

# Legislative Assembly

Wednesday, 27 May 1987

**THE SPEAKER** (Mr Barnett) took the Chair at 2.15 pm, and read prayers.

## PARLIAMENT HOUSE

### *Temporary Accommodation: Statement by Speaker*

**THE SPEAKER:** Yesterday I deliberately refrained from contributing to the debate on the motion to censure me for action I had taken to have cubicles erected in certain areas close to the Assembly Chamber. I felt at that time that it was not appropriate for me, as Speaker, to speak against my being censured, and left that question to be determined by the House without my interference. Now that question has been settled, however, it might be useful if I provide the House with some background to my decision regarding the cubicles.

As Chairman of the Joint House Committee, I have direct responsibility for the 120 staff who work within this building—that is, the entire staff apart from those who work directly for the Legislative Council. Of this number, no more than six work in what I believe are acceptable working conditions.

As Speaker of the Legislative Assembly, I also have direct responsibility for the 13 part-time and full-time staff who serve this Chamber, and all of its members, in such an efficient and friendly manner. Of these 13, only two could be described as having satisfactory offices. The balance work in conditions which I believe to be, in some instances, a health hazard, and in other instances, a firetrap; and some fit both categories.

Previous Speakers have, for whatever reasons, chosen not to act directly to resolve this problem. I was, and am, not prepared to ease myself into that category.

Having so far been denied the opportunity of a building extension, I found myself with no alternative but to erect further cubicles for the Assembly staff in an effort to ease the extremely congested conditions under which they have been forced to suffer for many years. Having made the decision to provide the cubicles, I was faced with the need to find the most suitable place for them. I could have adopted previous policy and tried to tuck them away in an unseen corner, but chose not to because the space was needed close to the

Chamber. Further, I felt the previous policy of hiding away the serious accommodation problem had two flaws: Firstly, the siting of the Hansard cubicles has created an even greater fire hazard than existed before; and secondly, if these problems were continually hidden from the public, we could never expect public support for extensions to put our staff into reasonable accommodation.

I make no apology whatsoever for affronting the feelings of some members who have already indicated to me it would have been all right if the cubicles were not so obvious. I do, however, acknowledge that the proposition could first have gone to the Joint House Committee, even though there is no record of this having been done with respect to all the cubicles erected in passageways by a Speaker or Speakers previous to me.

Though the member for Kalamunda's motion was hurtful to me, I do not deny him the right to move it, for my job is to uphold the freedom of speech in this place even though I may not always agree with what is being said.

Having said that, all the action taken yesterday by the Opposition will not affect my impartiality. Equally, it will not stop my campaign to provide adequate accommodation, more importantly for the staff of this building, but also for the members, some of whom I understand are now accommodated four to a room.

## INCEST

### *Video tapes: Petition*

**MR LEWIS** (East Melville) [2.22 pm]: I have a petition which reads as follows—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled. We, the undersigned, being concerned over the occurrence of incest in the community, humbly request that section 30 of the Video Tapes Classification and Control Bill 1986 be amended to read as follows:

- (b) A person shall not, on any premises, keep or have possession of a video tape which is, after the date of the offence, refused classification because it is judged by the Censor or Appeal Censor to be child pornography.

Because children are entitled by law to special protection under the United Nations Charter for the Rights of the

Child, and because the whole community is appalled by the crime of incest, and by the inability of the Federal proscriptions to prevent the circulation of such promotional material, your petitioners therefore humbly pray that you will give this matter earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 42 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 35.)

### ENVIRONMENT: OLD SWAN BREWERY

#### *Demolition: Petition*

MR LEWIS (East Melville) [2.24 pm]: I have a petition which reads as follows—

To:

The Honourable the Speaker and Members of the Legislative Assembly of the Parliament of Western Australia in Parliament assembled.

We the undersigned request that the Parliament reject the proposed development of the Old Swan Brewery site by Brewtech Limited. We believe the site should be landscaped for a public recreation area and linked to Kings Park.

Your petitioners therefore humbly pray that you will give this matter your earnest consideration and your petitioners, as in duty bound, will ever pray.

The petition bears 66 signatures. I certify that it conforms to the Standing Orders of the Legislative Assembly.

The SPEAKER: I direct that the petition be brought to the Table of the House.

(See petition No. 36.)

### SPEAKER OF THE LEGISLATIVE ASSEMBLY

#### *Conduct: Notice of Motion*

MR HASSELL (Cottesloe) [2.26 pm]: I give notice that at the next sitting of the House I shall move—

That this House censures the Speaker in respect of his attitude to the House and its conduct generally and in particular the statement made by him on Tuesday 26 May 1987 in its attack on a Member of this

House and the disallowance by Mr Speaker of legitimate questions relating to the spending of public moneys.

#### *Standing Orders Suspension*

MR PEARCE (Armada—Leader of the House) [2.27 pm]: I move, without notice—

That so much of the Standing Orders be suspended as is necessary to enable the member for Cottesloe to move the motion of censure of the Speaker.

This is private members' day. It is the second time in two days that we have set aside Government business in order to deal with a matter of private members' business on the basis that we are not prepared to let these matters lie on the Notice Paper. Equally, in moving to bring on this motion, I shall wish to speak to the Opposition about re-ordering private members' time this afternoon in order to take account of the time spent on this debate.

Nevertheless, the Government is not prepared to have this motion put on the Notice Paper even for two hours. I do not want to abrogate the arrangement I have with the Opposition that it is responsible for the ordering of private members' business. We will need to have a discussion about the way in which the time of the House is occupied by this private members' motion.

MR LAURANCE (Gascoyne—Deputy Leader of the Opposition) [2.28 pm]: If the Government wishes to bring on this matter at this time, obviously it should be during Government time. The member for Cottesloe has given notice of a motion for the next sitting of the House. It has been protocol in the past that if a motion of this sort is put forward, the Government would not want to have it on the Notice Paper for 24 hours until the next sitting of the House.

I remind the Government that if it is the Government's wish to have this matter dealt with forthwith, it must do it in its own time. There is precious little private members' business time and arrangements have been clearly laid out for the running of this session of the Parliament, notice of which was given to the Opposition weeks ago, for which we were grateful. We now find the session has been changed substantially.

The Government decided, for its own reasons, to have a two-week recess. It now finds it cannot conclude the session in time and we have now been advised that the Parliament will be in session next week after members were

advised well ahead that next week would be a recess week, and had made arrangements to be in their electorates and other parts of the State. They will now have to change their arrangements at the last moment in order to accommodate the Government's wishes.

We believe the matters brought forward at the opening of Parliament yesterday and today are of a very serious nature. I am sure, Mr Speaker, that you take them seriously. They show that the tensions that have been building up between the Government and the Opposition over the running of this Parliament and with yourself have come to boiling point.

Those tensions have brought about two censure motions in two days. That is not the fault of the Opposition. We believe that this is of sufficient importance for us to move motions to bring this matter before the Parliament.

If the Government decides it wants to debate those matters forthwith, it does so in the knowledge that it is taking up its own time. We do not disagree with the motion being dealt with forthwith, but we give notice to the Government that it will be debated in the Government's own time. We are not prepared to consider any change to the existing private members' business arrangements.

Mr Pearce: Mr Speaker, do I have the right to reply.

The SPEAKER: No.

An Opposition member: You should know that.

Mr Pearce: You are just dishonest, because you have arranged your private members' business for this afternoon without including this in it.

Mr Thompson: We didn't know until this afternoon that we would be dealing with this matter.

Mr Pearce: Had you come to me and said you wanted to rearrange private members' time—

#### *Point of Order*

Mr STEPHENS: Are members allowed to make a speech from their seat?

Mr Thompson: It all depends on which side of the House they are on.

The SPEAKER: Firstly, under normal circumstances I would say no, but I genuinely felt that in this instance it was necessary to allow the interjections to proceed. When the member rose to take his point of order, he might have noticed that I had also risen to put the ques-

tion. However, immediately he raised his point of order and asked whether members were entitled to make speeches from their seats, the member for Kalamunda chose to say, "It all depends on which side of the House they are on." I do not want to pre-empt the debate that is about to take place, but if that is the sort of action that is to be taken by members of the Opposition, I advise them that I intend to respond. Members of the Opposition might feel that I should not take action against them for highly improper suggestions just so that the Opposition might desist from moving censure motions against me, but I am not going to take that course. It would be the easy course, but I do not intend to take it.

I would expect from anyone in this House who made that sort of interjection an abject apology, and I now ask for it from the member for Kalamunda.

Mr THOMPSON: It is the central issue that is about to come before the House, because you have not earned the respect of the House.

The SPEAKER: I name the member for Kalamunda.

#### *Suspension of Member*

Mr PEARCE: I move—

That the member for Kalamunda be suspended from the services of the House.

Question put and a division taken with the following result—

#### *Ayes 33*

Dr Alexander	Mr House
Mrs Beggs	Mr Tom Jones
Mr Bertram	Dr Lawrence
Mr Bridge	Mr Marlborough
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Burkett	Mr Read
Mr Carr	Mr Schell
Mr Cowan	Mr Stephens
Mr Donovan	Mr Taylor
Mr Peter Dowding	Mr Troy
Mr Evans	Mrs Watkins
Dr Gallop	Dr Watson
Mr Grill	Mr Wiese
Mrs Henderson	Mr Wilson
Mr Gordon Hill	Mrs Buchanan
Mr Hodge	

(Teller)

#### *Noes 15*

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Rushton
Mr Court	Mr Spriggs
Mr Grayden	Mr Thompson
Mr Hassell	Mr Watt
Mr Laurance	Mr Williams
Mr Lewis	

(Teller)

Pairs		Noes
Ayes		
Mr Thomas	Mr Tubby	
Mr D. L. Smith	Mr Clarko	
Mr P. J. Smith	Mr Crane	

Question thus passed.

[The member for Kalamunda left the Chamber.]

### *Decorum of the Chamber*

Mr PEARCE: Mr Speaker, I apologise to the House for interjecting in the way I did. I appreciate that in doing so I placed you in a difficult position, and I am sorry for doing that.

### *Motion to Suspend Standing Orders Resumed*

The SPEAKER: I remind members that they need an absolute majority to pass this motion. If there is a dissentient voice, I will have to divide the House.

Question put.

The SPEAKER: I have counted the members present in the House and have satisfied myself there is an absolute majority present, and as there was no dissentient voice, I declare the motion carried.

Question thus passed.

### *Censure Motion*

MR HASSELL (Cottesloe) [2.40 pm]: I move—

That this House censures the Speaker in respect of his attitude to the House and its conduct generally and in particular the statement made by him on Tuesday 26 May 1987 in attack on a Member of this House and the disallowance by Mr Speaker of legitimate questions relating to the spending of public moneys.

This is a very serious matter. I make no apology whatsoever for moving it. It represents the culmination of anger and frustration of members of the Opposition at the Speaker's conduct over a period.

As has been demonstrated amply by the events of the last few minutes, you, Mr Speaker, have lost the respect of a number of members of this House, and that makes your position extremely difficult.

This motion will be seconded by the Leader of the Opposition, who will deal with the broader aspects of it. However, Mr Speaker, I want you to know my point of view in relation to what you said yesterday about me and some questions I asked. I want you to know that that is not the only matter that has led to the Parlia-

mentary Liberal Party deciding at a meeting today that this motion should be moved. The matter was considered in our party meeting yesterday. Grave dissatisfaction was expressed unanimously then by Liberal Party members. However, when it came to moving a motion of censure yesterday, it was decided that that motion should be confined to one point only, the point relating to the boxes in the corridors of Parliament House, which today you have acknowledged were allowed to be put there without consultation with anyone in this Parliament, including the Joint House Committee.

I remained outside the Chamber yesterday afternoon and drafted some questions assuming that certain business was to be dealt with first. I heard your remarks, sir, and, not being able to walk into the House while you were on your feet, I was forced to stay outside. The remarks you made yesterday were outrageous. You attacked me because I asked the Treasurer of this State a simple question about the spending of taxpayers' money. What more obligation does a member of Parliament have and what more is the reason for the origin of Parliament than the right of members to question the spending of taxpayers' money? I did that last week because I had been provided with certain information about your wife's travel to the Cook Islands. After I asked the question, the Treasurer proceeded to abuse me, as is usual and his wont, because I had asked it. He then enunciated an unheard of policy about members' travel. You, Mr Speaker, then returned and made a statement of sepulchral gobbledegook in attacking me, and then made an absolutely unprecedented ruling.

Mr Speaker, you said that these matters should not be raised by questions to Ministers in the House. We have, for all time, to abide by that ruling that a member of this House is not entitled to ask a member of the Government how the Government spends the taxpayers' money in relation to the Presiding Officer.

Mr Speaker, I remind you that in your country of origin, in the House of Commons questions are raised about moneys paid to the Crown, the sovereign herself. A member of that House whose name is, I think, Willy Hamilton, is regarded as a royalty baiter and hater. He continually questions and examines the Government about the expenditure of money on the Crown. Yet, in Western Australia, it is suggested that the Speaker should not be questioned about how he spends taxpayers' money. That is outrageous. However, when that is coupled with comments about my

having asked the question and my failure to appreciate that "questions concerning Presiding Officers should not be addressed to Ministers", I became concerned. The statement was incorrect because it concerned the spending of taxpayers' money, even though it happened to involve a Presiding Officer.

Mr Speaker, you then suggested that, by asking the question, I was "strenuously setting about to damage the very fabric of the independence and dignity of this Parliament". I resent that outrageous comment, Mr Speaker.

Mr Bryce: You wanted to sly dig behind his back, and you ran into a revolving door. You deserve every bit of it.

Mr Rushton: You are built like a revolving door.

Mr Bryce: You could not go two rounds with a revolving door, and you could not pull the skin off a rice pudding.

The SPEAKER: Order! Let me lay down the rules for this debate now. It has the propensity to become a very aggravated debate, I prefer that did not happen. I also prefer not to preclude interjections. I suggest that if members want to interject, they should interject to the person on his feet and not in an unruly manner across the Chamber. I will tolerate interjections to the speaker on his feet but not from members across the Chamber.

Mr HASSELL: I am not interested in the interjections being made by the Deputy Premier because I want to deal with this matter properly. It is a very serious matter. It is extremely serious when the Speaker makes a statement and a ruling as he did yesterday, and then attacks me for being "undemocratic" because I asked a Minister a question about how the taxpayers' money is being spent. Mr Speaker, you said that "questioning Ministers about the activities of Parliament implies that Ministers have some direct control over the running of this institution. This must be treated as a grave reflection upon the impartiality and independence of Presiding Officers."

Last week I asked whether the Government had been approached and you, Sir, in your statement, admitted that you approached the Government and sought from it the payment of your fare to enable you to take your spouse to the conference.

You, Mr Speaker, said that in response to your approach the Premier indicated that he would approve a first-class return fare to Sydney only, and that after due consideration

you decided it was not appropriate to accept that offer as it might be seen by some as compromising your independence. That had already been done, if that was the sequence, because you had already asked the Government to provide your wife's fare.

I am not particularly hung up about the issue of travel as such; there are many times when it is justified and necessary. But, I do not believe the Premier acted honestly when he responded and when he sought to make out that my question was in some way just a silly question because it happened to deal with the issue of travel.

Yesterday you also established a general ruling by striking out two questions I had put on notice. My recollection is that the Premier asked me to put the question on notice or indicated that if I wanted a proper reply, I should put it on notice. I put a question on notice to the Premier, as Treasurer, and I put a different question on notice to the Minister representing the Minister for Budget Management. I believe I am entitled to answers to those questions, and it was absolutely wrong that they were ruled out of order, notwithstanding the partial answer you gave in your statement yesterday. These questions are the normal, proper questions relating to the spending of taxpayers' money by the elected Government. It happens that this has blown up over an issue involving a few thousand dollars, but the principle is exactly the same as if it involved millions of dollars.

It is not only that that causes us concern. It is not only the fact that you, Mr Speaker, struck out questions and then came to the House today and in your further prepared statement spoke about upholding the right of free speech, having yesterday ruled out of order the right of anyone in this House to ask a question about spending taxpayers' money because it happened to involve you as a Presiding Officer. Not satisfied with doing that, you have attacked the person who asked the question, who happens to be me, in a most—I will not say unfair because I do not think the word enters the consideration of some people—uncalled for and utterly inappropriate manner. It is not only that that has finally led the Opposition, after months of frustration, to move a motion as broad and general as this. It is the fact that we have been building up to a situation of absolute fury because of the way things are being done and rulings are being made, because of the imbalance and injustice of those rulings, and the manifest unfairness of them, stifling debate in

this House, which should be the very font of absolute freedom of speech, subject only to those disciplines that the Parliament imposes on itself.

I suggest, Mr Speaker, that you have forgotten something very important, and that is that you are the servant of the House, not its master.

Let us go back to the opening day of this part of the session when you, Mr Speaker, were unable to rule on questions relating to the Anchorage development, a matter which had been the subject of public controversy for weeks. No-one in this House would have contemplated for a minute that on opening day there would not be questions immediately about the Anchorage development, and yet on opening day when there was an audience, the place was packed and the Government should have been under pressure, your ruling meant that the Opposition was absolutely silenced in its attempt to question the Government. How convenient for the Government! Leaving aside every other issue of our questioning of that ruling, let us question how it is that something so convenient to the Government took place on opening day in relation to a matter of grave public importance and public interest.

When we sought to debate the Anchorage issue a couple of weeks before the by-elections—needless to say the issue should have been debated—we saw the most broad interpretation of the sub judice rule that has ever been seen in this Parliament.

Mr Pearce: The House supported that position; it was not the Speaker's decision.

Mr HASSELL: Yes, the House supported it—of course the Government supported it. Its position was at least clear; it had a blatant political interest in supporting the interpretation. You, Mr Speaker, cannot tell me that a matter which could be discussed openly at a public meeting in Fremantle, attended by 400 people, and which could be reported in all the newspapers, on radio, and on television, cannot be debated in this House—not if this House is working properly.

We do not make the rules, Mr Speaker. We did not make the ruling that totally prohibited debate. We would have accepted a limitation of debate, as we made clear at the time, relating to the matters affecting a fair trial of the two men who had been charged. However, prohibiting absolutely the use of the words "Anchorage", "Brush", and "Martin", and everything associated with the development, is not

operating the House so as to maximise freedom of speech and debate. It is operating the House so that the effect, if not the intention—which I cannot glean—is to protect the Government. That was the effect of the ruling.

The SPEAKER: Order! I ask the member for Nedlands to come up and speak to me.

Mr HASSELL: That was one of them. There was opening day, the questions that could not be asked because there was no ruling available to be given, despite its public nature. There was the situation yesterday with the Leader of the Opposition, who was subjected to the narrowest of rulings in relation to the debate on the censure motion, yet the Premier was able to get away with a full exposition for the third time of his little speech about my travelling arrangements. I have not replied to that yet because I have not had the opportunity to do so. That is just one example of the feelings of anger on this side of the House and why this censure motion has come forward.

I point out that when the former member for Morley-Swan, Mr Tonkin, was Leader of the House, the Opposition had continuous trouble. The Opposition was able to make an accommodation that worked with the present Leader of the House, not always without conflict, but on a reasonable working basis. Mr Speaker, when you were away last week there was no trouble over the conduct of this House from the Speaker's Chair. The Deputy Speaker was seen by members on this side as being evenhanded towards us, even though we did not always like what he said or did. When Hon. John Harman was the Speaker, the Opposition went along for two or three years without these kinds of problems. The Opposition cannot continue to accept what is happening now.

Mr Speaker, I ask you to understand that in moving this censure motion I represent two things: Firstly, my own anger and absolute rejection of what you said yesterday about my questions and my rejection of the propriety of your ruling on those questions; secondly, the anger and frustration and feelings of dissatisfaction of most members if not every member of the Opposition. I say that knowing that the issue now before the House has been discussed by the members of the Opposition on more than one occasion and with no desire to enter into this kind of debate unless it is the only way in which the Opposition can express its disgust at what is going on.

**MR MacKINNON** (Murdoch—Leader of the Opposition) [3.04 pm]: I second the motion, and in so doing indicate to the Parliament that the Opposition has not taken this action lightly. In fact, the action was not taken until after the matter was discussed at length by members at a party meeting prior to the House sitting today. I ask you, Mr Speaker, and also members opposite to ask yourselves a couple of questions about this motion. Why would the Opposition now move such a motion which is serious in its intent and in its framing after four-and-a-quarter years in Opposition? Why would the Opposition move such a motion on the basis that there was no dissent from its action to do so within the party room? The Opposition does so because it is not an individual concern—although the member for Cottesloe feels very strongly about the actions taken yesterday by you—but because a combination of a number of factors referred to by the member for Cottesloe have led Opposition members to believe that they need to express their point of view quite strongly.

Mr Speaker, as you are well aware, the Opposition has expressed its concerns continually now for some time about question time and the manner in which it feels it has been unfairly dealt with. Any fair and reasonable assessment of question time would support that claim; I instance matters referred to by the member for Cottesloe relating to the Anchorage ruling and your ruling yesterday.

Before the Premier stands and loudly condemns the action of the Opposition in this regard, he should recall his comments on 20 May when the member for Cottesloe raised the question in the first place. The Premier did not express any concern about the fact that the question had been raised, other than that he felt it might have been for some political motive. He in fact recommended that the member for Cottesloe take the course of action which led to your statement, Mr Speaker. To quote the words of the Premier—

If the member puts the question on the Notice Paper I will certainly have a detailed answer provided to him, but I would say that if the member were dinkum he would have given some notice of the question.

That is the Premier's opinion of the propriety of his being asked the question.

**Mr Brian Burke:** That illustrates that I was not thinking of the Speaker. I thought the question should go on the Notice Paper, but I am

not in charge of this place. I was not in league with the Speaker. I did not know the answer and just thought the question—

**Mr MacKINNON:** So the Premier asked appropriately for it to be put on the Notice Paper and he never expressed any concern, whereas previously in regard to the Anchorage proposal and the relationship with the Superannuation Board, he sought refuge behind the Speaker's ruling as to whether the matters were appropriate.

**Mr Brian Burke:** That is repugnant. I am not afraid of you. I do not need the Speaker's refuge.

**Mr MacKINNON:** It is interesting that the Premier says that, when one looks at the series of questions still on the Notice Paper from 8, 9, and 28 April—and in fact one referred to by the member for Cottesloe recently on 9 April that does not relate in any way to the Anchorage deal but relates to general investments of the Superannuation Board—which have still not been answered by the Premier.

**Mr Brian Burke:** What refuge am I seeking behind any ruling by the Speaker in that matter?

**Mr MacKINNON:** The Premier is seeking refuge behind the Speaker's rulings certainly in regard to the questions of 8 April; for the questions of 9 April I think he is just seeking refuge behind the fact that he does want to answer the questions, so he will not do so because it may involve revealing some embarrassing information.

**Mr Brian Burke:** That has nothing to do with the Speaker.

**Mr MacKINNON:** Let me come back to the point I was making in the first place. When the Premier was first asked the question last Wednesday, he indicated no concern about the validity of the question, and neither did the Deputy Speaker at the time, because as the member for Cottesloe has rightly said, there was nothing untoward or inappropriate about the questions of the member for Cottesloe. The member asked the Premier, firstly—

Is it correct that Mr Speaker has, at Government expense, taken his wife to the Cook Islands this week during his visit there for a Presiding Officers' conference?

As the member for Cottesloe indicated, if members cannot ask those types of questions, surely the ability of Parliament to properly examine those matters is limited. I could go on to detail the rest of the questions, but they are

in similar form. The member for Cottesloe addressed the questions to both the Minister representing the Minister for Budget Management and to the Treasurer, lest the Premier take his normal course and say he is not responsible and will refer it to another Minister, who will answer the question in writing. The member referred the question to the two Ministers who may have responsibility in this area, to get some answer about the Government's involvement in this matter. I see nothing untoward or inappropriate about the member for Cottesloe moving in that regard.

Mr Speaker, turning to the statement you made yesterday and analysing the comments made therein, you said these words—

In the first case, the member concerned has failed to appreciate that questions concerning Presiding Officers should not be addressed to Ministers.

Mr Speaker, I put to you, as has the member for Cottesloe, that it is totally appropriate for any member of the Opposition to ask the Government about its expenditure, and if it just so happens that that expenditure is associated with yourself, I fail to see how that question can be inappropriate. Questions to do with the running of Parliament, such as those about the dogboxes that have been built outside the doors and entrances here to the Assembly, should appropriately be addressed to you, as they have been by members of the Opposition. The question put to you by the member for Cottesloe in terms of expenditure was the proper and appropriate course of action.

Secondly, Mr Speaker, you said—

Questioning Ministers about the activities of Parliament implies that Ministers have some direct control over the running of this institution. This must be treated as a grave reflection upon the impartiality and independence of Presiding Officers.

I put this question to you Mr Speaker: Is it correct that Mr Speaker took his wife at Government expense to the Cook Islands last week during his visit there for a Presiding Officers' conference? How does that question imply that any Minister or Premier has any direct or indirect control over the running of Parliament? It is merely a question directed to the Premier about an expenditure for which he would be responsible, had he allocated it.

Mr Brian Burke: That is not right. There is no Minister responsible for this vote.

Mr MacKINNON: Had the expenditure been made by the Treasurer on behalf of the Speaker who would have been responsible for it?

Mr Brian Burke: I am not sure.

Mr MacKINNON: The Treasurer would have been responsible! The Premier has just proved the point for me. If we are to ask questions about expenditure by the Government on behalf of the Speaker, the Treasurer is responsible. The member for Cottesloe took the appropriate action in asking the person responsible.

Mr Brian Burke: I do not think that is right. Who expended the money?

Mr MacKINNON: In this instance the expenditure was made by the Speaker. The question put by the member for Cottesloe to the Treasurer asked whether the Treasurer was requested to fund the fare and, if so, whether he funded it. Quite appropriately, the questions were levied at the Treasurer. The Treasurer has appropriately answered the question but the Speaker has subsequently ruled that the question was out of order. We say that is a crazy ruling, as was the ruling on the Anchorage, Brush and Martin affair. It does nothing for the proper conduct and running of the Parliament.

The Speaker then went on to say—

For the information of the House I did, at an earlier stage, approach the Premier for a fare to enable me to take my spouse to the conference. The payment of fares, I find, is the normal practice in a majority of other Australian Parliaments.

He then went on to say—

In response to my approach the Premier indicated that he would approve a first-class return fare to Sydney only. After due consideration I decided it was not appropriate to accept that offer as it might be seen by some as compromising my independence.

Let us assume, Mr Speaker, that the Treasurer had approved your request for the fare. I assume that you, having made the request, would have accepted the fare. How would that not have "compromised your independence"—to use your own words? Clearly your comments indicate that had the Treasurer agreed in the first place to your request, your acceptance of the fare would have somehow compromised your independence. I do not personally believe that necessarily would have been the case. In



asking the question of the Treasurer the member for Cottesloe again took the appropriate action.

Mr Speaker, you then concluded in summary at the end of your remarks—

In the first instance, the inquirer who needed this information could have waited until I returned.

I do not agree with that comment. The question was not of you. It was of the Treasurer and appropriately so, because it related to Government expenditure and Government actions. Whether you were here is irrelevant to the matter.

I refer to the second part of your summary which says—

In the second instance, these matters should not be raised by questions to Ministers in the House.

Why are they not to be raised by question to the Ministers in the House? Had the expenditure been approved, the matter would have been the Treasurer's prime responsibility as he has admitted in this debate. It would have been his responsibility to approve and it would have been our responsibility to question. I do not agree with that second comment. Your statement then went on to say—

And, finally, I can only feel that the nature of the question and the manner of its being asked was intended to imply some impropriety on my part.

That was not the case. The question was appropriately directed to the Government. If there was any criticism to be levelled, as a consequence of the answers given, the criticism should have been directed at the Government and not the Speaker.

It is a serious matter to have motions of censure moved against the Speaker on two consecutive days. I remind members of what I said earlier: The Opposition has not taken this action lightly or on the wish of the member for Cottesloe, the Leader of the Opposition or any other member. It has been taken—to a man—because members on this side of the House feel very concerned about the conduct of the House and wish its views to be expressed in the appropriate forum.

I have great pleasure in supporting the censure motion moved by the member for Cottesloe.

**MR STEPHENS** (Stirling) [3.15 pm]: The National Party believes it is very unfortunate that we are spending the time of the House on a

censure motion such as this when the economy is in such dire straits. We should be devoting our time to governing this country.

I acknowledge the reasons for the motion being moved but it is exceedingly unfortunate that the time of the House is taken up on a matter such as this. Yesterday, a censure motion was moved relating to a similar matter. I spoke on that motion and indicated that the Joint House Committee should have had the opportunity to consider the matter before the House's time was taken up in discussing it.

The Joint House Committee has now discussed the matter. We will be having a special meeting to further discuss the issues that were the subject of the motion yesterday. That is where it should properly be handled.

The first part of the motion states—

That this House censures the Speaker in respect of his attitude to the House and its conduct generally . . .

I will not say that we agree with everything the Speaker does. There are areas where we have disagreed but likewise let me add that previous Speakers have acted in a similar way, and we have had similar opinions with respect to those actions.

Mr Brian Burke: Previous Speakers have never acknowledged the National Party.

Mr STEPHENS: I do not wish to be personal about the matter. In the time I have been in this Chamber there has been a series of Speakers. I have not always agreed with them. They are human and they made mistakes. We have to accept that. I am not supportive of everything the Speaker has done. However, I do not think that part of the motion can be supported as I do not think his actions have been bad enough to warrant a censure.

I refer to the disallowed questions. I can sympathise with the feelings of the member for Cottesloe. He asked two questions and they have been disallowed. As I read the Standing Orders, there is no provision in them which indicates the manner in which we should proceed if we disagree with the Speaker's ruling. On page 7 of the Standing Orders under the heading "General Rule for Conduct of Business" it says—

1. In all cases not specially provided for hereinafter, or not covered by our practices, or usages, or by other orders, resort may be had to the rules, forms and usages of the Commons House of the Imperial Parliament of Great Britain and Northern

Ireland, which may be followed so far as the same can be applied to the proceedings of this House.

It is quite clear that when it is not specifically laid down in our Standing Orders we follow the usages and customs of the House of Commons. In Erskine May's *Parliamentary Practice* on page 334 under the item "Speaker's control of questions" it says—

The Speaker is the final authority as to the admissibility of questions.

Under the same heading it says, *inter alia*—

When a question has been refused and the Member concerned wishes to make representations to the Speaker on the matter, the practice is for these to be made privately to the Speaker and not raised by way of a point of order in the House.

It is clear that the motion of the member for Cottesloe does not follow the usage of the House of Commons. It has not been clearly outlined in our Standing Orders that we are permitted to raise any point of order, although in the past it has been done. There is provision for members to speak with the Speaker privately and discuss matters further, but this motion goes further: It is a censure motion on the Speaker himself.

For that reason the National Party cannot support the motion because it has always tried to uphold the institutions of the Parliament. I believe that if we were to support this motion, we would not fully uphold the traditions of this Parliament. I say that while being very conscious of the feelings of the member for Cottesloe. I can understand his feelings. It is regrettable that this matter has degenerated to this state, but nevertheless the National Party feels that the rules are there and although we may not particularly like them, while we have them we must abide by them.

For that reason the National Party will take no further part in this debate. It is unfortunate that in this Parliament from time to time one has to be either all in or all out. I can see the Premier smiling; I can only assume that he is getting around to his favourite statement—"It is getting offensive." The National Party is not fence-sitting. We are stating our position quite clearly.

Mr Brian Burke: You said you disagreed with the censure motion, but you are not going to vote against it.

Mr Pearce: You are fence-sitting again.

Mr STEPHENS: No, we are not. We are merely stating our point of view. I anticipated correctly what the Premier would say. However, this is the way the National Party has decided to deal with this matter. The Premier may call us names if he wishes—

Mr Brian Burke: We are not going to call you names.

Mr STEPHENS: The Premier's words will not influence the National Party one way or the other. The National Party believes that it is following the correct procedure, and therefore its position is that it will not vote either way on this motion.

MR BRIAN BURKE (Balga—Premier) [3.22 pm]: I was not trying to be personal with the deputy leader of the National Party. I perceive that if he will not vote for something and he will not vote against the same thing, he is, in effect, keeping his options open and he is sitting on the fence. I indicated implicitly that it was a bit strange because he had also said that he disagreed with the censure of the Speaker. I would have thought that had he wanted to disagree with the censure, he would vote against it, but that is up to him.

Mr Stephens: If you had listened to the beginning of my speech, I said that to vote against the motion implies in the record that you wholeheartedly support all the Speaker's actions, and I indicated that we were not completely supportive. However, we did not think his actions were such as to require us to support a censure motion. The only alternative is not to take part in the vote.

Mr BRIAN BURKE: That defies understanding. It is an explanation of the incomprehensible.

Mr Stephens: That is an excuse for your inability to understand. You are always very clear with the use of words.

Mr BRIAN BURKE: It is unfortunate that parliamentary and political processes often create situations that I am sure all members would rather were not created. In the past few months no members of Parliament can have helped but notice that the member for Cottesloe has reacted very badly to any criticism levelled at him from time to time. I think that this censure motion is another example of his reaction to criticism which is commonly flung at me, for example, or at the present Leader of the Opposition. Certainly it is flung at the Deputy Leader of the Opposition, in which case I do

not believe the reaction has been as vivid as it has been in the case of the member for Cottesloe.

The member for Cottesloe is clearly overreacting because he believes that he has been personally criticised or in some other way held up to be acting unfairly in the question he asked, or the actions that he takes. I perceive that the member for Cottesloe is bitter and that he does overreact whenever he is the subject of criticism, by me, by the member for Stirling, or by other members of this House. I think that is unfortunate, as I believe it is unfortunate that the motion was moved by the member for Cottesloe, who was, in effect, forced to defend himself when he perceived he was under criticism.

It would seem to be more appropriate that the motion be moved by the Leader of the Opposition. Nevertheless, I think that is one ingredient—that is, overreaction by the member for Cottesloe to any personal criticism directed at him in recent months. The other ingredient that is terribly hard to understand is that, as I indicated very briefly yesterday, members of the Opposition are aware of the tension between the Speaker and the Press at present. In fact, there has been an ongoing argument about the presence of Press reporters in different parts of the Parliament. I think the argument has, although on the verge of resolution, reached the ridiculous stage where people are arguing about whether all or part of someone's anatomy was protruding through a door when certain things were done. I really do not understand that type of argument, but I believe the Opposition is seeking to capitalise on what it believes is tension that could cause favourable political advantage to itself.

The third point to make is that the Opposition is pursuing this sort of course because it really is bereft of any substantial achievement in policy terms or achievement in parliamentary success.

Mr MacKinnon: That is rubbish.

Mr BRIAN BURKE: We have tried to attribute some progress to the Opposition under its present leader, but the progress is absolutely absent. I think that in the absence of any progress in the parliamentary, policy, or political sense, the Opposition is naturally thrown back onto this sort of proposition in an effort to wring some political advantage from the situation.

Mr Laurance: You have only one policy—blame your predecessors!

Mr BRIAN BURKE: Even when we answer questions and when we allow questions to be asked without Government members having asked the questions, the Opposition is always critical of one on every occasion because it does not get from the Government the desired results of its questioning.

Mr MacKinnon: We thought the member for Mitchell was very helpful the other day.

Mr BRIAN BURKE: I am not sure whether he was helpful but the Opposition cannot blame the Speaker for its lack of policy or its dismal parliamentary performance. The Opposition cannot blame the Speaker because it asks a question which is silly or remains unanswered or because it asks a question which does not receive the advantage to the Opposition which it thought would follow. It is no good to blame the Speaker because the Speaker is not responsible—

Mr MacKinnon interjected.

Mr BRIAN BURKE: The Leader of the Opposition may blame me; my shoulders are broad. I do not mind taking the blame for not answering questions the way the Opposition wants me to. However, the Opposition cannot blame the Speaker because it does not receive the answers it wants to questions. It was absolutely appalling today to see the Opposition—and the National Party did not join in—support the member for Kalamunda, who was clearly determined to be chuckled out. He knew that by doing what he did he left the Speaker with no option.

No-one in good faith could endorse the action of the member for Cottesloe.

Mr MacKinnon: We did by dividing on the motion and supporting him.

Mr BRIAN BURKE: Members opposite sat there and supported those remarks, and there was simply no excuse, let alone any reason, for the remarks or Opposition members' support of them.

As far as the Government is concerned the Opposition has plenty to complain about but it does not relate to the Speaker's handling of the business of the Parliament; it relates to the Opposition's own lack of application and leadership and lack of enlightenment in policy terms. It will not work. Why does the Leader of the Opposition think the results of the by-elections were so bad? It was not because of anything the Speaker has done.

Mr MacKinnon: The results were very nice; we were happy with them.

Mr BRIAN BURKE: That is typical.

Mr MacKinnon: The Premier talks about the result in Victoria Park, but preferences were not allocated there.

Mr BRIAN BURKE: The preferences were not counted in Perth or Morley-Swan, so how can the Leader of the Opposition claim anything about the result?

Mr MacKinnon: Exactly. So the results of the by-elections come down to our assessment against yours. We are very happy with the results.

Mr BRIAN BURKE: I do not want to argue back and forth about a self-evident truth which is that members opposite are making awfully hard work of being in Opposition. The fact that that is so is attributable to their inability to realise they are in Opposition, not to any injustice they have suffered at the Speaker's hands. I do not always agree with the Speaker, but I do not blame him because we are not as popular as a Government as we once were.

When the member for Cottesloe asked the question I made the position perfectly clear. I did not have any opposition to answering the question and it did not occur to me it may be appropriately struck out by the Speaker. I did not see any political advantage in that as was the implication of the Leader of the Opposition. The Speaker decided that the question was not appropriate, not to protect the Government and that is self-evidently the case because I suggested it be put on the Notice Paper. What I said at the same time was that if the member for Cottesloe had been dinkum about the question he would have at least given me some notice. I have displayed a willingness to answer the question, and had he given me notice he would not have needed to put it on the Notice Paper.

Mr MacKinnon: It was a question without notice.

Mr BRIAN BURKE: That is right, but the Leader of the Opposition knows as well as I do that I would not be carrying that detail around in my head.

Mr MacKinnon: I would have thought you would. I would have thought that yesterday you would know the CPI figure you used at the Premiers' Conference. You said you were not sure; you did not really know. I would have thought that as Treasurer you would have a better memory.

Mr BRIAN BURKE: Perhaps I can learn from the Leader of the Opposition and his devastating success. Whether I am at fault or defective is for him to judge. I do not have that sort of information, and did not have it to provide to the member for Cottesloe.

Mr MacKinnon: I think he made a fair assumption in thinking you did.

Mr BRIAN BURKE: If he were dinkum he need only have informed me he was going to ask the question. I pointed out gently to the member for Cottesloe that perhaps he was trying to be political.

Mr MacKinnon: Why have questions without notice if you put them on notice?

Mr BRIAN BURKE: Why does the Opposition so often give notice?

Mr MacKinnon: You are wasting our time.

Mr BRIAN BURKE: I object to the fact that the Opposition is wasting our time.

Mr MacKinnon: You are wasting time now, not us.

Mr BRIAN BURKE: I indicated at the time that if the member for Cottesloe were dinkum he would try to obtain the information by at least giving some notice of the question. He chose not to do that and I pointed out a number of different things to him, for example, that I was of the view that the restrictions presently imposed on Ministers, and I referred obliquely—

#### *Point of Order*

Mr MacKINNON: I, too, thought about speaking about that section of the Premier's response to the question last week in which he talked about ministerial travel and his approval thereto, but bearing in mind your ruling yesterday, Sir, with which I certainly was not happy, I did not do so. I ask you to rule that the Premier keep his remarks to the motion before us which has nothing to do with ministerial travel or the comments he made last week in that regard. I am happy to debate that issue at any time.

The SPEAKER: Can I seek your guidance in respect of what you think the Premier was saying? Can you outline why you feel the particular question he was referring to does not come under your motion?

Mr MacKINNON: The Premier was about to explain—and began doing so—a section of his answer to the question without notice put last week by the member for Cottesloe. It referred to the fact that he did not mind if Ministers

travelled overseas with their wives. That has nothing whatsoever to do with the motion before the Chair which relates quite specifically to your rulings and actions, not his decision in terms of ministerial travel.

The **SPEAKER**: That is a little difficult for me because I do not immediately have before me a copy of the question asked without notice of the Premier by the member for Cottesloe. However, if I recollect correctly, the questions which I struck out yesterday and which are part of your motion are almost identical, if not indeed identical, to the question that was asked without notice by the member for Cottesloe and which is being referred to by the Premier. I would find it very difficult to rule in favour of your point of order.

Mr **MacKINNON**: It is not the question to which the Premier is referring, but his answer. You are right, the question is very similar, but the answer is different and it bears no resemblance to the question, which is quite usual for the Premier.

The **SPEAKER**: If I were to rule in favour of your point of order I would feel I was doing exactly what you are accusing me of doing.

#### *Debate Resumed*

Mr **BRIAN BURKE**: I indicated to the member for Cottesloe that I would in future be considering when appropriate to permit wives to travel with Ministers. That came out in the newspaper in a strange way, but the words I used really do not support the way in which the Opposition has since tried to interpret the answer. I said—

In respect of Ministers—not particularly the Speaker because I have not given much thought to it, but Ministers, or the Leader of the Opposition, or the Leader of the National Party—it would be my intention in the future, should the occasion be appropriate in my view, to permit them to take their wives with them on trips they undertake. I see nothing whatsoever wrong with that.

That came out as being that Ministers' spouses would travel inevitably and invariably with Ministers. It came out as "The Leader of the Opposition said the Premier is trying to buy me off". I do not see how that construction can be put on the words, but that is the sort of thing I had to say in trying to provide information to the member for Cottesloe. The member for Cottesloe objects to the way I answer questions

because he does not like me trying to throw back to him what I see to be quite implicit, or explicit on occasions, in his questions.

The member for Cottesloe is the member who, when a Minister, refused to answer a question because he took exception to it. He sat in his chair—he did not even stand up—and refused to answer a question. We now have the member for Cottesloe taking umbrage at the fact that he is criticised because he asked a question of which he knew no notice had been given and that an answer, in the detail that he requested, was unlikely. The Speaker was not even in the State at the time and, as the Deputy Leader of the National Party indicated the steps open to the member for Cottesloe to make inquiries were not used.

Mr **MacKinnon**: He did not take umbrage at any single one of those factors.

Mr **BRIAN BURKE**: He said he did.

Mr **MacKinnon**: He took umbrage at the Speaker's ruling.

Mr **BRIAN BURKE**: He said that he took umbrage at the way in which I criticised him. He said that during his speech. He also said that he took umbrage at the personal way in which I answered the question. If the Leader of the Opposition and the member for Cottesloe cannot agree on what the member for Cottesloe said, it is not my fault. The member for Cottesloe was particularly scathing about the way in which I answered the question. It is not my job to answer questions in the terms that he wants. As far as I am concerned I tried to retrace the question and I answered it as fairly as I could, taking into account the clear presentation of a political attack upon the Speaker.

I should point out to the House that if the member for Cottesloe were dinkum about the question he asked, Standing Order No. 107 provides for questions to be asked of the Speaker. Those questions can relate to his administration in this matter and to the subject that the member for Cottesloe asked of me. There is no problem about that; but the Speaker was not in the House at the time and the member for Cottesloe chose not to wait until he was present and not to make any inquiries of any of the officers in an effort to satisfy his need for information.

There is no Minister responsible for the parliamentary vote and, as far as I am concerned, the Speaker is right: If a member has a question about that matter he should ask him. I did not object to answering the question, but the

Speaker's point about avenues open to members of the House is a valid one. If members want to ask those sorts of questions of him he will answer them.

Mr Speaker, let me summarise: The Government rejects this censure motion. We see that the motion capitalises on several points. First, the Opposition really is doing very badly in all of the important areas in which it will need to do well if it is to defeat the Government at the next election. Born of that frustration is a motion like this; born of that frustration is the argument that is present in the parliamentary wings of the Liberal Party; born of that frustration is the blame that is being apportioned to you, Mr Speaker, because in blaming you the Opposition seeks to void the responsibility for its own lack-lustre performance.

Secondly, embodied in this motion is what has become a hallmark of the actions and attitudes of the member for Cottesloe. He simply cannot bear to be criticised by anyone and that seems to me to be clear not only by the way in which he tried to play tit for tat again today, but also by the way in which he debated the Minister for Minerals and Energy regarding meetings which were held to discuss the Anchorage project. He was absolutely unable to entertain any of the propositions put by the Minister for Minerals and Energy despite the fact that the Minister put the arguments very cogently. Even to a layperson like myself, the arguments he put forward were convincing.

Thirdly, the motion attempts to capitalise upon the tension that the Opposition perceives between the Speaker and some members of the Press Gallery. I will say no more about that, but for those reasons alone, regardless of the substance of the matters raised, the substance of the matters must be called into question. They must be called into question in the following terms: First, there is ample opportunity for the Speaker to be asked and to answer questions about his administration. The opportunities as provided have not been taken advantage of by the Opposition.

Secondly, as far as the Opposition is concerned, the way in which the question was asked was quite clearly an effort to embarrass politically either the Government or the Speaker. As I have indicated to the House, the Government sees no embarrassment in the question or the answer and was not unwilling to answer the question. The Government is unwilling to say that the Speaker does not have the right to exclude the question from the Notice Paper.

In all the other areas that the member for Cottesloe and the Leader of the Opposition touched upon there simply is no persuasion in the arguments they used. For example, as has been argued out two or three times in this place previously, discussion about the Anchorage in this place is open to a ruling by the Speaker as to whether it is sub judice. The arguments raised by the Opposition today were no different from the arguments raised by the Opposition previously. We have been through all that and today we had the absurd spectacle of the Leader of the Opposition saying that I was taking refuge behind the Speaker's ruling and then he referred to a question that has not been ruled sub judice, in which case I was taking refuge behind my unwillingness to answer the question. That is the sort of nonsense we have to contend with. It is simply not good enough for the Opposition to off-load the blame for its own performance onto the Speaker.

It may be fertile ground that is being tilled by the Opposition and it may be that it will gain some currency for its views. However, it is a shabby argument today that has been advanced by each of the two speakers on behalf of the Opposition.

No-one could defend the actions of the member for Kalamunda, himself a former Speaker, in the way in which he replied to the Speaker today. To see the Opposition defend the member for Kalamunda was appalling because it is clear that it was defending the indefensible. We are left with a shabby argument that is based on the personal pique of the member for Cottesloe married to the impotence of the Opposition and then seeded in the ground of tension between the Speaker and the Press. That is how I understand the situation. Not one decent argument was raised to support the censure and not one decent argument was raised to convince the National Party that it should register a vote on the censure. The National Party made it clear during debate that it disagreed with the censure and would not support it; it could not be persuaded by the argument to even vote with the Opposition.

I suppose the Government should be thankful for small mercies. The present Opposition has certainly not been as energetic or vigorous as we were in Opposition. It is true that we had some bad patches. We had periods where, I am sure, we wondered whether we would ever find our way out of the political wilderness. What saved us was the fact that we realised that we had a job to do in Opposition.

Mr Lewis: It was when you sharpened your knife.

Mr BRIAN BURKE: I may be wrong, but I understand there are moves presently against the member's leader.

Mr Lewis: You are wrong.

Mr BRIAN BURKE: Just remember, at 3.15 pm on 27 May 1987 I indicated there were moves afoot within the ranks of the Liberal Party to replace the present leader. Leave it at that.

Mr Cash: Will you also confirm that there are moves afoot within the ranks of your party, both front bench and back bench, to replace you?

Mr Pearce: That is totally untrue.

Mr BRIAN BURKE: I do not know.

Mr Pearce: There are moves afoot to make sure the Premier stays as long as he can.

Several members interjected.

Mr BRIAN BURKE: The member may be right.

Mr Cash: I think I am.

Mr BRIAN BURKE: The Leader of the Opposition knows that is not the position in his case.

Mr Lewis: Why don't you also confirm that at nine minutes to four this afternoon you would dearly love to get rid of your Deputy Premier and move one of your other Ministers?

Mr BRIAN BURKE: The member says all these things are true, but when I say there are moves to get rid of his leader, that is not true!

Mr Williams: We all listen to some of the gossip.

Mr BRIAN BURKE: Thank you very much. In any case we have had a rerun of some of the old arguments. If we keep hearing about this during question time, I do not think I will come in. It is awful for the Opposition to blame us. We have a censure motion on the Speaker, and how many members of the Opposition are present?

Mr Williams: This is afternoon tea time.

Mr BRIAN BURKE: I am sorry if there is some arrangement about afternoon tea. I am sorry, I try not to eat afternoon tea.

An Opposition member: They are all at afternoon tea.

Mr BRIAN BURKE: They may be, but there are more Nationals here and they are not even voting.

Several members interjected.

Mr BRIAN BURKE: If I hear this thing about question time once more I will go spare. Can members of the Opposition not ask a decent question? It is terrible, and very depressing for us as well.

I do not know whether members opposite will improve, but it is very unfair to keep blaming the Speaker for their poor performance. The Leader of the Opposition should get hold of his members, bring them up to the barrier, and get them participating in things. Do not blame us simply because when the members of the Opposition ask questions they are either directed to the wrong Minister, or so silly that they look foolish.

We reject the motion.

### *House to Divide*

Mr PEARCE: I move—

That the House do now divide.

Question put and a division taken with the following result—

#### *Ayes 27*

Dr Alexander	Mr Gordon Hill
Mrs Beggs	Mr Hodge
Mr Bertram	Dr Lawrence
Mr Bridge	Mr Marlborough
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Burkett	Mr Read
Mr Carr	Mr Taylor
Mr Dovovan	Mr Troy
Mr Peter Dowding	Mrs Watkins
Mr Evans	Dr Watson
Dr Gallop	Mr Wilson
Mr Grill	Mrs Buchanan
Mrs Henderson	

(Teller)

#### *Noes 14*

Mr Blaikie	Mr Lewis
Mr Bradshaw	Mr MacKinnon
Mr Cash	Mr Mensaros
Mr Court	Mr Rushton
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Watt
Mr Laurance	Mr Williams

(Teller)

#### *Pairs*

#### *Noes*

Ayes	
Mr Thomas	Mr Tubby
Mr D. L. Smith	Mr Clarke
Mr P. J. Smith	Mr Crane
Mr Tom Jones	Mr Lightfoot

Question thus passed.

*Censure Motion Resumed*

Question put and a division taken with the following result—

## Ayes 14

Mr Blaikie	Mr Lewis
Mr Bradshaw	Mr MacKinnon
Mr Cash	Mr Mensaros
Mr Court	Mr Rushton
Mr Grayden	Mr Spriggs
Mr Hassell	Mr Watt
Mr Laurance	Mr Williams

(Teller)

## Noes 27

Dr Alexander	Mr Gordon Hill
Mrs Beggs	Mr Hodge
Mr Bertram	Dr Lawrence
Mr Bridge	Mr Marlborough
Mr Bryce	Mr Parker
Mr Brian Burke	Mr Pearce
Mr Burkett	Mr Read
Mr Carr	Mr Taylor
Mr Donovan	Mr Troy
Mr Peter Dowding	Mrs Watkins
Mr Evans	Dr Watson
Dr Gallop	Mr Wilson
Mr Grill	Mrs Buchanan
Mrs Henderson	

(Teller)

## Pairs

Ayes	Noes
Mr Tubby	Mr Thomas
Mr Clarke	Mr D. L. Smith
Mr Crane	Mr P. J. Smith
Mr Lightfoot	Mr Tom Jones

Question thus negatived.

Motion defeated.

**LEAVE OF ABSENCE**

On motion by Mr Williams, leave of absence for five weeks was granted to the member for Karrinyup (Mr Clarke) on the ground of urgent private business.

**BILLS (7): INTRODUCTION AND FIRST READING**

1. Liquor Amendment Bill.  
Bill introduced, on motion by Mrs Beggs (Minister for Racing and Gaming), and read a first time.
2. Acts Amendment (Retail Trading Hours) Bill.  
Bill introduced, on motion by Mr Peter Dowding (Minister for Labour, Productivity and Employment), and read a first time.
3. Road Traffic Amendment Bill.  
Bill introduced, on motion by Mr Stephens, and read a first time.
4. Reserves and Land Revestment Bill.  
Bill introduced, on motion by Mr Wilson (Minister for Lands), and read a first time.

5. Road Traffic Amendment Bill (No. 2).
6. Motor Vehicle Drivers Instructors Amendment Bill.  
Bills introduced, on motions by Mr Gordon Hill (Minister for Police and Emergency Services), and read a first time.
7. City of Perth Parking Facilities Amendment Bill.  
Bill introduced, on motion by Mr Troy (Minister for Transport), and read a first time.

**FREMANTLE PORT AUTHORITY AMENDMENT BILL***Second Reading*

**MR TROY** (Mundaring—Minister for Transport) [4.10 pm]: I move—

That the Bill be now read a second time.

This Bill, to amend the Fremantle Port Authority Act, has the aim of improving the utilisation of the casual labour work force at Fremantle—commonly known as the painters and dockers—and so reducing the overall cost burden on the users of the port. There has been a great deal of misconception about this proposal and I will therefore spell out, in detail, what it is. By way of introduction, I will first describe the existing situation.

The casual work force at Fremantle, known as the Registered Casual Ship Painters and Dockers, is available to undertake work on ships such as cleaning holds, securing cargoes, painting, rigging or sandblasting. The work force has a number of conditions of employment, ratified under the Industrial Relations Act 1979. In relation to this Bill, the conditions are that, in addition to being paid by the hour for the casual work they undertake, members of this work force receive—

sums of money, known as "attendance money", for attendance at the pick-up point for the allocation of work, whether or not they are given work;

holiday pay, covering annual leave, long service leave and sick leave; and

a guaranteed minimum weekly wage.

If the casual work available to an individual member of the work force is insufficient to bring his wages for the week up to the guaranteed minimum, the wages are made up to that amount.

The funds needed to pay these amounts, together with the funds needed to cover the administrative costs of the scheme, are cur-



rently raised by a surcharge per man-hour paid by those who employ the work force—that is, the employers pay both the hourly wage and an additional hourly amount. The scheme is administered through the Fremantle Port Authority Act, and the authority undertakes the day-to-day handling of it. The authority, however, is not the employer of the individuals in this work force.

It is a characteristic of the work required to be done by Registered Casual Ship Painters and Dockers that it is highly variable from day to day. On some days, there will be little or no work, and on other days, there will be more work than can be handled by the available work force. It is also characteristic that, when work of this nature needs to be undertaken, it is with the minimum possible delay. The costs to shipowners, if a ship is delayed in port waiting for necessary work to be done on it, are considerable. The work force is put under great pressure to respond on such occasions.

It is a matter of difficult judgment to determine the size of work force needed so that, on the one hand, it is utilised to a reasonable extent and, on the other hand, it is adequate to handle the short-term peak demands put upon it without unacceptable delays.

The highly variable demand also lies behind the origin of the guaranteed minimum weekly wage concept. The system means that these ordinary working people have a degree of predictability to their income and do not have to cope with wild fluctuations from week to week in their personal budgeting. It is nevertheless evident that the funding needed to cover the conditions of employment, which I have described, and also to cover the administrative costs, is very significant.

The amount levied from employers per man-hour worked, to cover these funds, exceeds the hourly wage. Not surprisingly, faced with a high amount per man-hour in total for the use of this work force, there is a disincentive for potential employers to use them. Like most types of work, there are degrees of necessity for it. Shipowners, through their agents, tend to have only essential work done by painters and dockers, because of the high price per man hour, and they do not have optional work done at Fremantle.

It is this situation which is at the core of the amendments encompassed by this Bill. The Bill stems from the proposal that, if the funding could be sourced in some other way, leaving employers to pay a much lower amount per

man-hour, they would be prepared to use the work force for optional work. That is, at the lower price, it would be considered worthwhile to have certain types of work done—thereby improving the utilisation of the work force, and spreading the funding load over a greater number of man-hours worked.

This Bill will make it possible to collect funds in an alternative way, consistent with encouraging a greater utilisation of this work force. I emphasise that we are talking about an alternative form of collecting funds, not an additional form. The Government has made it quite clear an additional form is not appropriate and that in changing the method of fund collection, it is not seeking, at the same time, to increase the overall amount collected.

The original proposal which led, ultimately to this Bill was for a uniform amount to be levied per gross registered tonne for each visit of a ship to the Port of Fremantle. It was proposed that the rate should be struck such that it would raise the total amount currently obtained from man-hour levies. This initial proposal was considered at great length, but there is no intention of introducing it in that simplistic form.

The whole question of funding Registered Casual Ship Painters and Dockers was considered by a working party chaired by the then Co-ordinator General of Transport and with representation from the Maritime Workers Union, Australian Chamber of Shipping, Association of Employers and Waterside Labour, Fremantle Port Authority and Fremantle Shipwrighting Pty Ltd, the main user of the work force. I will not pretend that this working party came to a unanimous conclusion. Nevertheless, some valuable findings and opinions emerged.

First, within that working party, the Australian Chamber of Shipping is on record as agreeing to the necessity for a work force of painters and dockers at the Port of Fremantle. Second, the considerable variability of work required day by day, which I mentioned earlier, was a factor highlighted by the work of this group. It acknowledged the difficulty of catering for big demands without unacceptable delays and, at the same time, maintaining a reasonable level of utilisation of the work force.

The working party also had some statistical analysis undertaken for it by the agency then known as the Office of the Co-ordinator General of Transport. This was what is known as "regression analysis" and it examines the historical relationship between the extent to which the painters and dockers casual work force was

used in the past, compared to the total amount per man-hour which employers had to pay, corrected for inflation. The analysis made allowance for the possibility that there may also have been a general trend with time, leading to reduced use of this work force independently of any price effects, but due, for example, to technological trends. This sort of analysis worked on probabilities, not certainties. It showed it to be more probable than not that a reduction in the price paid per man-hour would lead to a worthwhile increase in the utilisation of the work force.

I repeat that, on the evidence available, a responsiveness to price reduction is the most probable outcome. There is not sufficient historical evidence for such responsiveness to be claimed as a certainty, but it is more likely to result than a non-responsive situation. It is also consistent with normal economic experience that a reduction in price will be associated with an increase in consumption. This applies, whether it be the price of steak or the price per man-hour of Registered Casual Ship Painters and Dockers.

Because of the lack of certainty, it is not intended to fully introduce a tonnage levy without further evidence. The Government's intention, therefore, is to continue to raise half the funds through the current man-hour levy system, and to raise the balance through a tonnage levy. The experience with this will be monitored annually so that an informed decision can be made on the extent to which reliance can be placed on the tonnage levy for the collection of these funds in the future.

The remaining very important point which emerged from the discussions of the working party was that the amount of usage made of this work force varies considerably according to the type of ship. Container vessels, for example, make comparatively little use of Registered Casual Ship Painters and Dockers. Employers argued that the current system accurately reflected the user-pays principle and that it was important to preserve this.

That viewpoint has merit, and the intention is to retain the user-pays principle to the greatest practical extent. The amendments contained in this Bill provide for different levels of levy per gross registered tonne to be struck for different classes of ship. The port authority will have the power to prescribe classes of ship and to determine which class any one vessel visiting the port falls into, and to make a charge accordingly per gross registered

tonne. The basic intention of the Government is that the tonnage levy for each class of ship will be proportional to the number of man hours of employment of the painters and dockers casual work force, by that class of ship, per gross registered tonne of that class of ship visiting Fremantle Port in the corresponding period. Subject to review, the intention is to base these calculations on the previous two financial years.

This system is analogous to insurance premiums, and the total amount to be collected from each class of ship can be expected to be the same as the total amount which would be collected from the individual ships in that class under the current man-hour levy scheme. While this moves away from user pays at the level of individual ships, it retains an appropriate relativity between different types of ship; and, over a period of time, any apparent unfairness to individual shipowners can be expected to balance out. At the same time, this scheme will significantly reduce the amount per man hour which it is necessary to pay for the use of this casual work force and this, in turn, should lead to improved utilisation of the work force. When the effects of this are established, so that the funding needs of the work force are spread over a greater number of man hours, the unit cost of the labour force to ship owners will reduce.

The State Shipping Service has its own employees to undertake painting and docking work and does not use the casual work force. Under the proposed formula, the tonnage levy for Stateships vessels would therefore be zero and, because that is clearly known, the Bill specifically exempts Stateships from the tonnage levy.

There is a final point of detail addressed by this Bill which I should mention. Under the current arrangements, separate funds are kept for the various elements covered by awards, and it is not possible, for example, to transfer moneys from the fund dealing with leave payments to the fund dealing with guaranteed minimum weekly earnings. This is unnecessary and administratively clumsy. The various funding needs of registered casual ship painters and dockers need to be considered as a whole, with a single fund, and with levies for the aggregate amounts. Accordingly, this Bill contains an amendment which will bring about a single fund.

I emphasise that this Bill will make it possible to introduce an alternative, rather than additional, method of funding the casual work

force at the Port of Fremantle; that the best indications available are that this will improve utilisation of this work force, to everyone's benefit; that, initially, the new arrangements will be introduced only in part, and the amount to be collected in this way will be reviewed in the light of experience; and that the user-pays principle will be substantially retained by striking different tonnage levies, at appropriate levels, for each class of ship.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Laurance (Deputy Leader of the Opposition).

### **ACTS AMENDMENT (WATER AUTHORITY RATES AND CHARGES) BILL**

#### *Second Reading*

**MR BRIDGE** (Kimberley—Minister for Water Resources) [4.24 pm]: I move—

That the Bill be now read a second time.

The purpose of this Bill is to make amendments to the Water Authority Act 1984 and to relevant Acts so as to effect a major simplification of the rating and charging provisions of the water legislation. It will do this by transferring the primary power to fix rates and set charges from six separate country and metropolitan Acts to the Water Authority Act.

Although the simplification is being achieved by amending the existing legislation, it is nevertheless a major step towards the aim of reducing the water legislation to a single Act.

No doubt there will be criticism that we are not proceeding at this stage to a single Act covering all legislative matters instead of just the charging aspects. I would like to do that, but the fact is—and I am sure all members will realise it—the amount of work involved in amalgamating and updating 10 Acts up to 94 years old is very considerable. I am pleased to be able to tell members that a lot of work towards that objective has been done and is continuing, but there are many matters to deal with to sort out the anomalies between city and country Acts, to eliminate provisions which are no longer applicable, and to consider amendments designed to bring about simplicity and efficiency. Meanwhile, we are now in a position to take the significant step of rationalising and simplifying the charging provisions.

The Bill completely restructures the legislation applying to rates and charges so that there will be a single set of provisions for water supply, sewerage, drainage, and irrigation, whether metropolitan or country. This does not

mean that the rates or charges need to be the same, only that the procedures and statutory powers will be. The Bill makes some amendments to the provisions for recovery of outstanding accounts, but it does not yet gather them into a single Act.

From an administrative point of view, the major change will be the transfer to by-laws of many of the details now contained in Statutes.

The existing legislation has a long history, with numerous amendments being made to suit emerging needs. Many of the amendments have been made to effect minor changes within already complex and confusing provisions, to the point where there is now no clear pattern within individual Acts and frequent inconsistencies between Acts. The Bill will remove all this legacy of the past and replace it with a relatively brief statement of the Water Authority's powers to make charges and some basic limits on those powers, together with by-law making powers, under which the authority will be able to make by-laws setting out the details of its charges, the way in which they are payable, and related administrative matters. As with the authority's other by-laws, the charging by-laws will be subject to the approval of the Minister and to disallowance by Parliament.

This arrangement is essentially the same in principle as the provisions of the State Energy Commission Act.

Although some Water Authority charges still take the form of rates, either on property values or land area, the moves towards "pay for use" are progressively reducing these. Hence the Bill uses the term "charges" uniformly, but provides that these may be made in the form of rates. This form of terminology will facilitate further moves towards "pay for use".

The Bill takes the form of a new division to be included in the financial provisions part of the Water Authority Act and consequential amendments to that Act, to the other water Acts which at present contain the rating and charging provisions, to the Strata Titles Act, and to the Pensioners (Rates Rebates and Deferments) Act.

I commend to the House this modern approach to the complex matter of the Water Authority's charging powers. I am confident that it will facilitate its operations and will form a key part of the proposed consolidated water Act.

Debate adjourned, on motion by Mr Mensaros.

**FAMILY COURT AMENDMENT BILL***Second Reading*

**MR PETER DOWDING** (Maylands—Minister for Works and Services) [4.30 pm]: I move—

That the Bill be now read a second time.

When the Family Court of Western Australia was established in 1976 it was agreed that the State Family Court Act would, as far as possible, conform with the Commonwealth Family Law Act.

In 1983, the Federal Government made extensive amendments to the Commonwealth Act. As a result, the Attorney General appointed a committee chaired by Judge O'Connor of the Family Court of Western Australia to consider amendments to the Family Court Act. The committee reviewed the 1983 Commonwealth amendments and made recommendations concerning the need to bring the Family Court Act into conformity with those amendments. It also made recommendations in a number of other areas.

The Bill implements the recommendations of the O'Connor committee and contains amendments suggested from a number of other quarters which clarify the existing law.

The amendments which follow the Commonwealth Act cover a wide range of matters and include—

- definitions of guardianship and custody and express provision for joint guardianship;

- directions by the court in relation to conferences with welfare officers;

- confirmation of matters to be taken into account by the court when making orders in respect of custody, guardianship, and access;

- an expanded provision relating to the supervision of court orders;

- provisions relating to the award of costs and the principles that should govern them;

- the powers of the court to require information in order to locate a child;

- provisions for recovering losses and expenses incurred by the Government in restoring a child to the possession of the person entitled to possession, in certain defined circumstances;

- the powers of the court to deal with vexatious or frivolous proceedings;

- provisions relating to restricting the publication of court proceedings and to the closing of the court in certain proceedings;

- provisions relating to proof of paternity, including the power to direct persons to submit to a prescribed medical procedure;

- provisions for requiring a report from a welfare officer; and

- provisions giving the court a rule-making power.

These provisions in the main follow the Commonwealth provisions and are made in furtherance of the view that the State and Commonwealth Acts in this area should so far as possible be uniform.

There are several other matters to which I wish to draw attention in greater detail. The Bill deletes the injunctive power in section 34 of the Act and re-enacts it without amendment as section 28A of the Act. This is proposed because the power is clearly not limited to property matters in its terms, but is located in part III, division 2 of the Act which is headed "Powers with Respect to Property". This has given rise to confusion. No change in substance is intended by this amendment and the new section 28A will continue to operate, as it does at present, as a power to issue injunctions in aid of some other relief under the Act. It is not a power to issue injunctions independent of proceedings under the Act.

The Bill also deletes the more limited injunctive power in section 52 of the Act dealing with non-molestation orders. The section 52 order is little used. Where restraining orders of this type are necessary, they are normally now sought under section 172 of the Justices Act.

If the court desires to make an ancillary order in the terms of section 52, it can still do so under its general injunctive power in section 52.

The Bill amends the definition of "non-Federal jurisdictions" in the Act. The amendment is only intended to clarify that the ancillary jurisdiction to deal with children in need of care and protection which is provided in section 27(3) is part of the non-Federal jurisdictions of the court. This amendment will ensure that courts of summary jurisdiction may exercise the powers in section 27(3) by virtue of section 75 which provides that courts of summary jurisdiction may exercise all the non-Federal jurisdiction of the Family Court.

The Bill expands the provisions of section 44 of the Act to enable the guardian of a child for the time being to appoint any person to be guardian of the child after his death. Under the existing provisions, only the parents of the child have this right.

The section also expressly provides for the appointment of joint guardians in terms similar to new section 36A(b) which is added by the Bill. In order to avoid conflict with existing guardians, the section provides that no appointment by deed or will, will be effective unless the appointor is the sole guardian at the time of his death. The new section is thus intended to operate in much the same way as the existing section 44(2).

There are also a number of amendments of a technical nature in the Bill. One group of amendments relates to an attempt to rationalise the references in the Act to the court and to courts of summary jurisdiction. For the sake of consistency, the approach which has been adopted is to use only the term "the court" in the main provisions of the Act and to rely on section 75 to extend those sections to courts of summary jurisdiction. No change in the law is intended by this group of amendments.

Because of the technical nature of a number of the amendments proposed by this Bill, clause notes will be distributed to all members.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Mensaros.

## BILLS (6): MESSAGES

### *Appropriations*

Messages from the Governor received and read recommending appropriations for the purposes of the following Bills—

1. Salaries and Allowances Amendment Bill.
2. Superannuation and Family Benefits Amendment Bill.
3. Sheep Lice Eradication Fund Bill.
4. Gaming Commission Bill.
5. Fremantle Port Authority Amendment Bill.
6. Government Employees Superannuation Bill.

## ACTS AMENDMENT (POLICE AND CHILD WELFARE) BILL

### *Second Reading*

MR LAURANCE (Gascoyne—Deputy Leader of the Opposition) [4.37 pm]: I move—

That the Bill be now read a second time.

This Bill has been introduced because of the community's concern about vandalism. It is a major community problem and strikes all of us at one time or another. However, the Bill results from a particular problem that has occurred in Carnarvon.

Vandalism in Carnarvon had reached such a stage that the community felt it could sit back no longer and allow the formal process to work to combat it. A group of business people decided to take the law into their own hands and form a vigilante group to patrol the streets of Carnarvon at night to supplement the Police Force and to protect their properties. I have always thought that that is a dangerous thing to do.

Although the group came across a number of crimes, fortunately for it it did not come across any crime that was in the process of taking place. I believe that was a good thing because I am sure the group would have taken the law into its own hands and paid the penalty. I think it would have also added to the community's stress. Nevertheless, the setting up of that group highlighted a problem that exists not only in Carnarvon, but also in other parts of this State. It is a tremendous social problem.

The cost to the community is staggering. It amounts to many millions of dollars. I have been told that damage totalling \$10 million has been caused to schools in this State. A fire estimated to have caused damages of \$1 million to the Newman Primary School occurred two or three days ago.

The first thing that staggers people is the total cost to the community in terms of the millions of dollars required to make good the damage done.

The second point is the age of a large majority of the offenders; unfortunately, most of them are juveniles. When one uses the word "juveniles" most people think of a 16-year-old but in one incident at Carnarvon which caused a considerable amount of property damage and involved a fire at the high school which cost more than \$100 000 to repair, the ages of the five culprits ranged between eight years and 13 years. People are staggered that the offenders are so young.

In many cases the system, quite rightly, protects very young offenders but unfortunately that leaves the community in a bind because these crimes are very serious despite the youthfulness of the offenders. The community must look very seriously at this problem.

I make it clear to the Parliament that I am not blaming the Government for this problem; vandalism did not commence in 1983. However, the Government can be criticised in a number of areas relating to law and order and whether its response to this problem has been as adequate as it could have been is a different question. Vandalism is not of this Government's making and I do not pretend it is when bringing this Bill before the Parliament.

The community at Carnarvon was very responsible and in some ways a model for other communities. In response to this enormous problem it has tried as a community to find solutions. The result of that was two community seminars and a report entitled "Carnarvon Community Seminar on Vandalism 1986", a copy of which I have with me. The seminar was set up by the Carnarvon Rotary Club, for which it should be commended. The organiser was Mr Ray Smith, the senior regional consultant, Gascoyne region, for the Department of Sport and Recreation. I pay tribute to that outstanding officer; he did an excellent job of documenting the community concerns expressed at the public seminar. It was a difficult task.

Mr Wilson: He was appointed by the Government to do that.

Mr LAURANCE: As were many others. The first officer was appointed by the former Government. This officer could not have done the job better.

Mr Wilson: It was in response to the community concern about problems with young delinquents that he was appointed to that task. The decision was made following a Cabinet meeting.

Mr LAURANCE: In that case the Government has appointed a very fine person who has done an extremely good job. He took over that position from an extremely good officer who also deserves a great deal of credit. He has now been promoted within the department. The current officer documented the concerns of the community, and because of the emotion surrounding these problems, it was difficult for him to get to specifics. Because he documented the information so well it was easy for me to

take the paper to the Parliamentary Draftsman and discuss a number of amendments; the result is the Bill before the Parliament.

An approach was also made to the Police Department by the community asking what the department could do with respect to this problem. The magistrate and the Department for Community Services were also approached by the community. In fact, all community groups, organisations and Government departments, including the local member—that is, me—were approached and asked to look at the problem and to take some action within their sphere of influence.

The need for this Bill is quite apparent; as I indicated earlier, vandalism costs the State millions of dollars each year. Last year damage offences increased by 12.6 per cent and arson by 33 per cent. They are staggering statistics and obviously the community and this Parliament have a responsibility to come to grips with the problem. My Bill has widespread support, particularly among injured parties and people who have to make good the damage done by juvenile offenders, and by small business which generally bears the brunt of vandalism.

I welcomed the statement in this morning's Press from our permanent Aboriginal spokesman, Mr Robert Isaacs. He said that this Bill seeks to make parents pay restitution if their children are the cause of vandalism. I was pleased that he gave public support to that aspect of my Bill. He said that he supported the State Opposition's proposed legislation to make parents responsible for their children's actions. He expressed the view of many community leaders who feel the same way.

I know that the Government has received advice on this matter. I am aware of the existence of a report which sought to bring together a number of Government agencies to create an anti-vandalism unit. I am not sure what is happening to that proposal at the moment. I have also spoken to the Minister for Community Services both in Carnarvon and at Parliament House and asked her to support my Bill. This is a genuine attempt to grapple with this community problem.

I will briefly turn to the provisions of the Bill. It seeks to do a number of things: First it seeks to upgrade the penalties. Most of the penalties for crimes of this nature under the Police Act and the Child Welfare Act have not been amended since the early 1980s and some prior to that. Increasing penalties in itself does nothing; in fact, it is only a guide to the courts.

The courts do not have to impose the maximum penalties and I do not believe that harsher penalties are the answer to this problem, particularly for juvenile and very young offenders. Nevertheless the penalty should be appropriate and it was pointed out to me by the business people of Carnarvon, who feel strongly about this issue, that penalties should be appropriate and that the courts should keep them in mind. The Bill updates the penalties to adequate and appropriate amounts.

Secondly, the Bill seeks to ensure that parents of young offenders are involved in the whole process in two ways: First, for them to be present in the court when a charge is heard against a juvenile offender. Under the current legislation the court may insist that a child's parents are present; my Bill provides that the court shall insist upon the parents being present. It is only a minor amendment involving substituting the word "may", with the word "shall". In addition, the Bill deals with restitution. Once again, currently the court may take the opportunity to involve the parents in restitution. I want the word "may" changed to the word "shall". By sheeting home the responsibility for this matter to the parents at least there is a chance that the parents will take more notice of what their children are doing and will try to assist in the whole process of keeping their children out of court.

That is the genuine hope of this Bill. The community seminar recommendations talk about all the things that the community should do, not just the parents, in order to actively involve children in positive pursuits rather than negative and destructive ones. So I would seek to have children involved in those two ways.

It is an exasperating experience for the police that when many of the offenders are apprehended and taken home, either their parents are not there or do not care that their children are out on the streets, usually in the early hours of the morning.

In the case of Carnarvon, a considerable percentage of the offenders were Aboriginal, but this is not a Bill aimed specifically at Aboriginal people, and the community wants to make that very clear. Carnarvon does have a very substantial Aboriginal community—about 2 000 out of the total population of 8 000, or 25 per cent of the population—but this is not an Aboriginal problem; it is a community problem involving both Aborigines and non-Aborigines. However, one often finds in an Aboriginal community that parents are not there; they

may be in some other town or have handed over to a relative or friend the responsibility for their children.

My Bill seeks to take that situation into account by making parents or guardians responsible. "Guardian" is defined in my Bill as a person in receipt of any welfare payment in respect of a child or juvenile offender. So if the parent cannot be located or is not in charge of the child, that person can be in loco parentis. For many years I ran a residential institution, an agricultural college, and I was in loco parentis for a fairly large number of farmers' sons. I was very often reminded of my onerous responsibilities on behalf of my charges. What this Bill provides is that if a parent cannot be brought into this process, a guardian should be.

The intent and purpose of this Bill is to involve parents or guardians of children who offend in the whole process of the law, and to make both parents and children more responsible for their actions. In that way there may be some possibility of overcoming this major problem of vandalism.

I am not claiming that if this Parliament sees fit to support my Bill there will suddenly be a magic solution to the problem of vandalism. This Bill does not provide the only answer. I stress that as a result of the grief and anxiety caused in the local community of Carnarvon, they looked at a range of solutions, one of which was to approach their local member of Parliament to have a Bill brought before the House. Many other solutions were looked at, and they are outlined in the Carnarvon community seminar on vandalism. The Government needs to have a look at the overall picture, as I am sure many other things could be done by it. I appeal to the Government to support my Bill and also to look at the other aspects of the whole question of vandalism.

The Opposition has criticised the Government's attitude towards law and order and believes that the Government leaves a lot to be desired in that area. The Opposition has put forward some very positive initiatives. The Government has two policies on law and order. The first policy is that it will not talk about it; it is an operational matter. The second one is the favourite policy of the Government of blaming its predecessors. Those policies leave a lot to be desired. The Opposition reasserts that the Liberal Party has very positive initiatives for dealing with the question of law and order so as to reverse the trend, which has been a very rapid one towards increased crime and violence in this State. I ask the Government to address in

particular the question of juvenile offenders and the whole question of vandalism. I do not pretend to have all the available knowledge on this subject. I am not saying my Bill is the be-all and end-all in relation to vandalism. However, the Government has a responsibility to deal with this problem fairly and squarely. If the Government decides to reject this Bill, the onus is very squarely on its shoulders to come up with a better alternative. That is the challenge I place before the Government today.

Mr Bridge: What do you say about the responsibilities of the local community?

Mr LAURANCE: I would like to give the member a copy of the community seminar report because it clearly points out those responsibilities, but I would be surprised if that report was not in the member's department already in his capacity as Minister for Aboriginal Affairs. I am also aware of another report that has been put before the Government. I have referred to it in passing but I am not aware whether I am at liberty to discuss that in detail, and I do not want to transgress any areas there. I do not want to make this issue a political stamping ground; I have simply taken the community concerns and have picked out those areas that I believe could be dealt with by legislation.

The Government has a responsibility to look at my Bill carefully and decide whether it is going to support it. If the Government decides not to support this Bill, it has an obligation to me, the people of Carnarvon, and the people of Western Australia to offer a better alternative which it is willing to implement. I believe this Bill deserves the support of members because it addresses a number of matters that are of concern not only to me but also to members in their own communities. Other members may not have had this issue pushed on them as forcefully as I have in my local community, but I believe the people of Carnarvon are to be commended for getting together and addressing all of the people that they can—not only myself as their member of Parliament, but also their local magistrate and the police. The police are to be commended because their apprehension rate is very high. It is not the fact that people commit crimes and get away with them; it is the fact that those people are very young and the damage they cause is massive; the community has a major problem.

This Parliament must tackle this problem in a more appropriate way than it has done in the past. I believe that a very good first step would

be to pass my Bill. I commend the Bill to the House.

Debate adjourned, on motion by Mrs Buchanan.

## SMALL CLAIMS TRIBUNALS AMENDMENT BILL

### *Second Reading*

MR MENSAROS (Floreat) [5.00 pm]: I move—

That the Bill be now read a second time.

Although the establishment of the Small Claims Tribunal was a pragmatic and useful act and served many minor litigants well, as with all new institutions some shortcomings became evident as time passed.

Judging from complaints received there is a public perception that in the overriding interest of consumer protection, the complainant is always right and the trader or businessman, or, in the case of tenancy matters, the landlord, always draws the short straw.

Judging from my own constituency and information given by some of my colleagues, the complaints are increasing rather than abating. The problem, of course, with these complainants is that one cannot help them with any advice as there is no appeal against the orders of the Small Claims Tribunal.

Both these disadvantages I have mentioned—that the tribunal appears to be consumer orientated and that its orders are final—have been more or less recognised by the Select Committee of the Legislative Assembly appointed to inquire into Small Claims Tribunals in Western Australia.

The Select Committee recommended that the tribunal be removed from the responsibility of the Minister for Consumer Affairs and placed under the responsibility of the Attorney General, and that it should be physically situated outside the Department of Consumer Affairs. The committee also dealt with appeals in a broader sense, which I will mention later.

In order to illustrate in a more practical manner that the complaints appear to be justified, I will deal with two specific cases and a third theoretical experience I had, so that members can judge for themselves whether I am right.

The first case, affecting photographers, had some publicity. On 21 August and 15 September 1986, the Small Claims Tribunal



ordered a photographer who took pictures at a wedding to return the negatives to the person who asked the photographer to come and take the pictures. The reason given by the referee was that the copyright in the photographs, where there is no specific agreement, belongs to the party who commissions the taking of the photographs.

This decision is arguably wrong in law, but it also endangered the long-held and acknowledged *modus operandi*, the custom of such photographers. They make their living out of selling the positives, the pictures, and hope to sell a large quantity of them according to the size of the gathering and involvement on the festive occasion at which they do take pictures. If they have to return the negative the interested clients can easily have simple prints made cheaply at the corner chemist and the time, capital in equipment, and skill of the photographer entrepreneur would be all lost.

Quite apart from this important business consideration, the advice coming to me indicates that the decision of the tribunal by way of the two orders might be an error in law. The two unrelated separate pieces of advice come from the legal officer of the Australian Copyright Council and a well-known barrister whose interest embraces the laws of copyright. Both of these sources question the propriety of the tribunal's order.

One advice says that with any copyright work there are two separate pieces of property. In the case of a photograph these are the physical property, being the negative itself—that is, the plastic sheet containing the image—and the copyright in the negative or photograph. In the case of a commissioned photograph, the ownership of the copyright is determined by the Copyright Act 1968, unless the parties make an agreement providing otherwise.

After citing the relevant section 35 (5) of that Act, the advice concludes that, albeit the commissioner of the taking of photographs—in other words the client—owns the copyright in a commissioned photograph, this does not mean that he or she owns the physical property, the film itself.

The ownership of the negatives is a matter of general property law. Where there is no express or implied agreement between the parties, the question is, "Who paid for the film?" If the photographer has not charged the client for the film, the photographer will own the film, having paid for it. This is the case unless there

are some special circumstances which imply an agreement that the photographer transfers ownership to the client.

This view therefore says that, albeit the copyright could be construed as belonging to the client, the negative itself is definitely the photographer's property.

The barrister's view goes even further. He says that the person commissioning the photographs is entitled to copyright in them provided the agreement by which they were taken is for valuable consideration. If, however, there were no such consideration and if it were the case that the agreement was that the photographer would receive payment only if the person commissioning the photographs decided to buy some, then of course copyright would not lie with the person commissioning but with the photographer.

In the barrister's opinion, therefore, even the copyright belongs to the photographer, let alone the property rights in the negative.

We are therefore confronted with a verdict which can change the whole business customs of the commissioned photograph trade and which appears to be wrong in law, yet there is no appeal against the decision.

The other case, as related to me by him, involved a garage and motor mechanical repair shop proprietor. He reconditioned the car engine for a customer, charged him a certain amount, and told him the job was under several months' guarantee provided he brought the car back within, I think, three months for adjustments to the cylinder heads. His customer came back much later claiming that the engine was seized. He was told that no responsibility could be accepted for this, as he did not come back in time for the readjustment.

The customer thereupon went to another mechanic, had the engine newly repaired for more than twice the original price, and promptly claimed at the Small Claims Tribunal the cost of this repair. The tribunal not only awarded the cost of the second repair but also made the original repair shop also repay the price of the first repair. In other words, in this case the customer, by courtesy of the Small Claims Tribunal, ultimately got away with a reconditioned engine free of charge altogether.

I have not received legal opinion in this case, but the order appears to be patently in contrast with all consideration of fairness and equity.

I have experienced a third case with a similar, theoretical decision in a very interesting, remarkable way. I was approached by a teacher constituent of mine who complained about a videotape which was one of the choices in the Education Department, and which he could have shown to his class, in general principals of law.

The constituent asked me to view the tape and tell him whether he was right in rejecting it because of the inequitable solution it teaches.

I went to the department and was extended the courtesy of viewing the tape. It was about a Small Claims Tribunal case as teaching material in law.

The story was about a girl who went to buy a pair of jeans and wanted to have the ones which fade very quickly, as apparently faded jeans are the "in thing" with young people. I did not know that but you, Madam Acting Speaker, would be aware of that.

Having been reassured by the sales staff, she bought the jeans, despite the fact that it had a label "colour fast" inside.

After a week or so the girl returned to the shop complaining that the jeans did not fade even though she washed them constantly. She was ostracised at a party and nearly lost her boyfriend because of the new looking jeans. The shop assistant pointed to the colour fast label and did not admit to any responsibility. The videotape then shows the proceedings of the Small Claims Tribunal, where the girl laid a complaint for refund of the purchase price.

After the proceedings, where the girl, the shop assistant, the boyfriend, and the shop owner all were heard as witnesses, the referee ordered the shopkeeper to refund the full purchase price. The tape shows him doing so reluctantly, counting the cash into the girl's hand, and then saying, "What about the jeans, they surely will be returned to me?" The referee, however, immediately intercedes "No, the jeans stay with the complainant."

This was the Education Department's perception of the Small Claims Tribunal. Someone must have written the story and based it on some sort of experience, direct, indirect, or second hand. The videotape showed that someone can purchase an item, claim it was faulty, have the money refunded, and then keep the item.

Mr Watt: Do you think that is eating your cake and having it too?

Mr MENSAROS: I suppose it is in a way, but it is a good example. It did disturb me very much that this is on the videotape and is one of the examples in the teaching material.

No wonder my constituent complained to me, asked me to view the tape, and did not wish to show such obvious legal absurdity to his students.

These pragmatic experiences more than any theoretical consideration convinced me that something ought to be done in the interest of securing that justice should be done in cases where the order obviously violates not only the law but also the common perception of justice and equity.

I looked again at the Legislative Assembly's Select Committee report. The committee did not recommend an appeal but went near to the general idea. It recommended a rehearing, spelling out the circumstances when such rehearing should take place and specifying that two or more referees should conduct the rehearing, excluding the referee who heard the case originally.

Apart from this, the Select Committee also recommended that a case may be stated to the Supreme Court by the referee in such cases where the decision appealed from involved a question of law which is likely to have a substantial impact on a particular industry, trade, or profession.

In my view, the Select Committee, when comparing other States' legislation, erred when stating at page 63 of the report—

In all States no appeal lies in respect of the Tribunal's orders.

Although later the report states in regard to South Australia, "Appeals from the small claims jurisdiction of the Local Court can be brought to the full jurisdiction of the Local Court pursuant to section 152g of the Local and District Criminal Courts Act," it does not recognise that the small claims jurisdiction of the Local Court is equivalent to a Small Claims Tribunal and that the appeal has been introduced much later as an amendment.

I am convinced that to bring in an appeal on questions of law only and dependent on leave by a District Court judge cannot harm anyone and can only improve the situation. It is an answer to the many justified complaints.

This is what the Bill sets out to do. It follows mainly the South Australian example—it was introduced by the then Attorney General—and I am assured it works very well.

The Bill provides that any aggrieved party can—only by leave of the District Court, meaning a judge, and only on a question of law—appeal within 21 days against the order of the Small Claims Tribunal. The District Court can grant the appeal only if the determination of the question of law concerned could substantially affect the rights of one or more of the parties and to do so would not be unfair to any of the parties. The District Court then can confirm, vary, or set aside the order of the Small Claims Tribunal. It also can remit the order of the Small Claims Tribunal, together with the District Court's opinion on the question of law, to the Small Claims Tribunal for reconsideration or to another Small Claims Tribunal for consideration.

I cannot see any valid reason why such provisions should not be enacted as they can only improve the situation and give an answer to the many complaints.

I commend the Bill to the House.

Debate adjourned, on motion by Mr Parker (Minister for Minerals and Energy).

#### ACTS AMENDMENT (TAXI-CARS) BILL

##### *Second Reading*

**MR LAURANCE** (Gascoyne—Deputy Leader of the Opposition) {5.20 pm}: I move —

That the Bill be now read a second time.

This Bill will amend the Taxi-Car Control Act 1985 and the Police Act 1892. The Bill is a simple measure and it deserves the support of the Parliament.

The circumstances surrounding the reason the Bill is before the House are that the taxi industry has been the subject of increasing violence in recent times. It has been brought as a matter of concern to me by many taxi drivers in the industry. They deserve to have something done about the problems with which they are confronted. Taxi drivers carry out their business usually under fairly difficult conditions and they drive for long hours. Many drivers work throughout the night or during the early hours of the morning, and many of their patrons are people going home after some form of entertainment and often they are affected by alcohol.

Taxi drivers perform a very important function in our transport industry. We are always complaining about the cost of the public transport system, yet this is one section of the transport industry which operates without any subsidy at all.

Taxi drivers provide a transport service not only to inaccessible places, but also at times when normal public transport has ceased to operate. They deserve the support of the community.

By and large taxi drivers do an extremely good job and we will always have arguments about the capacity of the industry to respond to various demands. They carry out their responsibilities to the community effectively and efficiently. Of course, they have their problems and in many parts of the world members will be aware that taxi drivers have had to seek protection.

One form of protection that has been sought in other parts of the world is for some form of shield to be constructed behind the head of the driver. I have just returned from a few days in Japan, and many cabs in that country have a strong perspex shield situated at the back of the driver and it makes it difficult for passengers in the rear seat to talk to the driver. It is very difficult for a taxi driver to watch the road and at the same time maintain control of his vehicle because he might have a passenger in the front of the vehicle and a couple in the back seat.

The Minister needs to address this problem. I am sure that it is something which has been discussed between him and the Taxi Control Board from time to time. I do not know whether a decision has been made to make it mandatory for the driver to provide some form of self-protection in the taxi. It is undesirable to do that because generally our community has not had to resort to those things, but the time may come when we must consider the provision of protection for cab drivers.

Not only are taxi drivers subject to violence, but also they are often faced with the circumstance where passengers abscond from the taxi without paying their fare. This is not a new problem—it has been around for a long time. However, I have been assured by the taxi industry that this situation has become far more prevalent in recent times and it is time something was done about it. As a result, I have had this Bill drafted and presented to the Parliament.

**Mr Troy:** Aren't you aware of what has been done?

**Mr LAURANCE:** Yes. The Minister will have the opportunity to respond, but I believe that what has occurred is quite inadequate. I am sure the Minister will give me some sort of response and advise that the matter has been taken care of by the Taxi Control Board. I

know that some measures have been taken, but quite frankly from the industry's point of view, they have been totally inadequate and it has been proved that they will not work.

Often several people travel in a group and the difficulty is that when they arrive at their destination they get out of the taxi and run for their lives without paying the fare. Sometimes this occurs in the early hours of the morning and for a taxi driver who works extremely long hours to make a living it can cause great anxiety and frustration. He can provoke a violent response if he chooses to chase the offenders and apprehend them himself. It is even more frustrating for the driver if he knows the house in which the people involved live. If he received assistance from the police he may be in a position to take action to apprehend the offender and even obtain the fare.

The important point is that taxi drivers do not want people charged. All they want is to be paid for their services, and they have every right to demand that.

Time and time again when these sorts of incidents have occurred the taxi drivers involved have contacted the police and have been told that it is not considered an offence under the Police Act and that their only recourse is to take civil action. In many cases the amount involved is between \$15 and \$20 and the taxi drivers believe that it is inappropriate to take civil action to recoup a fare of \$20. After all, it will cost them more than that plus the time that they would be off the road. It is an impractical thing to do.

Many minor crimes are covered under the Police Act. If a person takes a small item of goods from a store it is considered to be a crime and the police can be asked to take action. The police do not say to the storekeeper, "It is not a crime and you will have to take civil action." I am seeking, by this Bill, to give taxi drivers the same protection as is available to most people in the community. It is only fair and reasonable that they have that sort of protection. An offence is committed if a person decides to call a taxi, therefore making himself responsible for the fare, and when he arrives at his destination he absconds without paying the fare.

Some drivers have told me that it is common to lose \$20 in fares per week from this activity, and others have told me that it is common to lose up to \$50 per week if it occurs two or three times during that week. It is enough to make taxi drivers angry about the situation, and that

is the reason I have brought this matter before the Parliament. It should be made an offence for people to abscond from paying taxi fares. This would allow taxi drivers to be eligible for some form of protection by the police and some action could be taken against the offenders.

When I have raised this matter by way of question in this House, the Minister has indicated that it lies within the province of the Taxi Control Board. I understand that some regulations have been changed to give the Taxi Control Board powers in this matter.

Mr Troy: Increased powers.

Mr LAURANCE: I ask the Minister how effective are those increased powers? For instance, let us take a situation where a group of people leave a nightclub in a taxi in the early hours of Saturday morning and on arrival at their destination they abscond without paying the fare.

How will the increased powers of the Taxi Control Board assist that driver to take some action? Presumably he will have to notify the office of the Taxi Control Board first thing on Monday morning. Already 36 hours or thereabouts will have passed, and it will be very difficult to take appropriate action.

I am not saying the Minister has not done anything. What he has done, in all good faith, has not addressed this problem. Even if he could convince me, he has not convinced the taxi industry that what he has done is at all effective.

Leave granted to continue speech at a later stage of the sitting.

Debate thus adjourned.

## DOOR TO DOOR TRADING BILL

*Returned*

Bill returned from the Council without amendment.

## LEGISLATIVE ASSEMBLY CHAMBER

*Television Cameras*

**THE SPEAKER (Mr Barnett):** I wish to advise that for some time the television stations have been asking me for permission to film the House in session. I have agreed that they will be able to come in next Tuesday at the commencement of the sitting and film members for half an hour. I will advise all members in writing so that they have an opportunity to be present during that first half hour to enable all of those stations to obtain file footage.

Mr PEARCE: I am sorry to raise this problem now, but although we are sitting next week, the arrangement with the Opposition is for an expanded pairs arrangement because of the way in which the additional week's sitting was called. That would be on the basis that a number of members from both sides of the House will be absent for the whole week. If it is not too late to change the arrangements, I wonder if it would be possible to put this off until the Tuesday following so that members who have a capacity to be here may take advantage of that opportunity.

The SPEAKER: My relationship with the Press has already been described today as rather strained. I would not like to upset them in any further way. In view of what you are saying, I will have discussions with them. If they choose, by virtue of the urgency of the thing, to come in next Tuesday anyway, and some members are absent, I will offer them another opportunity fairly soon thereafter.

[Questions taken.]

*Sitting suspended from 6.00 to 7.15 pm*

## ACTS AMENDMENT (TAXI-CARS) BILL

### *Second Reading*

Debate resumed from an earlier stage of the sitting.

MR LAURANCE (Gascoyne—Deputy Leader of the Opposition) [7.15 pm]: Prior to the tea suspension I was explaining to the House that the Government had made some moves recently to address the problem of people evading the payment of taxi fares by introducing amendments to the regulations of the Taxi Control Board. They seek to give the board powers to impose charges on people who evade paying fares. I pointed out that this does not seem to be acceptable to the taxi industry. I fail to see how it can address the problem adequately and promptly late on Friday night or early on Saturday morning, or at some other inconvenient time, when a taxi driver tries to find someone on duty at the board. I understand what the Government has done, but it really is no use. If members do not believe me they can ask people in the industry. They do not believe it is any use either. It may be well-intentioned, but it is not effective.

Mr Troy: No-one has complained about the change; they are all quite happy with it. You are drawing attention to the fact that some would like more to be done.

Mr LAURANCE: Yes, because I do not think it is effective. I can see it was a way for the board to do something—it is charged with the responsibility of maintaining control of the industry, and generally does a very good job. However, I do not think the board has the competence within its powers to deal effectively with this problem. Basically it is a nine-to-five organisation dealing with an around-the-clock industry. That is one of the difficulties.

It could be dealt with more effectively by the police because they are most active in the pursuit of their responsibilities at the time of night when most of these problems with the non-payment of fares occur. Taxi drivers have pointed out to me that they are able to assist the police. For instance, if someone absconds, the taxi drivers are all on radio and can come to the aid of their fellow taxi drivers and assist police in apprehending people. A sort of network operates.

Mr Troy: There is a senior police officer on the Taxi Control Board.

Mr LAURANCE: I know that. The taxi drivers make the point that very often they assist the police in their duties, and they are happy to do so because there is a bit of a network in the early hours of the morning. There are not all that many people around, and if there are any wrongdoers about and someone is on the road and has access to a two-way radio, he can form part of the network. Taxi drivers say they do not mind helping the police but it would be a small matter to extend the Police Act to include this problem as an offence so that the police have some responsibility.

I turn now to the attitude of the police. It has been reported to the Minister for Transport and the Minister for Police and Emergency Services that in some police circles they do not want this extra responsibility. I understand that is more or less the official attitude of the Commissioner of Police. However, in speaking personally to a number of policemen I have found their reaction is, "We do not mind; we are saddled with an enormous number of responsibilities, and one more minor responsibility makes no difference. However, we do not want extra responsibility without extra manpower." They are saying their resources are stretched thin and they do not want extra responsibility without adequate resources to carry out their duties.

I have not found any reluctance by the police to accept that responsibility. However, they say that they are under pressure already and do not

want any more pressures placed on them. I understand that. I prefer to agree with the point of view of officers that the police should have adequate resources and that it is only fair and proper that people who evade paying taxi fares commit an offence and the taxi industry should have recourse to protection by the police.

My Bill seeks to amend section 65 of the Police Act. There is provision in the Act for all sorts of offences. In fact, there are so many ways in which someone can offend against the law that it is frightening.

Clause 3 of the Bill seeks to add a new subsection to section 65. Presently, there are nine subsections in that section. If I pick out a couple I may be able to indicate to the House the sort of offences for which one can be charged. The section states—

Every person who shall commit any of the next following offences shall on summary conviction be liable to a fine not exceeding five hundred dollars or to imprisonment for any term not exceeding six calendar months with or without hard labour;

People who may be charged with offences under the subsections of section 65 include every person having no visible lawful means of support or insufficient lawful means of support; every person wandering abroad, or from house to house, or placing himself in any public place, street, highway, court or passage to beg or gather alms; every person found in possession of any weapon or instrument or thing capable of being used for the purpose of disguise; every person who, without lawful excuse, carries or has on or about his person or in his possession any rifle, gun, pistol, sword, dagger, knife, sharpened chain, club, bludgeon or truncheon; and every person, who, without lawful excuse carries or has in his possession any jumper leads, silver paper, wire hooks, cutting implements or other implement or device to facilitate the unlawful driving or use of a motor vehicle. One could be found wandering at large with jumper leads without lawful excuse and be liable to a fine of \$500 or imprisonment for a term not exceeding six months.

Offences can also be laid against habitual drunkards having been thrice convicted of drunkenness within the preceding 12 months; the occupier of any house which shall be frequented by reputed thieves, prostitutes, or persons who have no visible means of support; every common prostitute wandering in the public streets, or highways, or being in any

thoroughfare or place of public resort, and behaving in a riotous or indecent manner; and every person who habitually consorts with reputed criminals or known prostitutes or persons who have been convicted of having no visible means of support.

That is a huge number of offences in only one section of the Act. I wish to add to those offences a new offence which states—

Every person evading or attempting to evade the payment of fares and charges for taxi-car services.

No other subsection of the Act is more reasonable than that. Section 66 includes offences by persons pretending to tell fortunes, or using any subtle craft, means, or device, to deceive or impose upon any person.

Mr Trenorden: You could get Bob Hawke under that subsection.

Mr LAURANCE: Yes, we could. Section 66 also includes an offence by a person who has in his custody or possession without lawful excuse any picklock, key, crow, jack, bit, or other implement of housebreaking or any explosive substance; and any person exposing to view in any street, road, thoroughfare, highway, or public place.

The Act includes many trivial offences. It is only right, therefore, that we now consider amending the Police Act to include the evasion or attempt to evade the payment of fares and charges for taxi-car services. The industry deserves the support of every member of Parliament.

Every member of this House receives representations from people, organisations, industrial groups and so on.

I have had the opportunity of placing two private members' Bills before the Parliament today. The first one I presented earlier today was the result of a situation which arose in a town which I represent. This Bill is the result of a genuine approach from an industry group, and I decided to take the matter up on its behalf. I thought the industry had a fair case and that what I have done was the right and proper thing to do.

Provision is made within the Standing Orders for private members' Bills to be presented by members, including members on this side of the House. What happens to them is for the House to determine. We all know that in most cases, apart from my Bills which members opposite have great difficulty refusing, the life of private members' Bills is very short. However,

the right of members to bring Bills to this Parliament is sacrosanct and, in most cases, is not taken for granted.

With regard to the question of vandalism, I defy any member in the House to say that my Bill is not a genuine attempt to deal with a community problem. In the case of this Bill, it is a genuine attempt also to deal with an industry problem.

I do not agree with the methods that the Government has adopted to combat this problem. It has taken action through the Taxi Control Board, but it has not been successful because of the hundreds of trivial ways in which people can break the law.

Taxi drivers should have recourse to the law to protect them in the situation I have outlined in a genuine way.

Mr Troy: They have recourse to the law under the Criminal Code. They have recourse to the law now.

Mr LAURANCE: Not in the right way.

The way in which the Government deals with my legislation is entirely up to it, but no-one can say that it is not a genuine attempt to solve a community problem.

A taxi company which is located within my electorate wrote to the Minister for Police and Emergency Services some time ago about a genuine problem it was experiencing. The company concerned had not approached me about this Bill. I was approached by the taxi industry in Perth and asked whether I would consider bringing forward the amendments I have outlined today. After consideration of the plight of the industry I was approached by the taxi company in Carnarvon and told that it had heard about my Bill and that it would give the Bill its support. A company representative asked me what chance there was of the Bill being passed. I replied that I did not know.

I have received an indication from the Minister for Police and Emergency Services that he does not want to give the responsibility outlined in my Bill to the police.

The company to which I have referred wrote to the Minister for Police and Emergency Services supporting the Bill and advised him that it had a genuine problem and was upset that in some cases drivers were treated violently when people avoided paying taxi fares. The company asked the Minister to give my Bill consideration. I am talking about the Minister for Police and Emergency Services—the Minister the Opposition has been very critical of, and

for good reason. On 22 December 1986 the Minister for Police and Emergency Services replied to my constituent as follows—

I have your letter of November 20th 1986 in relation to the issue of non-payment of taxi fares.

He explained the history of the matter. His letter continues—

It is my understanding that the Department of Transport is considering amending both the Taxi Car Control Regulations and the Transport (Country Taxi Car) Regulations to provide penalties for non-payment of taxi fares.

By way of interjection the Minister has said that that action has been taken. Further on in the letter he said—

I have been approached by taxi operators who have submitted to me a view that persons who fail to pay taxi fares should be prosecuted by Police for stealing.

That is the very point of my Bill, and it shows how genuine is the industry about this matter. It approached not only me, but also the Minister for Police and Emergency Services—he said so in his letter. The letter continues—

However, in the absence of some evidence of fraudulent intent a failure to pay a taxi fare is simply a civil debt.

That is the reason for my Bill. We know that it requires civil action and that there is no way a taxi driver has recourse by civil action under the Taxi-Car Control Act. The letter continues—

I can appreciate the difficulty of taxi operators when passengers alight from their vehicle and abscond. However, the Commissioner of Police is of the view that it is not the function of the Police to act as a form of debt collection agent for a private industry and I share that view.

Mr Troy: Was that matter raised with the Department of Transport, which has responsibility for the Act?

Mr LAURANCE: Yes.

Mr Troy: I do not recall the matter being raised with me.

Mr LAURANCE: This matter and associated matters were referred to the department. An inspector visited Carnarvon to investigate the problems. I had not met the man concerned until he arrived in Carnarvon. He did an excellent job and I applaud him. Representations

have been made to the proper bodies. I do not know whether the Minister for Transport was approached directly.

With reference to the letter, I repeat that the Minister said—

However, the Commissioner of Police is of the view that it is not the function of the Police to act as a form of debt collection agent for a private industry and I share that view.

God forbid if I have to read again from the 1892 Police Act to outline the ways in which the police are charged with the responsibility for minor and trivial offences which are committed in the community. It is appropriate to take action against a person who avoids payment of a taxi fare. I think it is only fair that protection is extended to taxi drivers.

To date I agree with what the Minister said in his letter, but I take umbrage at the next part of his letter. It is a pity he is not in the House tonight because he has a habit of writing irresponsible, rude, childish, and arrogant letters. This letter is only one example of the sort of letter this Minister writes.

Mr Troy: The basis of your criticism is the provisions of the Police Act, which are long out of date.

Mr LAURANCE: No, it is not. The police are charged with the responsibilities I have outlined.

Several members interjected.

Mr LAURANCE: They could be considered trivial but they are in the Act.

Mrs Beggs: Just because there are trivial sections in the Act, why add another one? Perhaps you should be removing some.

Mr LAURANCE: The Minister may well do that. I have brought the Bill to the Parliament and I hope members will give it consideration and accept it as a genuine attempt to solve an industry problem.

The Minister has said that he has been approached by taxi operators who have submitted to him the view that persons who fail to pay their taxi fares should be prosecuted by the police for stealing. I have also been approached by the taxi industry and this Bill is the result.

In his letter the Minister said that the private member's Bill referred to cuts across his views. That is fair enough; I do not mind that. He said it also cuts across the views of the Commissioner of Police insofar as the question of the proper function of the police is concerned

and that in his view it was an ill-conceived political stunt. That is an inappropriate letter for a Minister to write.

I will present further evidence to this Parliament indicating that the Minister is noted for the fact that every letter he writes is cast in those tones. Ministers have certain responsibilities and no other Minister in the Government writes letters in that way, not even the Minister for Labour, Productivity and Employment. Some decorum is required of those occupying the position of Minister, and the Minister for Police and Emergency Services has not learned that lesson. He must either grow up or members of the Cabinet must put him right.

Some members of the Government should read the letters I have received from the Minister for Police and Emergency Services. I have received a copy of a letter sent by the Minister to a constituent of mine, and the constituent was absolutely insulted at receiving this letter from a Minister of the Crown.

Mr Peter Dowding: Your Bill is a political stunt.

Mr LAURANCE: Is the Minister saying that I was not approached by the industry?

Mr Peter Dowding: Your actions are a political stunt.

Mr LAURANCE: The Minister for Police and Emergency Services said that he has been approached by the industry also; is that a stunt?

Mr Peter Dowding: I am not saying that is the case.

Mr LAURANCE: The Minister for Labour, Productivity and Employment is a cunning stunt.

The Minister for Police and Emergency Services writes letters in such a way that members on this side cannot send copies of those letters to their constituents. If Government members received letters of the type we receive from that Minister, they would be too embarrassed to send copies of them to their constituents. Some proprieties must be observed by a Minister of the Crown.

When I was a Minister never once were letters written blaming the Tonkin Government for all the years of neglect. If members opposite can find any letter written in that vein during the time of the Court and O'Connor Governments, I will apologise. I feel sure they cannot.

The letter I have referred to is not the worst example of the Minister's letters and more evidence will be produced to the Parliament.



*Point of Order*

Mr TROY: I would like to draw your attention, Mr Deputy Speaker, to Standing Order No. 142, and in particular refer to the relevance of the current remarks to the Bill.

The DEPUTY SPEAKER: In answering the point of order raised by the Minister for Transport, I remind the Minister for Labour, Productivity and Employment that when a point of order is before the Chair while I am in the Chair, I do not need help in deciding how I should adjudicate and on whether it is a first, second, or third reading of the Bill.

I ask the Deputy Leader of the Opposition to direct his remarks to the business before the House.

*Debate Resumed*

Mr LAURANCE: The people in the taxi industry believe that the Minister has not taken proper action on the very real concerns expressed to him. The Minister has obviously had a number of approaches from people in the industry because he said so in his letter before his tone became rude and arrogant. I thought it was appropriate to make this point during this debate because the letter was written about the Bill before the Parliament. The Bill is not an ill-conceived political stunt and the Minister should withdraw that statement.

I am not the only one who thinks the Minister is rude. An article in *The Western Mail* on 17 March about the Minister for Police and Emergency Services said that people are sick of dealing with a boy who is still wet behind the ears.

The Minister should grow up and show more propriety in the letters he writes to other members of Parliament, copies of which he knows will be sent to constituents.

*Point of Order*

Mr TROY: In view of my previous point of order referring to Standing Order No. 142, the relevance of the remarks and your ruling, Mr Deputy Speaker, I believe the Deputy Leader of the Opposition has again strayed from the business before the House.

The DEPUTY SPEAKER: Thank you.

*Debate Resumed*

Mr LAURANCE: Thank you, Mr Deputy Speaker. I have dealt with that letter sufficiently to point out that the Minister for Police and Emergency Services should not be charged with the responsibility of taking a

serious look at the Bill before the Parliament because he has demonstrated that he is incapable of doing so.

The Minister for Transport has looked at this problem already and he has decided to take action. I appreciate that and I am sure the industry knows about it. It does not seem to be the answer to the problem, and the Government should take another look at it. It should be given a trial to see whether the police can overcome this problem—the Minister knows it is a real problem because I am sure that he has had representations along the lines I have set out. Certainly the Minister for Police and Emergency Services has received them.

This is a genuine attempt to deal with the problem, and I ask the Government to take a genuine look at it. The police should be asked to take control of this problem so that when it occurs the taxi driver can get in touch with the police quickly and they can respond to his call immediately. If it were made an offence not to pay one's taxi fare, that would go a long way towards immediately overcoming the problem. If people knew that not paying a taxi fare was an offence for which they could be charged with a penalty of \$500 or six months' imprisonment, I think the problem would largely disappear.

I commend the Bill, not only to the Minister for Transport but also to all members opposite. I believe it deserves their support.

Debate adjourned, on motion by Mr Troy (Minister for Transport).

## ACTS AMENDMENT (PROTECTION OF THE COMMUNITY) BILL

*Second Reading*

MR MENSAROS (Floreat) [7.49 pm]: I move—

That the Bill be now read a second time.

I apologise if my speech will not be as entertaining as that of the Deputy Leader of the Opposition. The subject is in the legal field and it may be considered somewhat dry, although the main purpose of this Bill is tremendously important. We hear day after day that criminals, albeit not necessarily in the sense of the Criminal Code, but for all practical purposes habitual criminals, who appear to be beyond redemption, are easily let out on bail or parole and endanger the society at large, and particularly the people who were their previous victims.

There is undoubtedly considerable outcry from the public to deal with these people differently from the way first offenders are dealt with or offenders who, having served their penalty, could again be useful members of society.

This Bill was introduced in the 1986 spring session, and contrary to the general practice and the Government's special undertaking, it was left on the Notice Paper—without the Minister's reply, without further debate—to expire when Parliament was prorogued prematurely.

Although this was entirely the Government's fault, I did not wish to move for reinstating this Bill in the present Parliament as we opposed the Government's motion regarding the reinstatement of its Bills. They should have been all debated and properly disposed of during the course of the last Parliament. The Government, however, chose to abruptly prorogue that last Parliament because it was afraid to face public criticism on the Legislative Assembly committee's report on the Midland abattoirs.

Hence I shall repeat the explanation of the provisions of this Bill. Written legislation from the oldest remnants in history, like Hammurabi's codes, always expresses most precisely the prevailing social-ethical values of the time and place and tell us how these were observed. Written laws do so much more objectively than any historian's description because he might well have been prejudiced for or against people or institutions or might have used prejudiced sources before his time.

The law, particularly criminal law, on the other hand, expresses the shortcomings of society against the desirable moral standards which the majority wishes to observe. Should the Government of the day omit to codify the required remedy of such shortcomings, then, in our system at least, it is the duty of the Opposition to do so. This is precisely what this Bill is about.

All too many expressions of opinion have been voiced through various media, both from individuals and organisations, for larger protection of the victims of crime and the society at large against criminal offences. Many of these offences could be avoided if the criminals who are known to have committed similar offences before were not let free either on bail or on parole, when there is a reasonable expectation that, given this freedom, a crime will be committed again.

This Bill tries to prevent such a situation by making it mandatory for the recommending and decision-making authorities to take society's and the victims' interest into prime consideration.

The Bill contains complementary measures designed to protect members of the community from those who have committed or are accused of committing offences, and in particular, offences of the same or a like nature.

To this end, the Bill adopts a three-fold scheme. Firstly, it ensures that where the jurisdiction to grant bail under the Bail Act 1982—a piece of legislation which is yet to be proclaimed—is exercised, the person exercising that power, whether he be a judicial officer or otherwise, pay specific regard to whether, if the defendant is not kept in custody, he may endanger the safety, welfare, or property of any person who has suffered injury or loss in consequence of the commission of the offence or offences with which he is charged.

A specific requirement that the person who has the right to grant bail take into account the safety, welfare, and danger to the property of the victim of the offence with which the defendant stands accused, is currently absent from the Bail Act 1982.

Also absent from that Act is a requirement that the question of whether the defendant has committed any previous offence or offences of the same or a like nature be specifically considered. The Bill would add both these requirements by amending part C of the schedule to the Act. This measure is contained in part III of the Bill.

The second limb of the Bill focuses on the sentencing of a convicted prisoner. Under the law as it stands, where a person is convicted of an indictable offence and has been previously so convicted on at least two occasions, the court may declare that he is an habitual criminal and direct that, at the expiration of the term of imprisonment then imposed upon him, he be detained in prison "during the Governor's pleasure", which is in section 661 of the Criminal Code.

A court may also, whether the prisoner has been previously convicted of an indictable offence or not, exercise this same power, having regard to the antecedents, character, age, health, or mental condition of the prisoner, the nature of the offence, or any special circumstances of the case; and this is in section 662 of the Criminal Code.

Part IV of the Bill would amend section 661 of the Criminal Code to require the court to impose an indeterminate sentence when—

a person is convicted of an indictable offence;

he has been convicted of indictable offences on at least two previous occasions; and

where at least two of such previous convictions were for offences of the same or a like nature and resulted in the imposition of custodial sentences.

The imposition of an indeterminate sentence would thus be mandatory for multiple serious offences of the same or a like nature.

The third approach of the Bill is to tighten the requirements of the Offenders Probation and Parole Act 1963 as they relate to the grant of parole to habitual criminals serving indeterminate sentences.

Under the law as it stands, the Parole Board may direct that a prisoner serving an indeterminate sentence under section 661 of the Criminal Code be released on parole at any time after the prisoner has been so detained for a period of two years or such less period as the Governor, having regard to the circumstances of the case, on the recommendation of the board, orders.

The Bill would amend section 41 (1) (b) of the Offenders Probation and Parole Act 1963 to extend the minimum two-year period of detention to four years while retaining the power vested in His Excellency to reduce that period in appropriate circumstances.

The Bill would also add a new subsection to section 41 of the Act. This subsection would be numbered (2a) and would require the board, in the exercise of its discretion, to grant parole, to give express consideration to certain enumerated factors as follows—

the degree of risk to the safety, welfare, or property of, firstly, the victims of any previous offences and any members of the victim's family residing with him or her; and secondly, members of the public at large;

the circumstances of the offence or, where a prisoner is being detained under section 661 of the Criminal Code as an habitual criminal, the circumstances of the offences, for which the prisoner is being detained.

The proposed subsection also enjoins the board, except in exceptional circumstances, from allowing parole where the prisoner has committed offences of the same or a like nature. These measures are contained in part II of the Bill.

Thus the Bill can be seen to focus on—

the grant of bail to those with previous offences of the same or a like nature and the protection of the victims of the offences with which the accused is charged;

the sentencing of those who have committed multiple serious offences of the same or a like nature; and

the grant of parole in general and in particular to those who have committed multiple serious offences; and

the protection of the victims of the prisoner's offences, the victim's family and the public at large.

Part of these provisions pertaining to parole were the subject of an Opposition amendment to the Government's Bill for the Offenders Probation and Parole Amendment Act (No.2), 1985. Unfortunately, at that time the Government rejected these provisions, the Minister representing the Attorney General claiming it was only a publicity-seeking stunt by the Opposition. It is interesting that this is the argument the Government always uses whenever a private member's Bill is dealt with.

I trust that the Government has since realised that it is the public which seek these provisions, and will agree to the passing of the Bill.

I strongly commend the Bill to the House.

Debate adjourned, on motion by Mr Pearce (Leader of the House).

## INDUSTRIAL RELATIONS LEGISLATION

### *Condemnation: Amendment to Motion*

Debate resumed from 20 May.

**MR PETER DOWDING** (Maylands—Minister for Labour, Productivity and Employment) [8.03 pm]: I oppose the motion. Because it has now become an absolute irrelevancy since the Federal Government—

Mr Cash interjected.

**MR PETER DOWDING**: The member for Mt Lawley does not have an original thought in his head—he knifed the original leader of his party, and now he is supporting him.

Mr Watt: Where is your knife; you must be getting it ready?

Mr PETER DOWDING: We do not have knives on this side of the House. It is all sweetness and light, and everyone on this side would agree with that.

The motion has become irrelevant in that the Federal Government has given an indication that it does not intend to proceed with this legislation, but the difficulty with the amendment, as framed—indeed with the whole motion—is that it proceeds from the premise that the Federal Government has no role in this area. That is patently absurd. It is slipping back to some of the 1960s Sir Charles Courtisms, when there was an obsession about States' rights versus Federal rights.

The fact is that in the Federal arena, the Australian Conciliation and Arbitration Commission and the Federal role in industrial relations are well settled; indeed, for example, in the building industry, almost all of the unions are Federal unions. If we are to have industrial laws that deal adequately with and address the issues of industrial relations, of course the Federal Government has a role. This legislation, and the difficulties that are raised by it, were in fact an attempt to deal with something that was an interference with that Federal jurisdiction by the State Government of Queensland.

The State Government of Queensland attempted to legislate in a way that rode over the Federal jurisdiction to resolve industrial disputes before the Federal commission. It was a provocative attempt to attack the union movement and to attack the Federal Labor Government. That was the motive; the legislation of the Queensland Government had no other basis. The Queensland legislation had absolutely no motive of resolving industrial dispute or seeking to achieve better industrial relations.

In Western Australia we have expressed some concerns about the Federal legislation because of what we see as unintended consequences and the precise effect of the Federal legislation is still unclear. The Crown Law Department advised me as recently as today that it believes that further study is necessary in order to properly analyse the effect of the Federal legislation.

Mr Court: So you have received advice; you hadn't received any last week.

Mr PETER DOWDING: I had not received any advice last week, but the advice I have been given is that certainly it gives the appearance of raising some important State-Federal matters. The advice I have at present is that

there needs to be a further analysis of the legislation. Of course we have plenty of time to do that, but it is easy to shoot from the hip, and I take it that the Leader of the National Party, in moving his amendment, was seeking to demonstrate his loyalty to the "Joh for PM" campaign.

As I said earlier, that is now an irrelevancy but it is important in the context of this amendment that the Opposition parties—both the National Party and the Liberal Party—make some serious contribution to the wider debate about industrial relations in this country. I remind members of something I have often said by way of interjection to the Opposition: When the Federal Government set up a wide-ranging inquiry, with extensive terms of reference, to look at the whole situation of industrial relations in this country—the Hancock inquiry—the Liberal Party made no submissions to it.

Mr Court: That was totally irrelevant.

Mr PETER DOWDING: That is a whingeing, weeping, and wet sort of response to come from the member for Nedlands. Why was it totally irrelevant?

Mr Court: Because you knew what the result would be before the report was even written.

Mr PETER DOWDING: That is simply not true, and if members wonder why there is this sort of adversarial attitude to industrial relations in the community, it is because people such as members opposite perpetuate it. Here we have an inquiry with terms of reference and resources which allowed every point of view to be put and considered, and was a sensible attempt to overcome the difficulties, inter alia, of Federal-State relations. However, the Liberal Party made not one attempt to make a contribution to that inquiry. It did not even put together its own views on the subject and submit them to the Hancock inquiry. In fact I do not believe that the Leader of the Opposition even knew about the inquiry. I am reminded of the Leader of the Opposition's grasp of industrial relations when he appointed a committee of the Liberal Party to look at work and management practices and did not even invite the union movement to make a contribution to it.

The Liberal Party's view of industrial relations is to sit here and reflect the views of what might be described in some quarters as the lowest common denominator of the industrial scene.

Returning to the issue of the Hancock inquiry, I point out that it came up with a number of suggestions which have been applauded

throughout Australia as sensible proposals to address the difficult issue of improving industrial relations. Not one single approbative remark has fallen from the lips of members opposite about the recommendations. I pointed out in this debate in relation to the principal motion, that, apart from anything else, the Federal Government's legislation took the courageous and important step of moving towards the establishment of larger and potentially industry-based unions rather than permitting the proliferation of smaller unions which had given rise in everyone's view to difficult industrial relations. Not one word of approval or encouragement, or even a consideration of this issue, came from members of the Opposition. I am sure they walk around carrying those little crystals one gets in cameras which are bought in Singapore; that is the only explanation for why they are so dry on the issue. Industrial relations is about human relations, and the sort of aggressive stance the Liberal Party adopts on this issue will not solve the problems of improving industrial relations in this country.

Mr Williams: You just give in all the time, do you?

Mr PETER DOWDING: That is the silliest thing I have heard. The member's own experience in industrial relations gives him no reason to take any authoritative position—like some people who are the spokesman for his party on this issue.

I am not regarded as the man who says yes to everybody. I do not know how often Trades Hall has to pass motions disapproving of my saying no for the member to understand that that happened frequently.

One does not get anywhere in industrial relations by taking the aggressive stance adopted by the Liberal Party. If ever there was an illustration of that, it is the member for Nedlands whenever he gets up with his short biographical comments about working in the union and running his business. He points out that in his business he had a very good relationship with his work force. I bet he did not go around thumping the table and saying the sorts of things which the members for Mt Lawley and East Melville say about unions and industrial relations, because had he done so he would have had disastrous industrial relations with his staff.

Mr Court: How do you get on with Jim McGinty?

Mr PETER DOWDING: I have had a very serious series of disagreements with Mr McGinty from time to time because I have said no on a number of occasions that he regards as inappropriate on behalf of his union, and where it is appropriate I will continue to say no, and I will do so unashamedly.

The Liberal Party takes an aggressive profile whenever it discusses industrial relations, talks about the worst-case scenario, and gives no credit to the union movement or to the work of the Trades and Labor Council; and even in the area of occupational health and safety it has the temerity to suggest unions have no role to play in the development of these programmes. We will deal with that in another context.

What is important about the conduct of industrial relations in this country is that there should be a better working relationship between Federal and State commissions. That has not always occurred in Western Australia, and we now have an opportunity, both in terms of the public debate focused as a result of the Federal legislation, and as a result perhaps of new blood and new attitudes, to be able to improve that situation. It is of fundamental importance that the State and Federal commissions work cooperatively, and this legislation provides the element for that cooperation.

I believe that in a matter as sensitive and important as this the Opposition simply shows it could never occupy the middle ground where it could genuinely take account of the interests of the whole community because it insists on taking a very narrow, aggressive, and destructive view of the way forward in industrial relations. I must say with some sadness, although I think his removal was absolutely proper, that the member for Kalamunda could not confirm that this is the only way forward because he is a voice in the wilderness in the Opposition when trying to get some sanity on this issue.

I oppose the amendment.

MR MacKINNON (Murdoch—Leader of the Opposition) [8.17 pm]: The Government is showing all the signs of a Government in decay. I say that advisedly because every time a Government starts to lose its grip it spends most of its time in self-praise. I ask members to think about what has happened in this Parliament over the last couple of weeks, with the Government trying to pat itself on the back, as the Minister just did, at every available opportunity. I hope the Government continues to do

so because I think members opposite believe what they are saying, and as long as they do the opportunities for us will be even greater.

The Minister probably said only one thing that was true in his remarks, and not for the reasons he thought. He said this motion is probably superfluous and irrelevant, and I think he is probably right because now an election date has been set, and it will certainly be superfluous after the Federal election because the Hawke-Keating disaster will no longer be the Government of Australia. I thank the Minister for Labour, Productivity and Employment for agreeing with us that the Australian public are about to see good fortune—the defeat of the Hawke Labor Government. If perchance it happens to fluke a win in July, is this motion superfluous and irrelevant? This motion is still as important today as it was last week. It is important in terms of the messages we send to the new Liberal Government to be led by John Howard. We need to make sure we send some messages to Canberra about what we stand for.

We are very disappointed that the Minister has not agreed to the National Party's amendment because we believe it to be a good one, but we are pleased from the point of view that it shows quite clearly the differences between our parties. The Minister is pleased to accept the needless interference of the Federal Government in State affairs. He said he was happy to see, and supported, the moves by the Commonwealth to intervene in affairs in Queensland via the Federal Government's legislation. That is certainly not the case from our point of view.

We totally oppose what is happening at a Federal level in that regard and we want to make sure, via this motion and the amendment, that there is no doubt where we stand on the issue. We will take every opportunity to protect this State's rights to legislate for this State's problems. Obviously the Minister wants to pass the buck to his Federal colleagues but we would rather have the responsibility and stand on our own two feet.

I conclude by saying two things: Only one person in this House has an obsession—it is the Minister for Labour, Productivity and Employment. He never gets to his feet without talking about Sir Charles Court and what happened in a bygone era. Sir Charles Court was a great Western Australian, and he holds the great admiration and respect of the majority of Western Australians, including people who vote for the Labor Party. If members opposite doubt that, they should ask around. It seems that for

one reason or another the Minister for Labour, Productivity and Employment wants to denigrate a great Western Australian who did more in one year in this Parliament than the Minister will do in 20 years of parliamentary service, if he is lucky enough to last that long.

The Minister for Labour, Productivity and Employment often tampers with the truth—I think it has become a habit. He said that we set up a committee on work practices and did not bother to invite the unions to participate. I point out to the Minister and to everybody else concerned that when we wrote to the employer groups inviting them to be members of the work practices group, we also wrote to the unions. We wrote to more than 20 unions and I advise the Minister of how even-handed and fair his union colleagues are in their wish to sit down and responsibly talk about an issue of major concern to Western Australia—work practices. One union out of 20 responded and not one of those unions offered to participate in that discussion. This is a tragedy because I agree with the Minister to this extent: There is no way in this country that we shall have a sensible industrial policy in the area of work practices or the area about which we are talking unless we sit down and communicate in a sensible way, one with the other.

There is no hesitation on our part to talk in a sensible way, but to date the communication blockage has been 99 per cent on the other side of the equation. We want to sit down and to talk and will do so at every opportunity. I repeat that the Minister spreads untruths around this Parliament and this State at the drop of a hat and I want members to know that what he said in that regard was, as usual, totally untrue and with no foundation whatsoever. Therefore, it should be given the same treatment—zero.

**MR HASSELL** (Cottesloe) [8.24 pm]: The amendment before the House—

Several members interjected.

The **DEPUTY SPEAKER** (Mr Burkett): Order! When I call order and I ask members to be quiet, it is not a rule for one or the other side, or for the gallery—it is a rule for the entire House. Let us listen to the member for Cottesloe and also be fair to the Hansard staff who work such long hours and so very diligently in this place.

**Mr HASSELL:** We should take very careful note of what the Minister has just announced that the Government will reject. We are talking about an amendment to the motion, a very important amendment moved by the National

Party, which we totally support. It says that the House reaffirms its commitment to the rights of the States in relation to industrial relations legislation. It calls on the State Government to do certain things. The Government is rejecting the proposition that we should reaffirm our commitment to the rights of the State in relation to industrial relations legislation. That shows just how much this Government is in the hands of and directed by the trade unions, because when the Premier of this State was asked a question in the House last Thursday about Commonwealth legislation to override the State's companies and securities law, he gave an immediate unequivocal answer in opposition to the Commonwealth takeover.

Now we are in the union area the Government is supporting the Commonwealth takeover because in the face of the determination of the union movement to achieve its objectives through this Commonwealth legislation, the Government does not have the guts to oppose it. In the debate last week the Minister, by way of interjection—It was the closest he came to admitting that the State Government is secretly unhappy about it—Is reported on page 1202 of *Hansard* as follows—

Mr Court: Was the Minister consulted by the Federal Minister?

Mr Peter Dowding: In part, and to an inadequate level.

He went on to say that he was consulted to an inadequate level. When he spoke in the debate, the key issue of Commonwealth overriding of State law and State rights—not the State Government's rights but the State's people's rights—was ignored by the Minister.

I will put very simply to the House what the Commonwealth is proposing to do. If someone drives along Stirling Highway tonight and throws a brick through the window of the Claremont Fresh Markets, then that company will be able to sue the person who throws the brick through the window and recover damages. But if this Commonwealth legislation is enacted and the person driving along Stirling Highway throws a brick through the window in pursuit of an industrial objective, the Claremont Fresh Markets will not be able to sue that person except with the permission of the Federal Labour Court. It might well be called a Labor Court for all the justice it is likely to administer but in fact it will be the Labour Court.

The purpose of clause 216 of the Commonwealth Bill is to exclude action under State legislation or in tort, which is of course the civil remedy for damages for a civil wrong where the processes under the Bill for preventing or stopping industrial action in connection with an industrial dispute or conduct obstructing the observance of an award are available.

In other words, if I do some damage to the Claremont Fresh Markets they can sue me, but if Clive Brown does some damage to those markets because he does not like the fact that they have extended trading hours and he is representing the shop workers, they will not be able to sue him. This Minister is defending that principle. But worse, he is defending the fact that these powers are being taken away by the Commonwealth Parliament—not by this Parliament and the people elected here to represent the people of this State, but by the Commonwealth Parliament with overriding legislation abusing section 109 of the Constitution.

Let us look at what else this disgusting Minister, supposedly responsible for representing this State, is rejecting in a motion directed to the rights of the people of this State. He is rejecting the proposition that the State Government should make representations to the Commonwealth, asking it to refrain from enacting industrial relations laws that have the effect of further reducing the capacity of State Parliaments to determine industrial relations legislation that is effective in respect of State jurisdiction.

It is all right for the Premier to speak out on the companies and securities law and to say the Government objects to smashing the national cooperative scheme because it believes it is a State matter but that it is okay when it comes to industrial law because the boys from the ACTU and the BLF are thumping this Government into line and saying, "Don't object to that because we want it." That is the measure of this Government and the disgraceful level to which it has sunk in its defence of the abuse of union power and Commonwealth power. They ought to put on record and very clearly identify what they are up to because they do not give a damn about the rights of the people of this State, or even the rights of their own Parliament to legislate when it comes to a choice between those rights and the demands of their union masters.

I am sick of hearing this Minister and his colleagues lecturing us that industrial relations is about human relations and trying to make out that because we stand up for the rights of individuals, who are the foundation of our so-

ciety, we are being aggressive towards trade unions. Let me lay it down very clearly: As far as I am concerned, there is a desperate need for aggression towards the militant trade unions and aggression towards protecting the rights of individuals, whether singular or in the form of small or large businesses and those people who are being overridden by people who have no respect. It is the oldest trick in the communist book to create a situation in which there is a confrontation and then to accuse the defenders of their rights of being confrontationist. That is what this Government and this Minister are defending now. They are defending the right of unions to confront, bully, and override other people's rights; and their trick in responding to that is to say that we are being aggressive and confrontationist.

Let it be clear: When it comes to protecting the rights of individuals against these powerful groups we are indeed being aggressive because there needs to be aggression so that those rights can be protected. It is time the Government stood up and was counted on behalf of the people in this community and discontinued its practice of supporting people like the BLF. Look at the damage they have done on the casino site where all the sweetheart deals in the world were done, as well as on numerous other projects. Look at the developers who are forced to pay fees—the small shopkeepers who cannot move into their shops until the BLF is off the site or they have to enrol as members.

How long is the Minister for Labour, Productivity and Employment going to go ahead with that kind of defence of the indefensible? The other day he had the gall to stand up in question time and attack the Opposition because we rejected provisions in his industrial legislation directed to allowing people to get out of union membership on the basis of their conscience. The bare-faced effrontery of his misrepresentation must be exposed. The reason we rejected those provisions is that we supported and maintained in the law the existing provisions which allow every worker under the State awards to choose whether to be a member of a union without having to justify his conscience or his conscientious belief. The Minister should be thoroughly condemned for that kind of twisted dishonesty that was dished up.

Let us recall that this Minister rejects any challenge to the High Court by the States as a result of the Commonwealth taking away State legislative powers. He rejects the proposition that we should inform the Commonwealth that

its Industrial Relations Bill 1987 is outside the spirit of cooperative federalism. He rejects the proposition that we should meet with other State Governments to plan a cooperative campaign to recover other State powers that are being eroded by the dubious use of sections 51 and 109 of the Commonwealth Constitution. Those are the provisions of the amendment now before the House. Those are the things that this Minister and his Government reject. He talks about industrial relations being about human relations, and how we have to sit down and accept the activities of those militant people—responsible, law-abiding unionists! There has never been any argument about their rights, at least not from us. The argument is about the militants who do not play the game according to the rules. The Government is defending and protecting those people.

Of course we support the amendment because it strengthens a motion which calls on the Commonwealth Government to put aside its Industrial Relations Bill until after the Federal election is over in the hope that it will be rejected. The motion calls on the Federal Government to abandon the Bill because it is bad law—bad for Australia, bad for employers, bad for trade unionists, bad for the States, and bad for the fundamental rights of the people. Of course we support this amendment. The Government must be put on the rack and shown up for its rejection of this amendment.

Amendment put and a division taken with the following result—

#### Ayes 19

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Rushton
Mr Court	Mr Schell
Mr Cowan	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Hassell	Mr Watt
Mr House	Mr Wiese
Mr Laurance	Mr Williams
Mr Lewis	

(Teller)

#### Noes 24

Dr Alexander	Mr Hodge
Mrs Beggs	Dr Lawrence
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Bryce	Mr Read
Mr Brian Burke	Mr P. J. Smith
Mr Donovan	Mr Taylor
Mr Peter Dowding	Mr Troy
Mr Evans	Mrs Watkins
Dr Gallop	Dr Watson
Mr Grill	Mr Wilson
Mrs Henderson	Mrs Buchanan

(Teller)



Ayes	Pairs	Noes
Mr Tubby		Mr Thomas
Mr Clarko		Mr D. L. Smith
Mr Crane		Mr Carr
Mr Trenorden		Mr Gordon Hill
Mr Lightfoot		Mr Tom Jones

Amendment thus negatived.

*Debate (on motion) Resumed*

**MRS BUCHANAN (Pilbara)** [8.44 pm]: I oppose the Opposition's motion. It really is typical of the Opposition to want to block one of the most important pieces of legislation in this country simply because it does not happen to agree with some part of it. The motion is a measure of the arrogance of the Opposition in demanding the total withdrawal of this piece of legislation, which has been introduced by a Government which has a clear mandate to do so, a Government which has an excellent record in industrial relations. This is evidenced by the fact that during the Government's term of office, there has been a 60 per cent reduction in the time lost by industrial disputes.

**Mr Court:** If it believes in it so much, why did it not introduce it?

**Mr Cash:** Why is it on the back burner?

**Mr Court:** Why did they pull it out?

**Mrs BUCHANAN:** Why does the member think?

**Mr Court:** Because there is an election coming up.

**Mr Cash:** There is an absolute admission. At least you are honest, which is more than your mate over there.

**Mrs BUCHANAN:** Which is more than Opposition members are. The Opposition really is the limit. How dare it lay claim to being masters of the industrial relations field. It thinks it is the Almighty, who has all knowledge on industrial matters, when in fact the Liberal Party when in Government had the most appalling record ever, not to mention the dismal performance of the Opposition's Federal colleagues in their disarray; yet members opposite still have the gall to get up in this place and criticise the Government's industrial relations policies.

I point out to the Opposition that the reform of the industrial system that was originally proposed by the Federal Government was not formulated without an enormous amount of effort and forethought. It was a result of an exhaustive drafting process which was based on

the recommendations of the Hancock inquiry, which was completed in 1985 after a two-year study.

The Opposition's argument in part (a) of its motion, which implies that employers should be allowed to circumvent the normal industrial processes and go gung-ho to the ordinary law courts is just typical of its whole approach to industrial matters. Members have seen what has happened in the past. What the Opposition had done has proved to be absolutely disastrous. In wanting to shift industrial matters out of the most competent arena—the industrial court—into ordinary law courts, the Opposition ignores the history of the industrial system whereby it has been found that in the majority of cases all industrial matters are capable of being settled either by the process of voluntary negotiation or through the arbitration system that has served this nation very well for the past 80-odd years.

The best place for the settling of industrial matters is at the grass roots level; that is, in the workplace. It has been found in the Pilbara iron ore industry, as a result of a 1984 study by Norman Dufty of the then Western Australian Institute of Technology, that the majority of industrial questions were settled without the need to go to the Industrial Relations Commission. This is not possible on every occasion, of course, and when it is impossible to resolve the matter on the work site, the next best place to go is to the Industrial Relations Commission, where people with the expertise needed to deal with such matters are involved in the conciliation process.

The Opposition has claimed in part (b) of the motion that the legislation removes the effective protection provided to employers by sections 45D and 45E of the Trade Practices Act, which is a complete misrepresentation of the truth. Those sections were intended to be retained, including the present heavy penalties for breaches of that Act. As far as the union movement is concerned, that would have been one of the less palatable parts of the legislation, and as is well known, it had initially asked for those sections to be completely removed from the Trade Practices Act. I refer to a report in *The Australian* of 15 May, which, in an article headed "ACTU gives industrial laws strong backing" quotes the President of the Australian Council of Trade Unions, Mr Simon Crean, as follows—

The ACTU yesterday gave strong backing to the main provisions of the Federal Government's new industrial legislation.

The ACTU president, Mr Simon Crean, said in a prepared statement that although the ACTU was not happy with all aspects of the Bill, "overall it constituted a serious attempt to adopt an integrated and internally consistent approach to the industrial relations process." He said it was in marked contrast to the confrontation and disruption which would "inevitably accompany attempts to implement the industrial relations policies of the Liberal and National Parties and the so-called New Right."

If the union movement generally throughout the country was prepared to accept the less palatable parts of this legislation, so too should the other side of the industrial spectrum.

After all, if we are going to have a truly fair industrial system, the rights of both sides of any industrial argument must be recognised. There has to be compromise. We cannot have extremes. The extreme position of the New Right—and that is really what this motion is all about—simply does not belong in any democratic society. The Queensland Government's determination to crush the union movement by introducing its recent legislation is an example of that sort of extremism, that has the capacity to upset the balance of the system, and of course the Hawke Government has taken that into account when preparing this legislation.

The potential volatility of the industrial scene has many influencing factors, such as technological change, changes in the economy, restructuring of industry, as well as the political scenario of the day, and all these factors bring pressure to bear on this vital area. It is extremely important to have a strong industrial relations system which is tuned in to this modern-day pressure. As I see it, that is exactly what the Federal Government set out to do.

If the legislation has parts which are unpalatable to the Opposition, it should really look at the climate in which those parts of the legislation were drawn up. It is a climate the Opposition itself has helped to create by its support for the New Right and for actions such as the passage of the Queensland Government's recently enacted anti-union legislation.

Part (c) of the motion refers to the further entrenching of trade union power and privilege in Australia, which is absolute nonsense. After all, how can anyone seriously say that a piece of legislation which provides for penalties of up to \$1 000 for an individual and up to \$5 000 for a union where an individual or a union breaches

an award, places that person or that union in a powerful position? That really is a figment of the Opposition's imagination. The industrial courts of this country have an excellent record and they are served by fair and reasonable umpires who are the most qualified people to deal with industrial problems.

The member for Cottesloe made great play about the Minister's statement that industrial relations was really about human relations. Well, it is about human relations; it is about not only how people vote or vie against each other, but also how people treat each other in the workplace on a day-to-day basis. Even if we never eliminate the "them and us" element between employees and employers, we can at least make every attempt to promote a harmonious environment in which the parties can work together and develop respect and tolerance towards each other. We certainly cannot achieve that by having either side rushing at the other with a big stick.

Mr Lewis: How much confrontation is there in small business?

Mrs BUCHANAN: That depends.

Mr Lewis: Zero.

Mrs BUCHANAN: I would not say there is zero confrontation in small business. I have seen some extremely badly-run small businesses as well as some extremely well-run small businesses.

Mr Court: You haven't told us why the legislation was finally not introduced by the Federal Government.

Mrs BUCHANAN: The member knows the reason for that. Does he want a lesson in politics?

Mr Lewis: It is afraid of the electorate.

Mrs BUCHANAN: The member really must be the dumbest person in this House to say that.

This afternoon I attended a decision makers' luncheon where the guest speaker was the Managing Director of Westpac, Mr Bob White. He talked about the need for confidence in order to encourage people to invest in this nation and said that one area in which people must have confidence was industrial relations. While I certainly do not agree with all his thoughts, I certainly did agree with him on this occasion.

The Opposition's continual attacks on the Federal and State industrial relations systems undermine the confidence of potential investors and are clearly detrimental to the nation's economy. The proposed overhaul of the Fed-

eral conciliation and arbitration system will, when it takes place, provide a flexible and responsive structure for preventing and settling industrial disputes. I give my utmost support to the Federal Government and I am confident that it will win the election resoundingly.

I totally reject the motion.

**MR CASH (Mt Lawley) [8.55 pm]:** I support the motion moved by the Leader of the Opposition, and for the benefit of members it reads—

That this House condemns the Federal Government's proposed Industrial Relations Bill which is aimed at—

- (1) Preventing employers seeking legal relief (before ordinary courts) against illegal union activity; and
- (2) Removes the effective protection provided to employers by Sections 45D and 45E (the secondary boycott provisions) of the Trade Practices Act.
- (3) In so doing further entrenching trade union power and privilege in Australia.

Members will remember that a week ago when the Leader of the Opposition moved his motion he gave a particularly good speech and demonstrated not only to members of the House but also to all people throughout Western Australia the dangers that would be inherent in the Federal Government's going ahead with its proposal to remove sections 45D and 45E of the Trade Practices Act.

**Mrs Buchanan:** It was not going to remove them.

**Mr CASH:** I listened as quietly as I could to the member for Pilbara and heard her tell the House that the Federal Government had put its legislation on the back burner for political reasons. It wanted to call an election and it was not going to deal with the Bill before that election was over. That is interesting in itself because it is almost an admission that the Federal Government was not prepared to advance its case in a reasonable way and allow the Opposition to present its case so that it could be decided whether it was a good idea to change the provisions of sections 45D and 45E.

**Mrs Buchanan:** It was not going to change the Trade Practices Act.

**Mr CASH:** Has the member not read the proposal put out on behalf of the Federal Government by the Federal Minister, Mr Willis, about three weeks ago? Has she read the

political comment in *The Australian* and *The West Australian*? All the journals around Australia have made comment on the proposal. Does the member understand what she was talking about a few minutes ago? Obviously not. Obviously she was not listening to the Leader of the Opposition when he clearly demonstrated to the House a week ago the implications of the Federal Government's intentions with its legislation.

Mr Deputy Speaker, you would be aware that sections 45D and 45E were inserted in the Trade Practices Act to enable people to take action against the illegal actions of other people in the industrial arena. That in itself enabled an effective competitive situation out in the workplace, and obviously there are some considerable benefits to the Australian community, especially for the Australian economy, arising from this situation.

It is fair to say that sections 45D and 45E were not used with great regularity by businesses in Australia, and that in itself is a clear indication that the mere fact that these provisions exist warns people that if they are going to act in an illegal, irresponsible, and intolerable way, companies can take certain remedies. In recent years we saw Mr Jay Pendarvis, who operates the big Mudginberri meatworks, take action against a group of people whose actions had been declared illegal by various courts in this land.

Under the provisions of the Trade Practices Act, he was able to claim compensation for only some—I emphasise only some—of the damages that he suffered as a result of the illegal actions of those people.

Later in the Eastern States, Dollar Sweets used the provisions of section 45D so that it could obtain compensation for illegal acts being taken against it. Recently, in another case involving the Plumbers and Gasfitters Employees Union it was again necessary to invoke that decision to claim compensation.

Four years after the Hawke Labor Government was elected it recognised the benefits of having sections 45D and E in the Trade Practices Act. That is interesting because, in 1982 when Mr Bowen, now the Deputy Prime Minister in the Hawke Government, was speaking in Federal Parliament on the Trade Practices Act, he gave an absolute commitment that should the Hawke Government be elected to power, one of its first acts would be to remove section 45D from that Act. It is interesting that it has now had second thoughts. It recognised there

was a need to restrain the activities of certain militant unions. Again, I take the opportunity to qualify the use of the word "union" as I make my speech tonight. I make it clear that when I talk about unruly behaviour, I am referring to the militant unions in Australia. Admittedly there is only a handful of them, but that handful can and has created havoc in this country.

The Hawke Government decided it would not remove section 45D from the Trade Practices Act because the section was serving its purpose. Before the 1986 election, the Federal Government continued to play its little games with the unions and told the militant unions that it would consider looking at section 45D in the future. However, it said that if the unions continued to support the Government, the Government would do all it could to introduce legislation to remove it. The time has now come for the unions to demand a pay-off from the Hawke Labor Government for all the considerations, they have given to it. They have decided that things have to change.

Recently, the unions approached the Federal Minister for Employment and Industrial Relations and told him that time was up and that they wanted action. Immediately that call was made, the Federal Government made its move. It introduced those provisions because it had to bend to the will of the militant unions in Australia.

The effect of the Federal Government's proposal will be to withdraw from the business community of this country all of its rights to seek compensation for damages it may incur in an industrial dispute. One would assume that, under normal circumstances, one could fall back to a right under common law if a codified right did not exist. However, it is interesting that even the common law right, if not completely taken away, will be placed beyond the reach of business people until such time as they plead their case before what will be known as a labour court. That "labour" is spelt with a "u". I hope members understand that because they may become confused when they see who is appointed to the court.

We should remember that it is the Federal Government's intention, because of the pressure placed on it by the militant unions, to frustrate both the statutory right and the common law right of employers who have suffered damages because of illegal industrial activity. If one loses his business or house, he will not be able to rely on section 45D, as it is to be structured,

or on a common law right. He will have to plead his case before members of the new labour court.

I wonder who will be appointed to that court. Will those appointments come from the judiciary? Perhaps an appointee may not have to be a qualified barrister or solicitor. Perhaps the only qualification required will be the qualification of having a friend in the Federal or State Governments. We have seen plenty of people appointed to jobs for the boys at both a Federal level and State level.

Mr Bertram: That is not the case.

Mr CASH: Is the member disputing the fact that in the last three years there have been no jobs for the boys at both of those levels?

If the labour court is not satisfactorily constituted as a court of law, it will be possible to place anyone on it. I am not sure whether that is the intention of the Federal Government. I certainly hope it is not. If it were, we would probably see people who are as well known as Norm Gallagher and Bill Ethel appointed to it; or perhaps the Government could even resurrect Rob Cowles to take a place on that court.

I hope the court is constituted properly and that the people appointed to it have an understanding of the legal system and some recognition of the need for justice. Perhaps the member for Balcatta was suggesting, in his interjection, that he might make a worthy appointee to that court. I am sure that if the member for Balcatta were qualified in law and qualified under the legislation he would stand as good a chance as the next person to be appointed to it. The Government will be looking for compliant people to serve on it and that is exactly what the member for Balcatta is. He has demonstrated that by his interjections tonight.

I hear the interjection from the member for Balcatta. He claims that some people attack every court in the land. I am not one of those people; I have a very high regard for the legal system, and for the need for justice in this country, particularly when it comes to industrial matters. People often become very emotional and a highly-qualified person is needed to sort out the propositions put to the court and to make a reasonable decision which is both just and equitable.

It is fair to say that the constitution of this new labour court will in fact create a legal apartheid in Australia. We shall have one legal system that is run purely for the benefit of the

militant unions and another system for the balance of the people in this country. That in itself is bad and it will be recognised as such by people around the world. They will know that in Australia, it is not the Federal Government which governs the country; it is not the State Governments that exercise their rights and responsibilities; in fact, it is the representatives of the militant unions which hold the power. That cannot do anyone any good, and I hope that that system is never developed.

One could almost suggest that it would be a corruption of the legal system as we know it today. I hope it is not the case, but we shall have to wait and see. It has already been demonstrated in this House tonight by the comments of the member for Pilbara that the Federal Government does not want to go on with the legislation at this stage for political reasons. For the very reasons I have enunciated tonight the Federal Government does not want the people of Australia to know just what its proposition is about and the economic and social damage that that sort of institution could cause.

The establishment of a labour court, the tampering with sections 45D and 45E of the Trade Practices Act, and the fact that one's common law rights will be put beyond the reach of the ordinary person, before they have had an opportunity of approaching the bully-boys, is economic as well as legal lunacy. I put to the House the proposition that the rest of the world will see Australia for what the Prime Minister wants it to be; that is, a toady to the militants in this land.

Only a week ago the mini-Budget was delivered in Canberra and the Prime Minister went on about the need for the people in Australia to pull together to try to get out of the mire in which we find ourselves. A few days later we heard this diatribe about tampering with sections 45D and 45E of the Trade Practices Act. What is it all about? Who is running the country? After making his original statement the Prime Minister must have been pulled up by the militant unions and told that they were not going that way and that he should go back and straighten the matter out. That seems to be what happened in this case. On the one hand the Prime Minister is calling for the community to work together to improve the economic lot of Australia and on the other hand the militant trade unions are demanding that the Prime Minister take the action they want to ensure there is no justice whatsoever

for employers in respect of illegal industrial actions committed by militant trade unionists in Australia.

We heard the member for Cottesloe make a point tonight that if he or I or other members of this House drive down Stirling Highway and throw a brick through the window of the growers' market in Claremont, we will be charged with an offence and dealt with under the provisions of the existing law. However, if a militant trade unionist does exactly the same, we will have a situation in which—as a result of the intentions of the Federal Government which the State Government has not complained about at this stage or, if it has, it has not yelled very loudly—a union official can get away with an offence which no other ordinary citizen could get away with. That is totally wrong. It is a system of legal apartheid in Australia and it is not the sort of thing the Australian people want.

They will demonstrate this. Only a few minutes ago the member for Pilbara suggested that the Labor Federal Government would be returned to office after the Federal election within the next couple of months. I say to the member that her party has taken the Australian people for granted for too long; they are not as silly as the Labor Party thinks and suggests; in fact, they will recognise the lunacy of this proposition and will not vote for the Hawke Government. They want this country to grow and to be something of which their children can be proud. The Labor Party is obviously not prepared to accept that. Given the comments of the member for Pilbara, she obviously is not aware of the provisions that have been placed before the Parliament in Canberra and she obviously was not able to demonstrate with any great integrity her reasons for opposing the motion before the House.

The establishment of this labour court and the proposition that the Federal Labor Party is putting before the people at the moment will give more power to the militant unions; it will send businesses in Australia broke. As I move around this State one thing comes through loud and clear: We need good economic activity if business is to survive, if people are to keep their jobs and if there is to be economic growth. That is supported by the people to whom one speaks. One has only to go to the Pilbara to hear that people are sick and tired of the way the militants have destroyed the prosperity and are attempting to destroy the future of this country. If the Hawke Government succeeds in its propositions—which are clearly set out and

opposed in this notice of motion—the only people in Australia who will benefit after the legislation is enacted will be the signwriters who go around painting signs such as, “Vacancy here”, “Gone broke”, “Gone out of business”, or “In liquidation”.

With those comments I support the motion moved by the Leader of the Opposition.

**MRS WATKINS** (Joondalup) [9.18 pm]: When one considers that the Federal Liberal Party's industrial relations policy was drafted with the assistance of members of the New Right—an admission made by members of the Liberal Party last year—it comes as no surprise that this motion has been moved by the Opposition in this Parliament.

I suggest that the members of the Liberal Party, given their contributions in this debate, would like to return to the days of confrontation, division and disruption. Their Clayton's policy on industrial relations certainly indicates that they do.

The Hawke Government wishes to ensure that never again shall we return to the situation in which strike action and confrontation are the order of the day. Since the Hawke Labor Government took office its record in industrial relations has been excellent. Time lost in industrial disputes has fallen markedly. The average number of days lost in industrial dispute per 1 000 employees under the Hawke Government has been 60 per cent lower than that recorded under the Fraser Government. I believe the reason for this turnaround in industrial relations has been due to consultation and conciliation rather than locked horns confrontation and division.

The Federal Industrial Relations Bill is an historic piece of legislation. It replaces the grandparent of Federal legislation, the Conciliation and Arbitration Act, 1904, which for years has suffered amendment after amendment, patch after patch, until the Hawke Government took the bull by the horns and had the intestinal fortitude to rewrite the Act. The Act is based on the findings of the tripartite committee of review into industrial law and systems, commonly known as the Hancock committee.

**Mr Court:** Tripartite—Crean, Kelty and Willis?

**Mr Cash:** What does that mean?

**Mrs WATKINS:** If the member listens, I will go on. Does the member want to hear who were the members of the committee? The members were Professor Keith Hancock, an academic in

labour relations; Charlie Fitzgibbon, a former Waterside Union and ACTU official; and the former Director General for the Confederation of Australian Industry, Mr George Polites—a truly tripartite committee. One could hardly suggest that Mr Polites could be seen as being a member of the left.

Broadly the Bill provides for a wider definition of industrial disputes; a new labour court; new powers of the commissioner and registrar; new rules for the registration of a union; strict controls of union rules; secret ballots conducted by the Electoral Office; the power to deregister a union either wholly or partially; the power to control who can hold office in a trade union; and, the power to introduce bans clauses even before a strike commences.

The Act will certainly not please everybody, but it provides a reasonable framework for all parties and was written on the basis of consultation, compromise and conciliation, not confrontation and division. Further, it was written after extensive consultation between Government, the ACTU, the Confederation of Australian Industry and through the National Labour Consultative Council.

The Leader of the Opposition's motion suggests that the proposed Australian labour court will be biased towards the employee. I regard that as an insult to those judges who are to be appointed. The establishment of both the Australian Industrial Relations Commission and the labour court has been strongly supported by both union and employer organisations and is in line with recommendations made by Sir John Moore, the former President of the Conciliation and Arbitration Commission, to the Hancock inquiry.

Those who sit in judgment in an ordinary court rarely have any experience of the intricacies of industrial relations. The new proposals require that a judge appointed to the labour court will have skills and experience in the field of industrial relations and as such possess an appreciation and awareness of industrial relations considerations. The judges will have the ability to interpret and enforce the law with respect to industrial issues.

Employers and employees will be given an equal right to be heard fairly by a judge of the labour court. I reiterate that to suggest otherwise is an insult to those judges yet to be appointed.

The system as intended by the legislation will be capable of responding quickly, consistently and effectively to the needs of the parties concerned, particularly in the prevention and settlement of industrial disputes. I certainly dispute that the labour court will be anything less than fair to all parties concerned.

The motion before this House also suggests that the Federal Industrial Relations Bill removes the effective protection provided to employers by sections 45D and E, the secondary boycott provisions of the Trade Practices Act. I am aware that the union movement did insist that such secondary boycott provisions be removed from the legislation. However, the Hawke Government has chosen to leave open the door to sections 45D and E in the Trade Practices Act but has actually increased the range of penalties in the new Industrial Relations Bill for defiance of labour court decisions.

Mr Hassell: No, it has not.

Mrs WATKINS: Does the member want to read the Bill? It is here. I am happy to provide him with it.

Mr Court: If it is such a good Bill, why did the Government not introduce it?

Mrs WATKINS: It is an excellent Bill, and the member knows why the Bill was deferred; this Government will thrash the Opposition at the polls on 11 July and then the Bill will be reintroduced.

Mr Court: The Government was faced with so much criticism of it, it had no choice but to not go ahead with it.

Mrs WATKINS: I do not think that is really the case. The member knows that as well as I do.

Mr Court: It was a political blunder to introduce it.

Mrs WATKINS: I am aware that the union movement did insist that the secondary boycott provisions be removed from the legislation. However, those doors are actually being left open. The range of penalties for defiance of labour court decisions have been increased. The fine of \$250 000 for breach of sections 45D and E remains.

I might add that sections 45D and E or common law actions against unions by aggrieved employers have not been used anywhere near as often as the employer publicity rhetoric would suggest. Moreover, where an injunction is necessary, the labour court will be able to grant equivalent injunctory relief, which will be

accompanied by meaningful penalties for non-adherence. There is simply no need for employers to be able to pursue injunctive relief in two different one action; nor, indeed, is it at all appropriate that unions or their members should be subjected to such double jeopardy for the one action.

The Federal Industrial Relations Bill brings the Australian industrial relations system into the 20th century. The Bill recognises reality and is designed to halt or at least minimise the effect of industrial disputation. The Bill provides for severe penalties on those who do not comply. The union-bashing fear campaign of a disunited, discredited and disgraced Liberal Opposition will be rejected again by the people of Australia. The Liberal Party will be rejected on 11 July as it was recently in the Perth, Morley/Swan and Narrogin by-elections. I oppose the motion.

MR HASSELL (Cottesloe) [9.29 pm]: The member for Joondalup who has just completed her remarks typifies the whole stream of thought behind the Federal industrial relations law which this Government is proving that it totally supports, because that law is designed to make sure that when the militants are beating down the door, there is no-one to defend the business.

The law is designed, as was the Whitlam law before it, to put in place a whole series of barriers to any rights or remedies being pursued by employers. So there cannot be any misunderstanding, let members look at the situation very simply. The present situation is that if a union operating outside the law is imposing a secondary boycott or doing damage to a business, that business can take the union to court and get damages or an injunction or relief under sections 45D or E of the Trades Practices Act.

Those are the remedies available. Those remedies do not solve the industrial relations problem; that is still left to the weak, ineffectual, and biased industrial relations system. The Commission still has to scabble around and try to find face-saving remedies that allow the unions always to be the winners. They can still do that, but in the meantime the employers, who are under tremendous pressure in many cases, are able to be protected so that they can survive. The very essence of the Federal legislation which the member for Joondalup has just defended is that it will stop the employers getting those remedies until they have wallowed through the weak, ineffectual, and biased industrial relations system—through the

endless process of conciliation. And "conciliation" should be the word written across the name of the Labor Party throughout Australia because the Labor Party is in love with conciliation. It wants to conciliate with every thug in Australia and with every union—it does not matter how bad it is, how illegal are its operations, or what damage or destruction it is doing.

And why does the Labor Party want to conciliate? Because it wants to make sure that the unions always win; it is as simple as that. And let us face up to it, we have an industrial relations system which is totally discredited, totally out of date, and totally ineffective in terms of justice. It is true that certain aspects of the new legislation are an improvement on the old, but the elements of badness completely outweigh the benefits of the Bill. The whole point about conciliation and the obsession the Labor Party has about conciliating with these thugs and standover merchants was very neatly demonstrated in the cases of Mudginberri and Dollar Sweets.

Mrs Watkins: They are bad examples.

Mr HASSELL: Why are they bad examples? They are two very important examples. Mudginberri is an example of where a small abattoir in the Northern Territory was able to survive only because of sections 45D and 45E, and where the union concerned—the Australasian Meat Industry Employees Union—was absolutely ignoring the orders, the directions, the awards, and every other provision of the industrial relations system. The union was picketing the factory, stopping its work, stopping its employees going to work, and stopping that business fulfilling its contracts. Very simply, the union was driving that abattoir out of business, and the abattoir was able to get relief only because there was available to it the protection of sections 45D and 45E of the Trade Practices Act.

That is exactly what Government members want to take away. They want to put it inside that failed and discredited industrial relations system and entrust it, not to a legal court or a court of judges balanced and trained in the law and justice, but to a whole lot of industrial commissioners whose record is deplorable and abominable. Members need only look at the performance of the State industrial commissioners in the Robe River dispute to see how abominable it is. And let us be clear about it: If the State Industrial Relations Commission had had its way, the same work practices which were the root cause of the Robe River dispute

would be in operation today. It was only because the company was able, through its strength and the determination of its leadership, to go outside the system that it was able to make changes which made it competitive and profitable again.

Members should consider the case of Dollar Sweets, where the company concerned was under siege by the trade unions. It was able to get relief only through the provisions of the general law. It could not get relief through the provisions of the discredited, dishonest, and disabled industrial relations system under which we labour in Australia today.

Mr Peter Dowding: The member for Cottesloe knows that Robe River was utterly dishonest to the commission, and he should admit it.

Mr Cash: The Minister is trying to shout you down.

Mr HASSELL: He is, but he will not succeed because this dishonest Minister—this man who wants industrial power centralised in Canberra, who believes that the unions should have power and precedence over everyone, and who wants to give the Trades and Labor Council more rights under the law than you and I have—is as discredited as the disgraceful policies he supports, and he should be so identified.

Let us turn to another aspect. I will ask the Minister for Small Business what advantages he sees for small business under the new Commonwealth industrial law. What representation to the Commonwealth Government has the Minister made on behalf of those people for whom he is responsible? How many small businesses has he asked about their view of this disgraceful law?

Mr Troy interjected.

Mr Cowan: You have the name in the country for being the Minister for fewer businesses, so you should be very careful.

Mr Troy: Is that so?

Mr HASSELL: I am still waiting to hear from the Minister for Small Business what he thinks are the advantages given to small business by the law the Federal Government proposes to introduce, and which the Minister supports. He has voted tonight to support it, and he is about to vote again to support it. I ask the Minister to tell the House now. When is the Minister going to rise and tell the House what he has done to represent the interests of small business in this



State? His answer will not take long. I will sit down and allow him to respond. I will not get to my seat before he has finished.

The real answer is that not only has he done nothing to represent the interests of small business, but also in fact he is tonight selling them out. He knows that universally and unequivocally small business opposes this Commonwealth legislation. No-one could find a small business in Western Australia that supports this legislation.

Mrs Watkins: Why does George Polites support it?

Mr HASSELL: Because—and let me be clear about it and not mince words—George Polites belongs to the old, discredited industrial relations club which is out of date, dead, and buried. It is finished, and few people are left who support it. George Polites is one. I am not apologising for him; I am saying he is out of date and out of line.

At the very time when we should be decentralising industrial relations and giving it back to the States and, through the States, to the workplace, when we should be having flexibility and negotiation, this Government is centralising it. It is supporting the predators in Canberra who seek to destroy the constitutional authority of this State, to undermine the relative economic power and position of business, and to enhance the already inflated and abused power and position of militant trade unions.

The Minister for Small Business, who has not uttered a word, should remain silent because there is no defence against the charge that he has absolutely and totally sold out the very people he was appointed to represent.

Let us look at some examples. The member for Joondalup complained because I mentioned Mudginberri and the Dollar Sweets case. Let me give her a more up to date example as quoted in *The Australian* newspaper on Saturday in which a reporter named Gerard Brown reported the case of Mr Brian Wood. In late February last year the supply of spare parts and vehicles to Mr Wood's two Victorian Toyota dealerships was banned by the Vehicle Builders Employees Federation after Mr Wood refused to sign a closed shop agreement covering his business's workshops. Here we have a small businessman who has two car yards and a powerful and wealthy union comes along and says, "You will sign an agreement that you will employ only union labour nominated by us." That man had the courage to say, "That is not

the law of the land and not my belief. I believe my employees should have the right to choose, and I will not sign." The union then says he will get no more vehicles until he caves in. The situation that the member for Joondalup, the Minister for Small Business, the Minister for Labour, Productivity and Employment and the Government say applies then is that the parties should conciliate.

What is there to conciliate about while someone is cutting one's throat? Naturally the small businessman said, "What am I to do while you are cutting my throat—consult and talk and go to the commission and have one of those ex-union secretary commissioners decide my fate?" What happens when employers go into the commission to conciliate? They have a conference and sit around a table and talk for hours and days. Meanwhile the businessman with two car yards, a huge interest bill to pay, a floor plan to operate, goodwill to maintain, employees to pay, and payroll tax, State tax, land tax, and everything else to pay, is not getting a single vehicle. He is going down the drain. What do the Minister for Labour, Productivity and Employment and the Minister for Small Business say he should do? They say he should conciliate, but when under the system proposed by these buffoons does he get right and wrong decided? When does he get justice? They will say "after he has conciliated", but by then he is dead. His business has gone; he is finished.

That is the stupidity and absurdity of the position these people support. One has to go on conciliating until someone finds a formula. That involves a union official sitting on the other side of the table with basically nothing to lose and nothing at risk saying, "We demand he should employ only union labour." That is all he says, and he goes on saying it. The commissioner, most likely a former union secretary, sits there and says, "We have to find a formula; we have to find some words." So they go on and on and they do not find any words because this employer sees the issue as pretty simple. The law does not require him to employ only unionists; it gives him the right to choose and that is what he wants to do. The commissioner says the unions are worried about it, so after a couple of days of conciliation while the businessman bleeds, the commissioner gets around to making what is euphemistically called a "recommendation".

This is what happened over and over again at Robe River. Mr Collier and the rest of them were up there making recommendations. The recommendations are to the effect that one has

to give something to the unions; the recommendation never says that they are not entitled to anything and should go home. One always has to give something; one has to feed them even though they have no legal right or entitlement.

Let us go back to Mr Wood. He refused to sign a closed shop agreement. He said the bans which were applied irregularly for about three weeks cost him about \$20 000 and would have cost much more if the Federal Court had not made an order a month later, two days after proceedings were instituted, forcing the VBEF to lift the bans. He said the Government's Bill proposed a mandatory conciliation and arbitration process in the new Federal Industrial Relations Commission before someone could take action under section 45D or 45E of the Trade Practices Act. The article then quotes Mr Wood as saying—

Politicians don't understand that the proposed legislation causes a delaying process which could force a small businessman or me out of business. It would be ridiculous if there is any suggestion that we should go back to the unions and try to reconcile the situation or make concessions when the position is no concessions can be made and the union has not been deprived of its rights.

That is the critical point. The unions so often are sitting around the table of conciliation with nothing to lose and nothing at risk. They are not losing income or members; they have simply made a demand. It is not a demand based in law or in right—it is based in policy and preference and greed in many cases, the greed of having enforced compulsory union membership. These people are able to proceed under this conciliation process at no risk to themselves but with enormous risk to the economic unit which they are attacking. The conciliation process has been demonstrated not once or twice but hundreds of times to be an utter failure in protecting the lawful rights of people who are desirous of resisting the blandishments of great and powerful unions.

Of course they are not just blandishments, they are in fact threats and intimidation, not often, although sometimes, in the sense of intimidation of an individual by fear but very frequently intimidation by the use of economic power and economic superiority. The fact is that every minute the businessman sits at the conciliation table, he is wondering what is happening to his business and whether he can go on sustaining the losses. He has a powerful

incentive to give in; the union has no incentive to reach a settlement because it has nothing at risk.

The present law allows the businessman to say, "Look, you might want to have a closed shop agreement; you might want to have this, that or something else; you can go and argue it in the Industrial Relations Commission and if you get it—even though I may object to it—you will win; but in the meantime you cannot go on destroying my business." That is all the law now says. It says, "Go through the lawful process and relieve me of the stress of your pressure in the meantime and allow me to survive." That is exactly what the Federal legislation seeks to take away and that is why it is absolutely shameful for this Government to oppose a motion which calls on the Federal Government to withdraw this Bill.

The Federal Government has not withdrawn the Bill; it simply has not proceeded with it for the time being. I hope that the employers of Australia who have so powerfully opposed this legislation will now have the courage to keep the fight going so that they put Mr Hawke in the position, before 11 July, of having to say, for the sake of his political survival, that the Federal Government will withdraw the Bill and start again. The employers are entitled to that undertaking and if they do not get it in black and white under the signature of Mr Hawke, they should continue to use all their resources to help ensure that Mr Hawke and his colleagues do not form the Government after 11 July.

The employers of Australia are entitled to have this Bill withdrawn because it is a bad Bill. Its redeeming features are completely overshadowed by the evil and the wrong it will do to the employers, the ordinary unionists, the businesses, the States and the people of Australia. The Bill will do nothing to enhance productivity, our exports, our economic well-being or the rights of ordinary people. The Bill ought to be withdrawn, and for that reason the Government should have the good sense to support this motion just as it should have the good sense to support the amendment.

**MR MacKINNON** (Murdoch—Leader of the Opposition) [9.55 pm]: I rise to thank my colleagues and the National Party for their support of this motion.

I express my disappointment at the outset that the Government did not see its way clear to approve the amendment that the National Party moved. I believe that that amendment

was significant, but the foreshadowed defeat of this motion highlights several important factors.

First, as has been pointed out so eloquently by the member for Cottesloe, this Government is completely subservient to the union movement. Secondly, and most importantly—and this was pointed out by several speakers on this side of the House—the Government has completely sold out small business in Western Australia. It has abandoned any pretence whatsoever that it represents that vitally important section of our community, particularly in relation to this important industrial relations area. Thirdly, there has been a complete sell-out of the legislative authority of this State Parliament. The Government is completely subservient to the legislative authority of the Commonwealth in terms of its ability now, with this State Government in place, to legislate our Parliament out of the way. Of course the Government then goes on to condone activities which most members here deplore—that is, union activities which are outside the law. Finally, and most importantly, it condones centralism in terms of industrial relations. This move is totally in the opposite direction to that which is needed.

I believe the Minister for Labour, Productivity and Employment gave a pathetic performance, both this week and last week. If one reviews the *Hansard*, one will see that last week he dwelt totally in the past with his disparaging remarks about James MacDonald and Sir Charles Court. The Minister for Labour, Productivity and Employment is entrusted with handling this legislation but he made little or no comment on sections 45D and 45E of the Trade Practices Act and their effect. He did not deal with the effect that the Federal legislation will have in those areas; in fact he refused to make any comments about the implications for State's rights and the legislative authority of our Parliament and our Government. I believe that was a gross dereliction of duty on his part. Neither last week nor this week did members hear one speaker on the Government side defend the small business section of our community—the section of the community that will be totally disfranchised by the proposed Federal legislation.

I would remind members on both sides of the Parliament that the legislation has not yet been withdrawn; it has merely been placed at the bottom of the Notice Paper because of the forthcoming Federal election and because of the threatened campaign by employers. Like

other members from this side of the House, I, too, hope that employers will not be fooled by this. I do not believe the public have been fooled by such an action and I hope employers will continue their campaign to show the people of Western Australia that we will not have any part of a Government that attempts to place unions above and beyond the rule of law.

The Federal election has now been called, I think very foolishly by the Prime Minister, and will allow Australians to pass judgment on many matters and aspects of the Hawke-Keating Administration; but none more important than in this area where the Federal Government sought and has failed to date—and I hope will fail at the election—to put unions above and beyond the rule of law so that they are able to interfere and interject into areas that are properly State responsibilities.

I urge members to support the motion.

Question put and a division taken with the following result—

#### Ayes 19

Mr Blaikie	Mr MacKinnon
Mr Bradshaw	Mr Mensaros
Mr Cash	Mr Rushton
Mr Court	Mr Schell
Mr Cowan	Mr Spriggs
Mr Grayden	Mr Stephens
Mr Hassell	Mr Watt
Mr House	Mr Wiese
Mr Laurance	Mr Williams
Mr Lewis	

(Teller)

#### Noes 25

Dr Alexander	Dr Lawrence
Mrs Beggs	Mr Marlborough
Mr Bertram	Mr Parker
Mr Bridge	Mr Pearce
Mr Bryce	Mr Read
Mr Brian Burke	Mr P. J. Smith
Mr Donovan	Mr Taylor
Mr Peter Dowding	Mr Troy
Mr Evans	Mrs Watkins
Dr Gallop	Dr Watson
Mr Grill	Mr Wilson
Mrs Henderson	Mrs Buchanan
Mr Hodge	

(Teller)

#### Pairs

Ayes	Noes
Mr Tubby	Mr Thomas
Mr Clarko	Mr D. L. Smith
Mr Crane	Mr Carr
Mr Trenorden	Mr Gordon Hill
Mr Lightfoot	Mr Tom Jones

Question thus negatived.

Motion defeated.

*House adjourned at 10.04 pm*

## QUESTIONS ON NOTICE

### SUPERANNUATION BOARD

#### *Investments: Global Approvals*

615. Mr MacKINNON, to the Treasurer:

- (1) When was the system of global approvals by the Treasurer for Superannuation Board investments first introduced?
- (2) How many such global approvals were given during the years ended 30 June—
  - (a) 1982;
  - (b) 1983;
  - (c) 1984;
  - (d) 1985;
  - (e) 1986;
  - (f) to March 1987?

Mr BRIAN BURKE replied:

- (1) Prior to 1972.
- (2) (a) One;
- (b) one;
- (c) one covering Government sector investments and shares;
- (d) one covering shares and mortgage investments;
- (e) one;
- (f) one.

### SUPERANNUATION BOARD

#### *Investments: Treasurer's Approval*

661. Mr MacKINNON, to the Treasurer:

- (1) Does section 25(2) of the Superannuation and Family Benefits Act state that the board shall not invest the fund or any portion thereof in any investment without the consent of the Treasurer being first obtained?
- (2) If yes, has he consistently fulfilled his obligations under this section by giving his consent to each investment made by the board since July 1984 before those investments were made?
- (3) If no, will he explain from what source he derives authority to give his consent to a global allocation of investment funds?

Mr BRIAN BURKE replied:

- (1) Yes.

- (2) The procedure of approving investments on a global basis has been in operation since before 1972. This procedure has been accepted as satisfactory by the Auditor General on each occasion a global allocation of investment funds has been made.

- (3) Not applicable.

## ENVIRONMENT

### *Conservation Areas: Increase*

678. Mr LAURANCE, to the Minister for Agriculture:

- (1) To what was he referring when he stated in an address at the presentation of the environmental review and management programme for the marri export woodchip industry that the State Government had brought about a 400 per cent increase in conservation areas in Western Australia?
- (2) Will he clarify whether he was talking about conservation areas within existing State forest?
- (3) What was the previous status of the areas he was referring to?

Mr GRILL replied:

- (1) Proposals contained in the draft management plans and draft timber strategy which have been prepared for the southwest forests. Note: The actual increase in the conservation estate is 320 per cent, not 400 per cent.
- (2) The proposed additions to the conservation and recreation estate include areas of land which are currently vacant Crown land and State forest. The latter includes areas which were previously managed for a priority for conservation and/or recreation.
- (3) The status of these areas is either vacant Crown land or State forest.

## GOVERNMENT BUILDING: AUSTMARK, BUNBURY

### *Occupancy*

725. Mr BLAIKIE, to the Minister for The South West:

- (1) On what date did the Government start occupancy of the Austmark building?
- (2) How many floors are currently—

- (a) occupied, and by what departments;
- (b) vacant?
- (3) What area has been taken up by the—
  - (a) Education Department;
  - (b) South West Development Authority;
  - (c) Water Authority?
- (4) Further to (3), what arrangements has the Government made to utilise office buildings formerly used by the departments concerned?

Mr GRILL replied:

- (1) 6 October 1986.
- (2) (a) Eight;
  - (b) three—Health Department; Department of Land Administration; Department of Employment and Training; Water Authority of Western Australia; Small Business Development Corporation; Department for Sport and Recreation; Department of Services; Public Service Board; Education Department; and Minister for The South West. In addition, one floor is currently being established, although not occupied, for the South West Development Authority and Department for Community Services.
- (3) (a) 1 755.6 M<sup>2</sup>;
- (b) 528.5 M<sup>2</sup>;
- (c) 1 159 M<sup>2</sup>.
- (4) (a) Refer to Legislative Council question 562 of 1986;
- (b) space has been allocated to Department for Consumer Affairs; Office of Industrial Relations; Royal Association of Justices; and Authority for Intellectually Handicapped Persons;
- (c) the building is occupied by the Department for Community Services.

#### DAIRY INDUSTRY

##### *High Value Production*

773. Mr BRADSHAW, to the Minister for Agriculture:

- (1) Regarding the Press release of 3 April 1987 on the dairy industry, what "high value production" has the De-

partment of Agriculture " earmarked" for the irrigation areas in the south west?

- (2) When has the Department of Agriculture indicated what "high value horticultural produce" could or would be grown in the irrigation areas in the south west?
- (3) If this "high value horticultural produce" was so profitable, why have farmers in the irrigation area not already become involved?

Mr GRILL replied:

- (1) and (2) In a recent internal report the Department of Agriculture has drawn attention to other ways of using irrigation water. The Press release referred to may have placed undue emphasis on the land in the irrigation areas rather than irrigation water and its use. The report is conceptual and does not make specific proposals.
- (3) The previous milk quota system tied milk quotas to land, and the south west irrigation scheme ties irrigation water to the same land. These linkages have prevented consideration of alternative uses of water in possibly more profitable production.

#### PORTS AND HARBOURS: FREMANTLE

##### *Vessel Berthing: Crew Required*

814. Mr MacKINNON, to the Minister for Agriculture:

- (1) Will he detail the minimum crew required to berth a vessel and to discharge and load cargo at the Port of Fremantle?
- (2) Who determines these crew numbers?

Mr GRILL replied:

This question has wrongly been addressed to the Minister for Agriculture. It has been referred to the Minister for Transport, and he will answer the question in writing.

#### PORTS AND HARBOURS

##### *Fremantle: Loading Costs*

821. Mr MacKINNON, to the Minister for Agriculture:

Will he detail—

- (a) the costs involved in loading one tonne of grain and livestock at the Fremantle port;
- (b) the number of employees required to load livestock at the Fremantle port?

Mr GRILL replied:

This question has wrongly been addressed to the Minister for Agriculture. It has been referred to the Minister for Transport, and he will answer the question in writing.

### HEALTH

#### *Antibiotics: Livestock*

828. Mr MacKINNON, to the Minister for Agriculture:

- (1) Has the Government undertaken any research into the use of antibiotics in production animals in Western Australia with respect to public health implications?
- (2) If so, what work has been done in that regard?
- (3) What has been the result of that research?

Mr GRILL replied:

- (1) to (3) The Commonwealth Government has an ongoing survey of antibiotic and sulphonamide residues in meat from animals slaughtered at export abattoirs. The Department of Agriculture cooperates with the Commonwealth by visiting properties from which violative levels of antibiotic have originated.

As part of the ongoing survey, 370 samples have been analysed from Western Australia since January 1986. Samples were taken from cattle, sheep, pigs, goats, and poultry. There were no violative levels. Additionally, there has recently been a special sampling programme targeting dairy and feedlot cattle. One hundred and seventy three samples have been taken from the dairy and feedlot cattle, and five cases have been detected with antibiotic residues in urine. These cases have been traced back to the properties of origin and the owners counselled.

### HOSPITAL

#### *Gnowangerup: Running Costs*

833. Mr MacKINNON, to the Minister for Health:

- (1) Was there any extra cost in running the Gnowangerup Hospital from the date of dismissal of the board?
- (2) If so, what were those costs?

Mr TAYLOR replied:

- (1) There was no net additional cost to the Government in running the Gnowangerup Hospital from the date of dismissal.
- (2) Not applicable.

### EDUCATION

#### *Schools: Cleaning Contracts*

834. Mr MacKINNON, to the Minister for Education:

- (1) Is it true that many schools have currently had their cleaning contracts changed from being conducted by cleaning contractors to now being carried out by day labour?
- (2) If so, which are the schools involved in this change?
- (3) Why was the change made?
- (4) Does not this change contravene commitments given to the Master Cleaners Guild previously by the Premier that the status quo in terms of contractors and day labour cleaning schools would stay the same?

Mr PEARCE replied:

- (1) No.
- (2) Allenswood PS  
Baldivis PS  
Cecil Andrews SHS  
Craigie SHS  
East Greenwood PS  
Edgewater PS  
Halidon PS  
Heathridge PS  
Huntingdale PS  
North Albany SHS  
Quinns Rocks PS  
Spearwood Alternative School  
Woodlupine PS
- (3) The Government has entered into agreements with the relevant union to substantially alter work practices—that is, to improve productivity of all cleaners employed by the Education

Department. As part of that agreement, the Government has converted 13 schools from contract to a day labour scheme.

- (4) This question should be addressed to the Premier.

## DAIRYING

### *Milk Bottles: Availability*

869. Mr HASSELL, to the Minister for Agriculture:

- (1) Is he aware of widespread consumer dissatisfaction with the non-availability of milk in bottles as a result of decisions by the milk processors because of—
  - (a) greater costs of cartons;
  - (b) preference for bottled milk over cartons?
- (2) Are he and the Government, which has extensive control over the marketing of milk, going to continue to accept the new arrangements?
- (3) Why have the wishes of consumers and their financial protection been ignored by the Dairy Industry Authority and the Government in their approach to this matter?

Mr GRILL replied:

- (1) to (3) I understand the decision of the two Perth-based dairy companies to discontinue the supply of milk in 600 ml glass bottles was a commercial one reflecting the lack of consumer support and rising costs.

There is no power for me to direct the private companies in these matters. In any event, product packaging is normally a commercial decision resolved in the marketplace rather than by the Government.

I have had talks with the dairy companies about certain aspects of the marketing of their milk products, and I understand dairy companies are considering various proposals to offer milk to the public in bottles.

## EDUCATION: SCHOOLS

### *Cleaning: Pilot Studies*

907. Mr LEWIS, to the Minister for Education:

- (1) With reference to the cleaning of Government schools, when estimating "pilot study" costings for cleaning—
  - (a) what percentage is added to direct wage costs;
  - (b) how is this percentage allocated to various cost items—for example, workers' compensation, materials, equipment, etc?
- (2) Are equipment purchases included?
- (3) If yes to (2), at what rate?

Mr PEARCE replied:

- (1) to (3) In view of the Government's decision to introduce a measure of competitiveness into the cleaning of Government schools, I am not prepared to release a breakdown of the costings associated with the provision of day labour cleaning services. Indeed, the release of such details would prejudice the equitable operation of the new cleaning arrangements. However, the member can be assured that proper account has been taken of all associated on-costs in determining the cost of day labour cleaning.

## SMALL BUSINESS

### *Bankruptcies*

912. Mr TRENORDEN, to the Minister for Small Business:

- (1) How many—
  - (a) metropolitan;
  - (b) country,
 small businesses were declared bankrupt in each of the last five financial years?
- (2) How many—
  - (a) metropolitan;
  - (b) country,
 small businesses have been declared bankrupt so far in 1986-87?

Mr TROY replied:

I am unable to supply the information requested because business bankruptcy statistics are not provided for separate metropolitan and country

categories. I refer the member to the office of the Federal Attorney General, who may be able to assist.

### STOCK

#### *Goats: Caprine Arthritis-encephalitis Accreditation Scheme*

943. Mr MacKINNON, to the Minister for Agriculture:

- (1) Does the Department of Agriculture administer the caprine arthritis-encephalitis accreditation scheme?
- (2) If so, what is the nature of the scheme?
- (3) Who is authorised to take tests to ensure accreditation under the scheme?

Mr GRILL replied:

- (1) Yes.
- (2) The scheme is a voluntary one by which owners may obtain Government accreditation that their goat flock is free of the disease, caprine arthritis-encephalitis—commonly known as CAE.
- (3) Private veterinary surgeons are authorised to take blood samples by direct arrangement with owners. On odd occasions, Government veterinary surgeons have taken samples.

### TECHNOLOGY PORTFOLIO

#### *Initiatives: Unemployed People*

982. Dr GALLOP, to the Minister for Industry and Technology:

With the increasing demand for people with qualifications or skills in computers, what initiatives have been undertaken within the Industry and Technology portfolio to assist unemployed people for this work?

Mr BRYCE replied:

This challenge has been confronted with two significant activities. In the first instance, this Government, through the Department of Computing and Information Technology, has implemented the first information technology traineeship scheme in Australia. The aim of this scheme is to reduce youth unemployment and improve the skills base in information technology. A total of 100 trainees were placed in information technology-related environments through-

out the public sector. Of the 89 trainees who completed the first programme on 6 January, 73 per cent—65 trainees—have already found full-time employment; 80 per cent of these—53 trainees—are employed in an IT environment.

Clearly, the scheme has been an outstanding success, and it is intended to commence a second scheme in July 1987. In addition to the IT traineeship scheme, this Government has successfully negotiated the establishment of an information technology centre. The centre, located at Belmont and formally opened on 11 March, will provide information technology training for the unemployed and disadvantaged people. Other objectives of the centre include the promoting of technology awareness in the community and developing new products and services based on information technology.

The first group of business applications trainees are well advanced in their 22-week course. Despite having no previous training in information technology, trainees have quickly embraced the concepts, and their employment prospects at the conclusion of the programme will be significantly enhanced.

### INDUSTRIAL DEVELOPMENT

#### *Quality Assurance-Quality Control Programme: Purpose*

983. Dr GALLOP, to the Minister for Industry and Technology:

- (1) What is the purpose of the quality assurance-quality control upgrade programme?
- (2) How many companies are expected to participate in the programme?

Mr BRYCE replied:

- (1) The State Government's quality assurance-quality control upgrade programme enables participating companies to have the ability to actively pursue major and minor projects in the defence and commercial fields with a greater success rate. The programme is designed to enhance Western Australia's industrial infrastructure and achieve an increase in



this State's share of the national defence dollar. Currently, that share is around three per cent and it is anticipated that, through this programme, this share will increase to approximately eight per cent.

- (2) The State Government, through the Department of Industrial Development, has encouraged Western Australian companies to meet Defence Department quality requirements. As a result, 14 companies are currently participating in the Government's quality assurance-quality control programme, with three others due to join the programme this financial year.

### AGRICULTURAL EQUIPMENT

#### *Industry: Assistance*

984. Dr GALLOP, to the Minister for Industry and Technology:

What steps have been taken by the Government to assist the agricultural equipment industry?

Mr BRYCE replied:

The State Government has undertaken a number of initiatives to assist the Western Australian agricultural machinery and equipment manufacturing industry.

When we aimed at improving the competitiveness and market orientation of the metal trades sector, the Department of Industrial Development identified the Western Australian agricultural machinery and equipment manufacturing industry as a high priority sector for detailed examination and development.

This high priority was afforded on the basis of the industry's growth potential—particularly in exports; its importance within the Western Australian economy; and the current problems facing the industry.

ACIL Australia Pty Ltd was commissioned in October 1985 to undertake a study aimed at identifying constraints on the growth of the industry, areas of possible expansion for the industry in Western Australia and the other Australian States, and export opportunities. The study was released in June 1986 and identified niche

opportunities in both domestic and export markets, and recommended a number of actions to help redress the downturn in this vital sector contributor to our industrial economy. Since the report's release the Department of Industrial Development has been working in conjunction with the local industry to implement the report's recommendations.

The department assisted and encouraged the industry to form the Agricultural Manufacturers Association (WA) Inc, and provides the secretarial staff to the association. The association has been formed to provide industry input into the development of Government strategies and to provide a forum to address common problems. The recently formed association has been successful in its submission to the department for funds to identify and develop export markets for its members.

The export initiatives programme developed by the association would enable the appointment of a consultant to undertake market reconnaissance and market feasibility studies for members' products in Africa, the Middle East, China, and Indonesia. The programme is planned to run over three or four years, and could involve Government input of \$86 000. Members of the association's export division would contribute \$54 000 over the same period, progressively increasing their share as the programme proceeds.

The department has published a Western Australian agricultural machinery products directory, which has proved a valuable marketing aid to the industry. The directory has been widely disseminated in Western Australia, interstate, and overseas.

The State Government is cognisant of the importance the agricultural machinery industry is to our economy, and we are positive that we are on the right track to ensure the long-term viability of this important industry.

## TECHNOLOGY

*Electronics Industry: Government Assistance*

985. Dr GALLOP, to the Minister for Industry and Technology:

What steps has the Government taken to assist the electronic industry in Western Australia?

Mr BRYCE replied:

Having identified the electronics industry as a priority industry sector for State Government encouragement, the following initiatives have been taken—

## SKILLS ACQUISITION—

The Centre for Applied Business Research has been commissioned to prepare a listing of specific growth opportunities in the electronics sector with a view to attracting skilled business migrants.

## MARKET EXPANSION—

Coordinated local participation in the Bangkok Industry and Technology Fair, March 1987. Sales under active negotiation, \$13.07 million, sales prospects over the next 12 months, \$2 million.

Organisation commenced for a Western Australian stand at IREECON 87, Sydney, September 1987, in support of local electronics companies, particularly in the communications field.

The Government through the Department of Industrial Development has published two editions of the directory of Western Australian electronic companies.

Maximisation of local companies' participation in the submarine project. Communication established with major systems and weapon systems suppliers.

Organised a Western Australian stand at the International Technology Exhibition, Canberra, March 1987. Sales under negotiation were \$400 000 with prospects over the next 12 months of \$3.5 million.

## INFRASTRUCTURE DEVELOPMENT—

Funding support for a full-time executive officer for the Electronics Industry Association.

Circuit testing facilities have been installed in two local companies, and an environmental testing chamber in another company, with Government funding support. These facilities are open for use by all industry members.

The establishment of a micro-electronics chip design facility is being investigated.

Outpost of Melbourne National Protocol Support Centre being pursued for Perth.

## GENERAL INDUSTRY DEVELOPMENT—

Maximisation of the industry's participation in offsets and Australian industry involvement—All—work.

Investigations underway to commercialise products developed in tertiary institutions and Government agencies, and examining the use of Government resources to commercialise new products developed by the industry.

## GOVERNMENT INSTRUMENTALITIES

*Information Files: Private Citizens*

988. Mr COWAN, to the Minister for Industry and Technology:

(1) Is he aware of the total number of files and computer records that are held by the various Government departments, authorities, and agencies, and which contain personal information about private citizens?

(2) If no, who is?

Mr BRYCE replied:

(1) No.

(2) This Government does not believe it is appropriate for any individual agency or person to have access to a central register of personal data on the citizens of Western Australia. To do so would represent a clear danger to the individual's right to privacy.

## CITIZENS' ADVICE BUREAUS

*Financial Assistance*

992. Mr WATT, to the Minister representing the Minister for Budget Management:

- (1) What is the basis upon which citizens advice bureaux are given financial assistance by the State Government?
- (2) What criteria must be met by bureaux to be eligible for financial assistance?
- (3) Will he please provide a list of the bureaux which receive funding and the amount received by each for the last full year period?

Mr PETER DOWDING replied:

- (1) and (2) State financial assistance to the Citizens Advice Bureau of Western Australia Inc. is based upon assessed need, and for 1986-87 is \$78 000. Grants to the bureau have included a contribution of \$1 000 towards operating costs for each branch since 1983-84.
- (3) After taking account of surplus funds available to the bureau following the closure of the Collie branch, a provision of \$8 000 was included in the 1986-87 grant for the following branches—

Albany  
Bunbury  
Busselton  
Esperance  
Fremantle  
Geraldton  
Mandurah  
Northam  
Rockingham

Following advice that the Northam branch is in recess, the grant for this branch will not be advanced.

## UNION OFFICIALS

*Overseas Visits*

997. Mr MacKINNON, to the Minister for Transport:

- (1) In relation to a European study tour currently being undertaken by Transperth, which countries are being visited by the Secretary of the Australian Tramways and Motor Omnibus Employees Association, Tom Evers, and the Western Australian Secretary of the Australian Railways Union, Bob Wells?

- (2) What is the purpose of their visits?
- (3) How much taxpayers' money is being provided for their—
  - (a) travel;
  - (b) accommodation;
  - (c) other expenses?
- (4) Why was it decided to finance the trip with taxpayers' money instead of the trade unions involved meeting the costs?
- (5) On what criteria will the success, benefits, or failure of the trip be assessed?
- (6) It is regarded as common practice in his department to finance trade union leaders on overseas trips?
- (7) If yes, can he detail other trips which have involved Western Australian taxpayers' money being spent on unionists travelling overseas?
- (8) If no, why was an exception made in the case of Mr Evers and Mr Wells?

Mr TROY replied:

- (1) Mr Evers—Switzerland, West Germany, France, Belgium, and Singapore. Mr Wells—Switzerland, Sweden, West Germany, France, Belgium, and Singapore.
- (2) In company with Mr H. Wildermuth, Director, Management Services, Transperth and Mr K. Green, Manager, Suburban Operations, Westrail, to attend the International Union of Public Transport Congress and investigate public transport ticketing systems and operational system equipment. Existing ticketing equipment has reached an age where reliability is a problem. Maintenance is difficult, with spare parts in short supply, and it is imperative that new equipment be purchased or the system as it presently exists may become inoperable.

By observing various systems in actual operation, a far greater understanding can be generated for comparison purposes. It is essential to investigate overseas, if only to compare to the one type of equipment currently available within Australia.

Mr Wells and Mr Green are also taking the opportunity to inspect electrified rail systems and equipment manufacturers.

- (3) (a) \$4 000 each;

- (b) \$3 800 each;
- (c) \$1 000 each.
- (4) The total cost of the proposed ticketing system is in the order of \$8 million to \$10 million. Considering the cost of the system, it is necessary for its introduction to be as trouble free as possible. Early consultation rather than subsequent confrontation is a far more prudent use of taxpayers funds. Additional benefits can be expected from first-hand knowledge of the operational system and staffing practices.
- (5) Primarily on the successful introduction into service of new ticketing equipment.
- (6) It is not common practice. However, in this particular instance it must be considered good management practice in view of experiences with change in other Australian public transport systems.
- (7) Not applicable.
- (8) Answered by (6) above.

#### TRANSPORT

##### *Ships (Capital Grants) Bill: Effect*

1004. Mr LAURANCE, to the Minister for Transport:

What effect will the Federal Government's Ships (Capital Grants) Bill 1987 have on the shipping industry in Western Australia?

Mr TROY replied:

The Bill will not have any effect on the shipping industry in Western Australia unless Western Australian ship owners introduce new ships which meet the requirements of the legislation for the purpose of the grant.

#### MINISTERS OF THE CROWN

##### *Government Employees: Positions*

1006. Mr COWAN, to the Deputy Premier; Minister for Industry and Technology; Defence Liaison; Communications; and Parliamentary and Electoral Reform:

With respect to the Government's target of reducing total State Government employment by three per cent between 24 June 1986 and 1 July

1987, will he provide the following information about each of the various department, authorities, and agencies within his portfolio responsibility—

- (1) What actual reduction in total employment—that is, permanent and temporary—is projected to be achieved by the due date?
- (2) How many existing positions have been reclassified—
  - (a) upwards;
  - (b) downwards;
 since 24 June 1986?
- (3) How many new—
  - (a) temporary;
  - (b) permanent;
 positions have been created since 24 June 1986?
- (4) How many—
  - (a) temporary;
  - (b) permanent;
 positions have been abolished since 24 June 1986?
- (5) Can he identify a saving, in real terms, in the total wages and salaries bill?
- (6) If yes to (5), how much has been saved?

Mr BRYCE replied:

See reply to question 1005.

#### MINISTERS OF THE CROWN

##### *Government Employees: Positions*

1007. Mr COWAN, to the Minister representing the Attorney General; Minister for Budget Management; and Corrective Services:

With respect to the Government's target of reducing total State Government employment by three per cent between 24 June 1986 and 1 July 1987, will the Minister provide the following information about each of the various departments, authorities, and agencies within his portfolio responsibility—

- (1) What actual reduction in total employment—that is, permanent and temporary—is projected to be achieved by the due date?

(2) How many existing positions have been reclassified—

- (a) upwards;
  - (b) downwards;
- since 24 June 1986?

(3) How many new—

- (a) temporary;
  - (b) permanent;
- positions have been created since 24 June 1986?

(4) How many—

- (a) temporary;
  - (b) permanent;
- positions have been abolished since 24 June 1986?

(5) Can he identify a saving, in real terms, in the total wages and salaries bill?

(6) If yes to (5), how much has been saved?

Mr PETER DOWDING replied:

See answer to question 1005.

#### TRANSPORT: RAILWAYS

##### *Electrification: Tenders*

1029. Mr MacKINNON, to the Minister for Transport:

When does he expect to be called tenders which are in any way relevant to the electrification of the urban rail system?

Mr TROY replied:

Westrail called for registration of tenderers for the rolling stock contract for electrification in 1986. Five suppliers were selected.

Towards the end of June 1987, final specifications will be distributed to selected suppliers, who will be asked for formal quotations for the supply of rolling stock.

#### ROAD

##### *Bypass: Northam*

1032. Mr LAURANCE, to the Minister for Transport:

(1) Has a decision been taken to construct an outer bypass road around the Town of Northam?

(2) If yes, has the route been selected?

(3) If so, has the detail been provided to the Northam Town Council and the Northam Shire Council?

(4) If not, when is it anticipated that this information can be made available to the local authorities?

Mr TROY replied:

(1) Yes, the State has taken a decision, but the project needs approval and funding by the Commonwealth Government as the road is a national highway.

(2) The general route has been selected, but there are alternatives in one section with some complex issues.

(3) The local government authorities are being kept informed of the progress being made.

(4) Not applicable.

#### TRANSPORT

##### *Perth International Airport: Sale*

1033. Mr LAURANCE, to the Minister for Transport:

What is the State Government's attitude to the Federal Government's proposal to arrange for the sale of the Perth International Airport terminal?

Mr TROY replied:

The State Government's primary objective in respect of international aviation is to attract additional overseas visitors to Western Australia. The fulfilment of this objective requires that additional international aviation services fly through Perth. The Government has been most successful in that respect.

How that area of Government policy will be affected by the Federal Government's intention to try to sell the international terminals at capital city airports depends on—

(a) whether a purchaser is found;

(b) who that purchaser is;

(c) the terms of the sale;

(d) how the purchaser would interact with the new Federal Airports Corporation;

(e) what access new services will have to facilities.

The answers to those questions are yet to be clarified. Until they are, it is not possible to suggest the effect of the Federal decision.

The Government is monitoring the situation carefully. If it feels that Western Australian interests are in danger of being compromised, it will make appropriate representations.

#### INDUSTRIAL SUPPLY OFFICE

##### *Establishment*

1034. Mr MARLBOROUGH, to the Minister for Industry and Technology:

- (1) Has an industrial supply office been established in Western Australia?
- (2) If so—
  - (a) what are its objectives;
  - (b) in which other States of Australia has such an office been established;
  - (c) where will the office be located;
  - (d) how many people will be employed;
  - (e) is it intended to appoint an advisory committee or board?
- (3) If so, who will comprise the membership of such a body?

Mr BRYCE replied:

- (1) The Industrial Supplies Office of Western Australia is in the process of being established.
- (2) (a) Its objectives are to enhance job opportunities and stimulate Western Australian and Australian manufacturing industries through import replacement;
- (b) Victoria, New South Wales, South Australia, Queensland, and Northern Territory;
- (c) Confederation House, 190 Hay Street, East Perth;
- (d) three people;
- (e) an advisory committee was appointed in December 1986.
- (3) The committee's membership is composed of representatives from the Confederation of Western Australian Industry—Chairperson; Metal industries Employers Association of Western Australia; Trades and Labor Council; Institute of Purchasing and Supply

Management; Department of Industrial Development; and Department of Resources and Development.

#### INDUSTRIAL DEVELOPMENT

##### *Synthetic Gems: Government Assistance*

1036. Mr MARLBOROUGH, to the Minister for Industry and Technology:

- (1) What State Government assistance was provided for the launching of the synthetic gem manufacture project by Equity Finance Ltd?
- (2) What benefits will be derived by the State as a result of this new venture?

Mr BRYCE replied:

- (1) Negotiations are still proceeding on the contractual arrangements for assistance to Equity Finance.
- (2) The new synthetic gem manufacture project will have the following benefits—

local invention culminating in viable industrial project;  
 \$2.5 million investment in land, buildings, plant and equipment;  
 plant and equipment fabricated in Western Australia;  
 initial export sales of \$15 million per annum to world markets;  
 gold usage valued at \$150 000 per annum;  
 employment of four people initially;  
 research into other synthetic materials such as rubies and sapphires;  
 future potential for gemstone cutting and polishing activities.

#### MCDONNELL DOUGLAS

##### *Offset Commitment*

1037. Mr MARLBOROUGH, to the Minister for Industry and Technology:

Will he outline the nature of initiatives taken by the State Government in taking advantage of the offset commitment by McDonnell Douglas?

Mr BRYCE replied:

The Government has a major industry policy objective to ensure that the State's technological potential is developed for the maximum economic and social benefit of the community. The Government is actively pursuing this strategy with specifically targeted programmes to aid the manufacturing industry sector.

The offset commitment by McDonnell Douglas has been utilised by the State Government to provide a manufacturing technology centre located within the offices of the Department of Industrial Development. The variety of services offered by the centre are detailed in my response to question 669 of 29 April 1987.

Under the memorandum of understanding between the Department of Industrial Development and the McDonnell Douglas Corporation, the company will—

- (a) provide a number of local companies with a minimum of 120 hours of consultations identifying CAD-CAM requirements; the deliverable will be a feasibility study including benefits to the company, cost justification, hardware-software options, and implementation plan;
- (b) be available one day per week to provide advisory services for firms inquiring about CAD-CAM and other advanced manufacturing techniques;
- (c) teach seminars as required with time allocation not exceeding 10 per cent on CAD-CAM awareness, cost justifications, and implementation to academic staff, consultants and industry representatives to enhance local expertise in CAD-CAM and associated technologies;
- (d) provide 50 hours consulting services upgrading teaching, courseware development, curriculum building, and training trainers for each Western Australian educational institution.

## SEWERAGE

### *Water Miser: Use*

1039. Mr MENSAROS, to the Minister for Water Resources:

- (1) Is it the view of engineers of the Water Authority of Western Australia that the system known as "Water Miser", manufactured by Mr Jim Spencer, when properly installed, is insufficient for use with sewer-connected pans?
- (2) If not, will he attempt to persuade his colleague the Minister for Health to amend the regulations which apparently do not enable this water-saving device to be used legally?

Mr BRIDGE replied:

- (1) This apparatus has not been submitted formally to the Water Authority for authorisation, but authority engineers believe that, because it does not provide a minimum amount of water for flushing purposes, it is not acceptable.
- (2) Not applicable.

## ELECTORAL

### *Multiple Voting: Computer Scanner*

1040. Mr MENSAROS, to the Minister for Parliamentary and Electoral Reform:

- (1) Has he studied the computer scanner used by the South Australian Electoral Department to ascertain multiple voting?
- (2) Is it a fact that this method produces the result almost immediately?
- (3) Is it a fact that the capital cost of installing such scanners is not in excess of the labour and related costs for one general election of the presently used manual method?
- (4) Is the Government considering purchasing and installing such a scanner for scrutineering the multiple voting?

Mr BRYCE replied:

- (1) The South Australian Electoral Office has been instrumental in the development of a prototype optical roll scanner. The scanner is not yet in production; thus the roll scanning exercise has not run live. The development of this and other scanners has been monitored by the Western Australian Chief Electoral Officer.

- (2) Subject to development, a single scanner should be capable of handling the State's rolls within five days.
- (3) It is estimated that capital costs would be returned over the first general election of its use. However, I reiterate that production is not yet in progress and estimates are quite tentative.
- (4) The Government is interested in the concept of the use of a scanner as an aid in determination of both multiple and non-voting, and will give consideration to the possibility of purchase when a suitable machine becomes available.

#### TRANSPORT: AIR

##### *Albany and Esperance: Alternative Operators*

1044. Mr HASSELL, to the Minister for Transport:

- (1) Is he pursuing arrangements to allow second or third operators to provide passenger air services to Albany and Esperance?
- (2) What policy applies in relation to these service areas?
- (3) Would a prospective operator, able to satisfy normal safety requirements, be able to expect success in an application to operate to these towns?

Mr TROY replied:

- (1) No.
- (2) At present, policy on Albany and Esperance is to allow only the one operator, Skywest, to provide regular public transport passenger services over these routes. The objective of this policy has been to promote the introduction of larger, more sophisticated aircraft by concentrating traffic on one operator. Larger aircraft, in turn, enable lower fares to be charged because of economies of scale, as well as providing a higher standard of passenger comfort.
- (3) All applications to provide services would be carefully considered in the light of the benefits likely to be conferred on users of the air services involved. Past applications in respect of these services have not been approved on the basis that the net impact on users was assessed to be detrimental. However, if an operator con-

siders he has a proposal which could benefit users, he should submit it for assessment.

#### SMALL CLAIMS TRIBUNALS ACT

##### *Amendment*

1046. Mr COWAN, to the Minister for Consumer Affairs:

- (1) Is it the Government's intention to—
  - (a) amend the Small Claims Tribunals Act;
  - (b) alter in any significant way the operation of the Small Claims Tribunal?
- (2) If yes to (a) or (b), when?

Mr TAYLOR replied:

- (1) and (2) Although the recommendations of the Select Committee inquiry into the Small Claims Tribunal are now under final consideration, it is not yet feasible to announce a time frame for those which may be adopted.

#### FORESTS

##### *Hamel Nursery: Future*

1048. Mr BRADSHAW, to the Minister for Conservation and Land Management:

- (1) Has he made a decision on the future of the Hamel Nursery?
- (2) If so, what is the decision?
- (3) If not, when will the decision be made?

Mr HODGE replied:

- (1) No.
- (2) Not applicable.
- (3) Consultations on this matter are approaching finality.

#### EDUCATION: PRIMARY SCHOOL

##### *Waroona: Land Resumption*

1049. Mr BRADSHAW, to the Minister for Works and Services:

What were the conditions for resumption of the land from Mr and Mrs E. Brooks of Waroona for the proposed new primary school?

Mr PETER DOWDING replied:

The land resumed from E. E. & B. J. Brooks of Waroona was in accordance with the Public Works Act and for the



purpose of the following public work—primary annexe, Waroona Primary School.

#### EDUCATION: PRIMARY SCHOOL

##### *Waroona: Construction*

1050. Mr BRADSHAW, to the Minister for Education:

Does the Education Department intend to build the new primary school on the land resumed last year in Waroona?

Mr PEARCE replied:

No, the land referred to was resumed because that was the position in which the Waroona community asked for the new primary school to be placed. Subsequently, the community changed its mind, and I agreed to the placement of the new school on the existing high school site at the community's request.

These facts must be very embarrassing to the member, who has been telling the people of Waroona that the Government was not honouring its commitment to build a new primary school in Waroona.

#### POLICE OFFICERS' WIVES

##### *Injuries*

1051. Mr CASH, to the Minister for Police and Emergency Services:

What compensation, if any, is available to the wife of a police officer who suffers an injury while assisting her husband in carrying out the normal functions of a police officer?

Mr GORDON HILL replied:

For a precise answer to this question, it will be necessary for the member to detail all of the relevant circumstances in which the injury occurred, as there are several possibilities depending on the circumstances.

#### MOTOR VEHICLE DRIVERS' LICENCES

##### *Credit Card Use*

1052. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Is he aware of a report in the *The West Australian* on Monday, 18 May 1987, on a plan by the New South Wales

Government to use a new photographic driver's licence as a credit card?

- (2) If yes, has he sought information on the claims in the report that the credit facility would allow the Government to streamline its services and save millions of dollars?
- (3) Could the implementation of a similar scheme offer his department worthwhile savings?
- (4) If not, why not?

Mr GORDON HILL replied:

- (1) Yes.
- (2) Yes.
- (3) Not known.
- (4) Not applicable.

#### TAXES AND CHARGES

##### *Stamp Duty Assessments: Delays*

1053. Mr CASH, to the Treasurer:

- (1) Is he aware of concern being expressed by legal firms, settlement agents, and accounting practices of the inordinate delays which are occurring while attempting to have stamp duty assessed on documents at the State Taxation Department?
- (2) If yes, what action has he taken or does he propose to take to alleviate this situation?
- (3) How many assessors are available to the public for the assessment of stamp or other duty on documents?
- (4) What hours are they available to the public?
- (5) Will he consider extending these hours, providing additional assessors, or taking other appropriate action to ensure that this specific area within the department is run in an efficient manner and offers effective delivery of service to the public?

Mr BRIAN BURKE replied:

This question has been addressed incorrectly to the Treasurer. It has been directed to the Minister for Budget Management, and he will answer the question in writing.

## STATE EMERGENCY SERVICE

*Role*

1054. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Is he aware of the confusion that currently exists in many State Emergency Service organisations as to their roles?
- (2) If yes, what action is he proposing to take to rectify this totally unacceptable situation?

Mr GORDON HILL replied:

- (1) and (2) On any reasonable and balanced reading of my advice on this matter, there should not be any confusion as alleged. However, I am aware that apparently for political reasons an attempt is being made to promote a view that confusion exists.

To correct the situation, I appeal to persons promoting that view to place the best interests of the people of this State ahead of their perception of their own self-interest, and desist from their actions.

## STATE EMERGENCY SERVICE

*Role*

1055. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Is it a fact that there is a lack of support throughout Western Australia as a result of his recent decisions and comments on the future role of the State Emergency Service?
- (2) What action does he intend to take to improve the relationship between himself as Minister and the many hard-working members of the State Emergency Service who give freely of their time, energy, and skills for the assistance and protection of other members of the community in Western Australia?
- (3) Is he aware that at a meeting of State Emergency Service coordinators in the south west region of Western Australia held on Monday, 18 May 1987, it was voted unanimously that a motion of no confidence in the Minister for Police and Emergency Services, Mr Gordon Hill, be passed?

Mr GORDON HILL replied:

- (1) No.

- (2) and (3) My support for all volunteer organisations in this State is unqualified. However, I have not shirked and will not shirk from making what I believe to be the correct decision in the best interests of the people of this State. Neither will I resile from my decision as a result of the type of action to which the member has referred, and to which the member is, by his question, lending his support notwithstanding his previous view expressed by way of implication from comments in the Parliament recently that he supported the road rescue role being placed with the firefighters.

## POLICE

*Neighbourhood Watch Scheme: Power Poles*

1056. Mr CASH, to the Minister for Minerals and Energy:

- (1) Is he aware of the Government's stated policy on the benefits to both the Government and the community of the need to implement Neighbourhood Watch schemes throughout Western Australia vigorously?
- (2) If yes, is he aware that the State Energy Commission has refused to allow Neighbourhood Watch signs to be placed on State Energy Commission power distribution poles?
- (3) If yes to (2), what action does he propose to take to ensure that the negative action of the State Energy Commission does not cause the impact of the Neighbourhood Watch schemes to be lessened or cause unnecessary additional costs associated with the erection of separate poles in a time when the Government is trying to encourage economic restraint?
- (4) Are such signs allowed to be placed on State Energy Commission distribution poles in other States?

Mr PARKER replied:

- (1) Yes.
- (2) No, the commission has not refused. It has negotiated a mutually acceptable scheme with local authorities to permit Neighbourhood Watch signs on power poles.
- (3) Not applicable.
- (4) Yes.

## POLICE

*Neighbourhood Watch Scheme: Power Poles*

1057. Mr CASH, to the Minister for Police and Emergency Services:

- (1) Is he aware that the State Energy Commission is refusing to allow Neighbourhood Watch signs to be placed on State Energy Commission power poles?
- (2) Is it a fact that such action will cause unnecessary additional costs to be expended in erecting separate poles, at a time when the Government is calling for economic restraint?
- (3) Will he liaise with the appropriate Ministers or departments to ensure this decision is reversed and advise the Parliament of his success or failure in this matter?

Mr GORDON HILL replied:

- (1) No.
- (2) A moment's reflection by the member will reveal that it is not necessarily a fact that additional costs will result from the policy which the member attributes to the State Energy Commission.
- (3) On the basis of the member having established a reputation within Government for presenting erroneous information, I am not prepared to act on his advice that a problem exists. However, if it does become apparent to me that a problem exists, I will take appropriate action.

The member is reminded that he is at liberty to make his own representations on the matter should he so desire.

## BUSINESSES

*National Companies Scheme: Recommendations*

1060. Mr HASSELL, to the Minister representing the Attorney General:

- (1) Has the Minister been advised of the report by the Senate Standing Committee on Constitutional and Legal Affairs entitled "The Role of Parlia-

ment in Relation to the National Companies Scheme", and its recommendation that—

The Commonwealth Parliament should enact comprehensive legislation covering the field currently regulated by the cooperative scheme?

- (2) Is it the policy of the Western Australian Government to agree with the recommendation?
- (3) If not, what action is being taken by the Attorney General and the Government to ensure that the recommendation is not pursued?
- (4) In particular, what representation has been made, to whom, and when?

Mr PETER DOWDING replied:

- (1) Yes.
- (2) No.
- (3) and (4) The Ministerial Council for Companies and Securities was advised of the State Government's opposition at the council's meeting of 20 May 1987. When details of the Commonwealth proposal are made available, the Government will consider all options available to it to oppose the move.

## MOTOR VEHICLES

*Overlength: Escorts*

1061. Mr TRENORDEN, to the Minister for Police and Emergency Services:

- (1) Is he considering changes to the regulations relating to the requirement for overwidth or overlength vehicles to be escorted on gazetted roads?
- (2) If yes, when will the details be made publicly available?

Mr GORDON HILL replied:

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

## COMMUNITY SERVICES

### *Adoptions: Birth Certificates*

1062. Mr SCHELL, to the Minister representing the Minister for Corrective Services:

- (1) Is it a fact that adopted persons who require a copy of an original birth certificate must undergo counselling first?
- (2) Is it a fact that counsellors are only available in the Perth metropolitan area?
- (3) If yes to (2), what action will the Minister take so that country adoptees do not have to travel to Perth for counselling before they have access to the original birth certificate?

Mr PETER DOWDING replied:

This question has been incorrectly addressed to the Minister for Corrective Services. It has been referred to the Minister for Community Services, who will answer the question in writing.

## EDUCATION: HIGH SCHOOL

### *Northcliffe District: Facilities*

1063. Mr COWAN, to the Minister for Education:

- (1) Has he had representations to improve the facilities at the Northcliffe District High School?
- (2) If yes, what action does he intend to take?

Mr PEARCE replied:

- (1) Yes.
- (2) I will be visiting the school with Hon. H. D. Evans to assess the school's needs.

## HAIRDRESSERS REGISTRATION ACT

### *Amendment*

1065. Mr MacKINNON, to the Minister for Labour, Productivity and Employment:

- (1) Does the Government intend to repeal or amend the Hairdressers Registration Act?
- (2) If so, what is the purpose of the relevant impending legislative changes?
- (3) Even if the Government has no specific plan to repeal or amend the abovementioned Act, is it in the pro-

cess of considering, evaluating, or drafting any possible changes to the legislation?

- (4) If so, what changes are being considered and for what reasons?
- (5) Does the Government support the retention of the Hairdressers Registration Board along with its present functions, legislative responsibilities, and administrative structure?
- (6) If not, why not?

Mr PETER DOWDING replied:

- (1) to (6) In line with the Government's ongoing concern to examine, at appropriate times, the role and functions of services, committees, and agencies under its control, the role of the Hairdressers Registration Board is presently being examined. The outcome of this examination will determine the future direction for the Government to take.

Under the circumstances, following expiry of the previous membership of the board on 14 May 1987, new members have been appointed until 1 September 1987 in the first instance.

## HAIRDRESSERS REGISTRATION BOARD

### *Appointments*

1066. Mr MacKINNON, to the Minister for Labour, Productivity and Employment:

- (1) Why, for the first time ever, have appointments to the Hairdressers Registration Board been made only until 1 September, rather than for a three-year term?
- (2) Does the Hairdressers Registration Board receive any funding from the State Government and, if so, how much?

Mr PETER DOWDING replied:

- (1) See reply to question 1065.
- (2) The board receives no grant from the State Government, but there are notional costs borne by the Government relating to the provision of administrative support and advice to the board. Such support is provided in the form of senior Government officers acting as chairperson and deputy chairperson of the board, in addition to administrative tasks directed at the appointment of board members and

examiners, and general administration of the Hairdressers Registration Act, including preparation of amendments, regulations, printing of the Act, etc.

### PRISON

#### *Casuarina: Name*

1067. Mr MacKINNON, to the Minister representing the Minister for Corrective Services:

- (1) Is the maximum security prison at Casuarina to be called the Casuarina Maximum Security Prison?
- (2) If not, what will be the name of the prison when it is completed?

Mr PETER DOWDING replied:

- (1) and (2) The name of the prison is yet to be determined.

### TRANSPORT

#### *Bus Transfer Station: Kwinana*

1068. Mr MacKINNON, to the Minister for Transport:

- (1) Is the Transperth bus transfer station in Kwinana to be relocated?
- (2) If so, where will it be relocated?
- (3) When is that relocation likely to take place?

Mr TROY replied:

- (1) No.
- (2) and (3) Not applicable.

### POLICE OFFICERS

#### *Kwinana Area*

1070. Mr MacKINNON, to the Minister for Police and Emergency Services:

- (1) How many police officers are currently located in the Kwinana area?
- (2) Are there any plans to upgrade the number of police servicing the area?
- (3) If so, when are these plans likely to be implemented?

Mr GORDON HILL replied:

- (1) Nine within the Kwinana police subdivision.
- (2) and (3) The member may not appreciate that upgrading police services in an area is not necessarily synonymous with increasing the number of police servicing that area.

The effectiveness of the delivery by police of police services to members of all communities is constantly monitored by the Commissioner of Police, and improvement of effectiveness may or may not involve increasing manpower resources in any particular station.

### PRISONER

#### *David Birnie: Sentence*

1071. Mr CASH, to the Minister representing the Minister for Corrective Services:

- (1) At which prison is convicted murderer David Birnie serving his sentence?
- (2) Does he occupy a cell with any other prisoner, and if so is that prisoner his brother?
- (3) Of what charge was David Birnie's brother convicted, and what sentence did he receive?
- (4) Does David Birnie have a colour television in his cell, and if so who paid for the television set?

Mr PETER DOWDING replied:

- (1) Fremantle Prison.
- (2) No.
- (3) Two counts of indecent dealing. He was sentenced to two terms of 27 months, which were made concurrent.
- (4) Yes. The television set is his own property.

### TRANSPORT: RAILWAYS

#### *Sleepers: Price*

1074. Mr RUSHTON, to the Minister for Transport:

- (1) What is the cost to Westrail per comparable unit of railway sleepers made from—
  - (a) wood—indicate if obtained from Western Australia or elsewhere and if there is a price differential;
  - (b) concrete;
  - (c) steel?
- (2) What quantity of railway sleepers has Westrail obtained from the Minister for Conservation and Land Management in each of the last five financial years?

- (3) What quantity of railway sleepers does Westrail intend to obtain from CALM in each of the next five financial years?

Mr TROY replied:

- (1) Cost of sleepers for medium class of narrow gauge railways—
- (a) Timber—locally supplied natural hardwood—including preservation, plates and fastenings is \$32.96 per sleeper;
  - (b) the estimated cost for narrow gauge concrete sleepers with fastenings is in excess of \$40 each;
  - (c) an order for 2 000 narrow-gauge steel sleepers is current at a unit price of \$28.75, including fastenings.
- (2) None. Conservation and Land Management inspect sleepers for Westrail but do not supply.
- (3) Answered by (2).

## FORESTS

### *Silviculture Techniques*

1076. Mr RUSHTON, to the Minister for Conservation and Land Management:

- (1) What is meant by the term "silviculture"?
- (2) Does the use of silviculture techniques involve the removal of most or all the large trees in an area subject to these practices?
- (3) Will silviculture techniques be practised in logged areas of the proposed forest parks?
- (4) Will there be any difference in the practice of silviculture in forest parks and State forests?
- (5) If yes to (4), what are the differences?

Mr HODGE replied:

There is no such word or term contained in the *Oxford Dictionary*. However, if the member is referring to the term "silviculture", the answers are—

- (1) The theory and practice of controlling the establishment, composition, constitution, and growth of forests.
- (2) Not necessarily.

- (3) If zones within forest parks are to be logged, yes.
- (4) Yes.
- (5) The silvicultural techniques given will be specific to the purposes for which the forests are to be managed.

## FORESTS

### *Royalties: Efficient Costs*

1077. Mr RUSHTON, to the Minister for Conservation and Land Management:

- (1) Do "efficient costs" equal "actual costs" where page 122 of the draft timber strategy states—

The royalties are aimed at recovering the efficient costs of producing well managed and productive forest stands?

- (2) If no, what is the difference between efficient and actual costs?
- (3) (a) At current cost levels what is the difference between efficient and actual costs;
- (b) what steps is it proposed to take to ensure the actual costs equal efficient costs?

Mr HODGE replied:

- (1) Yes, given such factors as present-day technology and knowledge of forest management.
- (2) Not applicable.
- (3) (a) and (b) Not applicable.

## WATER RESOURCES: DAM

### *Harris River: Site*

1079. Mr BRADSHAW, to the Minister for Water Resources:

- (1) Which site has been chosen for the Harris River Dam?
- (2) Will this site accommodate the largest dam of the available sites considered?
- (3) If not, why not?

Mr BRIDGE replied:

Although site 5 does not accommodate the largest dam, it is the preferred site for engineering, topographical, and environmental reasons.

## TECHNOLOGY: COMPUTERS

### *Information Systems: Contract*

1082. Mr COURT, to the Minister for Health:

- (1) How many companies tendered for the contract to provide new computer information systems, which was won by Travenol Infohealth Systems Australia?
- (2) Are similar systems in operation elsewhere in Australia?

Mr TAYLOR replied:

- (1) The relevant tender let was tender 830A issued in 1984 and let in 1985 for the supply of IBM-IBM compatible mainframes. This tender specified the Health Department's intended use of PCS-ADS as the software base for the provision of large hospital information systems.

Travenol Infohealth Systems Australia was selected after an extensive study of potential PCS suppliers, based on its range of developed application software and its demonstrated project management skills in large hospital installations.

- (2) Yes.

## COMMUNICATIONS

### *Telecom Charges: Increase*

1084. Mr COURT, to the Premier:

- (1) Did he discuss the announced increase in Telecom's charges at the Premiers' Conference?
- (2) If yes, what was the outcome of these discussions?

Mr BRIAN BURKE replied:

- (1) and (2) The matter was raised in discussions with the Prime Minister and the Treasurer, during which I said the proposed rise of three cents in the charge for local calls could not be sustained and should be reviewed. I believe such a review is likely to occur.

## ENERGY

### *Fremantle Gas and Coke Co Ltd: Reticulation System*

1085. Mr COURT, to the Minister for Minerals and Energy:

- (1) Is the Government satisfied with the condition of the gas reticulation system it purchased from the Fremantle Gas and Coke Co Ltd?
- (2) What costs have been spent by the State Energy Commission in maintaining and upgrading this system since its purchase?
- (3) Is the Government budgeting on a substantial upgrading during the next financial year?

Mr PARKER replied:

- (1) Yes.
- (2) Approximately \$488 000.
- (3) The SEC's gas supply division expects to spend \$18.2 million on capital works in the 1987-88 financial year. Of this, \$1.6 million will be spent on the Fremantle area system. This figure is slightly less than would apply if it were calculated by reference to customer numbers in the Fremantle area compared with total SEC gas customers.

## ENERGY

### *Fremantle Gas and Coke Co Ltd: Purchase*

1086. Mr COURT, to the Minister for Minerals and Energy:

- (1) What has been the total cost of the purchase of the Fremantle Gas and Coke Co Ltd's operations by the Government?
- (2) Have these costs all been paid?
- (3) If no, when will final payments be made?

Mr PARKER replied:

- (1) to (3) See answer to questions 928 and 122.

## EDUCATION

*Western Australian College of Advanced Education: Claremont Campus*

1088. Mr COURT, to the Minister for Education:

- (1) What proposals is the Government examining for the future use of the Claremont campus of the Western Australian College of Advanced Education?
- (2) Is the Government considering the transfer of its existing functions to other campuses?

Mr PEARCE replied:

- (1) The Council of the Western Australian College of Advanced Education is considering the future use of the Claremont campus as part of a review of the activities on all of its campuses, but has reached no formal conclusion yet for transmission to the Government.
- (2) This is premature in the light of (1).

## EDUCATION

*Western Australian College of Advanced Education: Nedlands Campus*

1089. Mr COURT, to the Minister for Education:

- (1) Is the Government planning to sell the Nedlands campus of the Western Australian College of Advanced Education?
- (2) If yes, to where would the functions currently being carried out at this campus be transferred?

Mr PEARCE replied:

- (1) The Government does not own the Nedlands campus of the Western Australian College of Advanced Education.
- (2) Not applicable.

## LAND

*Ningaloo Marine Park: Milyering Facilities*

1090. Mr LAURANCE, to the Minister for Conservation and Land Management:

- (1) Why were the plans for the facilities associated with the Ningaloo Marine Park to be constructed at Milyering not discussed with either the Ningaloo

Marine Park Advisory Committee or the Exmouth Shire Council before they were announced?

- (2) Will either of these bodies have an opportunity to provide input regarding these facilities before construction commences in August?
- (3) If no to (2), why not?

Mr HODGE replied:

- (1) The Ningaloo Marine Park Advisory Committee and the Shire of Exmouth were consulted on the location, site plans, and the brief for architects for the Milyering visitor centre in early 1986. The preliminary architectural designs were only recently completed by the Building Management Authority, and there has been no opportunity until now to present them to the committee or shire.
- (2) The building plans are to be tabled for consideration by the advisory committee and the shire in Exmouth on 9 June.
- (3) Not applicable.

## LAND

*Ningaloo Marine Park: Scientific Facility*

1091. Mr LAURANCE, to the Minister for Conservation and Land Management:

- (1) What is the estimated cost of the scientific facility proposed to be constructed at Milyering as part of the Ningaloo Marine Park facilities?
- (2) How many staff houses will be constructed in order to service the Milyering facility?
- (3) What is the anticipated cost of any such staff housing?
- (4) What is the estimated cost of providing basic services such as power, water, and sewerage to the proposed facilities at Milyering?

Mr HODGE replied:

- (1) If the member is referring to the proposed bicentennial visitor centre to be constructed in the Cape Range National Park, it is not a scientific centre but a place for park visitors to seek information about the local marine and terrestrial environment, and a focus for a range of public activity and educational programmes in the marine park.



The estimated cost of the complex is \$1 million for the buildings and \$250 000 for the information materials and facilities contained in it. Staff housing is not included in this estimate, as it will be funded separately.

- (2) Two houses for management staff have been separately provided in Exmouth, one of them constructed there in this financial year. One staff house will be constructed at Milyering next year, adjacent to the visitor centre.
- (3) The new house at Milyering is estimated to cost \$200 000, of which \$48 000 is for services to be funded from the department's 1987-88 budget.
- (4) The estimated cost of sewerage, power, and water services for the Milyering visitor centre is \$144 000.

#### LAND

##### *Ningaloo Marine Park: Advisory Committee*

1092. Mr LAURANCE, to the Minister for Conservation and Land Management:

- (1) Who are the members of the Ningaloo Marine Park Advisory Committee?
- (2) When did the committee last meet?
- (3) For when is the next meeting of the committee scheduled?

Mr HODGE replied:

- (1) and (2) The answer to this question has not varied since the member last asked it seven days ago.
- (3) 9 June 1987 in Exmouth.

#### PASTORAL LEASES

##### *Australian Land and Cattle Co Ltd: Resumption*

1094. Mr BLAICKIE, to the Minister for Conservation and Land Management:

Would he table all papers that led to his making a statement that the Government is to legislate to resume the Australian Land and Cattle Co Ltd leases?

Mr HODGE replied:

This question has been incorrectly addressed to the Minister for Conservation and Land Management. It has

been referred to the Minister for Lands, and he will answer the question in writing.

#### LAND TITLE

##### *Kwinana Picture Gardens*

1095. Mr BLAICKIE, to the Minister for Lands:

- (1) On what date did the Kwinana Progress Association acquire title of part of the land referred to as the Kwinana Picture Gardens?
- (2) What was the area involved and what was the cost?
- (3) On what date did the association request approval to freehold the remaining title involved in (1) above?
- (4) Further to (3), what was the advised cost of the land, and what are the reasons for the significant increase in the price of the land as per question (2)?

Mr WILSON replied:

- (1) to (4) I am informed that the Department of Land Administration has no record of any land applications by the Kwinana Progress Association, nor has the department any knowledge of land known as the Kwinana Picture Gardens. If the member can be more specific as to the precise location of the land, I will have the matter investigated further.

#### TRANSPORT

##### *Railway Closures: Tourist Railways*

1096. Mr BLAICKIE, to the Minister for Transport:

- (1) Following the introduction of a Bill to close certain railway lines to enable them to be run as a tourist venture, does the Government intend that any rolling stock used will be—
  - (a) hired;
  - (b) purchased;
  - (c) serviced, by Westrail?
- (2) Further to (1), does the Government intend the whole or part of any proposed tourist operation to be manned by Westrail personnel, and would he provide details?

Mr TROY replied:

- (1) Arrangements will depend upon what privately-operated ventures are accepted and the substance of the proposals. However, no rolling stock will be hired or purchased by Westrail.
- (2) Any trains operating over Government railways will be manned by Westrail crews.

Under the provisions of the Government Railways Amendment Bill 1987, railways no longer required for use by Westrail may be declared by the Governor-in-Council to be not Government railways for the purposes of the Railways Act while the order is in force. The Governor-in-Council may also allocate to persons such declared railways or portions of railways for the purpose of operating a tourist railway. Under those provisions the tourist railways may be operated by other than Westrail personnel.

However, in the case of tourist trains comprising a heavy steam or diesel locomotive and/or rolling stock of a type normally used on railway passenger services operating over railways declared to be not Government railways, the Order-in-Council will in every case state that the persons operating the tourist train services must be as qualified to do so, as are the persons operating the train services of the Government Railways Commission.

## TRANSPORT

### *Railways: Transit-type Operations*

1097. Mr BLAICKIE, to the Minister for Transport:

- (1) How many people and/or organisations have expressed an interest in operating transit-type trains on the railway lines at—
  - (a) Jarrahdale;
  - (b) Pemberton;
  - (c) Capel;
  - (d) Nannup?
- (2) Further to (1), would he provide details of those expressing interest?

- (3) Has the Government made any endeavour to "sell" the transit train concept to entrepreneurs, and would he detail?

- (4) Further to (3), if not why not?

Mr TROY replied:

This question has been incorrectly addressed to the Minister for Transport. It has been referred to the Minister for The South West, and he will respond in writing.

## POLICE STATIONS

### *Bunbury Region: Staffing*

1098. Mr BLAICKIE, to the Minister for Police and Emergency Services:

Would he advise the staffing levels of police stations in the Bunbury police region in each year since 1984?

Mr GORDON HILL replied:

	1984	1985	1986	1987
Bunbury	43	43	46	47
Boypup	3	3	3	3
Bridgetown	4	4	4	4
Brunswick	2	2	2	2
Busselton	11	11	11	11
Collie	12	12	12	12
Donnybrook	3	3	3	3
Harvey	6	6	6	6
Manjimup	10	10	10	10
Margaret				
River	5	5	5	5
Nannup	1	1	1	1
Pemberton	2	2	2	2
Warroona	3	3	3	3
Yarloop	1	1	1	1

The member may not appreciate that upgrading police service in an area is not necessarily synonymous with increasing the number of police servicing that area.

The effectiveness of the delivery by police of police services to members of all communities is constantly monitored by the Commissioner of Police, and improvement of effectiveness may or may not involve increasing manpower resources in any particular station.

## MOTOR VEHICLE DRIVERS' LICENCES

### *Aged Persons*

1099. Mr BLAICKIE, to the Minister for Police and Emergency Services:

In each year since 1982, how many aged people have failed a motor drivers' licence test on grounds of—

- (a) health;
- (b) general lack of competency?

Mr GORDON HILL replied:

In order to answer this question, it will be necessary for the member to explain with precision his use of the term "aged people".

## QUESTIONS WITHOUT NOTICE

### ABORIGINAL HOUSING

#### *Repairs*

126. Mr LEWIS, to the Minister for Housing:

With reference to the reported statements by Mr Isaacs, the Chairman of the Aboriginal Housing Board of Western Australia, that repairs to vandalised Aboriginal housing were costing \$2 million per annum—

- (1) Why is the Minister so lacking in initiative that he has done nothing or has no policy to alleviate and abate the problem?
- (2) Can the Minister assure the Parliament that contrary to what Mr Isaacs has alleged, all the costs for repairing damage caused wilfully by feuding Aboriginal families are fully recovered?

Mr WILSON replied:

- (1) and (2) I have discussed those comments reported in the paper with Mr Isaacs today. He claims that what he said was taken out of context by the reporter. It is not true that a cost of \$2 million is involved in rectifying damage to vandalised properties.

Mr MacKinnon: What did Mr Isaacs claim he actually said?

Mr WILSON: I suppose that is a supplementary question from the Leader of the Opposition who is seeking to make up for the inadequacies of his spokesman on housing.

In answer to the supplementary question by the Leader of the Opposition, he claimed that when he mentioned the figure of \$2 million, he also made it clear that that figure included a number of areas of cost, one of which was normal day-to-day maintenance, which is in the order of \$1.3 million; programmed cyclical maintenance in the order of \$266 000 per annum; and

what is called vacated arrears maintenance in the order of \$927 000 per annum.

Vacated arrears maintenance would include maintenance incurred by families in excess of what is considered to be fair wear and tear. In respect of that maintenance, the families who vacate are billed for the cost of that maintenance, and in all cases, prior to being eligible for further housing, they are required to pay the cost of that maintenance. That is the truth with respect to the total costs involved.

With respect to the overall maintenance programme for public housing in Western Australia, two years ago Homeswest, at considerable expense, engaged PA Consultants to do a thorough-going review of the maintenance programmes and procedures. As a result, a comprehensive study and recommendations were made for instituting proper practices to ensure that maintenance costs were reduced to a minimum. Those recommendations have been implemented, and considerable cost savings have resulted.

It is not correct for the member to say that no measures have been taken and that the Government or the Minister have not been concerned and have not taken action to ensure the minimisation of those costs. In making the comments that he made, Mr Isaacs was expressing the sort of frustration that many people engaged in the administration of public housing generally feel.

It must be understood that people engaged in that area of administration are dealing with many difficult tenants. They are dealing with the sort of tenants that nobody else will accommodate, and in the course of dealing with those tenants, short of refusing housing to such people altogether—and sometimes that has to be a last resort—inevitably costs will be suffered which would not normally be suffered in operations in the private market because the private market would not stand for that kind of tenancy.

I can assure the member and the House that proper measures have been taken and that we are now implementing our recommendations of that comprehensive report in a way which means that already considerable savings are being made and the procedures being adopted in those maintenance programmes are efficient.

### POLICE

#### *Resources: Shortage*

127. Mr READ, to the Minister for Police and Emergency Services:

Mr Speaker—

The SPEAKER: Order! I have not made an announcement in respect of this matter, but members will be aware that the member for Welshpool will be away for a period of time. In his absence I have been advised that the member for Mandurah will be the Deputy Whip, and I indicate to the House that it is my intention to recognise him from that chair.

Mr READ: Is the Minister aware of a report in the *Kalgoorlie Miner* of 16 May 1987 that the member for Mt Lawley alleged that "police were starved of basic resources such as transport and had to beg a ride from local residents"?

Mr GORDON HILL replied:

I am aware of the newspaper report, which is consistent with the practice of the member for Mt Lawley and those of his Liberal Party colleagues who share his desire for cheap publicity to visit country centres and publicly make stupid statements which are quite obviously totally unfounded.

Several members interjected.

The SPEAKER: Order! In view of the two motions which have been moved in the last two days in respect of my impartiality and the suggestions that a former Speaker, who is not with us at the moment, was a fine, outstanding person who knew how to handle this place, I wonder if what members really want—and I do not think they do—is for me to operate question time in the way I distinctly remember him operating it. May I refresh your

memories? If there was an interjection, question time would cease. I do not really think that is what members want, but also I do not think that what they want is for answers to be lengthy. If members interject in the way they are doing at the moment, the answers will be lengthy and it will make my task doubly difficult.

Mr GORDON HILL: Any reasonable person would appreciate that the Commissioner of Police does not operate his Police Force on the basis that his officers beg rides from local residents. I take this opportunity to quote from the newspaper article that appeared in the *Kalgoorlie Miner* on 16 May—which is my birthday, and the member for Mt Lawley delivered a nice present to me on that day. He was quoted in the paper as having said that police were starved of basic resources such as transport and had to beg a ride from local residents.

The local police superintendent had to correct that statement by the member for Mt Lawley, and he said that the police had never resorted to borrowing vehicles to perform duties. It is not the first time that the member for Mt Lawley has had to be corrected by a police officer. Members might be aware also that a very short time ago the Acting Commissioner of Police had to correct the member for Mt Lawley when he made a baseless, unfounded statement. The Acting Commissioner of Police had to issue his own statement to state the facts and correct the member for Mt Lawley, who repeatedly makes assertions without first checking. If he had bothered to check with the Acting Commissioner of Police on that occasion, and with the local police superintendent on this occasion, he would have found out the facts.

The member has, by this and other public comments, as well as by his repeated and baseless criticism of the fine efforts of the Commissioner of Police and his administration, projected himself as a person incapable of responsibly discharging his obligations to the community as Opposition spokesman in the important areas of

law, order, and police, as he attempts to mask his total lack of policy on law and order.

Mr CASH: Are you saying *The West Australian* tells lies?

Mr GORDON HILL: I am not suggesting that the journalist from *The West Australian* has told untruths, but the member for Mt Lawley ought to check his facts before making unfounded allegations.

## POLICE

### *Resources: Shortage*

128. Mr CASH, to the Minister for Police and Emergency Services:

Has he seen a copy of *The West Australian* newspaper dated Wednesday, 29 April 1987, in which a headline reads, "Denmark police forced to borrow their 4WD"? The opening comments of that article are—

THE rugged south coast terrain and the lack of a four-wheel drive vehicle at the Denmark police station have created a situation where the police sometimes need to borrow vehicles . . .

A Government member: Sometimes.

Mr CASH: I said sometimes. The Minister has just stood in this place and said the police have never had to borrow vehicles. What about listening to this? The article continues—

. . . from local residents or other government departments in order to carry out their duties.

- (1) If the Minister has not seen this statement, why not?
- (2) If he has seen the article, how does he reconcile that with the answer that he has just given, which hardly gives any support to the police in Western Australia, but further is directed as a personal attack on somebody who has shown the Minister up in his dealing with this portfolio?

Mr GORDON HILL replied:

- (1) and (2) I did see the article to which the member referred, and I would like to make a comment by way of an aside at the outset. I was not saying that the police have never had to borrow ve-

hicles; I was quoting from an article in which the superintendent of police at Kalgoorlie had said they have not had to borrow vehicles, after the member for Mt Lawley had said that in Kalgoorlie the police have to beg rides from the local people.

The police have never had to beg a ride because of lack of transport. On occasions they may have borrowed vehicles, and in Denmark the police, for the purposes of State Emergency Service operations, did on a couple of occasions use a four-wheel drive vehicle offered by the community.

I have pleasure in advising the member for Mt Lawley and the House that recently the Denmark area obtained another vehicle by courtesy of the State Government, and a four-wheel drive vehicle is to be sent to Denmark in the very near future.

## ABATTOIRS

### *Meat: Chemical Residues*

129. Mrs HENDERSON, to the Minister for Agriculture:

Could the Minister please advise the House of the impact of the discovery of chemical residues in meat that was reported in today's *The West Australian* newspaper?

Mr GRILL replied:

The detection in the United States of DDT contamination in a consignment of boneless beef exported from Western Australia was a matter of great concern to the industry. Gaining and holding export markets in today's competitive environment is hard enough without the problems of the presence of unacceptable pesticides contamination and the problems of guaranteeing that such incidents would not occur again.

The Department of Agriculture and the Commonwealth Department of Primary Industry are trying to trace the origin of the contamination. All producers who had sold cattle directly to the exporter concerned and who had delivered cattle to sales at which the exporter had operated during

January and February will be contacted by officers of the Department of Agriculture.

The unacceptability of DDT residues in international trade is well known to the industry, and every effort must be made to avoid contamination. Over the last five years, 2 000 samples have been taken in Western Australia each year by the Commonwealth Department of Primary Industry. No offending DDT residue has been found in the 2 000 samples analysed.

There are very few approved uses for DDT in agriculture, and none associated with livestock. It was intended that DDT for all purposes be phased out by 1990. The current problem with meat contamination means that a much earlier phasing out of DDT should be considered.

## FINANCIAL INSTITUTIONS

### *Interest Rates: Mini-Budget Effect*

130. Mr BLAICKIE, to the Minister for Housing:

Following reports that families are being forced to sell their homes because they can no longer afford to pay high interest rates on their mortgages—

- (1) Does the Minister agree with his Federal colleagues that the recent mini-Budget will lead to a fall in interest rates?
- (2) Can the Minister tell the House and Western Australian home owners in which month he expects interest rates to fall, and by how much?

Mr WILSON: The question asks for an opinion, and therefore I believe it should be ruled out of order.

### *Speaker's Ruling*

The SPEAKER: Recently a lot of questions have been asked which I have considered to be entirely out of order, but I have chosen not to rule them out of order, which is one reason I am confused by the motions which have been moved of late. Irrespective of that, as the Minister has asked me to rule I am left with no choice, and I rule this question out of order.

### *Questions without Notice Resumed*

Mr BLAICKIE: Mr Speaker, with your permission I will rephrase the offending part of the question.

- (2) Can the Minister, because of his association with the lending institutions in this State, indicate by what percentage interest rates can be expected to fall?

Mr WILSON replied:

- (1) I believe that not only have members of the Federal Government said that the May mini-Budget would lead to a fall in interest rates, but also members of financial institutions, both State and nationally, have made the same statement. Therefore there are good grounds for expecting a fall in interest rates.
- (2) I will make no prediction of how far I think interest rates will fall. The member can make a prediction if he likes. Implicit in his question is some hope on the part of his side of the Parliament and on the part of his Federal colleagues that interest rates will not fall. He and his colleagues do not want interest rates to fall because they believe their short-term political interests are best served by interest rates not falling. If I am right, I have no sympathy for him. I trust that in future he asks more positive questions and displays some hope on behalf of people facing high mortgage interest rates.

## WILDLIFE

### *Kangaroos: Survey*

131. Mr HOUSE, to the Minister for Conservation and Land Management:

In the light of the Minister's statement this morning that a survey and count of kangaroo numbers in WA will be undertaken by the Department of Conservation and Land Management, can he say—

- (a) how much the survey will cost;
- (b) what benefits will come from the survey;

- (c) if it is shown that kangaroo numbers have increased relative to the last count in 1984, that he will authorise an increase in the annual cull quota?

Mr HODGE replied:

- (a) to (c) Firstly, I must correct the member in that the survey is being jointly conducted by my department and by, I think, the Australian National Parks and Wildlife Authority. The cost of the aircraft and the pilot is \$44 000, of which CALM pays half. The Federal Government supplies the three expert surveyors and does all the calculations, prepares the report, and meets the total cost of all of that which goes towards preparing the report. It is a bit premature for me to estimate what is involved.

The aerial surveys, which are done right across Australia and which are organised by the Federal Government with the cooperation of the State authorities, are to provide an indication of numbers to both Federal and State authorities. The calculations of and the final decision made each year on the number of kangaroos to be culled are not based wholly on information obtained from aerial surveys, although they are certainly used as a guide. CALM uses a lot of other sources of information and advice, including a very comprehensive statistical guide kept by CALM, about the number of kangaroos taken, their weight, age, sex, and so on, before making a decision. In addition I have a number of committees providing advice—committees such as the industry-based kangaroo advisory committee and a flora and fauna subcommittee of the National Parks and Nature Conservation Authority. The department itself draws all these threads together and provides advice to the Minister.

The final decision rests with the Federal Government. It has to approve any figures put forward by the States, because ultimately it controls the decision-making arrangements. I cannot give the member any hard advice on this point as I would have to go through all those procedures and consult with the various bodies before I

could establish a final figure, which I will later put to the Federal Government.

## SCM CHEMICALS PTY LTD

### *Chloride Process*

132. Mr BRADSHAW, to the Minister for Minerals and Energy:

Will he give a guarantee that if the Government gives the go-ahead for the conversion of SCM Chemicals at Australind, all the recommendations in the EPA report will be enforced?

Mr PARKER replied:

The provisions of the Australind titanium dioxide pigment factory agreement, which was passed by the Parliament late last year with the support of the Opposition, including the member for Murray-Wellington, provide that SCM Chemicals must comply with the environmental protection orders of the EPA.

Certainly there is no intention to deviate in any way from the agreement Act. For the first time in the history of this plant the Environmental Protection Act will apply to this development and this will mean that whatever is the ultimate resolution of this problem, the ensuing plant will be brought under the control of the EPA.

## WILDLIFE

### *Kangaroos: Woodvale*

133. Mr BRADSHAW, to the Minister for Conservation and Land Management:

- (1) Is he aware that there are kangaroos trapped in a bush area zoned residential at Woodvale in the northern suburbs?
- (2) Is he aware that these animals will eventually have no habitat when the bushland is cleared?
- (3) Is he aware that there are no corridors for the kangaroos to migrate along to other bushland?
- (4) What is he prepared to do to save the kangaroos?

Mr HODGE replied:

- (1) Yes.
- (2) and (3) No.

- (4) I established a special working party some time ago, on which all of the interested players from various Government departments and agencies and interested community people were invited to participate. It studied the question very intensely for several weeks and called for advice from all the best experts available in the Government. That expert group sent me a report which indicated that in its opinion very little could be done to assist in a practical way. Its advice really was that the Government could

do nothing about the situation. It said that all we could do was hope that in due course the animals would find their way out of the area.

Mr Bradshaw: They are trapped.

Mr HODGE: I do not think they are. There are no fences. It is true there are some roads in the area, but kangaroos have been known to cross roads in this State, and I suggest that ultimately that is probably what will happen.

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