon Tom Helm | Hon Tom Stephens | |
| Noes (13) | | |
| Hon J.N. Caldwell | Hon Peter Foss | Hon W.N. Stretch |
| Hon George Cash | Hon N.F. Moore | Hon Derrick Tomlinson |
| Hon E.J. Charlton | Hon Muriel Patterson | Hon Margaret McAleer |
| Hon Reg Davies | Hon P.G. Pendal | (Teller) |
| Hon Max Evans | Hon R.G. Pike | |
| Pairs | | |
| Hon John Halden | | Hon Barry House |
| Hon Graham Edwards | | Hon P.H. Lockyer |
| Hon Doug Wenn | | Hon D.J. Wordsworth |
| Hon J.M. Brown | | Hon Murray Montgomery |

The PRESIDENT: The question is resolved in the negative as the division did not result in the concurrence of an absolute majority.

Question thus negatived.

PROROGATION OF PARLIAMENT BILL

Introduction and First Reading

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

MOTION - STANDING ORDERS SUSPENSION

Standing Orders Nos 166 and 167 - Thursday 30 August

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.54 pm]: I move -

That Standing Orders Nos 166 and 197 be suspended for the duration of the sitting on Thursday, 30 August 1990.

Members will be aware of the one hour rule that applies in the Legislative Council. Standing Order No 166 provides -

If all Motions shall not have been disposed of one hour after the time fixed for the meeting of the Council, the debate thereon shall be interrupted, unless the Council otherwise order. The Orders of the Day shall be then taken in rotation; but if there be no Order of the Day, the discussion on Motions may be continued.

Standing Order No 197 then states -

After the asking of Questions on Notice and after the Motions have been disposed of or adjourned, or at the expiration of one hour from the meeting of the Council, if the same have not been then disposed of or adjourned, the Council shall proceed with the Orders of the Day.

I move this motion to enable discussion of Order of the Day No 3 listed on today's Notice Paper to continue past the 3.30 pm cut off point should that be required. If the motion can be disposed of before the one hour has expired, nothing will be lost. However, were this House to get half way through the debate on Order of the Day No 3 and the President were to advise the House of the requirements of the one hour rule, the question would be put as to whether the House should continue to debate the matter under consideration. If a dissenting voice was heard the question would be lost and the House would have to proceed to the next Order of the Day.

This motion is very much a procedural matter which will allow Order of the Day No 3 to be debated past 3.30 pm if that is required. I commend the motion to the House.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [2.56 pm]: I support the motion, although I find it difficult to understand its purpose. I take it from Mr Cash's comments that his real concern is to ensure that Order of the Day No 3 should be taken to completion. I am happy to indicate in advance that Order of the Day No 3 will also be supported by the Government for obvious reasons. Given the importance of the McCusker report it would be unthinkable that the first reasonable opportunity for its discussion should not be taken. The Opposition has made it clear that it does not regard today as a convenient day for the time at which these matters should be first considered. This motion will be agreed to.

Question put and passed.

MOTION - STANDING ORDERS SUSPENSION

McCusker Report

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [2.58 pm]: I move -

That at the next day of sitting so much of Standing Orders be suspended such as will permit the House to consider -

- (a) the statement of the Government regarding the McCusker report;
- (b) motions by the Leader of the Opposition relating thereto or arising therefrom; and

(c) the McCusker report

as the first Order of the Day and as the consecutive Orders of the Day thereafter respectively.

The purpose of this motion is to enable the House at its next sitting day to have so much of Standing Orders suspended as will permit the House to consider the Government's statement on the McCusker report; that is, the report the Attorney General tabled in this House at the commencement of today's proceedings. It will also permit the House to consider the motions by the Leader of the Opposition relating thereto or arising therefrom and the McCusker report. It is important to note that these matters be taken as the first and second Orders of the Day. This means that the Opposition wants it made clear that, at the next day of sitting, all procedures will be in place so there will be no problems to prevent our discussing either the McCusker report, the motion that I have just moved or the statement that was made by the Government in the other place earlier today.

This, too, is an important procedural matter which needs the attention of the House. While referring to the need for this House to consider the Government's statement given today on the McCusker report, it is important that this House, and indeed the community, recognise that the McCusker report deals only with a very limited area of what is referred to as WA Inc.

The report makes it very clear that the terms of reference given to Mr McCusker were limited specifically to matters concerning Rothwells, and that innumerable other matters that form part of the WA Inc jigsaw need to be drawn to the attention of the House. It is probably fair to say that the investigation conducted so far by special investigator Mr Malcolm McCusker, QC, probably represents about five per cent of what has become known as the WA Inc debacle or the WA Inc financial disaster which has blackened the name of this State.

Hon J.M. Berinson: Given that the tip of an iceberg is regarded to be 10 per cent, are you disagreeing with your leader?

Hon GEORGE CASH: I would like to be able to concede that the McCusker report does represent 10 per cent, but the Leader of the House would be well aware that it is difficult for me to say definitely that it represents five per cent.

Hon R.G. Pike: We should call the Labor Party the *Titanic*!

Hon GEORGE CASH: To suggest that the report represents five per cent is probably somewhat of an exaggeration. Matters requiring consideration include the Government acquisitions and involvement with the Fremantle Gas and Coke Co Ltd deal, the Argyle Diamond venture and the Midland abattoirs and stockyard - members may be aware that the Government is considering buying back something that it sold at a bargain price.

Hon E.J. Charlton: With the help of the producers from whom it was taken.

Hon GEORGE CASH: That is right; the producers have drawn to the attention of the Government the difficulties they are having as a result of that dirty WA Inc deal. Other matters which require attention include the sale of the Perth Technical College site on St George's Terrace and other St George's Terrace property deals in which one person alone was involved in the payment of \$800 million to transfer property and some other assets to one Government institution. Questions have arisen regarding the Burswood development and the general management and characteristic of property deals involving the State Government Insurance Commission and Corporation. Also, questions require answers about the dealings of the State Energy Commission and the dealings of the R & I Bank and the State Superannuation Board, which are all part of that WA Inc jigsaw.

Hon Mark Nevill: What about the gas pipeline?

Hon GEORGE CASH: This House needs to devote time as the first item of business at the next sitting of the House to those important matters, some of which will relate to the McCusker report and the statement by the Premier today.

Hon J.M. Berinson: Are you saying that the motion will be incorporated into the motion you are proposing at the moment? Is it part of the motion you are alluding to here?

Hon GEORGE CASH: If the Leader of the House is asking me whether at the next sitting of the House it is my intention to move the motion of which I have just given notice -

Hon J.M. Berinson: In context of motion No 3?

Hon GEORGE CASH: If the Leader of the House is suggesting that we will limit our comments on the McCusker report so that we can get on with this motion -

Hon J.M. Berinson: I am not suggesting that at all.

Hon GEORGE CASH: The motion I am proposing will provide an opportunity to comment on the statement released by the Government today regarding the McCusker report, and I have given notice of a motion to discuss the McCusker report tabled by the Leader of the House a few moments ago. This motion deserves the support of the House and I invite members to vote accordingly.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [3.05 pm]: I have previously indicated that I support the motion and I do not believe that I need to elaborate a great deal. The position is that with the presentation of the McCusker report the House has an unquestionable need to devote early and sufficient time to the proper discussion of it. As I read this motion, it is designed to ensure that that discussion occurs on our next sitting day - I agree that that is a proper way to proceed.

I raise a matter to which the Leader of the Opposition might respond in the course of his reply, if one is given: He has already given notice of a motion and indicated in responding to my interjection that this is contemplated to be part of the discussions that the Opposition will initiate given the agreement of the House to motion No 3. Members will note that this motion refers in item (b) to "motions" in the plural.

I put it to the Leader of the Opposition that although motion No 3 in its present form would allow any number of motions to be moved on our next sitting day without advance notice, it clearly would be highly undesirable if the Opposition were to adopt that tactic. That is because there is no real point in using ambush tactics or elements of surprise.

Hon George Cash: I have never been accused of using ambush tactics before, Mr Berinson.

Hon J.M. BERINSON: I can remember one or two occasions and I had hoped that you had learned from those.

Hon George Cash: We won the vote.

Hon J.M. BERINSON: It is not a matter of concern that an element of surprise could be involved; the real concern is that without full and adequate notice we may deal adequately with serious matters, and this would be especially the case under the circumstances in which I would imagine that it would be the intention of the House to go to the vote rather than to adopt our procedure with urgency motions. Therefore, I express the hope that if the Opposition is to move more than the one motion of which it has already given notice, it will make the terms of those motions available in advance. This could be done, say, on the Friday before the Tuesday that we meet. Apart from that I simply repeat my earlier comments in that the priority the motion seeks to give to this matter at the next day's sitting is obviously appropriate, and I support it.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [3.10 pm]: Paragraph (b) of the motion is couched in plural terms, as has rightly been detected by the Leader of the House, to give an opportunity of moving additional motions if required. However, that is not the intention of the Opposition.

Given the Leader of the House's request that should there be additional motions, while not guaranteeing that I will provide those motions to the Leader of the House, I will certainly take into account his request that he receive some notice on the Friday preceding the Tuesday's sitting of the House. If that is not possible, I will undertake to give the Leader of the House as much notice as is practically possible before such other motions might be moved.

It was not our intention to move other than that of which I have given notice. However, the Leader of the House is correct: The motion as framed gives that opportunity and I have given him that undertaking.

Question put and passed.

MOTION - STANDING COMMITTEE ON CONSTITUTIONAL AFFAIRS AND STATUTES REVISION

Legislative Council Funding Inquiry

HON R.G. PIKE (North Metropolitan) [3.12 pm]: I move -

That this House direct the Standing Committee on Constitutional Affairs and Statutes Revision to investigate and report to the House on an effective solution to overcome the present situation in regard to the funding of the Legislative Council which allows the Premier and Treasurer to withhold funds from the Legislative Council, thus effectively preventing it from carrying out its proper functions and duties.

I remind members that we are discussing the funding of the Legislative Council and the authority from which it comes for the continuance of that funding. When I have walked past the ministerial rooms in this place in the last two or three days I have noticed so many staff in those rooms that they are almost hanging from the rafters. Whether that is because of the discussion on WA Inc this week I do not know. However, members would receive a visual impact of the incredible amount of research and staff that is available to Ministers in this place. I compare that with the argument put forward by Hon Fred McKenzie -

Hon J.M. Berinson: Most of the people in my office have been visitors attending meetings.

Hon R.G. PIKE: Then the office of the Leader of the House is excluded; it does not exclude other Ministers' officers. The Leader of the House can speak only for himself. I invite members to have a look. Is the Leader of the House suggesting that Ministers do not have many professional research staff available at their fingertips? Of course, he is not.

Hon Fred McKenzie and Hon Jim Brown have hitherto argued in this place in regard to committee work that members of Parliament should pick and shovel for themselves and that committees do not need to have a Queen's Counsel or an eminent accountant assisting them as is the case with the WA Inc committee, for want of a better description. They suggest that we should be in there picking and shovelling for ourselves while the Labor Government is replete with professionals available at its beck and call.

Hon J.M. Berinson: Mr Pike, can I ask you a serious question? You were a Minister in the last Liberal Government. How do you rate the current staffing arrangements of the Opposition compared with what the Opposition had in your days?

Hon R.G. PIKE: The Government is served by a much greater number of servants and professionals. It also has a great deal more public servants sitting around twiddling their thumbs, many of whom are hack appointments made by the Labor Party.

Hon J.M. Berinson: I asked you about your relative assistance of the Opposition.

Several members interjected.

The PRESIDENT: Order! It seems as soon as one person interjects some members take that to be an invitation for everybody else to compulsorily interject. There is no compulsion about it. I do not stop interjections such as the one by the Leader of the House which was a question. However, that is not an invitation to everybody else to come in with all sorts of odd inquiries. That is not to say that I want the Leader of the House to do it either. I ask members to allow us to deal with this matter. The bottom line is that we are going to have the debate, and everybody is going to have their say. Members either do it nicely and quietly or they can have a row all the way. I cannot see any point in having a row.

Hon R.G. PIKE: In answer to the question asked by the Leader of the House: The main reason we have problems with accommodation in this place is that the Parliament is half filled with hack advisers and appointments made by the Labor Party. I will quote from Dr Campbell Sharman's paper in support of my motion that was given at the recent Constitutional Convention. Dealing with the justification for an upper House and its powers, he said on page 5 of the document -

But there is another strand in Western Australia's constitutional tradition, and one that has worked in the opposite direction. Several aspects of the Constitution Act as it was in 1890 and as it is today, worked to limit the concentration of governmental power and provide constitutional checks on the government of the day. These can be found in the design of the Constitution Act itself, in the procedures for changing key sections of the Act, and in the bicameral nature of our state parliament.

He went on to say on page 6 -

The third way in which our constitutional structure limits the power of government by dispersing it, is the bicameral nature of our state parliament.

Finally on page 8 he said - I ask members to pay attention to this -

In the past century, the Legislative Council has been transformed: as presently constituted the Council has universal franchise and an electoral system that reflects the pattern of partisan support in the electorate more accurately than does this system for the Legislative Assembly. As such, it has both the constitutional power and the political legitimacy to act as an effective check on executive control of the parliamentary process. For this reason, it can be seen as the most important element of our constitutional structure making for consensus politics.

In sum the founders of the original Constitution Act have achieved precisely what they might have intended -- to create a system of government that combined a parliamentary system with its propensity to concentrate power in the hands of the executive, with a system of constitutional rules that dispersed governmental power and thereby forced the executive to be responsive to the wishes of a broad cross section of Western Australians.

Hon J.M. Berinson: Where is that quote from?

Hon R.G. PIKE: I will retread: It is from a paper given by Dr Campbell Sharman at the constitutional convention held in the Legislative Assembly.

This motion addresses itself to that matter. Why is it necessary therefore to refer this matter to a Legislative Council committee? It is necessary because of the WA Inc Select Committee; because of the four or five Select Committees which the Government established; because of the two or three Select Committees that the Legislative Council has established; and because the President and the Clerk of the House are not mind-readers. Quite legitimately, they are in excess of their budget as the Leader of the House and the Ministers know. Under the Financial Administration and Audit Act, Mr Marquet is the responsible officer. Only last Tuesday I said to him that the WA Inc Select Committee needed to meet and it needed Mr Pringle, QC and Mr Steggall the accountant. He said, "I am sorry, Mr Chairman, I have no funds authorised by the Treasurer and therefore I cannot provide you with that staff or facilities."

Hon Fred McKenzie: That was after you spent \$110 000 plus.

Hon R.G. PIKE: It was also after the member and others spent \$100 000 tripping around the world. What does he have to say about that?

Hon Fred McKenzie: Where?

Hon R.G. PIKE: On the member's Select Committee.

Hon Mark Nevill: Which Select Committee?

Hon R.G. PIKE: Hon Fred McKenzie knows what I am talking about; he will tell the member about it afterwards. The member should not question me about it because it will be to his embarrassment if he does.

The Standing Committees of the Parliament were structured on 21 December last year. The general agreement at that time was that, during the break, staff, facilities and accommodation would be made available. Eight months later, the committees are on hold and working under duress and difficulties. In many instances, without being specific because I would be breaching the rules, minutes of meetings that have been held are not available for the following meetings because staff are under such pressure that they do not have time to prepare them.

Why is all this relevant? The House should not be restricted in its proper functions by the Premier or by the Treasurer, who are the Executive. We will be facing a decision in this place which is on everybody's mind in relation to the Legislative Council's WA Inc inquiry. We will have a look at what Mr McCusker has said in his report and whether an inquiry under the Companies Code is as competent and authoritative as an inquiry under the Royal Commission Act. My initial opinion of Premier Lawrence's actions today is that they are

like giving a mortally wounded patient an Aspro. She has completely detoured from the issue. She is imposing a confidence trick on the public of Western Australia, as Hon George Cash and Hon Barry MacKinnon have said, by concentrating on the tip of the iceberg. The Leader of the House interjected and asked how much of the iceberg is on top and how much below, and I tell him that the WA Labor Party is the *Titanic*. The Labor Party will sink like the *Titanic* as a consequence of the abortive way in which it has handled this deal so far.

Hon J.M. Berinson: Are you like one of the deck chairs that will slide off the deck?

Hon R.G. PIKE: This State is now haemorrhaging because of the activities of the Western Australian Labor Government. When one considers that approximately \$850 million has been torpedoed, one must realise that the taxpayer is the universal guarantor, and taxpayers are entitled to call the Government to account.

I have quoted Professor Sharman to point out that this House has the absolute bona fides and authority so to call the Government to account. I am told that in another place today the members of this committee have been subjected to an attack by the Deputy Premier. That is shocking. WA Inc is really a scandal in motion. Unfortunately, so far this Government has been more successful than the people of Western Australia would like in obscuring, obfuscating, detouring and camouflaging the real issues of WA Inc. I note another classic example of it today; it is Connell this and Rothwells that, but what about the rest of it? As far as the proper authority, functions and powers of this House are concerned, Premier Lawrence looks at the Legislative Council as the vampire looks at a wooden stake. The stake is this House. Whether or not the Leader of the House thinks that statement is too much, he should wait and see.

A member interjected.

Hon R.G. PIKE: An honourable member has suggested that I did not write this speech; he should check the handwriting if he has any doubts.

Hon J.M. Berinson: If I were you I would not claim ownership of it.

Hon R.G. PIKE: That is a matter of opinion. The real issue is that we sit here today with the type of franchise and authority to represent the people of Western Australia; on the voting at the last State election the Liberal Party has a greater right and greater authority.

Hon J.M. Berinson: That is not true.

Hon R.G. PIKE: The Leader of the House will have his turn to speak in a moment. The Premier and Treasurer of this State is almost assuming the role of Charles I. She is saying to a House of the Parliament, which is her master and not her servant - Hon Norman Moore has referred to this aspect - that the Government will provide some money, I think from memory to the Legislation Committee -

Hon J.M. Berinson: The Government is saying no such thing.

Hon R.G. PIKE: The Leader of the House will find this on the record, and Hon Norman Moore can tell him about it. The Government is saying that it will see how things progress and will decide whether or not to fund this House further. On the radio program entitled "100FM", in her most recent interview Premier Lawrence said approximately the same things that were said earlier. In other words, an arbitrary assumption is made by the Premier and Treasurer that the Government can at will grant or withhold moneys from a House of Parliament in order to prevent its proper functioning. That issue has been highlighted this year because the Legislative Council budget for 1989-90 was exceeded. When a Government department exceeds its budget all that is necessary is for the Treasurer to sign a document authorising an extension of the budget. It happens every day with every department, but it has not happened for this Legislative Council. It represents a massive imposition by the Executive on the undoubted rights and privileges of the House. Only today in another place the Premier said that consistent with the traditions of the Westminster system, the former Premier and Deputy Premier had accepted political responsibility for certain decisions and were no longer in Parliament. What a mea culpa! What a washing of the hands. It is a quite puerile -

Hon J.M. Berinson: You have your Latin wrong as well as your English.

Hon R.G. PIKE: I doubt that mea culpa is wrong, and if the Leader of the House thinks so, he will lose a \$10 charity ticket if he wants to bet on it.

The Premier is today quoting the Westminster system, tongue in cheek, as though the Government is all proper and riddled with rectitude, and is honouring the Westminster system. It has defied, ignored, overcome and put aside the proper responsibilities of Westminster Government for the past four years. Had the Government observed them - this applies also to the Leader of the House - Ministers would have resigned their portfolios. This is a load of codswallop, it is unadulterated twaddle. The Premier is claiming adherence to a Westminster system in which by her actions she clearly does not believe. I ask members to support the motion.

Debate adjourned, on motion by Hon Fred McKenzie.

STATEMENT - BY THE PRESIDENT

Standing Committee on Legislation Committee - Tobacco Bill

THE PRESIDENT (Hon Clive Griffiths): Honourable members will recall that last evening after the Tobacco Bill had been given a second reading, Hon Max Evans moved that the Bill be referred to the Legislation Committee for consideration and report on a number of matters. Honourable members should bear in mind the following factors -

- (a) the operation of the Legislation Committee is still in its infancy and the committees procedures are still evolving;
- (b) the Select Committee of the Council inquiring into a committee system suggested in its report -

Should a Standing Committee be given power to amend a Bill on matters of policy it would be a marked departure from current practice. In time, it may be that the House confers that power on a Committee, but it is not recommended at this stage;

and,

- (c) the Legislation Committee at its meeting on Monday, 2 July 1990 when considering the Director of Public Prosecutions Bill adopted the advice of the Clerk that it was outside the power of the committee to propose any amendment which would constitute a change to the policy of the Bill.

Therefore, I indicated to the House that, while I would not curtail the debate on the motion moved by Hon Max Evans, I was concerned that some of the matters contained in it may be outside the power of the committee, and that I would give further consideration to the question with a view to reporting to the House prior to the resumption of the debate on the motion.

I am now convinced that it is proper for any committee, whether it be a Committee of the Whole House, Standing or Select, to consider any matter placed before it under instruction from or direction of the House, and further it is proper for a committee to ascertain whether a Bill does, in fact, carry out the stated policy and to inquire whether there are any other effective means of achieving that stated principle.

Having considered all the relevant information available to me, I can see no reason, in the absence of any rule to the contrary, which would prevent the committee from considering any matter referred to it by the House. Therefore, if this motion is agreed to, I rule that it is proper for the committee to consider the points as outlined in the motion. Any amendments which may be proposed by the Legislation Committee must be considered by the Committee of the Whole House in due course.

Hon J.M. BERINSON: Mr President, I seek your guidance, as I would like an opportunity to have your report listed for further consideration. Is there an appropriate motion to cover that?

The PRESIDENT: That is not quite the situation, with respect. The only avenue open to you is to disagree with my ruling. I have given a firm ruling about the current Order of the Day. It applies to that Standing Order and unless you move now to disagree with that ruling and succeed, you cannot at some later stage, as a result of a debate, attach the result of that debate to my ruling on this Order of the Day.

Hon J.M. BERINSON: Mr President, I do not propose to move to disagree with your ruling. However, given the importance of the ruling, I have in mind that the House should have an opportunity to consider its implications. It does that often on things like ministerial statements and tabled papers. I understand that they do not normally lead to a substantive motion being moved, but simply to consideration by the House, after which the item is removed from the Notice Paper. I accept that anything substantive would require separate procedures. For the moment, I am looking to preserve a position which would allow us to consider the implications of what you have said in order to give some idea of various members' thinking about what formal measures might be taken later.

The PRESIDENT: I understand what the Leader of the House is saying and I am quickly trying to accommodate his wishes and at the same time preserve the integrity of my ruling as it relates to the current Order of the Day. In other words, I could not permit you by this method, albeit unintentionally, to not deal with the question before the House, but at some subsequent stage deal with my ruling and have the House disagree with that ruling and then return to this Order of the Day, minus my ruling. That then would be tantamount to not requiring, as the Standing Orders do require, that objection to my ruling be taken forthwith.

The situation is overcome by taking no action now and dealing with Order of the Day No 1 now, or at a later stage, and after it has been dealt with seek to have the House consider my ruling.

Hon J.M. BERINSON: Do you mean by separate motion?

The PRESIDENT: Yes.

Hon J.M. BERINSON: Mr President, having already said that I do not intend to challenge your ruling, neither is it my intention to delay further consideration of the Tobacco Bill. I intend to move it down today's Notice Paper to allow time for consideration of what you have said and an appropriate response to it, but on the basis that your ruling is accepted. As I understand it, you are now suggesting that an appropriate way to have further consideration of this issue would be by a later substantive motion.

The PRESIDENT: To give notice at the next sitting of the House.

Hon J.M. BERINSON: Mr President, I am happy to take your guidance on that matter.

Hon E.J. CHARLTON: Mr President, would it not be correct that the effect - not the disagreement - of your decision could be expanded on during the discussion of that motion? Discussion about its implementation, about the Legislation Committee's terms of reference and your appropriate ruling which accompanied it, could simply be expanded to a conclusion. While people might not agree with it, your ruling is a fact of life confronting members of the House as well as members of the committee. My first reaction, which might not be correct, is that you would have the opportunity to understand the implications of your ruling when the motion is further debated and concluded.

The PRESIDENT: Honourable members, we are now having an out of order discussion. I want to ensure that everyone understands the situation. The member is dead right: There is no point in proceeding with things if there is some misunderstanding. The long and short of it is that I am saying in my ruling that it is in the power of this House to direct any of its committees to do whatever the House says they ought to do. That is my ruling cleared of all the other things I said. I am now saying that, at a later stage, the House may want to place a limitation on the extent of its ability to direct its committees to do something or other. That is why I said in my ruling that I can see no reason, in the absence of any rule to the contrary, that the committee should be prevented from considering something that it was directed to do by the House. At a subsequent time, as a result of what the Leader of the House proposes, the House may say that perhaps it ought not to give itself the ability to direct the committees to do things that may impinge on the policy of the Bill that it is looking at. That is what I thought the situation was when I intervened last night. I now discover that is not the situation. Therefore, I repeat that my ruling simply says there is nothing to prevent the House asking the committee to do all manner of things.

Hon GARRY KELLY: Am I permitted to ask you a question, Sir?

The PRESIDENT: You are not really. Is it a point of clarification?

Hon GARRY KELLY: It is just a point of clarification. It is not really a question. You said

the House can direct the committee to consider whatever it wants to. Last night we had the second reading of the Tobacco Bill, and we agreed to a certain policy. Does your ruling mean that the Legislation Committee can overturn the policy of the Bill as agreed to during the second reading debate?

The PRESIDENT: To clarify that point, that is not what my ruling says. My ruling is that it is competent for the House to ask the committee to examine all the provisions of the Bill, including its policy, but not to alter the policy. The committee can come back to the House and say, "In order to achieve that policy, this committee recommends doing all these other things." The House would then need to agree to do all those other things. That, in Fremantle Boys' language, is what I am saying. My ruling certainly does not give the committee the power to alter the policy of the Bill, but it could recommend an alternate method of achieving the policy of the Bill. With all due respect, I think we have gone far enough.

BILLS (2) - THIRD READING

1. Builders' Registration Amendment Bill

Bill read a third time, on motion by Hon Kay Hallahan (Minister for Planning), and returned to the Assembly with an amendment.

2. WADC Liquidation Bill

Bill read a third time, on motion by Hon J.M. Berinson (Leader of the House), and returned to the Assembly with amendments.

ACTS AMENDMENT (STUDENT GUILDS AND ASSOCIATIONS) BILL

Second Reading

Debate resumed from 30 May.

HON TOM HELM (Mining and Pastoral) [3.43 pm]: This Bill was first introduced in May of this year. One of the Acts concerned was amended in 1911, 1966, 1973, 1978 and 1984. The Bill is designed to amend the University of Western Australia Act, the Murdoch University Act, the Curtin University of Technology Act, the Western Australia College of Advanced Education Act and the Colleges Act of 1978. The Bill asks the House to amend these Acts in order to allow students who attend those colleges and other institutions not to be part of student guilds or associations.

Hon N.F. Moore: It gives them the right to opt out.

Hon TOM HELM: Yes, they are given the right to opt out of guilds and associations in those institutions, colleges and so on.

I ask the House not to allow this Bill to go forward. Hon Norman Moore pointed out in his second reading speech that there was a fundamental principle at risk here. I suggest that that is not the case.

Sitting suspended from 3.45 to 4.00 pm

[Questions without notice taken.]

Hon TOM HELM: Hon Norman Moore commented on the right of students to opt out of guilds and associations. He said that the compulsion to be part of a guild or association is contrary to the view held by both the Labor Party and the Liberal Party as appears in their platform policy statements.

The Labor Party's platform recognises the protection of fundamental political and civil rights including freedom of expression, the Press, assembly, associations, conscience and religion. That is objective 14, and it was mentioned in the second reading speech. The Liberal Party's platform states the following -

The Liberal Party vigorously advocates individual liberty and the right of freedom of speech, religion, organisation, assembly, procession and non-violent dissent.

I was in a procession that was not allowed under Hon N.F. Moore's Government.

Hon N.F. Moore: The member was probably on a main road trying to block a vehicle.

Hon TOM HELM: I was with a group of religious people walking down a street. I draw to the attention of the House the assertion made by Hon Norman Moore in his second reading speech that those rights and liberties were being impinged upon by the passing of Acts of Parliament that forced people to join guilds or associations. I do not see how that assertion can be proved.

We will look at the Labor Party example. One can be a member of a guild or association and still retain one's civil rights and express oneself or go to the Press, make statements or read the Press. One can still assemble as one chooses and associate with whom one wants. Also one can still retain one's conscience and religion. I am not aware of any guild or association that stops people doing all those things.

Hon N.F. Moore: A person is forced to associate with other members of the guild by being a member. That is why Hon Tom Helm misunderstands what I am saying.

Hon TOM HELM: As a student one is forced to accept the education offered. That is why students are invited to join the guild.

Hon N.F. Moore: If a person enrolls in a university, that is what they do. But they have the right to choose at university whether to enrol or not.

Hon TOM HELM: When a person goes there to get their education and training the type of education and training they get is forced upon them; they have no choice if they wish to be exposed to the type of education that the college or institution provides.

Hon N.F. Moore: The person does not have to go to that university.

Hon TOM HELM: If the person chooses not to go to that university then they can choose not to be a member of the guild or association. That is fine and is a freedom we all have and should exercise. Surely we understand in this Chamber of all chambers, because a number of the people from both sides have attended colleges and other higher education institutions and been part of student guilds or of the construction of education and training, that the student guild takes an active role, I hope, in producing the type of education that people want. The student guild is a recognised representative body of students and has that role and responsibility. If we are saying in this case that students can opt out, how is the student voice to be heard? How will students have an input into the type of education they think is relevant to their needs?

I am blown if I know what the alternatives are. In the first provision of his Bill Hon Norman Moore asks us to agree to amend section 28 of the principal Act so that it shall not be compulsory for any student to be a member of the guild or any other body and so that no benefit, right or privilege shall be denied or withheld from any student by the university by reason of his not being a member of the guild. We are saying that a recognised guild has a role to play in the college community. Anyone who wants to be a student -

Hon N.F. Moore: No-one argues there shouldn't be a guild.

Hon TOM HELM: It does not need to have students? I am sure, if we look at the recognition of the guild and the role it plays in the institution, without people participating in the guild it means nothing. We can have a guild - that is not illegal; there is no argument about a guild being put in place. The argument we are asked to agree with is that there is no reason for students to be part of it.

A college is made up of various parts - academic and non-academic. The student plays a part in it, and a very necessary part. The argument put to us in this Chamber is that there is no reason for a student to be part of it. This argument is not put forward necessarily on philosophical grounds, because the Acts we are asked to amend have been put in place not only by Labor, socialist and communist Governments but by Liberal Governments as well. We are not going into a philosophical debate about this, nor are we asked to consider philosophical arguments. We are asked to consider amending the Acts so that no student need be a part of the guild.

Mr Deputy President, if you were able to take the rights, privileges and all the other things associated with being in the guild, you would expect that as part of your student life, but as a recipient of those rights, if you were not encouraged to pay your contribution - and that is what we are talking about - you would take a free ride. If that happened we would all be in it. We would be silly not to exercise rights given by an association or guild without having

to accept any responsibilities. In other words, we would not have to go to meetings. No-one says, "If you are a member of a guild you have to go to meetings." Students pay a contribution to that guild. Liberal and Labor Governments from the beginning have recognised the guild, not only as part of the community, the college or the institution, but it is also funded by taxpayers' money to do certain things in an effective and efficient manner. If we could get rights and privileges without responsibilities, we would probably all be in it.

Hon Norman Moore is a Liberal Party politician, a member of this House. He is a member of this House as a result of his preselection by the Liberal Party in a previous successful election. I am in the same position; I am a Labor Party politician. We pay our dues and we take part in our party meetings.

Hon N.F. Moore: It is not compulsory.

Hon TOM HELM: The member is perfectly right, but I suggest to him that it is commonsense that if we were not members of our respective parties we would not be in this Chamber.

Hon N.F. Moore: Are you suggesting that members of Parliament should compulsorily be members of political parties?

Hon TOM HELM: To become a member of Parliament one must be a member of a party. Only one person in the other place does not belong to a party. He was elected in the first place as a member of a party. To put the kindest connotation on it, if we did not belong to a political party we would not be elected.

Hon N.F. Moore: You are not suggesting, are you, that we should make membership of a political party compulsory?

Hon TOM HELM: I am suggesting it is compulsory.

Hon N.F. Moore: It is not compulsory.

Hon TOM HELM: No-one can tell me that he can stand for election as a member of the Mining and Pastoral Region without the agreement of the Liberal Party, the Labor Party or the National Party.

Hon Derrick Tomlinson: Of course he can. Did we have no independent candidates in the last election?

Hon TOM HELM: Of course we did, but they were not successful.

Hon Derrick Tomlinson: How can you claim a candidate must be a member of a party to contest an election?

Hon TOM HELM: I am sorry, I think I shall have to spell it out.

Hon Derrick Tomlinson: You will have to, because you are becoming very confused.

Hon TOM HELM: Just listen.

Several members interjected.

Hon TOM HELM: I am sure members will understand that to be a successful candidate and become a member of Parliament one must be a member of a party.

Hon Derrick Tomlinson: Is it compulsory?

Hon TOM HELM: No, it is not compulsory, but a member must remain in a party once he is in the Parliament if he wants to win at the next election. Some members choose to leave the parties they belonged to when they were elected to the Parliament. There is no trouble with that. The thing is, when the next election comes along their chances of success as independents are pretty limited, therefore they continue their membership of the various parties.

Hon N.F. Moore: That is why people join the guild voluntarily - to provide the service they need.

Hon TOM HELM: Hon N.F. Moore's proposition is not without foundation. The only time we could prove whether guilds would be successful under his proposition, and whether people would volunteer to join, would be when there was no guild and no student voice in the college or institution. Everyone would flock to get in. I suggest we have been there and done that, and that is why the Liberals have attacked compulsory membership of the guild.

Hon N.F. Moore: Have you read the amendments of 1978? The facts are quite different. It was not compulsory to be a member of the guild at all. Your Government changed that.

Hon TOM HELM: I apologise if I am misleading the House.

Hon N.F. Moore: You are.

Hon TOM HELM: I thought we were talking about this Bill. This Bill is to amend the Colleges Act.

Hon N.F. Moore: The Liberal Party of Sir Charles Court amended that Act to provide for voluntary student guild membership with a compulsory amenity fee. That was changed by your Minister, Bob Pearce, about 1983.

Hon TOM HELM: We are being asked to amend an Act which we do not need to amend; is that what the member is saying? Is it difficult to understand? I can read this Bill and I can hear what the member is saying. The Bill says there is a need to amend the Acts.

Hon N.F. Moore: Yes.

Hon TOM HELM: Has the member read the Bill himself?

Hon N.F. Moore: The current Acts are a result of your Government's activities.

Hon TOM HELM: So we do need to amend them?

Hon N.F. Moore: That is the reason for the Bill before the House.

Hon TOM HELM: Surely, if the coalition Government could see a need for compulsory membership of the guild, the role of the guild or the association was recognised by those previous Governments of whatever political persuasion. There must be a good reason. We know how colleges can operate if there is no guild for students to refer to; if there is no council of students to have an input about how the colleges should behave. I am trying to explain to the House and to the promoter of the Bill that membership of the guild does not necessarily impinge on those rights. Those rights and privileges came about as a result of the activities of student guilds and associations. Governments of all political persuasions recognise the rights of students to have a say in the type of education they have. That is the reason they exist. It could not have happened by accident or as a result of an act of God; it came about as a result of the active participation of students in guilds and association and that convinced all political parties - because all political parties have some say in how colleges are put together - of the need for the guild. All we are continuing to do, which Hon N.F. Moore says we should not do, is saying that there is a responsibility for students to be part of the guild. Is that right?

Hon N.F. Moore: The policy was brought back by Bob Pearce in 1983. Prior to that the compulsion to be a member of the guild was taken away in 1978.

Hon TOM HELM: Students had to pay an amenity fee?

Hon N.F. Moore: Yes, but they did not have to be members of the guild.

Hon T.G. Butler: Is that what you did?

Hon N.F. Moore: It is vaguely better than what we have now.

Hon T.G. Butler: It is one hundred times better than Hon N.F. Moore's proposal.

Hon TOM HELM: The member has not given us an alternative.

Hon N.F. Moore: I do not think the member knows what he is talking about. He should have undertaken some research. He is demonstrating a decided lack of knowledge on the subject.

Hon TOM HELM: I am referring to Hon Norman Moore's second reading speech and to the Bill.

Hon N.F. Moore: I did not go into trivia in the Bill because I thought that members would understand.

Hon TOM HELM: The Bill is very involved. I thought the reason for presenting the Bill was to amend something that occurred in the past.

Hon N.F. Moore: The last time the Acts were amended was in 1983 by the Labor

Government. The member says that in the past Liberal members supported compulsion; I say they did not.

Hon TOM HELM: Some of them must have because more than one Act of Parliament has put together a college. More than one Bill was proclaimed for that reason by a Liberal Government.

The DEPUTY PRESIDENT: Order! I am sure Hon Norman Moore has explained the intent of the Bill. Hon Tom Helm should continue his remarks, and address the Chair.

Hon TOM HELM: I accept your advice, Mr Deputy President. Hon Norman Moore's intention was not to be nasty. That has not been made obvious. The Bill indicates that no reason exists for providing a compulsion to join a guild or association, and the proposition is that the guild or association would exist anyway. In other words, if students do not choose to be part of the guild the guild will remain. People have recognised the role of associations and guilds throughout the ages, not only in this nation but also in other nations. That is where we should stand - we should have a compulsion upon people to become part of an association or guild.

Hon Derrick Tomlinson: Do unions exist? It is a fundamental truth that unions exist.

Hon TOM HELM: When I joined Parliament I thought members represented their constituents and did all things for the best interests of their parties to promote their political views. I did not know we had an educational role as well. The question posed by Hon Derrick Tomlinson should be either ignored or answered by the question, "Do you have eyes and ears?"

Hon Derrick Tomlinson: It is a self-evident truth that unions exist.

Hon TOM HELM: Do I need to comment on that?

Hon Derrick Tomlinson: The member is telling me that it is a self-evident truth. Is membership of unions compulsory?

Hon T.G. Butler: In some cases, yes.

Hon Derrick Tomlinson: Do unions exist for which membership is not compulsory?

Hon T.G. Butler: In some modified fashion.

Hon Derrick Tomlinson: Now explain to me your argument that if you do not have compulsory membership the guilds will cease to exist.

The DEPUTY PRESIDENT: Order! That is enough chitchat across the Chamber. Hon Tom Helm should address the Chair.

Hon TOM HELM: I had not intended to mention my feelings on trade unions or the need for compulsory membership. My experience in Australia over the last 10 years as a trade unionist is that if a person does not wish to belong to a trade union that person can make a contribution to an outside body.

Hon Derrick Tomlinson: That is voluntary.

Hon TOM HELM: Where unions are doing a job or where unions play an active part in the delivery of wages, conditions, safety or other matters, people have a responsibility to be active members - not only to pay their dues. Members should be aware that I have never taken a role as a shop steward or a convener during the 10 years I have been in Australia. I have been an active trade unionist but not a shop steward or an organiser. For 10 years I have been a member of the Amalgamated Metal Workers Union, and I still am. Therefore, I do not suggest for one moment that we cannot have a situation where unions are not delivering what they should be delivering, and people feel they do not need to be members of unions.

Presently, with the accord situation and the wages which are available, it is self-evident that the Australian Council of Trade Unions has played a major role in negotiating the various accords and delivering wage rises for the work force of this nation. That applies to members of Parliament - although the Opposition went on strike, so maybe industrial action was taken, but not in relation to a pay rise. We have never taken such action, and many members of the work force in this State have never taken industrial action to receive pay rises granted through the various accords. A tripartite body negotiates the accords, and the ACTU plays a

part. Collectively, we thank the ACTU, the Government, and the employer representatives of the tripartite body for those wage rises.

I do not argue for the provision of compulsory trade unionism.

Hon N.F. Moore: It has nothing to do with trade unions.

Hon TOM HELM: I had not intended to touch on trade unions.

Hon N.F. Moore: That raises an example of an organisation which can exist without compulsory membership.

Hon TOM HELM: The example is not real because some members of the work force are not trade unionists and they have been ripped off. People are paid less than the award rates. One example of that is the recent \$75 000 fine imposed against the employer at Robe River for working its employees in excess of 13 consecutive days without a break. That is against the law. Some of the workers would have been members of unions.

I would listen to an argument which asks why a person should belong to a union when that person does not receive the correct pay or work under the correct conditions. I did not bring that argument into this debate, because nowhere in the Bill or in the second reading speech is the proposition raised about compulsory unionism.

Hon Derrick Tomlinson: The proposition is compulsion.

Hon TOM HELM: Yes. I suggest there is a direct relationship between the delivery of education and training and the students' input.

Hon Derrick Tomlinson: Precisely, but a student's input into his or her education is not dependent upon compulsory membership of any body.

Hon TOM HELM: That is where our opinions differ. The type of education being delivered and the way it is delivered, plus the extracurricular activities related to education, have been brought about by the input of student guilds in the past. Maybe we have reached the pinnacle of delivery of education - where the circumstances currently delivering the type of education students require and are happy with are the result of the activities of student guilds in the past; and students roll up for membership. I suspect that is not the case but we might reach that point.

If someone said to me that the Act of Parliament to do with the setting up of an institution or college contains all the things that the students and staff, and the rest of the population, are perfectly happy with so there is no need for a teachers' union, an academics' union, or a student guild, I might hold a different view. But that is not the proposition contained in the Bill.

Hon Derrick Tomlinson: That is a nonsense argument.

Hon TOM HELM: If it is a nonsense argument I will not pursue it. I have pursued the union path and got nowhere; we have pursued the path that there is no reason to have a guild, and we have got nowhere. I do not know down which other track we can travel except to pursue the proposition that guilds are recognised as the peak council of students. The guilds are active organisations which have an input to what the academic staff do. Therefore, we are talking about whether the system should be amended and whether we should encourage people to take a free ride. Is that our role? I do not believe it is. Our role is to enforce the view that students need peak councils. We should enforce the view that all students have a responsibility to play a role through compulsory fees - I will go a little further and say that compulsory attendance of meetings and an activity in the organisation should be included. That is the basis of an argument that is not answered in Hon Norman Moore's second reading speech. Mr Moore referred to section 7(2) of the Murdoch University Act, which reads -

No religious, racial or political test shall be imposed upon any person in order to entitle him or her to be admitted as a student or other member of the University, or as a member of the academic or other staff of the University, or to hold office in or to graduate at the University, or to hold any advantage or privilege thereof.

I can understand why we have compulsory membership of guilds and associations when reading the kind of statements made by Mr Moore in his second reading speech, in which he stated -

Is it not strange that a person's religion, race or politics shall not affect his enrolment or graduation from Murdoch University, yet his or her membership or non-membership of the guild shall?

How does he or anyone else think that section 7(2) of the Murdoch University Act came into being? Is he saying to us that the Act came about as an act of God rather than an Act of Parliament? Is he saying that the guilds had no part in the Act being drafted in preparation for the Parliament to consider it?

Hon Derrick Tomlinson: It did not exist before the Act, so how could it have had a say?

Hon TOM HELM: How does the member think that Acts come into being? When we debate any issue in this Parliament one would hope that the Government which prepared the Bill would have talked to all constituents affected by it.

Hon Derrick Tomlinson: You are arguing that the guild contributed to the formulation of the Act, but the Act in itself created the university and the guild.

The DEPUTY PRESIDENT (Hon John Caldwell): Order! I can understand why Hon Derrick Tomlinson is having a drink of water - his constant interjections are making his throat dry. He should take one more drink of water and keep quiet.

Hon TOM HELM: You are right, Mr Deputy President, the unruly interjections do not add to the debate.

We were asked by Hon Norman Moore to debate this issue at the highest level and to arrive at a considered view about the sort of things that should prevail. I am suggesting that the current situation has prevailed for a long time, for the Bill seeks to amend an Act which established the University of Western Australia and was proclaimed in 1911.

Hon N.F. Moore: It has been amended since then.

Hon TOM HELM: No doubt it has been amended, and it will be amended again if the member is successful in having this Bill passed. If we say to the universities and colleges that it is not necessary for students to be members of a guild or an association, it is possible - although unlikely - that students will not be part of the guild or association; therefore, those bodies will fold. This may save taxpayers' money, but will it deliver the type of education that the students and the community will accept? I suggest that the responsible role of the universities and colleges, and also of the guilds and associations within them, should be maintained.

In the second reading speech Hon Norman Moore expresses the opinion that, although he does not accept the implied threat from the Federal Minister for Education that funds will be withdrawn from colleges and universities which have no compulsion for guild membership, he also does not support the view proposed by his Federal Liberal colleagues that funding should be withdrawn from those institutions which do have compulsion. It is incumbent on us to try to encourage, support and do all that we can to keep following the current route with its proven success. If as a result of this situation we have students who are passing through the universities and colleges satisfactorily and happily, and if no-one is knocking on the doors of Parliament or marching up the Terrace in protest saying that the situation should be reversed, and if students are not telling us to amend the Act, why not leave things as they are?

If people are not coming into our offices, we are either incompetent and no-one wants to see us or no difficulties exist for us to address - that is a fair assumption. If this is applied on a wider scale, if we have a proven track record with what is happening at the universities, why change things and amend the Act? Where is the push coming from? It is coming from Hon Norman Moore, but where are the students marching and where are the letters to members? So, there is no need for this legislation, and I suggest that the House should not support it.

HON SAM PIANTADOSI (North Metropolitan) [5.08 pm]: I refer to Mr Moore's second reading speech and specifically the section regarding the Liberal Party platform -

The Liberal Party vigorously advocates individual liberty and the right of freedom of speech, religion, organisation, assembly, procession and non-violent dissent.

Mr Moore also stated -

It is my view that citizens of Western Australia for whom we make laws have a fundamental civil right to decide for themselves if they wish to associate with other citizens. In other words they have a fundamental civil right to decide whether they wish to become members of any group of citizens.

So, Mr Moore believes in the basic rights of people.

Hon N.F. Moore: That is right.

Hon SAM PIANTADOSI: He believes in the fundamental right of people to associate with whom they wish.

Hon N.F. Moore: Without a compulsion to do so.

Hon SAM PIANTADOSI: If I remember correctly, Mr Moore has been a member of Parliament since 1977, and he and Mr Pike were members of the Court Government which wanted to repress those rights. Although I do not have a *Hansard* of the time to indicate those members' views on section 54B of the Police Act, this provision related to the right of association and the right to march -

Hon N.F. Moore: 54B had nothing to do with the right to march.

Hon SAM PIANTADOSI: Section 54B of the Police Act affected the rights of individuals.

Hon N.F. Moore: It is the right of people to go about their business without being interrupted by people like you.

Hon SAM PIANTADOSI: What was Hon Norman Moore's position then?

Hon N.F. Moore: I supported section 54B, and if you care to check it, is in *Hansard*.

Hon SAM PIANTADOSI: I was not a member of Parliament at the time, and I am not about to look up the *Hansard* record. Hon Bob Pike and Hon Norman Moore supported the introduction of section 54B and I do not know how many other people in this Chamber did. My union, to a man, opposed section 54B and a 24 hour stoppage was called to protest against the action of the then Liberal Government. Hon Norman Moore supports the principle of the protection of fundamental political and civil rights, yet he denied people their rights when he supported section 54B.

Would members opposite enlighten me on the procedures to follow if a person wishes to enjoy the rights and privileges of the Liberal Party? Is a person required to be a financial member of the Liberal Party to participate in such things as preselection for Parliament?

Hon N.F. Moore: It is not compulsory to be a member of the Liberal Party.

Hon SAM PIANTADOSI: If a person wants to enjoy the benefits of the Liberal Party, does he have to be a member?

Hon N.F. Moore: To enjoy the benefits, you are required to be a member. However, membership is not compulsory. I am not saying that someone who does not join the guild should receive the benefits of the guild.

Hon SAM PIANTADOSI: If one wants to enjoy the benefits of the RAC one must be a member. That is the case with any club or association.

Hon N.F. Moore: Yes, but it is not compulsory to be a member.

Hon SAM PIANTADOSI: Hon Norman Moore has not spelt out in his motion that people who do not wish to become members of the guild should not be allowed to utilise those facilities that have been paid for by other guild members.

Hon N.F. Moore: It is self-evident.

Hon SAM PIANTADOSI: Hon Norman Moore has bypassed the issue completely. He has made the same comments on union membership. Hon Norman Moore wants to utilise the facilities which are being paid for by other people. He wants to sponge off the system.

Hon N.F. Moore: If people do not belong to a union they are not entitled to the benefits of that union.

Hon SAM PIANTADOSI: Hon Norman Moore has not indicated by his previous remarks that those people should not have any entitlements.

Hon N.F. Moore: I will spell it out for you.

Hon SAM PIANTADOSI: Please do. I sincerely hope Hon Norman Moore does not adopt the same stance that he adopted 11 years ago in respect of section 54B of the Police Act.

Hon W.N. Stretch: Bury your hang-ups and talk about education.

Hon SAM PIANTADOSI: I have no hang-ups.

Hon W.N. Stretch: We have heard nothing about education so far, only about section 54B.

Hon SAM PIANTADOSI: That issue denied freedoms that Hon Norman Moore is now trying to espouse in the Chamber. Talk about double standards! Hon Bill Stretch was out on the farm 11 years ago and had no idea of what was happening. He was living in a protected environment and he did not have to take to the streets to fight for his conditions. He reaped the benefits because his comrades -

The DEPUTY PRESIDENT: Order! I realise that we are coming to the end of the week and that people's tempers are getting a bit frayed. We have only an hour to go and if Hon Sam Piantadosi would direct his comments to the Chair he might not get so many interjections.

Hon SAM PIANTADOSI: Thank you, Mr Deputy President. A few people thought we would be knocking off so I thought I would raise a few issues that would raise their ire as well as enlighten them. I am not reflecting on the Chair when I say that bush people are not fully aware of industrial problems, which are somewhat removed from them.

Hon E.J. Charlton: We experience them every day.

Hon SAM PIANTADOSI: The guild offers facilities -

Hon Reg Davies: Have you ever been a member of the guild?

Hon SAM PIANTADOSI: I could not afford to go to university. I have not had that privilege. I have been a member of many associations; I am still a member of a union.

Hon T.G. Butler: You attended the university of hard knocks.

Hon SAM PIANTADOSI: If members want to hold that against me that is not a problem.

Hon P.G. Pendal: We like you a lot.

Hon SAM PIANTADOSI: I am glad to hear it; I was starting to worry after the comments made by Hon Bill Stretch.

The DEPUTY PRESIDENT: Order!

Hon SAM PIANTADOSI: The guild provides facilities such as representation to the university senate, recreation facilities, counselling services, text book exchange, canteen facilities, tavern facilities, sporting facilities, travel arrangements, employment service and cultural activities. It offers some degree of assistance with student loans and, on some campuses, assistance with student accommodation. Many non-guild members would use the canteen and tavern facilities.

Hon N.F. Moore: You have to pay for the food; it is not free.

Hon T.G. Butler: It is sold at a discounted price.

Hon N.F. Moore: It makes an enormous profit!

Hon SAM PIANTADOSI: I have listed a number of the guild's services and if people want to participate or utilise these services, they should pay for them.

Hon N.F. Moore: Everybody agrees with that.

Hon T.G. Butler: That is not what your amendment says.

Hon SAM PIANTADOSI: Hon Norman Moore talks about totalitarian Governments, Eastern Bloc countries, Australian Airlines, Qantas and the Commonwealth Bank, but nowhere has he mentioned that people who do not pay for these services cannot utilise them. Hon Norman Moore skirts the issue completely.

Hon N.F. Moore: I tried to get you onto a plane so that you might think about the principle.

Hon SAM PIANTADOSI: No-one in this place could support any proposal to sponge on the system - not even Hon Norman Moore. Guild fees fund those services. Many students have

a great need of those services especially funding, employment services and student accommodation.

Hon N.F. Moore: I expect they would join the guild if they needed the services.

Hon SAM PLANTADOSI: Most students would utilise the services.

Hon N.F. Moore: That is the reason they should not be compulsory.

Hon SAM PLANTADOSI: I cannot find any of that information in your amendment.

Hon N.F. Moore: I am not trying to abolish the guild.

Hon SAM PLANTADOSI: I do not see nine basic rights. I see impositions on the guild members who do pay fees when people who do not pay expect to utilise the facilities. The guild cannot make resources available to people without expecting a contribution. The amendment contains no protection in that regard. Had the amendment or Hon Norman Moore's statement made it clear that those people should not attempt to utilise the facilities or resources offered by the guild, I might have supported it.

Hon N.F. Moore: I made it absolutely clear in the second reading debate that that is my intention.

Hon SAM PLANTADOSI: What has the Commonwealth Bank, Australian Airlines, Qantas or Telecom to do with the student guild?

Hon N.F. Moore: It has to do with a frame of mind.

Hon SAM PLANTADOSI: This whole issue is concerned with the problems within student guilds on campuses and not about what is happening in eastern Europe or what will happen with Qantas, Australian Airlines, Telecom and the Commonwealth Bank. That was a complete smokescreen put up by Hon Norman Moore. He should be honest enough to make clear the meaning of his amendment and to clarify his position with regard to the utilisation of facilities on campus by guild members and non-guild members. He owes the Government an explanation. His speech hardly addressed that issue.

It is interesting to note how Mr Moore has discovered his conscience in recent years and has done a complete turnaround from his position 11 years ago. I believe an attempt in this vein was also made some two years ago. When talking about denying people their rights, he should remember that rights work both ways.

Hon N.F. Moore: Section 54B worked two ways also.

Hon SAM PLANTADOSI: Mr Moore will probably explain that also when he responds.

Hon N.F. Moore: You should read the debate.

Hon SAM PLANTADOSI: It is the Government's right to seek clarification from Mr Moore. We do not want any more of the smokescreen he has utilised previously.

HON DERRICK TOMLINSON (East Metropolitan) [5.23 pm]: We need to be quite clear that all this Bill seeks to do is make membership of guilds in our universities and, for the time being the Western Australian College of Advanced Education, voluntary. It does not intend to abolish the guilds. In fact, in section 28(1) of the principal Act, the University of Western Australia Act, it is quite clear that there shall be a guild of undergraduates. Nothing in the Bill before the House detracts from section 28(1). In fact, that provision is found in the Acts relating to the other two universities, and probably the WA College of Advanced Education. Let us eliminate that furphy for a start.

Secondly, nothing in the Bill before the House detracts from the service which a guild may provide. Hon Sam Piantadosi read a comprehensive list of services and responsibilities of the guilds as they operate in Western Australian universities and the college of advanced education. The guilds are the body for communication between the senate, which is the governing body of the university, and the students. The members of the guild elect a member of the senate. They have a direct participation through their elected student representative in the governance of the university. That is not diminished by the Bill before the House. The guild has an important responsibility in providing student amenities, such as a canteen, sporting facilities, accommodation and other things. Nothing whatsoever in the Bill detracts from the capacity of the guilds to provide those amenities. Let us eliminate that second furphy.

Hon T.G. Butler: Nobody has suggested there is.

Hon DERRICK TOMLINSON: The debate in this Chamber so far has not been about the principle of the Bill, which is voluntary student membership of the guild; the debate so far has been about the furphies that this Bill seeks to abolish this and prevent that. It does none of those things.

Hon T.G. Butler: It goes a long way towards it.

Hon DERRICK TOMLINSON: It simply says that membership of the guild shall not be compulsory and that non-membership of the guild shall not deny a student any of the rights and privileges of an enrolled student of the institution. Those matters need to be made quite clear.

Hon T.G. Butler: Should non-members be entitled to the benefits of the guild?

Hon DERRICK TOMLINSON: Hon Tom Butler has asked whether non-compulsory membership of the guild means that students should be entitled to the benefits provided by the guild. In the case of the University of Western Australia, Curtin University, Murdoch University and the Western Australian College of Advanced Education the guild is the manager of those services. Not only is it the manager but, because the guilds are bodies incorporate, they in fact own some of those properties. In some instances they have taken out substantial loans to provide those services and those loans are paid from the service charges which a student is compelled to pay upon enrolment. The Opposition has been asked the question: If the guild is the managing body of those services, and if the services are provided by a compulsory fee paid by several enrolling undergraduate students, should every enrolling undergraduate student who has paid for those services be entitled to the privilege of those services? If one accepts the principle of user pays, the answer is yes. If one accepts that a student must be a member of the guild in order to use the services, the answer would be no. The answer to that question is a totally undemocratic, unfair and unprincipled proposition. I think members opposite will accept that.

Hon T.G. Butler: I do not accept that.

Hon DERRICK TOMLINSON: Is Hon Tom Butler satisfied with that answer? He was persisting in the proposition that I was not answering his question.

Hon T.G. Butler: I am not sure that you are right.

Hon DERRICK TOMLINSON: Let us now take the question one step further. Hon Sam Piantadosi - to prevent Hon Tom Butler from getting a headache - argued that the consequence of our removing the requirement that membership of a guild be compulsory is that some undergraduate students will not have to contribute to the cost of maintaining student services. However, after the abolition of compulsory guild membership at the University of Western Australia in 1978 and at the Australian National University in 1977, I think it was, the senates of those bodies imposed on all students, as a prerequisite to enrolment, a student service fee. They recognised that the recreational and accommodation facilities, the counselling services, and the book shops were provided for the benefit of the student body; therefore, all students should be compelled to contribute to the cost of providing those services. The compulsory student service fee that was imposed in fact turned out to be equivalent to what was formerly the guild fee.

The Senate of the University of Western Australia then directed that the sum of the income from student services fees was to be managed by the Guild of Undergraduates. So if a person wanted to participate in the government of that guild by participating in the election of the office bearers, or if he wanted to seek election as an office bearer of the guild, he would be entitled to do so, just as we as members of Parliament were endorsed by our political party to stand for election and can now carry out our responsibilities as members of Parliament. So there is no validity in the argument proposed by Hon Sam Piantadosi that the consequence of this Bill is that students will somehow be able to weasel out of paying for those services.

That leaves us with the question of compulsion. That is a philosophical question which members opposite will never accept. They believe compulsory membership is essential if an organisation is to be effective, yet they all admit that they were or are members of unions, some of which have voluntary membership. Members opposite do not propose that because

the membership is voluntary, the union is any less effective. In fact, it could be equally effective. They are not arguing, I would hope, that because local government elections are not compulsory, those bodies are any less effective. It is not compulsion which makes a body effective but the commitment of the people who participate in it. Commitment cannot be achieved by compulsion. I believe there is greater commitment if membership is voluntary, and if the members of a body are more committed because their membership is voluntary then it is highly likely that the body will be a more effective body.

This argument is about compulsion. It is not about any of the furphies that have been raised by members opposite. I commend the Bill to the House.

HON T.G. BUTLER (East Metropolitan) [5.36 pm]: I want to take up Mr Tomlinson's point about this amendment Bill's being about compulsion. That is correct. It is clear that is what it is all about.

Hon Derrick Tomlinson: Good.

Hon T.G. BUTLER: The Bill says that, so frankly it is beyond me why the member would make such a song and dance about it. Hon Norman Moore's second reading speech proves that and simplifies quite clearly the argument about compulsory membership of a guild. I suppose on the face of it that could be seen as some sort of acceptable argument, but the second reading speech does not set out the advantages of guilds' existing and of the amenities that guilds may provide. I must confess to Hon Reg Davies that I have never been a member of a guild of undergraduates because unfortunately I was unable to go to university.

Hon Reg Davies: I would have loved to have that opportunity.

Hon T.G. BUTLER: I would have liked to be a member of a guild with the member.

Hon Reg Davies: And I would have liked to be a member of a union, but that was my choice.

Hon T.G. BUTLER: My information is that guilds provide a wide range of services, many of which were outlined by Hon Sam Piantadosi, so I will not go into detail about them. They vary from university to university, and are financed by student fees and administered by undergraduate students. Were the guilds not to exist the cost of providing those amenities would fall upon the university, would it not?

Hon Derrick Tomlinson: No.

Hon T.G. BUTLER: Why?

Hon Derrick Tomlinson: I have just explained it to you.

Hon T.G. BUTLER: The member did not explain it to me. He shouted at me but he did not explain anything. If that is not right I would like to take it up with him later because the money would have to come from somewhere and if it does not come from the guild, the university or the Government, where does it come from?

Hon Derrick Tomlinson: From the students.

The PRESIDENT: Order! I suggest to Hon Tom Butler that he direct his comments to the Chair and not to Hon Derrick Tomlinson.

Hon T.G. BUTLER: I am happy to, Mr President. However, I am not sure whether you would have been able to answer my question about where the money had come from. I am not sure whether you attended university and were a member of a guild, like Mr Tomlinson; but I take your point and I will look straight at you.

Hon Derrick Tomlinson said in answer to my interjection that the students provided the money; that if they did not pay it to the guild they paid it to the university by way of fees and the university paid for all of the amenities. My point is, if the guild did not provide them surely the university would have to provide them, and finance and administer them.

One of the amendments proposed by Hon Norman Moore to section 44 of the Colleges Act 1978 reads -

It shall not be compulsory for any student to be a member of the student association of a college or any other body and no benefit, right or privilege shall be denied to or

withheld from any student by a college by reason of his not being a member of the student association.

There is a little bit of sexist language in that, as well. However, Hon Derrick Tomlinson said during his shouting bout that the broad interpretation of that clause simply meant that all of the benefits of the guild would flow to non-members of the guild and that they would be entitled to all of the benefits to which guild members were entitled. That seems to me more than passing strange. I doubt very much whether, if Hon Norman Moore and Hon Derrick Tomlinson were members of a club, they would agree that non-fee paying members of those clubs were able to walk in willy-nilly and use the amenities of the club, in some instances to the exclusion of members of the club.

Hon Derrick Tomlinson: But you would not make membership compulsory to everybody.

Hon T.G. BUTLER: I am not talking about making membership of clubs compulsory, I am talking about non-members of a club using the facilities of the club, and I am lining that argument up with the argument that non-members of the guild should not be entitled to the benefits that the members of the guild pay for and rightfully receive. It is very easy to tie this argument, as has been done by Hon Derrick Tomlinson, to the trade union movement and its attitude to compulsory unionism. The fact is that unions amend awards not simply for union members but for employees in industries employed by employers operating in those industries and, as a result, the common rule provisions of the Act distribute those benefits among all of the workers, whether or not they are members of a union. It is not unreasonable for union members or trade union officials to want to make sure that everybody who receives benefits paid for by union members be members of the union. That is not an unreasonable proposition and I certainly support compulsory unionism, no matter where it applies.

I will conclude on the same point on which Hon Tom Helm concluded; that is, by asking: Where is the push for this coming from? It has not been evident to me in any way that there is some sort of upsurge of discontent amongst the students at any of the campuses of the universities or the Western Australian College of Advanced Education. Nowhere do I detect or hear that there is a seething mass of discontent amongst the student body about compulsory membership of the guild. If members opposite were to go down and talk to students they would find that, by and large, the students prefer compulsory membership of the guild because it allows for lower guild fees to supply amenities to the student body as a whole. Therefore, unless members opposite can prove there is some sort of push against compulsory guild membership, it seems to me that it gets back to the simple ideological position that Hon Norman Moore takes in terms of compulsory membership of anything.

Hon N.F. Moore: It is a principle.

Hon T.G. BUTLER: It is not a principle, it is an ideological hang-up that the member has. Under those circumstances, I oppose the Bill.

HON N.F. MOORE (Mining and Pastoral) [5.45 pm]: I thank members for being relatively quick so that we might be able to resolve this matter this afternoon. In response to the matters raised by members on the Government side of this House, I am not arguing for the abolition of the guilds. In fact, what I am suggesting is that they will become stronger if we get rid of compulsory membership. At present the guilds have a membership which is available to them regardless of what they do. They know that every time a person enrolls at their institution, that person will automatically pay \$100, or whatever it is, to become a member of the guild. There is no need for the guild to operate in a way which is responsive to the needs, demands or requirements of students; they simply do as they wish. We have had some extraordinary examples in the past of the way in which guild moneys were expended on a range of issues which had nothing to do with the views, attitudes or requirements of the students. I will not go into that now; if Hon Sam Piantadosi wants me to talk about it I will do so at some other time. I suggest he read the speech I made in 1983, when I spoke for an hour and a half about all sorts of issues.

Hon Sam Piantadosi: I would rather read the speech you made in 1979.

Hon N.F. MOORE: If guilds had to attract membership by virtue of the quality of the services they provide, those services would be responsive to the students and would reflect their needs. At present they do not do that.

This is the third time I have tried to do something about this issue, and I thought I would do

the House a favour on this occasion by making a very short second reading speech and dealing simply with the principle of the issue. On previous occasions I have gone through the range of problems - the abuse of the system, all of the issues Hon Tom Butler raised about the services provided by the guilds, whether the guild makes any money from the canteen, whether one should have to be a member of the guild in order to go to the tavern, and so on. However, on this occasion I thought I would just try to attract the thinking of members to the principle which is at stake here; that is, the question of compulsory membership of an organisation. And that is just what it is. If one goes to a university it is compulsory for one to be a member of the guild, regardless of whether the guild provides anything for one, and there are many occasions when it provides nothing.

My argument simply is this: If one wishes to join the guild it should be one's own decision; if one does not wish to join the guild that, too, should be one's own decision. However, if one does not join the guild one should not be entitled to use the services provided by the guild, just as if one does not join a union, in my view, one should not be entitled to use the services provided by the union. One of the reasons people join organisations is that those organisations provide services which the people want. For instance, I might join a golf club because it provides a golf course. It is not compulsory to join, but if I do not join I cannot play on the course. I accept that.

Hon Sam Piantadosi: Would you want non-members to use those facilities?

Hon N.F. MOORE: No. I said that if I were not a member I should not be able to use it. It is as simple as that. If a student does not join the guild at a university he should not be able to use the services provided by the guild. That is self-evident. I have no intention of suggesting that a student who does not join the guild should be able to participate in the guild's activities. I would have put that in the second reading speech if I had thought it was not self-evident. Therefore I would ask Hon Sam Piantadosi, in view of what he said in his speech, to support this Bill. The member said that if I could demonstrate that a person who did not join the guild could not take advantage of the guild's services he might support what I am on about; that is what I am on about. It is a very simple statement of principle. I am saying that a person who is at university should not have to join the student associations.

Hon T.G. Butler: Then they should not enjoy the benefits.

Hon N.F. MOORE: I also said that if a person does not join the guild he cannot take advantage of the benefits that it provides. I have always argued that most people would join the guild.

Hon T.G. Butler: Would the member move a similar amendment to the industrial arbitration legislation which says that the award rates should apply only to members of unions?

Hon N.F. MOORE: I would be happy to do that, provided they accept collective bargaining as well so that an individual can go to his employer and ask to be paid \$100 more than the award. That would be fine by me because it is nobody's business what he is paid. If it is less than the award, that is the employee's problem. Employees join unions if they feel the need to do so. The same applies with this outfit.

Members have argued that there is no seething mass of discontent which demands that there be a change in the law. In 1983 this House, in its wisdom, provided for a clause to be inserted which allowed conscientious objection and allowed students to pay an equivalent fee to a charity rather than join the guild. The student guild at Curtin University at that time almost went broke. Drove of students took advantage of this opportunity and the guild found itself in dire financial problems because it had geared its budget to the compulsory system. When people took advantage of the conscientious objection clause students opted out of joining the guild. That demonstrates the considerable discontent with student guilds. The Liberal Party has, at its conferences during the last 10 years, unanimously supported that proposition. Therefore, a considerable body of opinion exists which does not support compulsory membership.

I raised a number of issues in my second reading speech about privatisation, Eastern Europe and related matters. I raised those issues because I wanted to speak about the principle of compulsion involved in this issue. There is a trend in the world today against compulsion and totalitarianism and a movement for freedom of the individual. Freedom of the individual means the freedom to choose whatever organisation to which a person wishes to belong. I

stated in my second reading speech that the issue of student guilds is small bickies compared with those issues but the principle is still the same. Due to the changes that have been occurring in the world we, in this State, may eventually change our attitudes towards the question of compulsion.

Section 54B of the Police Act was an overkill but it was introduced to support the principle of individual rights. It was introduced at a time when people were marching in public thoroughfares without permission in order to deliberately prevent the vast majority of other people going about their ordinary business. It was quite a deliberate intention by some people in the community to disrupt the rights of other people. It was a question of one set of rights against another and, in retrospect, this provision may have been an overkill. However, at the time it was a reaction to serious circumstances, as Hon Sam Piantadosi knows. It was a time when there were obvious and severe intentions by a group of people in our community to disrupt the rights of the majority for political reasons, if for no other reason.

Hon Sam Piantadosi: What nonsense!

Hon N.F. MOORE: I would like to argue about that at another time if the member wishes to do so. Section 54B will not be included in this Bill. I hope that having heard my explanation of the facts that if a person does not join the guild he will not benefit from the services Hon Sam Piantadosi will support the Bill, because it was my impression that he would. The principle of the Bill is fundamental to the platforms of both the Labor Party and the Liberal Party and should be supported by all sides of politics.

Question put and passed.

Bill read a second time.

STATEMENT - BY THE PRESIDENT

THE PRESIDENT (Hon Clive Griffiths): I wish to table a letter I have received from the Acting Clerk of the House. It informs the House that under the provisions of section 65 of the Financial Administration and Audit Act he is unable, due to the absence of the Clerk, to comply with the requirements to forward a copy of the financial statements, associated reports and documents to the Treasury and the Auditor General by 31 August 1990.

[See paper No 512.]

ADJOURNMENT OF THE HOUSE - SPECIAL

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.55 pm]: I move -

That the House at its rising adjourn until Tuesday, 11 September at 3.30 pm.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.56 pm]: I oppose this motion for the special adjournment of the House. I remind members that earlier today when I gave notice of a motion which I wanted debated at the next sitting of the House the Leader of the House made it very clear that because he believed the motion was one of censure against him he wanted the matter disposed of as soon as possible. For this House to be able to do that the most appropriate time for the House to meet would be next Tuesday, 4 September 1990 at 3.30 pm. In doing so, this House would be responding to an earlier request made by the Leader of the House that we dispose of the matter as soon as possible. When the Leader of the House suggested earlier that we should debate the motion today there was not even a motion before the Chair; I was only formally giving notice of the intent to move the motion at the next sitting of the House.

Rather than leave the motion hanging over the head of the Leader of the House, the Opposition is prepared to let the Parliament sit next Tuesday in order to dispose of the motion of which I gave notice today. I invite the House to support my proposition that we debate the motion next Tuesday.

Amendment to Motion

HON E.J. CHARLTON (Agricultural) [5.57 pm]: I move an amendment to the motion put by the Leader of the House -

To delete "11 September at 3.30 pm" and substitute -

4 September at 10.30 am.

HON GEORGE CASH (North Metropolitan - Leader of the Opposition) [5.58 pm]: The Opposition is prepared to support the amendment moved by Hon Eric Charlton which would allow the consideration of the motion that I intend to move on that day at even an earlier time.

HON J.M. BERINSON (North Metropolitan - Leader of the House) [5.59 pm]: I oppose the amendment. There really is no prize for being second and the Leader of the Opposition is much too late in his protestations of interest about bringing this debate on early. I indicated when I moved to suspend the Standing Orders today that there is a well understood parliamentary tradition which looks to the immediate debate of motions of no confidence or motions amounting to no confidence motions.

Hon George Cash: There was no motion before the House and Hon Joe Berinson knows that.

Hon J.M. BERINSON: Of course there was no motion before the House. The point is my motion to suspend Standing Orders clearly contemplated that such a motion would be moved and debated to completion. Having presented the opportunity for immediate debate and disposal of a motion of that kind it is of no help to anyone - certainly not to me, if that is the Leader of the Opposition's real concern - to bring it on next Tuesday, having delayed consideration of the item beyond today. There is no difference in that respect as to whether we have the debate next Tuesday or on Tuesday week in accordance with the established and advised program of sittings. As the President will know our timetable for parliamentary sittings is set weeks, if not months, in advance and all members make their arrangements on the basis that recess weeks will be available for them to engage in other duties. In many cases that will include duties away from Western Australia. That is in accordance with the needs of the electorate and also with the need to perform a wide range of duties which apply to members in general.

Earlier today I said that I was disappointed with a particular question which was asked, and I am disappointed in this very superficial and too-clever-by-half move to try to retrieve a situation which was forfeited when the Leader of the Opposition indicated that he was not prepared to put up when invited to do so.

Hon George Cash: I told you earlier on today that we would bring it on next Tuesday. Did I mention it to you at four o'clock?

Hon J.M. BERINSON: It is not just a nuisance, it is a bad idea. It does not serve the purpose to which my motion to suspend Standing Orders was directed and it is highly disruptive - for no good purpose at all - of the plans which members have made many weeks ahead. I urge that our ordinary procedures should now apply, just as our ordinary, traditional procedures would have applied if my invitation to immediately debate the report had been accepted. Having allowed that opportunity to pass us by we should stay with our Standing Orders procedures, and that is met by the motion in the form which I have moved; that would call for us to meet on our regular timetable on Tuesday week and to then dispose of whatever it is the Opposition wishes to put for the consideration of the House.

Amendment (words to be deleted) put and a division taken with the following result -

| Ayes (12) | | |
|----------------------|----------------------|-----------------------|
| Hon J.N. Caldwell | Hon N.F. Moore | Hon Derrick Tomlinson |
| Hon George Cash | Hon Muriel Patterson | Hon Margaret McAleer |
| Hon E.J. Charlton | Hon P.G. Pandal | (Teller) |
| Hon Reg Davies | Hon R.G. Pike | |
| Hon Max Evans | Hon W.N. Stretch | |
| Noes (11) | | |
| Hon J.M. Berinson | Hon Tom Helm | Hon Tom Stephens |
| Hon T.G. Butler | Hon B.L. Jones | Hon Bob Thomas |
| Hon Cheryl Davenport | Hon Garry Kelly | Hon Fred McKenzie |
| Hon Kay Hallahan | Hon Sam Piantadosi | (Teller) |

Pairs

Hon Barry House
 Hon P.H. Lockyer
 Hon D.J. Wordsworth
 Hon Peter Foss
 Hon Murray Montgomery

Hon John Halden
 Hon Doug Wenn
 Hon Graham Edwards
 Hon Mark Nevill
 Hon J.M. Brown

Amendment thus passed.

Amendment (words to be substituted) put and a division taken with the following result -

Ayes (12)

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

Hon N.F. Moore
 Hon Muriel Patterson
 Hon P.G. Pendal
 Hon R.G. Pike
 Hon W.N. Stretch

Hon Derrick Tomlinson
 Hon Margaret McAleer
(Teller)

Noes (11)

Hon J.M. Berinson
 Hon T.G. Butler
 Hon Cheryl Davenport
 Hon Kay Hallahan

Hon Tom Helm
 Hon B.L. Jones
 Hon Garry Kelly
 Hon Sam Piantadosi

Hon Tom Stephens
 Hon Bob Thomas
 Hon Fred McKenzie
(Teller)

Pairs

Hon Barry House
 Hon P.H. Lockyer
 Hon D.J. Wordsworth
 Hon Peter Foss
 Hon Murray Montgomery

Hon John Halden
 Hon Doug Wenn
 Hon Graham Edwards
 Hon Mark Nevill
 Hon J.M. Brown

Amendment thus passed.

Motion, as amended, put and passed.

ADJOURNMENT OF THE HOUSE - ORDINARY

HON J.M. BERINSON (North Metropolitan - Leader of the House) [6.11 pm]: I move -

That the House do now adjourn.

Adjournment Debate - McCusker Report - Debate Date

Hon J.M. BERINSON: We have had a display of theatrics in this House which does no credit to the Opposition. I wonder whether Opposition members realise that among other things the step they have taken is another example of their willingness to take the management of the House out of the hands of the Government. It is a move which they themselves have often said they do not do and do not intend to do.

Hon George Cash: You claimed in a letter the other day that we did it every day of the week. Do you remember?

Hon J.M. BERINSON: No.

Hon George Cash: I will obtain a copy of your letter for you.

Hon J.M. BERINSON: When Hon George Cash obtains a copy of the letter he will find that he has again misquoted me as he is in the habit of doing.

The Government acknowledges and acts on the basis of the reality which exists in this House. There is a majority of the numbers on the Opposition side. That does not change the other and more basic reality that they are on the Opposition side and that the Government is

on this side and is entitled to have its program processed in an orderly way and that the management of the House is a matter properly to be left to the Government.

Several members interjected.

The PRESIDENT: Order! The Leader of the House is addressing the House. For goodness' sake let us listen to him.

Hon J.M. BERINSON: Mr President, I can well understand the embarrassment of the Opposition on a day as important as today, having presented the sort of miserable performance that has been produced. In this House and in the other House it can be fairly said that the proceedings have not in any way matched the seriousness of the issues which are presented by the tabling of the McCusker report.

Earlier today we had this wimpish performance by the Leader of the Opposition who had all the time in the world to prepare a motion and to prepare his arguments in support of it, but was not able to present them today. No doubt embarrassed by that, as well as by the rest of the miserable performance of this day's proceedings, he is looking to extract something out of events.

Hon George Cash: We try to accommodate you and you get upset.

Several members interjected.

The PRESIDENT: Order!

Hon J.M. BERINSON: I have to tell Mr Cash for the umpteenth time that he does not upset me. He may bemuse me, amaze me and interest me but he does not upset me. He is not that good.

I repeat: This may be in formal terms a small step that the Opposition has taken, but it is an undesirable step, it is an unparliamentary step and it is yet another move on its part to improperly use the numbers it has in this House.

Several members interjected.

Hon J.M. BERINSON: The Opposition knows it should not be doing it, but if this is the way things are going we will debate the report next Tuesday instead of on Tuesday week. I only express the hope that the Opposition does not see this as yet another precedent because if it does it will be another precedent going to the discredit of this House.

HON R.G. PIKE (North Metropolitan) [6.16 pm]: The Premier of this State today, in a comment made in another place, made a quite pompous reference to the Westminster tradition and the necessity for her Government to properly observe that. I put it to the impartial judges of this matter which here tonight are the people in the gallery and the Press: The Opposition was presented with 500-odd pages of detailed information, and expected to debate the report after only three or four hours. It was a quite purposeful intent of the Government to table it on the last day before the House rises. After the House rose the Premier belted off to a conference and is not even in the State. It was part of a long planned strategy to minimise the quite proper Westminster tradition of giving Her Majesty's Opposition the right to reply to significantly one of the most important documents tabled in this State. It is part of a predetermined plan which unfortunately has been successful so far; that is, to confuse the people of Western Australia and to mislead them into thinking that this report, dealing with Connell and Rothwells, comprises the totality of WA Inc. It is unmitigated bovril to make that proposal and the Leader of this House knows that it is part of his plan - I think he is more the brains trust than all his comrade Cabinet Ministers - to impose the tradition of the right of the Government in this place to the manifest advantage of the Government. Had the positions been reversed he would have been taking the proper initiative that Hon George Cash has taken; that is, to give the Parliament sufficient time to study the report and to properly debate it next Tuesday.

The reference of the Leader of the House to the "wimpish" performance of Hon George Cash is puerile and unnecessary, and runs in the face of the obvious invasion tactics which this man and this Premier try to impose on the Parliament. I advise him that he will not impose it on this House.

Several members interjected.

The PRESIDENT: Order! I ask honourable members to come to order when I call order. I am advising members that interjections of the nature that have been coming forward this evening are totally unparliamentary and will not be countenanced.

HON PETER FOSS (East Metropolitan) [6.19 pm]: I asked the Leader of the House earlier this week whether there was any obstacle to the release of this report prior to Thursday. The Leader of the House advised that there was not. I asked him whether the Government would consider releasing the report to the Leader of the Opposition, his leadership group and to others prior to its being tabled in the House. He said no, it was the Government's decision to do that and it chose to do it on Thursday and to not let the Opposition have the report earlier than that.

Hon J.M. Berinson: It was released prior to tabling in the House.

Hon PETER FOSS: Yes, at eight o'clock this morning, when I was here to read it. It could have been released to the Opposition on Tuesday, as far as I can tell. However, it was the Government's choice, as the Leader stated so clearly, to not release it on Tuesday. He has not given an adequate reason for that, as far as I can tell.

Hon J.M. Berinson: I told Hon Peter Foss it was not being printed until Tuesday.

Hon PETER FOSS: I can supply an excellent reason. Did the Leader of the House have a copy? Was there a copy we could have had access to? Of course there was! The Leader of the House would not let us look at one copy. He said his reasons for doing so were his own good reasons, and I am sure they were. This Government has constantly manipulated its power for its own benefit and not for the benefit of the people of Western Australia. It is clear, as Hon Bob Pike has said, why it was that today was picked as the day for releasing this report; it was so that we could have, so far as the other House was concerned, a mere two hours in which to read 381 pages of a typewritten report containing complicated facts and to understand and digest them.

The Government has had this report for three weeks. At the time we were given this great big wad of paper there were people fully familiar with it who had been reading it for three weeks and who were able to brief members opposite. We did not have an opportunity to brief our members - we had to plough through this document. We found during the course of reading this document, and in the short time available - having split it between eight of us - that it was a dreadful record, a foul record, sufficient, I am glad to say, to enable us to draft the motion which will be moved on Tuesday. I look forward to debating the motion then.

We will have at least three days to match the three weeks the Government has had to examine this report. People should not let anybody kid them that this Government has not carefully timed the release of this report so as to provide it with a maximum opportunity to study it, to prepare for it and to turn out the rubbish the Premier supplied by way of a statement while providing us with a minimum opportunity to respond to it, thereby allowing the Government a period during which nobody could say anything about it because of the week's recess that was coming up. Members opposite will no doubt deny that.

Hon Tom Helm: No wonder the member is embarrassed.

Hon PETER FOSS: Do I look embarrassed? Hon Tom Helm should be.

The PRESIDENT: Order!

Hon PETER FOSS: I suspect the Government will deny what I have said because it does not worry what it denies. One of the interesting things we will find in this report is that practically everything in it has been denied by a member of the Government at one stage or another. That is the wonderful thing about this Government; it denies until at some stage the truth is thrust down its throat and then it says, "Well, we have known that all along. Everybody has known that all along." That is the sort of thing members of the Government say. I am waiting for Government members to deny that. Unfortunately, this Government so lacks credibility, as does every single member of it, that no-one will believe it.

HON B.L. JONES (South West) [6.24 pm]: I would like recorded the utter contempt I feel for the hypocrisy of members opposite who on the one hand are bleating that they have had insufficient time to read the report while on the other hand when they have a week to study it and provide a report they are prepared to jeopardise that by returning to the House, at the

inconvenience of both members and staff, next Tuesday. Members opposite are acting like a lot of little boys who did not get the satisfaction they wanted from the report and could not find anything sufficiently damning in it, so they want to collect their marbles and go home.

Question put and passed.

House adjourned at 6.25 pm

QUESTIONS ON NOTICE

QUARANTINE CHECKPOINT - KUNUNURRA AREA

685. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) Will a quarantine checkpoint be established close to Kununurra?
- (2) If the answer is yes, when?
- (3) If the answer to (1) is no, why not?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following reply -

(1)-(3)

Provision has been made in the Agriculture Protection Board 1990-91 loan estimates for the building of a northern checkpoint in the Kimberley. Construction will be subject to availability of funds.

DROUGHT - KIMBERLEY AREAS

Assistance Consideration

686. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Agriculture:

- (1) Have any areas of the Kimberley been considered for drought assistance?
- (2) If so, what pastoral properties are affected?
- (3) When and in what form will assistance be given to these properties?

Hon GRAHAM EDWARDS replied:

The Minister for Agriculture has provided the following response -

- (1) Yes. Most of the Broome, Derby-West Kimberley and Halls Creek Shires.
- (2) The number of properties has not been finally established but is of the order of 20 properties in the West Kimberley and five in the East Kimberley.
- (3) I announced assistance measures on Wednesday, 22 August which provides for up to \$10 000 assistance for drilling of unsuccessful water bores and up to \$20 000 in transport subsidies for removal of livestock or cartage of fodder to drought declared properties. Assistance is available now and is retrospective to 1 May 1990.

EDUCATION MINISTRY - COSMO NEWBERY

Teacher Appointment

688. Hon P.H. LOCKYER to the Minister for Planning representing the Minister for Education:

- (1) Is it the intention of the Ministry for Education to supply a teacher to Cosmo Newbery?
- (2) If not, what assistance is being given, or is anticipated, to the students presently being educated at Cosmo Newbery?

Hon KAY HALLAHAN replied:

The Minister for Education has provided the following answer -

- (1) No.
- (2) It has been recommended that the children enrol with the Distance Education Centre or the School of the Air. The Kalgoorlie district education office is looking at ways to organise teacher visits to support these programs.

PORTS AND HARBOURS - DAMPIER

Boat Repair Facility and Slipway - Mermaid Marine Proposal

694. Hon P.H. LOCKYER to the Minister for Police representing the Minister for Transport:

Has any progress been made with the proposal by Mermaid Marine in the Pilbara to establish a boat repair facility and slipway close to Dampier?

Hon GRAHAM EDWARDS replied:

The Minister for Transport has provided the following response -

Discussions are taking place between the Dampier Port Authority and Mermaid Marine on an access agreement for the land in question. The vesting of land to Dampier Port Authority has not as yet been completed.

ISAACS, THE LATE JOAN - BURIAL

Shire of Leonora Advice

724. Hon N.F. MOORE to the Minister for Planning representing the Minister for Local Government:

- (1) Did the Minister advise the Shire of Leonora that the burial of the late Joan Isaacs was to take place outside a proclaimed cemetery?
- (2) If not, why not?
- (3) If so, how was this advice conveyed to the Shire?
- (4) How many approvals has the Minister given for burials outside proclaimed cemeteries and how many have involved Aboriginal people?

Hon KAY HALLAHAN replied:

The Minister for Local Government has provided the following response -

- (1) Yes.
- (2) Not applicable.
- (3) By facsimile message.
- (4) Since 1986 when the power to give such approvals has rested with the Minister for Local Government, 12 approvals have been given, four of which were for persons of Aboriginal descent.

SPORT AND RECREATION - CENTRAL SOUTH REGIONAL OFFICER

Narrogin - Removal and Replacement

725. Hon MARGARET McALEER to the Minister for Police representing the Minister for Sport and Recreation:

Would the Minister advise whether it is his intention to -

- (a) remove from Narrogin the newly appointed central south regional officer for sport and recreation; and
- (b) replace this officer at Narrogin?

Hon GRAHAM EDWARDS replied:

The Minister for Sport and Recreation has provided the following response -

- (a) A senior regional officer for sport and recreation has been appointed to work with local authorities and community groups in the central south region. This appointment will proceed.
- (b) The actual location of the officer will be considered as part of the budget process and resources allocated, as appropriate.

MOTOR VEHICLES - UNAUTHORISED USE

***Loss or Damage Compensation Claims - Road Traffic Amendment Act 1987 Section 89
Amendment***

734. Hon GEORGE CASH to the Minister for Police:

I refer to the Road Traffic Amendment Act 1987 amendment (121/87) to section 89 of the Road Traffic Act which imposed a duty on a member of the Police Force to make application to a court for compensation on behalf of the owner of a vehicle where a complaint of an offence under Section 89 has been made to a member of the Police Force by the owner of a vehicle who has suffered loss or damage arising out of the unauthorised use of such motor vehicle and ask: On how many occasions have applications been made under this section for compensation on behalf of the owner of vehicles which have suffered loss or damage arising out of the unauthorised use of their vehicle?

Hon GRAHAM EDWARDS replied:

No applications under this section have been made as this amendment has not been proclaimed. However, since 1985 application for restitution may be made under section 719 of the Criminal Code.

FIREARMS - CURIO LICENCES

Police Concerns

736. Hon GEORGE CASH to the Minister for Police:

What are the concerns expressed by the police in relation to firearms licensed as curios?

Hon GRAHAM EDWARDS replied:

Police do not have any specific concerns with respect to firearms licensed as curios under the present arrangements.

POLICE - MERIT BASED PROMOTION SYSTEM

Stage 2 Implementation

737. Hon GEORGE CASH to the Minister for Police:

When will stage 2 of the merit based promotion system be implemented within the Police Force?

Hon GRAHAM EDWARDS replied:

When stage 1 has been fully evaluated and any matters requiring attention are addressed.

CYCLISTS - JUVENILE CYCLISTS

Road Traffic Code, Act and Regulations Offences

738. Hon GEORGE CASH to the Minister for Police:

- (1) What action is commonly taken against juvenile cyclists who commit offences against the provisions of the Road Traffic Code, Road Traffic Act and Regulations?
- (2) Does the Police Department have a current policy regarding enforcement amongst school aged cyclists of the rules of the road?
- (3) If so, will the Minister provide details?

Hon GRAHAM EDWARDS replied:

(1)-(3)

All juvenile first offenders are sent to a lecture; if they fail to attend they are sent to the Children's (Suspended Proceedings) Panel. Multiple or repeat offenders are issued with a summons which is dealt with at the Children's Court.

FISHING - "NEW KWINANA STRIP CHOSEN", ALTERNATIVE INDUSTRIAL SITES

Coastal Waters Fishing Licences

739. Hon GEORGE CASH to the Minister for Police representing the Minister for Fisheries:

- (1) How many wet line, trawl or crayfishing boats are licensed to, and operate, within the waters five kilometres north and south of; and 15 kilometres westward of the two areas identified as likely alternative industrial sites in the article titled "New Kwinana Strip Chosen" on page 2 of *The West Australian* of 18 August 1990?
- (2) What was the value and details, by product, of fish products of all types caught in those areas in the financial years -
 - (a) 1987-88;
 - (b) 1988-89; and
 - (c) 1989-90?
- (3) What is the current commercial value of each of the fishing licences referred to in (1)?

Hon GRAHAM EDWARDS replied:

The Minister for Fisheries has provided the following response -

(1)-(3)

The statistical data collected by the Fisheries Department on commercial catches does not allow catch estimations for the area identified. Catch information is collected on a statistical block area of one degree longitude by one degree latitude. To answer the member's question would require a specific monitoring research program. To commit resources to this work is inappropriate and unproductive.

MOTORCYCLISTS - PROBATIONARY DRIVERS' LICENCES

Pillion Passengers

747. Hon GEORGE CASH to the Minister for Police:

- (1) Are motorcyclists holding a probationary drivers licence entitled to carry a pillion passenger?
- (2) If so, has the Government given consideration to restricting motorcyclists on probationary licences to prevent the carrying of a pillion passenger?

Hon GRAHAM EDWARDS replied:

- (1) Yes.
- (2) No.

ROAD TRAFFIC ACT - SECTION 89

Road Traffic Amendment Act (No 2) 1987 - Clause 11 Proclamation

748. Hon GEORGE CASH to the Minister for Police:

- (1) When will the amendment to section 89 of the Road Traffic Act contained within clause 11 of the Road Traffic Amendment Act (No 2), Act 121/87, be proclaimed?
- (2) What is the reason for the delay of nearly three years in proclaiming this clause of the Act?

Hon GRAHAM EDWARDS replied:

- (1) The proclamation of the amendment awaits the resolution of administrative problems, which are currently being addressed.
- (2) From the time of the assent of the Road Traffic Amendment Bill (No 2) 1987, legal advice was sought to overcome the administrative problems. This advice did not resolve them and the matter is still under review.

QUESTIONS WITHOUT NOTICE

McCUSKER REPORT - MINISTERS' ACCESS

533. Hon GEORGE CASH to the Attorney General:

- (1) Were any former Ministers or Premiers given access to the contents of the McCusker report prior to its tabling in the Parliament today?
- (2) If so, which former Ministers or Premiers were given access?
- (3) Why were they given access?

Hon J.M. BERINSON replied:

- (1) No such access was given or authorised by me. I believe that no such access would have been provided from any other source.
- (2)-(3) Not applicable.

McCUSKER REPORT - CHANGES

534. Hon GEORGE CASH to the Attorney General:

- (1) Were any changes made to the McCusker report tabled by the Attorney General in the Parliament today in the time between when it was originally received by the Government and when it was tabled today?
- (2) If so, what were those changes?
- (3) Were those changes made on the approval of Mr McCusker?
- (4) Were those changes made following approaches to the Government or Mr McCusker by other parties?

Hon J.M. BERINSON replied:

- (1)-(4) It is unthinkable that any changes would have been made to that report by anyone but Mr McCusker. It is Mr McCusker's report from start to finish, and it carries his authority. As I indicated yesterday, any questions relating to the content of the report, or any submissions relating to that report, should be directed to me on notice so that I can provide them in turn to Mr McCusker. I might say that, in view of the nature of some of the questions which were asked yesterday, I have put Mr McCusker on notice that questions of this sort may well be coming forward, and if they do I will be putting them to him for response at his discretion.

McCUSKER REPORT - CONDUCT

Government Agreement

535. Hon GEORGE CASH to the Attorney General:

- (1) Did the Government have any agreement with Mr McCusker with respect to his conduct of the inquiry into Rothwells?
- (2) If so, what were the details of that agreement?
- (3) Will the Attorney General table a copy of that agreement in this House?
- (4) Did the agreement have any clause containing a restriction of what Mr McCusker can or cannot say to the media or to the public about the report and the conduct of his activities?
- (5) If yes to (4), what were the details of that clause?

Hon J.M. BERINSON replied:

- (1)-(5) I am disappointed that the Leader of the Opposition has put a question in those terms. I know that by implication he is seeking to reflect on me, or perhaps on some other member of the Government. In fact, the effect of

questions like that is to imply some reflection on Mr McCusker. That is entirely misplaced and improper. No agreement existed with Mr McCusker as to the way in which he was to conduct his inquiry other than that he should conduct it entirely independently and entirely at his own discretion. I do not have the faintest doubt that if any restriction was imposed which remotely related to the implications of the Leader of the Opposition's question, Mr McCusker would have flatly refused to undertake the commission. I am also quite certain that if, in the course of his investigation, any attempt had been made by anyone to hinder or limit the independence of his conduct of that inquiry in any way he simply would not have tolerated it. That is the long and the short of Mr McCusker's inquiry. I might add that Mr McCusker is entitled to respect; he has earned it through a long and distinguished professional career, and he has added to the respect due to him by the conduct of this inquiry and the report he has presented.

STATE GOVERNMENT INSURANCE COMMISSION - GOVERNMENT UNDERTAKING

536. Hon PETER FOSS to the Leader of the House:

I asked the Leader of the House the other day about the progress of the Government's undertaking regarding the State Government Insurance Commission and he indicated that he would investigate the matter and advise me. Could he now advise me?

Hon J.M. BERINSON replied:

I acknowledge that I gave that undertaking. In accordance with that, I sent the relevant extracts of *Hansard* to the Deputy Premier's office on either the day immediately following the question, or certainly not later than the day after that. Perhaps because of other matters that have intruded, this question has not come to my mind again and I apologise for that. I have not chased it up. Now that it has been brought to attention, I will ensure that a reply is forwarded to Mr Foss direct without waiting to place a reply on the Notice Paper.

ROADS - ALBANY HIGHWAY BYPASS PROPOSAL, CANNINGTON

537. Hon T.G. BUTLER to the Minister for Planning:

Will the Minister outline her position on the proposed Albany Highway bypass at Cannington in light of the recent public meeting on the matter?

Hon KAY HALLAHAN replied:

I thank the member for giving me some notice of this question. This has been a contentious issue in the East Metropolitan Region. It is a matter on which I have received very strong representations from the member for Kenwick, Dr Judyth Watson. She indicated that further study into the eleventh hour proposal should be abandoned. Because this is also Hon Tom Butler's electorate, no doubt he is interested to learn that I have asked the chairman of the Canning Regional Centre study group not to pursue further consideration of the Albany Highway bypass proposal. There has now been a full and informed debate by the community on the merits of the bypass at Carousel at Cannington and the idea has been overwhelmingly rejected by the community. It seems to me that, at this time, energies should be concentrated on the future development of the Cannington Regional Centre and the longstanding plans to upgrade and widen the Albany Highway.

Many residents and businesses have actually made plans in the expectation that the highway would be widened on the current alignment and are waiting for a clear indication from the Government that that will be the case. I indicate today that that will be the present alignment of the Albany Highway. It will be widened and upgraded to reduce that terrible bottleneck outside the Carousel Shopping Centre.

PRISONERS - SPECIAL REMISSION
Director of Corrective Services Granting Claims

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

- (1) Is the Minister aware of claims that the Director of Corrective Services has granted a special remission of 10 days to all prisoners except parolees on the grounds of overcrowding in prisons?
- (2) Are these claims correct?
- (3) If so, will he provide the House with details?

Hon J.M. BERINSON replied:

(1)-(3)

Those claims are not correct. In accordance with section 31 of the Prisons Act 1981, the Executive Director of the Department of Corrective Services may authorise the early release of a prisoner. Section 31 reads -

- (1) The Chief Executive Officer may authorise the discharge from custody of a prisoner at any time during the 10 days immediately before the day when his/her sentence is due to expire.
- (2) The superintendent may authorise the discharge from custody of a prisoner at any time during the period of three days immediately before the day when his/her sentence is due to expire.

Subclause (3) is a significant subclause which reads -

- (3) This section does not apply to a prisoner who is committed to prison on default of payment of a fine or monetary penalty imposed on him/her or on default of payment of any other sum of money (including costs) ordered to be paid by him/her.

It follows from that that it is incorrect to suggest that early discharge has been applied to all prisoners other than those eligible for parole. In addition, the category of prisoners which are not eligible and which have not been made subject to any order of this kind are those serving sentences for fine default, those who have been convicted of an aggravated prison offence and those who are serving sentences of 30 days or less.

It is true that, except for those categories, the executive director did draw the attention of the administrators to the need for them to draw to the attention of eligible prisoners their eligibility to make application; that is to say, in addition to the restrictions as to the category of eligible prisoners, there is a requirement for application to be made -

Hon Peter Foss: "You will make application"!

Hon J.M. BERINSON: For what?

Hon Peter Foss: Obviously it is kindly suggested that they should make application.

Hon J.M. BERINSON: They are reminded of their right to make an application.

The recent advice by the executive director to the various superintendents was triggered by a significant and sudden increase in prisoner numbers. In particular, that included the imprisonment of 43 Indonesian prisoners at Broome which, in relation to the total numbers in prisons, is a number to put significant pressure on those. That advice by the executive director was to meet the particular circumstances of that time and was for a limited period.

That is not the first time that a measure of this kind has been taken and there is nothing to indicate that anything untoward has resulted from that. In the course of consideration of applications by individual prisoners relevant matters, such as conduct, nature of offence and so on, are of course taken into account.

PRISONERS - SPECIAL REMISSIONS

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

Referring to the previous question, does that mean that, with the exception of those special categories to which the Minister alluded, the following situation would apply: A prisoner who is sentenced to one month's imprisonment during a month which contains 30 days is automatically entitled to one-third remission of 10 days plus special remissions available at the director's discretion, which could reduce the sentence to 10 days? Of that 10 days to be served, the day of arrest is counted as one full day and the day of release is counted as one full day so that, in fact, a prisoner could serve only eight full days from a sentence of one month's imprisonment?

Hon J.M. BERINSON replied:

This question is a perfectly reasonable one but it requires some attention to the combined effect of the Prisons Act, the Offenders Probation and Parole Act and the director's rules. In a sense it calls for a legal interpretation of those provisions as they would affect a particular prisoner. I do not want to rely on that for deferring an answer to the question; rather, I would say that it involves some complicated matters which should be addressed in detail. My initial impression is that there would not be the effect suggested by the Leader of the Opposition, but I would prefer to get chapter and verse on that and I will ensure that I have that in time for the next day of sitting.

FEDERAL RESOURCES ASSESSMENT COMMISSION - WESTERN
AUSTRALIAN RESOURCE DEVELOPMENT PROJECTS
Impact Study

540. Hon W.N. STRETCH to the Minister for Resources:

I refer to a question I asked the Minister some weeks ago.

- (1) Has the Minister had an opportunity to study the impact of the Commonwealth Resources Assessment Commission on the resource development projects within Western Australia?
- (2) If so, will he advise the House of the results of his study?
- (3) Will he ensure as far as he is able that the operation of that Commonwealth Resources Assessment Commission does not cut across the best interests of this State?

Hon J.M. BERINSON replied:

(1)-(3)

Following Mr Stretch's last question on this issue I requested the advice of the department. That has been made available but I have not yet had the opportunity to address it. In those circumstances I think I should leave any conclusions as to my views on the matter or the action which Mr Stretch suggests to a later date.

TOBACCO BILL - SPORT FUNDING

541. Hon E.J. CHARLTON to the Minister for Planning:

This morning I heard the Minister make a public statement in an interview on ABC radio that the debate in this House yesterday will be responsible for sporting bodies in this State missing out on funding from the tobacco tax. Is that correct?

Hon KAY HALLAHAN replied:

I am happy to answer that question. I said that the Bill had been placed in jeopardy and, indeed, the funding could also be placed in jeopardy. There is no misrepresentation in the comments I made in the radio interview.

Hon George Cash: How was it placed in jeopardy? The Bill was referred to the Legislation Committee.

Hon KAY HALLAHAN: An unprecedented situation occurred in this House last night; after almost seven hours of debate and the second reading of the Bill, Hon Max Evans, with no consultation whatsoever, moved to refer this matter to the Legislation Committee and circulated extensive terms of reference. Those 13 terms of reference were broken down into three parts.

Hon P.G. Pendl: Mr Lockyer caught you out.

Hon KAY HALLAHAN: I have been told that Mr Lockyer referred to me as telling pork pies. I must tell Mr Lockyer and other members of this House that just because I tell people listening to a radio program how things are, and members opposite do not like that, that does not mean I have told any untruths.

Hon E.J. Charlton: I am still waiting for the answer to my question.

The PRESIDENT: Order! The Minister is getting around to it.

Hon KAY HALLAHAN: Earlier this year this House decided not to restore the Tobacco Bill to the Notice Paper and thereby delayed the progress of the Bill from one financial year to another, which affected the undertaking by the Government to provide funds of \$5 million in that first year.

Hon P.G. Pendl: Mr Lockyer caught you out.

Hon KAY HALLAHAN: I do not know what is wrong with members opposite. What was I to make of the actions of the Opposition last night? After the Bill had been debated for almost seven hours, the terms of reference were suddenly lobbed into the Chamber - and half the matters included in that reference to the Legislation Committee were not raised during the debate - and it looked like an attempt to torpedo the Bill. It appears to me that the Bill could be torpedoed and if that were the case so would the \$9 million funding. That might not matter to members opposite.

TOBACCO BILL - WESTERN AUSTRALIAN HEALTH PROMOTION FOUNDATION

Government Allocation Delay

542. Hon E.J. CHARLTON to the Minister for Planning:

Is the Minister telling us that the Government either does not have the money to allocate to these bodies without the establishment of the foundation, or simply that the Government will not allocate those funds to the sporting organisations?

Hon KAY HALLAHAN replied:

I am pleased to answer this question also. The Government cannot allocate the \$9 million until the foundation is in place.

Hon E.J. Charlton: Why not give them the money? You collect the taxes.

Hon KAY HALLAHAN: To whom will the groups apply? Do members opposite understand anything?

The PRESIDENT: Order! I make it perfectly clear that if honourable members want to continue to be able to ask questions they should give the Minister the opportunity of answering them. This business of asking a question and then a number of other members answering it over the top of the Minister must stop.

Point of Order

Hon J.M. BERINSON: I do not want to intrude on the Minister, who is more than capable of responding to questions of that kind; nonetheless, it appears that this is clearly a question directed to a Bill currently before the House. I draw your attention, Mr President, to that point.

The PRESIDENT: I had intended to raise that point myself although from a different angle altogether. Indeed, it was proper to ask a question about the comment made on the radio, which Hon Eric Charlton did. The member is now getting

away from that question to another matter which may or may not infringe that provision about discussion of a Bill before the House. The Minister appeared to be happy to attempt to answer the question, so I was about to allow her to do so. This is one of the matters that honourable members are not taking account of; there are strict rules regarding the way in which questions can be asked. Frequently, when members get off the track, a Minister is placed in a position where he or she endeavours to aid the member by providing some information but is then confronted with the rowdy interjections to which I have just referred.

I do not think that the question is out of order and I am happy to let the Minister answer it. However, it is getting dangerously close to being out of order and it becomes dangerously close when a member reflects on a decision of this House. It was from that angle I was concerned about the question initially and about whether the Minister was doing that on a radio program. I quickly came to the conclusion that she was not.

What I have said is not funny; this is a serious situation. The Minister, with her explanation, quickly allayed my fears. She is free to answer the question if she wishes.

Questions without Notice Resumed

Hon KAY HALLAHAN: The question relates to the Government's commitment of the funding for the foundation. I make clear to members that a commitment of \$9 million a year to the Western Australian Health Promotion Foundation has been given. I am disappointed to see it delayed. I have had informal discussions outside the House today with a couple of members opposite and it seems to me that there was no intention to stop the Bill.

lasHon P.G. Pandal: We did not say that night.

Hon KAY HALLAHAN: The member can say that was not said last night, but where did a 13 part terms of reference to a committee come from? It came out of the blue and was not mentioned during seven hours of debate. What did members opposite think a Minister handling a Bill would think about that? I make information available to members as much as I possibly can as I see that as one of my responsibilities. I am happy to do that because I want an informed Opposition.

Hon E.J. Charlton: Just tell the people you will give them the money.

Hon KAY HALLAHAN: The money will not be available until the Bill is passed and proclaimed and members should be clear about that.
